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STATUTORY INSTRUMENTS

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**2010 No. 490**

**The Conservation of Habitats and Species Regulations 2010**

**PART 3**

**PROTECTION OF SPECIES**

*Interpretation of Part 3*

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**47.** In this Part—

- (a) “the 1997 Regulations” means the Control of Trade in Endangered Species (Enforcement) Regulations 1997 <sup>M1</sup>;
- (b) “the forfeiture provisions” means—
  - (i) subsection (6) of section 21 <sup>M2</sup> (penalties, forfeitures etc.) of the WCA 1981,
  - (ii) regulation 122 (forfeiture) of these Regulations, or
  - (iii) regulation 11 (forfeiture) of the 1997 Regulations;
- (c) “the implementation date” means—
  - (i) where the relevant State became a member State before 10th June 1994, 10th June 1994, and
  - (ii) in any other case, the date on which the relevant State became a member State;
- (d) “relevant State” means the State in whose territory—
  - (i) the animal, or part of it, was taken from the wild, or
  - (ii) the plant, or part of it, was taken in the wild,as the case may be;
- (e) “the sampling provisions” means—
  - (i) section 18C <sup>M3</sup> (Group 1 offences and licences: examining specimens and taking samples), 18E <sup>M4</sup> (Group 2 offences: examining specimens and taking samples) or 19XA <sup>M5</sup> (constables' powers in connection with samples) of the WCA 1981,
  - (ii) regulation 113 (powers in relation to samples: constables) or 114 (powers in relation to specimens and samples: wildlife inspectors) of these Regulations,
  - (iii) paragraph (3) or (5) of regulation 9 (powers of entry) of the 1997 Regulations, or
  - (iv) paragraph (2) of regulation 56 (powers relating to specimens) of the 2007 Regulations; and
- (f) “the TFEU” means the Treaty on the Functioning of the European Union.

**Status:** Point in time view as at 01/03/2010.

**Changes to legislation:** There are currently no known outstanding effects for the *The Conservation of Habitats and Species Regulations 2010*, Cross Heading: *Interpretation of Part 3*. (See end of Document for details)

#### Marginal Citations

- M1** S.I. 1997/1372, amended by S.I. 2005/1674, 2007/2952 and 2009/1773.
- M2** A relevant amendment was made to section 21(6) by the [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#) (“the 2006 Act”), paragraph 73(1) of Schedule 11.
- M3** [Section 18C](#) was inserted by the 2006 Act, paragraph 1 of Schedule 5.
- M4** [Section 18E](#) was inserted by the 2006 Act (by the same provisions as inserted section 18C).
- M5** [Section 19XA](#) was inserted by the 2006 Act, paragraph 3 of Schedule 5, and amended by the [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [paragraph 7](#) of Schedule 26.

**Status:**

Point in time view as at 01/03/2010.

**Changes to legislation:**

There are currently no known outstanding effects for the The Conservation of Habitats and Species Regulations 2010, Cross Heading: Interpretation of Part 3.