

## SCHEDULE 6

### AMENDMENTS OF LEGISLATION

#### PART 1

##### PRIMARY LEGISLATION

###### **Amendment of the Harbours Act 1964**

1. In the Harbours Act 1964(1), in Part 1 of Schedule 3 (procedure for making harbour revision and empowerment orders), in paragraph 1 (interpretation), for paragraph (j) of the definition of “sensitive area”(2) substitute—

“(j) a European site within the meaning of the Conservation of Habitats and Species Regulations 2010 (see regulation 8);”.

###### **Amendment of the Conservation of Seals Act 1970**

2. In the Conservation of Seals Act 1970(3), in subsection (4A)(4) of section 10 (power to grant licences), for “regulation 41 of the Conservation (Natural Habitats, &c) Regulations 1994” substitute “regulation 43 of the Conservation of Habitats and Species Regulations 2010”.

###### **Amendment of the Highways Act 1980**

3. In the Highways Act 1980(5), in section 105A(6) (environmental impact assessments), in subsection (6)(i)(7), for “regulation 10 of the Conservation (Natural Habitats etc) Regulations 1994” substitute “the Conservation of Habitats and Species Regulations 2010 (see regulation 8)”.

###### **Amendment of the Constitutional Reform Act 2005**

4. In the Constitutional Reform Act 2005(8), in Part 3 of Schedule 14(9) (appointments by the Lord Chancellor: offices to which paragraph 2(2)(d) of Schedule 12 applies), in the column entitled “enactment”, for the entry “Regulation 32(3)(a) of the Conservation (Natural Habitats, &c) Regulations 1994 (SI 1994/2716)” substitute “Regulation 34(3) of the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490)”.

###### **Amendment of the Marine Act**

5.—(1) The Marine Act is amended as follows.

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- (1) 1964 c. 40.
  - (2) The definition of “sensitive area” was amended by S.I. 1999/3445; the Countryside and Rights of Way Act 2000 (c. 37), paragraph 3 of Schedule 10, paragraph 4 of Schedule 15 and Part 3 of Schedule 16; the Nature Conservation (Scotland) Act 2004 (asp 6), paragraph 1 of Schedule 7; the Transport and Works (Scotland) Act 2007 (asp 8), section 25(1) and (5)(a)(ii) and (iii); and S.S.I. 2008/202.
  - (3) 1970 c. 30.
  - (4) Subsection (4A) was inserted, in relation to England and Wales, by S.I. 2007/1843 (subsection (4A) was inserted in relation to Scotland by S.S.I. 2007/80).
  - (5) 1980 c. 66.
  - (6) Section 105A was inserted by S.I. 1988/1241 and substituted by S.I. 1999/369.
  - (7) Subsection (6) was amended by the Countryside and Rights of Way Act 2000 (c. 37), paragraph 5 of Schedule 10, paragraph 5 of Schedule 15 and Part 3 of Schedule 16.
  - (8) 2005 c. 4.
  - (9) There are amendments to Part 3 of Schedule 14 not relevant to these Regulations.

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

- (2) In section 12 (certain consents under section 36 of the Electricity Act 1989), subsection (5) (c) is omitted.
- (3) In subsection (9) of section 123 (creation of network of conservation sites), in paragraph (a) of the definition of “European marine site”—
  - (a) after “within the meaning of” insert “— (i)”; and
  - (b) after “, or” insert—
    - “(ii) the Conservation of Habitats and Species Regulations 2010 ([S.I. 2010/490](#)) (see regulation 8), or”.
- (4) In subsection (6)(d) of section 158 (byelaws: supplementary provision), for “the Conservation (Natural Habitats, &c) Regulations 1994 ([S.I. 1994/2716](#))” substitute “the Conservation of Habitats and Species Regulations 2010 ([S.I. 2010/490](#)) (see regulation 8)”.
- (5) In subsection (2) of section 237 (enforcement of nature conservation legislation)—
  - (a) omit paragraphs (c) and (d); and
  - (b) after paragraph (h) add—
    - “(i) regulations 41, 43, 45, 52, 57, 58 and 116(1) and (2) of the Conservation of Habitats and Species Regulations 2010 ([S.I. 2010/490](#));
    - (j) any byelaws or orders made by virtue of regulation 30 or 38 of those Regulations.
- (6) Paragraph 4 of Schedule 11 (amendment of the 1994 Regulations) is omitted.