
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 475

**The Conservation (Natural Habitats, &c.)
Amendment (Scotland) Regulations 2004**

Amendments to Part I

4. In regulation 2 (interpretation and application)–
- (a) in paragraph (1)–
- (i) before the definition of “agriculture Minister” insert–
- ““the 2004 Act” means the Nature Conservation (Scotland) Act 2004(1);”;
- (ii) in the definition of “the Habitats Directive” for the words from “as amended by”(2) to the end substitute–
- “as last amended by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded(3);”;
- (iii) for the definition of “land” substitute–
- ““land” includes buildings and other structures, land covered with water, and any right or interest in or over land;”;
- (iv) after the definition of “Natura 2000” insert–
- ““natural feature” in relation to land means–
- (a) any of its flora or fauna, or
- (b) any natural habitat existing on that land”;
- (v) for the definition of “statutory undertaker” substitute–
- ““statutory undertaker” has the meaning given in section 58(1) of the 2004 Act;”;
- and
- (vi) in the definition of “the Wild Birds Directive” at the end add “as last amended by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded”; and
- (b) after paragraph (1) insert–
- “(1A) An animal shall not be treated as bred in captivity for the purposes of Part III of these Regulations unless its parents were lawfully held in captivity–

(1) 2004 (asp 6).

(2) These words were inserted in the definition of “the Habitats Directive” by S.I.1997/3055.

(3) O.J. L 236, 23.9.03, p.33.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) where the animal is of a viviparous species, when it was born;
- (b) where the animal is of an oviparous species, when the egg was laid.

(1B) The reference in paragraph (1A) to “lawfully” means without any contravention of these Regulations or Part I of the Wildlife and Countryside Act 1981.”.

5. In regulation 3(2) (implementation of Directive)–
- (a) for “28 to 38” substitute “35 to 37”; and
 - (b) at the end add “Part 2 of the 2004 Act”.