

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Council Directive 92/43 of May 21, 1992 (O.J. 1992, L206/7) on the conservation of natural habitats and of wild fauna and flora and Council Directive 79/409 of April 2, 1979 (O.J. 1979, L103/1) on the conservation of wild birds, in relation to oil and gas activities carried out wholly or partly on the UK continental shelf.

Regulations have already been made (the Conservation (Natural Habitats,&c) Regulations 1994, S.I. 1994/2716, amended by the Conservation (Natural Habitats,&c) (Amendment) Regulations 2000, S.I. 2000/192) which implement the Directive in relation to activities carried out onshore and in territorial waters.

Regulation 2 deals with definitions. Regulation 3 requires the Secretary of State to exercise functions consistently with the requirements of the Directives. Regulation 4 requires consent to be obtained for certain geological surveys. Regulation 5 provides for appropriate assessment of the effects of certain oil and gas activities where the activity is likely to have a significant effect on a relevant site. Regulation 6 provides for derogation from regulation 5. Regulation 7 requires the Secretary of State to give directions in the circumstances set out, in order to avoid, reverse, reduce or eliminate adverse effects on relevant sites, or deterioration or disturbance of certain natural habitats or species. Regulations 8 and 9 confer a right to request a review of directions given under regulation 7 and a right of appeal to a court against any such direction.

Regulations 10 to 12 provide for the protection of certain creatures, birds and plants. Regulation 13 makes provision to protect lawful activities. Regulations 14 and 15 provide for derogations from regulations 10 and 11. Regulations 16, 17 and 18 prohibit certain methods of capturing or killing in the circumstances set out in each regulation. Regulation 19 creates offences and provides for penalties. Regulations 20 and 21 deal with service of documents.

These Regulations come into force on 31st May 2001.

A regulatory impact assessment has been prepared and copies can be obtained from Oil and Gas Directorate, Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET (Tel. 020 7215 5098). Copies have been placed in the Libraries of both Houses of Parliament.

Changes to legislation:

There are currently no known outstanding effects for the The Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001.