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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

**The Conservation (Natural Habitats, etc.) (Amendment)  
(Northern Ireland) (EU Exit) Regulations 2019**

**PART 3**

**Amendments to the Conservation (Natural  
Habitats, etc.) Regulations (Northern Ireland) 1995**

**Insertion of new regulations 75 to 77**

**27.** After regulation 74A, insert—

**“Transitional provisions: EU exit**

**75.**—(1) Where before exit day a site in Northern Ireland has been adopted in accordance with the procedure set out in Article 4(2) of the Habitats Directive (list of sites of Community importance), the Department shall designate that site as a special area of conservation as soon as possible and no later than six years from the date of adoption of that site.

(2) Paragraph (3) applies where a site in Northern Ireland—

- (a) has before exit day been proposed, in a list of sites transmitted to the European Commission, as eligible for identification as of Community importance in accordance with the procedure laid out in Article 4(2) of the Habitats Directive (list of sites of Community importance); and
- (b) has not yet been so identified as being of Community importance.

(3) Where this paragraph applies, the Department shall within six years of exit day designate the site as a special area of conservation or give notice of its intention not to designate the site, and publish, in such form as it sees fit, its reasons for not designating it.

**Amendment of Schedules**

**76.**—(1) The Department may by regulations amend Schedule 2 or 4 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 Northern Ireland.

(2) The Department may by regulations make such other amendments as it considers necessary for adapting Schedules 2 to 4 to technical and scientific progress.

(3) Regulation 78 applies in relation to any amendment made under paragraph (1) or (2).

**Amendment of the Annexes to the Directives**

**77.**—(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 Department may by regulations make such amendments to the Annexes as it considers necessary for the purpose of adapting them to technical and scientific progress.
- (3) Regulation 78 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 Wild Birds Directive.”.

### **Regulations**

- 78.**—(1) Regulations made under regulation 76(2) amending Schedule 2, or under regulation 77 amending Annex IV to the Habitats Directive, shall not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.
- (2) Regulations made in any other case shall be subject to negative resolution.”.