
STATUTORY INSTRUMENTS

2009 No. 6

**The Conservation (Natural Habitats, &c.)
(Amendment) (England and Wales) Regulations 2009**

Amendments

9. In regulation 41A(1)—

(a) in paragraphs (1) and (3), after “arrangements”, insert “in accordance with paragraphs (4A) to (4C)”;

(b) after paragraph (4) insert—

“(4A) The appropriate nature conservation body shall, in relation to the species of animals listed in Annex IV(a) to the Habitats Directive which are found in England or in Wales (as the case may be)—

(a) identify the risks of incidental capture and killing to which those species are subject, and the activities which give rise to such risks;

(b) maintain a record of instances of incidental capture or killing of animals of those species of which the nature conservation body is aware as a result of the surveillance carried out under regulation 37A, the monitoring carried out under this regulation or otherwise;

(c) assess to what extent monitoring of incidental capture and killing is needed, having regard to—

(i) the risks identified under sub-paragraph (a);

(ii) the instances of incidental capture or killing recorded under sub-paragraph (b);

(iii) whether the species is a priority species; and

(iv) the conservation status of the species; and

(d) advise the Secretary of State or the Welsh Ministers as to the need for such monitoring.

(4B) The Secretary of State (in England) and the Welsh Ministers (in Wales) shall ensure that the necessary monitoring of incidental capture and killing is carried out.

(4C) Monitoring for the purposes of this regulation may be carried out by—

(a) a nature conservation body;

(b) any other competent authority;

(c) any other person acting pursuant to, and in accordance with—

(i) an agreement with the Secretary of State, the Welsh Ministers or a nature conservation body; or

(ii) a condition of a licence or other authorisation granted by a competent authority.”.

Status: *This is the original version (as it was originally made).*
