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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

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

**PART 4**

**Amendments to the Conservation of Offshore  
Marine Habitats and Species Regulations 2017**

**Amendment of regulation 2 (interpretation)**

**33.**—(1) Regulation 2 is amended as follows.

(2) In paragraph (1)—

(a) after the definition of “the 2017 Regulations” insert—

““the United Kingdom territory” means “the United Kingdom (including its internal waters), the territorial sea adjacent and the offshore marine area;”;

(b) in the definition of “the Habitats Directive”, at the end, insert “under regulation 144 of the 2017 Regulations”;

(c) after the definition of “management scheme”, 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 or European marine sites for the purposes of any of the retained transposing regulations;”;

(d) in the definition of “Natura 2000”, at the end, insert “(but see paragraphs (3) and (4))”;

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

““the relevant administration”, except where otherwise specified, means—

(a) in relation to a site within the Scottish offshore region, the Scottish Ministers;

(b) in relation to a site within the Welsh offshore region, the Welsh Ministers; and

(c) in relation to any other site, the Secretary of State;

“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 2017 Regulations; and

(d) these Regulations;”;

(f) in the definition of “third country ship”—

(i) in sub-paragraph (a), for “(other than Gibraltar) which is not a member State” substitute “other than the United Kingdom”; and

- (ii) in sub-paragraph (b), for “a member state”, substitute “the United Kingdom”; and
  - (g) in the definition of “the Wild Birds Directive”, at the end insert “under regulation 144 of the 2017 Regulations for the purposes specified in paragraph (1) of that regulation.”.
- (3) After paragraph (2), insert—
- “(3) For the purposes of these Regulations, and any guidance issued by the Secretary of State, the devolved administrations or the Joint Committee 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.
- (4) Paragraph (3) does not affect the interpretation of these Regulations as they had effect, or any guidance as it applied, before exit day.
- (5) The Habitats Directive is to be construed for the purposes of these Regulations as if—
- (a) any reference to “the European territory of Member States to which the Treaty applies” included a reference to the United Kingdom;
  - (b) any reference to “Member State” or “Member States” included a reference to the United Kingdom;
  - (c) any reference to “of Community interest”, included, in relation to the United Kingdom, a reference to “of national interest”;
  - (d) in Article 1(d) and (h), the reference to “the Community” were a reference to “the European Union or the United Kingdom”; and
  - (e) in Article 1(1), the reference to “a site of Community importance designated by the Member States” included, in relation to the United Kingdom, a reference to a site of national importance designated under any of the retained transposing regulations.
- (6) The Wild Birds Directive is to be construed for the purposes of these Regulations as if any reference to “the European territory of the Member States to which the Treaty applies” included a reference to the United Kingdom.”.