
STATUTORY INSTRUMENTS

2017 No. 1012

The Conservation of Habitats and Species Regulations 2017

PART 4

Additional protection of habitats and wild animals and plants

Surveillance and monitoring

Surveillance of conservation status of habitats and species

50.—(1) The appropriate authority must make arrangements in accordance with paragraphs (4) to (6) for the surveillance of the conservation status of natural habitat types of Community interest and species of Community interest, and in particular priority natural habitat types and priority species.

(2) In respect of the arrangements made by the Secretary of State under paragraph (1), the Secretary of State must, from time to time—

- (a) consult the devolved administrations;
- (b) provide the devolved administrations with such information as the Secretary of State considers appropriate that has been derived from the surveillance which has been arranged; and
- (c) review those arrangements and, if appropriate, revise them.

(3) In respect of the arrangements made by the Welsh Ministers under paragraph (1), the Welsh Ministers must, from time to time—

- (a) consult the Secretary of State and the other devolved administrations;
- (b) provide the Secretary of State and the other devolved administrations with such information as the Welsh Ministers consider appropriate that has been derived from the surveillance which has been arranged; and
- (c) review those arrangements and, if appropriate, revise them.

(4) The appropriate nature conservation body must—

- (a) assess how and to what extent surveillance of the conservation status of each relevant habitat type and species is to be carried out, having regard to—
 - (i) whether a habitat or species is a priority natural habitat type or priority species; and
 - (ii) the conservation status of the habitat or species; and
- (b) advise the appropriate authority as to the need for such surveillance.

(5) The appropriate authority must ensure that the necessary surveillance is carried out on an ongoing basis.

(6) Surveillance for the purposes of this regulation may be carried out by—

- (a) a nature conservation body; or

Status: Point in time view as at 06/11/2019.

Changes to legislation: The Conservation of Habitats and Species Regulations 2017, Cross Heading: Surveillance and monitoring is up to date with all changes known to be in force on or before 12 July 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)

- (b) any other person acting pursuant to, and in accordance with, an agreement with the appropriate authority or a nature conservation body.
- (7) In this regulation—
 - “natural habitat types of Community interest” has the meaning given by Article 1(c) of the Habitats Directive (interpretation);
 - “relevant habitat type or species” means a natural habitat type or species of Community interest;
 - “species of Community interest” has the meaning given by Article 1(g) of the Habitats Directive.

Protection of certain animals and plants from exploitation

51.—(1) The appropriate authority must, as required in the light of information derived from surveillance arranged under regulation 50 or otherwise arranged for the purpose of Article 11 of the Habitats Directive (surveillance), ensure that measures are taken for the purpose specified in paragraph (2).

- (2) The purpose is to ensure that—
 - (a) the taking in the wild of specimens of a species listed in Annex V to the Habitats Directive, and
 - (b) the exploitation of such specimens,

are compatible with the maintenance of that species at a favourable conservation status.

(3) Where measures are required under paragraph (1), the appropriate authority must make arrangements for surveillance for the purpose of establishing whether the taking in the wild of specimens of the species concerned, and the exploitation of specimens of that species, are compatible with the maintenance of that species at a favourable conservation status.

Monitoring of incidental capture and killing

52.—(1) The appropriate authority must make arrangements in accordance with paragraphs (4) to (6) to establish a system to monitor the incidental capture or killing of animals of the species listed in Annex IV(a) to the Habitats Directive.

(2) In respect of the arrangements made by the Secretary of State under paragraph (1), the Secretary of State must, from time to time—

- (a) consult the devolved administrations;
- (b) provide the devolved administrations with such information as the Secretary of State considers appropriate that has been derived from the monitoring which has been arranged; and
- (c) review those arrangements and, if appropriate, revise them.

(3) In respect of the arrangements made by the Welsh Ministers under paragraph (1), the Welsh Ministers must, from time to time—

- (a) consult the Secretary of State and the other devolved administrations;
- (b) provide the Secretary of State and the other devolved administrations with such information as the Welsh Ministers consider appropriate that has been derived from the monitoring which has been arranged; and
- (c) review those arrangements and, if appropriate, revise them.

(4) The appropriate nature conservation body must, in relation to the species of animals listed in Annex IV(a) to the Habitats Directive which are found in England or Wales—

- (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 50, 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 appropriate authority as to the need for such monitoring.
- (5) The appropriate authority must ensure that the necessary monitoring of incidental capture and killing is carried out.
- (6) 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 appropriate authority or a nature conservation body; or
 - (ii) a condition of a licence or other authorisation granted by a competent authority.

Protection from incidental capture and killing

53.—(1) The appropriate authority must, as required in the light of information derived from monitoring arranged under regulation 52 or otherwise arranged for the purpose of Article 12(4) of the Habitats Directive (system to monitor incidental capture and killing), make arrangements for further research for, or ensure that conservation measures are taken for, the purpose specified in paragraph (2).

(2) The purpose is to ensure that any incidental capture or killing of animals of a species listed in Annex IV(a) to the Habitats Directive does not have a significant negative impact on that species.

Status:

Point in time view as at 06/11/2019.

Changes to legislation:

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