
DRAFT STATUTORY INSTRUMENTS

2019 No.

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

PART 5

Amendments to the Offshore Petroleum Activities
(Conservation of Habitats) Regulations 2001

Amendment of the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001

73. The Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001(1) are amended as follows.

Amendment of regulation 2 (interpretation)

74.—(1) Regulation 2 is amended as follows.

(2) In paragraph (1)—

(a) after the definition of “the 1998 Act” insert—

““the 2017 Regulations” means the Conservation of Habitats and Species Regulations 2017;”

(b) In the definition of “relevant site”—

(i) omit sub-paragraph (c); and

(ii) for sub-paragraph (d) substitute—

“(d) an area classified, as a special protection area, before exit day pursuant to Article 4(1) or (2) of the Wild Birds Directive or classified as such after exit day under any of the retained transposing regulations, or”; and

(c) after the definition of “relevant site” insert—

““the retained transposing regulations” means—

(a) the Conservation (Natural Habitats, &c.) Regulations 1994;

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

(c) the Conservation of Offshore Marine Habitats and Species Regulations 2017;

(d) the 2017 Regulations;”.

(3) In paragraph (2), at the beginning, insert “Subject to paragraphs (3) and (4),”.

(4) After paragraph (2) insert—

“(3) For the purposes of these Regulations—

- (a) the Habitats Directive is to be construed as if—
 - (i) any reference to “the European territory of the Member States to which the Treaty applies” included a reference to the United Kingdom;
 - (ii) any reference to “Member State” or “Member States” included a reference to the United Kingdom;
 - (iii) any reference to “of Community interest” included, in relation to the United Kingdom, a reference to “of national interest”;
 - (iv) in Article 1(d) and (h), references to “the Community” were references to “the European Union or the United Kingdom”;
 - (v) in Article 1(l), the reference to “a site of Community importance designated by the Member State” included, in relation to the United Kingdom, a reference to “a site of national importance designated under any of the retained transposing regulations”;
 - (b) the Wild Birds Directive is to be construed as if—
 - (i) any reference to “the European territory of the Member States to which the Treaty applies” included a reference to the United Kingdom;
 - (ii) any reference to “Member State” or “Member States” included a reference to the United Kingdom.
- (4) Any reference in these Regulations to the “requirements” or “objectives” of the Directives is to be construed as if the objectives of the Directives included the objectives referred to regulation 16A(2) of the 2017 Regulations.”

Amendment of regulation 3 (application of the Directives)

75. In regulation 3 (application of the Directives), omit paragraph (2).

Amendment of regulation 6 (projects which should be carried out for imperative reasons of overriding public interest)—

76.—(1) Regulation 6, is amended as follows.

(2) For paragraph (2)(b) substitute—

- “(b) the Secretary of State has consulted, and had regard to the opinion of—
- (i) the Joint Nature Conservation Committee;
 - (ii) the Scottish Ministers;
 - (iii) the Department of Agriculture, Environment and Rural Affairs;
 - (iv) the Welsh Ministers; and
 - (v) any other person the Secretary of State considers appropriate.”.

(3) In paragraph (3), for “Natura 2000” substitute “the national site network”;

(4) After paragraph (4), insert—

- “(5) In this regulation, “the national site network” means such sites as—
- (a) immediately before exit day formed part of Natura 2000, or
 - (b) at any time on or after exit day are a relevant site.”.

Amendment of regulation 7 (control of activities under licence)

77. In regulation 7(9), for “pursuant to Article 4 of the Wild Birds Directive” substitute “under any of the retained transposing regulations”.

Amendment of regulation 20A (fees)

78. In regulation 20A, after paragraph (1)(c) insert—

“(ca) consulting any person under regulation 6(2)(b);”.