
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Conservation of Habitats and Species
(Amendment) (EU Exit) Regulations 2019**

PART 3

Amendments to the Conservation of Habitats and Species Regulations 2017

Amendment of regulation 3 (interpretation)

4.—(1) Regulation 3 is amended as follows.

(2) In paragraph (1)—

(a) after the definition of “marine area”, insert—

““the national site network” means the network of sites in the United Kingdom’s territory consisting of such sites as—

(a) immediately before exit day formed part of Natura 2000; or

(b) at any time on or after exit day are European sites, European marine sites and European offshore marine sites for the purposes of any of the retained transposing regulations;”;

(b) in the definition of “Natura 2000”, at the end insert “(but see paragraphs (10) and (11))”;

(c) after the definition of “officer”, insert—

““offshore marine area” has the meaning given by regulation 4(2) (Plans or projects relating to offshore marine area or offshore marine installations)”

(d) after the definition of “relevant licensing body”, insert—

““the requirements of the Directives” is to be interpreted in accordance with paragraphs (3) and (4) of regulation 3A;”;

(e) after the definition of “research”, insert—

““the retained transposing regulations”, means—

(i) the Offshore Marine Conservation Regulations 2017 (1);

(ii) the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995(2);

(iii) the Conservation (Natural Habitats, &c.) Regulations 1994(3); and

(iv) these Regulations;

(1) S.I. 2017/1013.

(2) S.R.(N.I.) 1995 No.380. Amendments have been made by the Marine Act (Northern Ireland) 2013 (c.10) (N.I.), section 40, by S.R. 2004 No.435, 2007 No.345, 2009 No.8, 2011 No. 216, 2012 No.1928, 2012 No.368 and 2015 No.182.

(3) S.I. 1994/2716. Relevant amendments are made by paragraph 15 of Schedule 2 to the Land Reform (Scotland) Act 2003 (asp 2), by S.I. 1997/3055, 2007/1843 and 2010/490, and by S.S.I. 2004/475, 2007/80, 2011/155 and 2012/228.

and “the other retained transposing regulations” means the retained transposing regulations other than these Regulations;”;

(f) in the definition of “special area of conservation”, at the end, insert “, and includes any such site designated after exit day under the retained transposing regulations;”.

(g) After the definition of “the TCPA 1990”—

““the United Kingdom’s territory” means the United Kingdom and the offshore marine area;”;

(3) In paragraph (4), for “as amended from time to time”, substitute “as it had effect immediately before exit day, or as subsequently amended under regulation 144”.

(4) After paragraph (9), insert—

“(10) For the purposes of these Regulations, and any guidance issued before exit day by the appropriate authority or the appropriate nature conservation body, relating to the application of these Regulations, on or after exit day, references to “Natura 2000” (other than in this regulation) are to be construed as references to the national site network.

(11) Paragraph (10) does not affect the interpretation of these Regulations as they had effect, or any guidance as it applied, before exit day.”.