
STATUTORY INSTRUMENTS

1994 No. 2716

The Conservation (Natural Habitats, &c.) Regulations 1994

[^{F1}PART I

INTRODUCTORY PROVISIONS

[^{F1}Interpretation and application

2.—(1) In these Regulations—

[^{F2}“the 2004 Act” means the Nature Conservation (Scotland) Act 2004;]

[^{F3}“the 2007 Regulations” means the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007;]

“agriculture Minister” means the Minister of Agriculture, Fisheries and Food or the Secretary of State;

[^{F4}“British fishery limits” has the meaning given by the Fishery Limits Act 1976;]

“competent authority” shall be construed in accordance with regulation 6;

[^{F5}“conservation” has the meaning given by Article 1(a) of the Habitats Directive;]

[^{F5}“conservation status” and “favourable conservation status” have the meanings given by paragraphs (e) (in relation to habitats) and (i) (in relation to species) of Article 1 of the Habitats Directive;]

“destroy”, in relation to an egg, includes doing anything to the egg which is calculated to prevent it from hatching, and “destruction” shall be construed accordingly;

[^{F6}“the Directives” means the Habitats Directive and the Wild Birds Directive;]

^{F7}
...

“enactment” includes a local enactment and an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978(1);

[^{F4}“European offshore marine site” means a European offshore marine site within the meaning of regulation 15 (meaning of European offshore marine site) of the 2007 Regulations;]

“European site” has the meaning given by regulation 10 and “European marine site” means a European site which consists of, or so far as it consists of, marine areas;

“functions” includes powers and duties;

[^{F8}“the Habitats Directive” means Council Directive [92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora as amended from time to time [^{F9}, but subject to paragraph (2A)];]

[^{F10}“land” includes buildings and other structures, land covered with water, and any right or interest in or over land;]

“livestock” includes any animal which is kept—

- (a) for the provision of food, skins or fur,
- (b) for the purpose of its use in the carrying on of any agricultural activity, or
- (c) for the provision or improvement of shooting or fishing;

[^{F11}“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;]

“local planning authority” means—

- (a) in England and Wales, except as otherwise provided, any authority having any function as a local planning authority or mineral planning authority under the Town and Country Planning Act 1990(2), and
- (b) in Scotland, a planning authority within the meaning of section 172(1) of the Local Government (Scotland) Act 1973(3);

“management agreement” means an agreement entered into, or having effect as if entered into, under regulation 16;

“marine area” means any land covered (continuously or intermittently) by tidal waters or any part of the sea in or adjacent to Great Britain up to the seaward limit of territorial waters;

“Natura 2000” means the European network of special areas of conservation, and special protection areas under the Wild Birds Directive, provided for by Article 3(1) of the Habitats Directive [^{F12}(but see paragraphs (6) and (7))];

[^{F13}“natural feature” in relation to land means—

- (a) any of its flora or fauna, or
- (b) any natural habitat existing on that land;]

“nature conservation body”, and “appropriate nature conservation body” in relation to England, Wales or Scotland, have the meaning given by regulation 4;

[^{F4}“the offshore marine area” means—

- (a) any part of the seabed and subsoil situated in any area designated under section 1(7) of the Continental Shelf Act 1964; and
- (b) any part of the waters within British fishery limits (except the internal waters of, and the territorial sea adjacent to, the United Kingdom, the Channel Islands and the Isle of Man);]

[^{F4}“offshore marine installation” means any artificial island, installation or structure (other than a ship) which is situated—

- (a) in any part of the waters in any area designated under section 1(7) of the Continental Shelf Act 1964; or
- (b) in any part of the waters in any area designated under section 84(4) of the Energy Act 2004;]

“planning authority”, in Scotland, means a planning authority within the meaning of section 172(1) of the Local Government (Scotland) Act 1973;

[^{F14}“priority natural habitat types” has the meaning given by Article 1(d) of the Habitats Directive;]

(2) 1990 c. 8.
(3) 1973 c. 65.

[^{F14}“priority species” has the meaning given by Article 1(h) of the Habitats Directive;]
“the register” means the register of European sites in Great Britain provided for by regulation 11;

“relevant authorities”, in relation to marine areas and European marine sites, shall be construed in accordance with regulation 5;

[^{F15}“the requirements of the Directives” is to be interpreted in accordance with regulation 2A(3) and (4);]

[^{F15}“the retained transposing regulations” means—

- (a) the Conservation of Habitats and Species Regulations 2017;
- (b) the Conservation of Offshore Marine Habitats and Species Regulations 2017;
- (c) the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995; and
- (d) these Regulations,]

[^{F15}“the other retained transposing regulations” means the retained transposing regulations other than these Regulations;]

[^{F16}“Scottish marine area” means the area of sea within the seaward limits of the territorial sea of the United Kingdom adjacent to Scotland;]

[^{F17}“site” has the meaning given by Article 1(j) of the Habitats Directive;]

[^{F17}“site of Community importance” has the meaning given by Article 1(k) of the Habitats Directive;]

[^{F17}“special area of conservation” has the meaning given by Article 1(l) of the Habitats Directive and includes any such site designated after exit day under the retained transposing regulations;]

[^{F18}“statutory undertaker” has the meaning given in section 58(1) of the 2004 Act;]

[^{F19}“the UK 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, European marine sites and European offshore marine sites for the purposes of any of the retained transposing regulations;]

[^{F19}“the United Kingdom’s territory” means the United Kingdom and the offshore marine area;]

[^{F20}“wild bird” means a bird which is—

- (a) a member of a species referred to in Article 1 of the Wild Birds Directive; and
- (b) wild; and]

[^{F21}“the Wild Birds Directive” means Directive [2009/147/EC](#) of the European Parliament and of the Council on the conservation of wild birds, as amended from time to time [^{F22}, but subject to paragraph (2A)].]

[^{F23}(1A) An animal shall not be treated as bred in captivity for the purposes of Part III of these Regulations unless its parents were lawfully held in captivity—

- (a) where the animal is of a viviparous species, when it was born;
- (b) where the animal is of an oviparous species, when the egg was laid.

(1B) The reference in paragraph (1A) to “lawfully” means without any contravention of these Regulations or Part I of the Wildlife and Countryside Act 1981.]

[^{F24}(2) Unless the context otherwise requires, expressions not defined in paragraph (1) which are used in these Regulations and also in the Habitats Directive have the same meaning as in that Directive.]

[^{F25}(2ZA) Unless the context otherwise requires, expressions [^{F26}not defined in paragraph (1) which are] used in the Wild Birds Directive and in these Regulations have the same meaning as in that Directive.]

[^{F27}(2A) In these Regulations references to any Annex to the Habitats Directive or, as the case may be, any Annex to the Wild Birds Directive, are references to that Annex as it had effect immediately before exit day, or as subsequently amended under regulation 114.]

[^{F28}(2B) Any reference to a numbered provision of these Regulations is—

- (a) in relation to England and Wales, to the provision of that number which has effect in England and Wales; and
- (b) in relation to Scotland, to the provision of that number which has effect in Scotland.]

(3) In these Regulations, unless otherwise indicated—

- (a) any reference to a numbered regulation or Schedule is to the regulation or Schedule in these Regulations which bears that number, and
- (b) any reference in a regulation or Schedule to a numbered paragraph is to the paragraph of that regulation or Schedule which bears that number.

(4) Subject to regulation 68 (which provides for Part IV to be construed as one with the Town and Country Planning Act 1990), these Regulations apply to the Isles of Scilly as if the Isles were a county and the Council of the Isles were a county council.

(5) For the purposes of these Regulations the territorial waters of the United Kingdom adjacent to Great Britain shall be treated as part of Great Britain and references to England, Wales and Scotland shall be construed as including the adjacent territorial waters.

For the purposes of this paragraph—

- (a) territorial waters include any waters landward of the baselines from which the breadth of the territorial sea is measured; and
- (b) any question as to whether territorial waters are to be treated as adjacent to England, Wales or Scotland shall be determined by the Secretary of State or, for any purpose in relation to which the Minister of Agriculture, Fisheries and Food has responsibility, by the Secretary of State and that Minister acting jointly.

[^{F29}(6) For the purposes of—

- (a) these Regulations; and
- (b) any guidance issued before exit day by the Scottish Ministers or the appropriate nature conservation body 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 UK site network.

(7) Paragraph (6) does not affect the interpretation of these Regulations as they had effect, or any guidance as it applied, before exit day.]]

Textual Amendments

- F1** Regulations revoked (E.W.) (1.4.2010 except so far as relating to the revocation in relation to W. of reg. 36 and specified words in reg. 3(3), 12.12.2014 in so far as not already in force) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), regs. 1(2)(4)(b), **133(3)** (with regs. 125, 134)

- F2** Words in reg. 2(1) inserted (S.) (29.11.2004) by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2004 (S.S.I. 2004/475), regs. 1(1), **4(a)(i)** (with regs. 20, 21)
- F3** Words in reg. 2(1) inserted (21.8.2007) by The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 (S.I. 2007/1843), regs. 2(1), **5(2)(a)** (with reg. 9)
- F4** Words in reg. 2(1) inserted (21.8.2007) by The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 (S.I. 2007/1843), regs. 2(1), **5(2)(d)** (with reg. 9)
- F5** Words in reg. 2(1) inserted (31.12.2020) by The Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/113), regs. 1, **4(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in reg. 2 inserted (16.8.2012) by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2012 (S.S.I. 2012/228), regs. 1(1), **3(1)(a)**
- F7** Words in reg. 2 omitted (16.8.2012) by virtue of The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2012 (S.S.I. 2012/228), regs. 1(1), **3(1)(b)**
- F8** Words in reg. 2(1) substituted (S.) (15.2.2007) by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007 (S.S.I. 2007/80), regs. 2, **5(a)**
- F9** Words in reg. 2(1) inserted (31.12.2020) by The Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/113), regs. 1, **4(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in reg. 2(1) substituted (S.) (29.11.2004) by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2004 (S.S.I. 2004/475), regs. 1(1), **4(a)(iii)** (with regs. 20, 21)
- F11** Words in reg. 2 inserted (16.8.2012) by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2012 (S.S.I. 2012/228), regs. 1(1), **3(1)(c)**
- F12** Words in reg. 2(1) inserted (31.12.2020) by The Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/113), regs. 1, **4(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in reg. 2(1) inserted (S.) (29.11.2004) by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2004 (S.S.I. 2004/475), regs. 1(1), **4(a)(iv)** (with regs. 20, 21)
- F14** Words in reg. 2(1) inserted (31.12.2020) by virtue of The Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/113), regs. 1, **4(2)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in reg. 2(1) inserted (31.12.2020) by The Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/113), regs. 1, **4(2)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in reg. 2 inserted (16.8.2012) by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2012 (S.S.I. 2012/228), regs. 1(1), **3(1)(d)**
- F17** Words in reg. 2(1) inserted (31.12.2020) by virtue of The Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/113), regs. 1, **4(2)(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in reg. 2(1) substituted (S.) (29.11.2004) by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2004 (S.S.I. 2004/475), regs. 1(1), **4(a)(v)** (with regs. 20, 21)
- F19** Words in reg. 2(1) inserted (31.12.2020) by The Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/113), regs. 1, **4(2)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in reg. 2 inserted (16.8.2012) by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2012 (S.S.I. 2012/228), regs. 1(1), **3(1)(e)**
- F21** Words in reg. 2(1) substituted (6.4.2011) by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2011 (S.S.I. 2011/155), regs. 1(1), **3(a)**
- F22** Words in reg. 2(1) inserted (31.12.2020) by The Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/113), regs. 1, **4(2)(h)**; 2020 c. 1, Sch. 5 para. 1(1)
- F23** Reg. 2(1A)(1B) inserted (S.) (29.11.2004) by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2004 (S.S.I. 2004/475), regs. 1(1), **4(b)** (with regs. 20, 21)

Changes to legislation: *There are currently no known outstanding effects for the The Conservation (Natural Habitats, &c.) Regulations 1994, Section 2. (See end of Document for details)*

- F24** Reg. 2(2) substituted (31.12.2020) by The Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/113), regs. 1, **4(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F25** Reg. 2(2ZA) inserted (6.4.2011) by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2011 (S.S.I. 2011/155), regs. 1(1), **3(b)**
- F26** Words in reg. 2(2ZA) inserted (31.12.2020) by The Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/113), regs. 1, **4(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F27** Reg. 2(2A) inserted (31.12.2020) by The Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/113), regs. 1, **4(5)**; 2020 c. 1, Sch. 5 para. 1(1)
- F28** Reg. 2(2B) inserted (S.) (21.8.2007) by The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 (S.I. 2007/1843), regs. 2(1), **5(3)** (with reg. 9)
- F29** Reg. 2(6)(7) inserted (31.12.2020) by The Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/113), regs. 1, **4(6)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I1** Reg. 2 in force at 30.10.1994, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Conservation (Natural Habitats, &c.) Regulations 1994, Section 2.