



# Environment Act 2021

## 2021 CHAPTER 30

### PART 6

#### NATURE AND BIODIVERSITY

##### *Habitats Regulations*

#### **112 Habitats Regulations: power to amend general duties**

- (1) The Secretary of State may by regulations amend the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) (the “Habitats Regulations”), as they apply in relation to England, for the purposes in subsection (2).
- (2) The purposes are—
  - (a) to require persons within regulation 9(1) of the Habitats Regulations to exercise functions to which that regulation applies—
    - (i) to comply with requirements imposed by regulations under this section, or
    - (ii) to further objectives specified in regulations under this section, instead of exercising them to secure compliance with the requirements of the Directives;
  - (b) to require persons within regulation 9(3) of the Habitats Regulations, when exercising functions to which that regulation applies, to have regard to matters specified by regulations under this section instead of the requirements of the Directives.
- (3) The regulations may impose requirements, or specify objectives or matters, relating to—
  - (a) targets in respect of biodiversity set by regulations under section 1 or 3;
  - (b) improvements to the natural environment which relate to biodiversity and are set out in an environmental improvement plan.

*Status: Point in time view as at 01/05/2022.*

*Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, Cross Heading: Habitats Regulations. (See end of Document for details)*

- (4) The regulations may impose any other requirements, or specify any other objectives or matters, relating to the conservation or enhancement of biodiversity that the Secretary of State considers appropriate.
- (5) Regulations under this section may also, in connection with provision made for the purposes in subsection (2), amend other provisions of the Habitats Regulations, as they apply in relation to England, which refer to requirements, objectives or provisions of the Directives.
- (6) In making regulations under this section the Secretary of State must have regard to the particular importance of furthering the conservation and enhancement of biodiversity.
- (7) The Secretary of State may make regulations under this section only if satisfied that the regulations do not reduce the level of environmental protection provided by the Habitats Regulations.
- (8) Before making regulations under this section the Secretary of State must lay before Parliament, and publish, a statement explaining why the Secretary of State is satisfied as mentioned in subsection (7).
- (9) Before making regulations under this section the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (10) Regulations under this section may not come into force before 1 February 2023.
- (11) In this section—
  - “the Directives” has the same meaning as in the Habitats Regulations (see regulation 3(1));
  - “England” includes the territorial sea adjacent to England, which for this purpose does not include—
    - (a) any part of the territorial sea adjacent to Wales for the general or residual purposes of the Government of Wales Act 2006 (see section 158 of that Act), or
    - (b) any part of the territorial sea adjacent to Scotland for the general or residual purposes of the Scotland Act 1998 (see section 126 of that Act);
  - “environmental improvement plan” has the same meaning as in Part 1.
- (12) Regulations under this section are subject to the affirmative procedure.

**Commencement Information**

- I1** S. 112 not in force at Royal Assent, see [s. 147\(3\)](#)  
**I2** S. 112 in force at 24.1.2022 by [S.I. 2022/48](#), [reg. 2\(p\)](#)

**113 Habitats Regulations: power to amend Part 6**

- (1) The Secretary of State may by regulations amend Part 6 of the Conservation of Habitats and Species Regulations 2017 ([S.I. 2017/1012](#)) (the “Habitats Regulations”) (assessment of plans and projects) as they apply in relation to England.
- (2) In making regulations under this section the Secretary of State must have regard to the particular importance of furthering the conservation and enhancement of biodiversity.

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*Status: Point in time view as at 01/05/2022.*

*Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, Cross Heading: Habitats Regulations. (See end of Document for details)*

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- (3) The Secretary of State may make regulations under this section only if satisfied that the regulations do not reduce the level of environmental protection provided by the Habitats Regulations.
- (4) Before making regulations under this section the Secretary of State must lay before Parliament, and publish, a statement explaining why the Secretary of State is satisfied as mentioned in subsection (3).
- (5) Before making regulations under this section the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (6) In this section “England” has the same meaning as in section 112.
- (7) Regulations under this section are subject to the affirmative procedure.

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**Commencement Information**

- I3** S. 113 not in force at Royal Assent, see [s. 147\(3\)](#)  
**I4** [S. 113](#) in force at 24.1.2022 by [S.I. 2022/48, reg. 2\(p\)](#)

**Status:**

Point in time view as at 01/05/2022.

**Changes to legislation:**

There are currently no known outstanding effects for the Environment Act 2021, Cross Heading: Habitats Regulations.