

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, are made in exercise of the powers conferred by paragraph 1(1) and (3) of schedule 2 of the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

Part 2 of these Regulations amends the Conservation (Natural Habitats, &c.) Regulations 1994 (“the 1994 Regulations”). The 1994 Regulations deliver the protected areas and species requirements of Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna (“the Habitats Directive”) and the protected areas requirements of Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds (“the Wild Birds Directive”) in Scotland for the terrestrial and inshore areas.

The 1994 Regulations are retained EU law and the amendments in Part 2 adjust the operation of the 1994 Regulations after exit day.

Parts 3 and 4 of these Regulations update references in the Conservation of Salmon (Scotland) Regulations 2016 and in the Tweed Regulation (Salmon Conservation) (No. 2) Order 2016 to take account of the operation of the 1994 Regulations after exit day.