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## STATUTORY INSTRUMENTS

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# 2017 No. 1012

## The Conservation of Habitats and Species Regulations 2017

### PART 2

#### Conservation of Natural Habitats and Habitats of Species

##### *European marine sites*

#### Marking of site and advice by nature conservation bodies

**37.**—(1) The appropriate nature conservation body may deposit or remove markers indicating the existence and extent of a European marine site.

(2) This power is exercisable subject to the obtaining of any necessary marine licence under Part 4 of the Marine Act or any approval required to be obtained from the appropriate authority<sup>M1</sup> under article 26(2) of the Marine Licensing (Exempted Activities) Order 2011<sup>M2</sup> or article 25(2) of the Marine Licensing (Exempted Activities) (Wales) Order 2011<sup>M3</sup>.

(3) As soon as possible after a site becomes a European marine site, the appropriate nature conservation body must advise other relevant authorities as to—

- (a) the conservation objectives for that site; and
- (b) any operations which may cause deterioration of natural habitats or the habitats of species, or disturbance of species, for which the site has been designated.

#### Marginal Citations

**M1** For the purposes of regulation 37, the “appropriate authority” is defined in regulation 3(1) of these Regulations as the Secretary of State in relation to England and the Welsh Ministers in relation to Wales. The person responsible for granting approval under article 26(2) of the Marine Licensing (Exempted Activities) Order 2011 or article 25(2) of the Marine Licensing (Exempted Activities) (Wales) Order 2011 is the Secretary of State and Welsh Ministers respectively. (See definition of “licensing authority” in those Regulations).

**M2** [S.I. 2011/409](#), to which there are amendments not relevant to these Regulations.

**M3** [S.I. 2011/559](#) (W. 81), to which there are amendments not relevant to these Regulations.

#### Management scheme for European marine site

**38.**—(1) The relevant authorities, or any of them, may establish for a European marine site a management scheme under which their functions (including any power to make byelaws) are to be exercised so as to secure compliance with the requirements of the Directives in relation to that site.

- (2) Only one management scheme may be made for each European marine site.
- (3) A management scheme may be amended from time to time.

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**Changes to legislation:** The Conservation of Habitats and Species Regulations 2017, Cross Heading: European marine sites is up to date with all changes known to be in force on or before 21 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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(4) An authority which has established a management scheme under paragraph (1) must as soon as practicable thereafter send a copy of it to the appropriate nature conservation body.

#### **Direction to establish or amend management scheme**

**39.**—(1) The appropriate authority may give directions to the relevant authorities, or any of them, as to the establishment of a management scheme for a European marine site.

(2) Directions may, in particular—

- (a) require conservation measures specified in the direction to be included in the scheme;
- (b) appoint one of the relevant authorities to co-ordinate the establishment of the scheme;
- (c) set time limits within which any steps are to be taken;
- (d) provide that the approval of the appropriate authority is required before the scheme is established; and
- (e) require any relevant authority to supply to the appropriate authority such information concerning the establishment of the scheme as may be specified in the direction.

(3) The appropriate authority may give directions to the relevant authorities, or any of them, as to the amendment of a management scheme for a European marine site, either generally or in any particular respect.

(4) Any direction under this regulation must be in writing and may be varied or revoked by a further direction.

#### **European marine sites: byelaws and orders**

**40.**—(1) The Marine Management Organisation may make byelaws for the protection of a European marine site in England under section 129 of the Marine Act (byelaws for protection of marine conservation zones in England).

(2) The Welsh Ministers may make orders for the protection of a European marine site in Wales under section 134 of that Act (orders for protection of marine conservation zones in Wales).

(3) The provisions of Chapter 1 of Part 5 of that Act (marine conservation zones) relating to byelaws under section 129 or orders under section 134 apply, with the modifications described in paragraph (4), in relation to byelaws made by virtue of paragraph (1) or (as the case may be) orders made by virtue of paragraph (2).

(4) The modifications are—

- (a) any reference to an MCZ is to be read as a reference to a European marine site;
- (b) in sections 129(1) and 134(1), the reference to furthering the conservation objectives stated for an MCZ is to be read as a reference to protecting a European marine site;
- (c) the reference in section 129(3)(c) to hindering the conservation objectives stated for an MCZ is to be read as a reference to damaging a European marine site.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 41(2)(aa) inserted by [2023 c. 55 Sch. 8 para. 38\(5\)](#)
- reg. 108(6) inserted by [2023 c. 55 Sch. 8 para. 39\(6\)](#)
- reg. 111(2)(aa)(ab) substituted for reg. 111(2)(a)(b) by [2023 c. 55 Sch. 8 para. 40\(3\)\(a\)](#)