
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

Insertion of new regulations 143 to 145

30. After regulation 142, insert—

“Amendment of Schedules

143.—(1) The appropriate authority may by regulations amend Schedule 2 or 5 for the purpose of adding any species listed in Annex IV(a) or (b) to the Habitats Directive where it is satisfied that the natural range of that species includes any area in Great Britain.

(2) The appropriate authority may by regulations make such other amendments as it considers necessary for adapting Schedules 2 to 5 to technical and scientific progress.

(3) Regulation 145 applies in relation to any amendment made under paragraph (1) or (2).

Amendment of the Annexes to the Directives

144.—(1) Paragraph (2) applies for the purposes of the application of the Annexes so far as they are relevant to any reference in these Regulations to—

- (a) the Directives;
- (b) the Annexes; or
- (c) any provisions of the Directives to which the Annexes relate.

(2) The appropriate authorities may by regulations make such amendments to the Annexes as they consider necessary for the purpose of adapting them to technical and scientific progress.

(3) Regulation 145 applies in relation to any amendment made under paragraph (2).

(4) In this regulation, “the Annexes” means—

- (a) Annexes I to IV to the Habitats Directive; and
- (b) Annexes I to V to the new Wild Birds Directive.”.

Statutory instruments

145.—(1) The power to make an amendment under regulation 143 (amendment of Schedules) or 144 (amendment of the Annexes to the Directives) is exercisable by statutory instrument.

(2) A statutory instrument made by the Secretary of State under regulation 143(2) amending Schedule 2, or under regulation 144 amending Annex IV to the Habitats Directive, may not be made unless a draft of the instrument has been laid before, and approved by resolution of each House of Parliament.

(3) A statutory instrument made by the Secretary of State in any other case is subject to annulment in pursuance of a resolution of either House of Parliament.

(4) A statutory instrument made by the Welsh Ministers under regulation 143(2) amending Schedule 2, or under regulation 144 amending Annex IV to the Habitats Directive, may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.

(5) A statutory instrument made by the Welsh Ministers in any other case is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”.