
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 107 (considerations of overriding public interest)

26.—(1) Regulation 107 is amended as follows.

(2) In paragraphs (2)(b) and (3), for “European Commission” substitute “appropriate authority”.

(3) For paragraph (4) substitute—

“(4) In giving its opinion as to whether the reasons are imperative reasons of overriding public interest, the appropriate authority must have regard to the national interest, and provide its opinion to the competent authority.”.

(4) After paragraph (4) insert—

“(4A) Before giving its opinion as to whether the reasons are imperative reasons of overriding public interest, the appropriate authority must consult the following, and have regard to their opinion—

- (a) the Joint Nature Conservation Committee;
- (b) where the appropriate authority is the Secretary of State, the devolved administrations;
- (c) where the appropriate authority is the Welsh Ministers, the Secretary of State and the other devolved administrations; and
- (d) any other person the appropriate authority considers appropriate.”.