
STATUTORY INSTRUMENTS

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⁽¹⁾;
- (b) “the forfeiture provisions” means—
 - (i) subsection (6) of section 21⁽²⁾ (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⁽³⁾ (Group 1 offences and licences: examining specimens and taking samples), 18E⁽⁴⁾ (Group 2 offences: examining specimens and taking samples) or 19XA⁽⁵⁾ (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

⁽¹⁾ [S.I. 1997/1372](#), amended by [S.I. 2005/1674](#), [2007/2952](#) and [2009/1773](#).

⁽²⁾ 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.

⁽³⁾ Section 18C was inserted by the 2006 Act, paragraph 1 of Schedule 5.

⁽⁴⁾ Section 18E was inserted by the 2006 Act (by the same provisions as inserted section 18C).

⁽⁵⁾ 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.

- (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.