
STATUTORY INSTRUMENTS

2017 No. 1012

The Conservation of Habitats and Species Regulations 2017

PART 1

Introductory and General Provisions

Duties relating to compliance with the Directives

9.—(1) The appropriate authority, the nature conservation bodies and, in relation to the marine area, a competent authority must exercise their functions which are relevant to nature conservation, including marine conservation, so as to secure compliance with the requirements of the Directives.

(2) Paragraph (1) applies, in particular, to functions under these Regulations and functions under the following enactments—

- (a) the Dockyard Ports Regulation Act 1865 ^{M1};
- (b) section 2(2) of the Military Lands Act 1900 (provision as to byelaws relating to the sea, tidal water or shore) ^{M2};
- (c) Part 3 of the 1949 Act (nature conservation);
- (d) the Harbours Act 1964;
- (e) section 15 of the Countryside Act 1968 (areas of special scientific interest) ^{M3};
- (f) Part 2 of the Control of Pollution Act 1974 (pollution of water) ^{M4};
- (g) Part 1 (wildlife) and sections 28 to 28S and 31 to 35A of the WCA 1981 (which relate to sites of special scientific interest) ^{M5};
- (h) the Water Resources Act 1991;
- (i) the Land Drainage Act 1991 ^{M6};
- (j) the Sea Fisheries Acts within the meaning of section 1 of the Sea Fisheries (Wildlife Conservation) Act 1992 (conservation in the exercise of sea fisheries functions) ^{M7};
- (k) the Natural Environment and Rural Communities Act 2006 ^{M8};
- (l) the Planning Act 2008;
- (m) the Marine Act, in particular any functions under Parts 3, 4, 5 and 6 of that Act (marine planning, marine licensing, nature conservation and management of inshore fisheries, respectively); and
- (n) the Natural Resources Body for Wales (Establishment) Order 2012 ^{M9}, where the functions are exercised for purposes related to nature conservation.

(3) Without prejudice to the preceding provisions, a competent authority, in exercising any of its functions, must have regard to the requirements of the Directives so far as they may be affected by the exercise of those functions.

(4) The reference in paragraph (1) to the appropriate authority—

Status: Point in time view as at 26/12/2023.

Changes to legislation: The Conservation of Habitats and Species Regulations 2017, Section 9 is up to date with all changes known to be in force on or before 16 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)

- (a) to the extent that that paragraph applies in relation to Scotland, includes the Secretary of State exercising functions in relation to Scotland; and
- (b) to the extent that that paragraph applies in relation to Northern Ireland, includes the Secretary of State exercising functions in relation to Northern Ireland.

[^{F1}(4A) In complying with their duties under paragraphs (1) and (3), the nature conservation body and a competent authority must have regard to any guidance issued under regulation 3A(4)—

- (a) by the Secretary of State, in relation to England; or
- (b) by the Welsh Ministers, in relation to Wales.]

(5) In paragraph (1), “marine area” includes—

- (a) the Northern Ireland inshore region; and
- (b) the Scottish inshore region.

Textual Amendments

- F1** [Reg. 9\(4A\)](#) inserted (31.12.2020) by [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/579\)](#), regs. 1, 7; 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C1** [Reg. 9](#) power to disapply or modify conferred (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), ss. [293\(4\)\(5\)](#), [334\(3\)\(j\)](#) (with s. [293\(6\)](#))

Marginal Citations

- M1** 1865 c. 125.
- M2** 1900 c. 56. Section 2(2) was amended by the [Armed Forces Act 2011 \(c. 18\)](#), [section 24\(1\)](#); and by S.R. & O. 1924/1370. The functions of the Commissioners of Woods are now exercisable by the Crown Estate Commissioners: SR & O 1924/1370; the [Crown Estate Act 1956 \(c. 73\)](#), [section 1\(1\)](#); and the [Crown Estate Act 1961 \(c. 55\)](#), [section 1\(1\)](#).
- M3** 1968 c. 41. Section 15 was amended by the WCA 1981, section 72(8); the [Environmental Protection Act 1990 \(c. 43\)](#), [Schedule 9](#), paragraph 4(2) and Schedule 16, Part 6; the [Countryside and Rights of Way Act 2000 \(c. 37\)](#), [section 75\(3\)](#); the [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), [Schedule 12](#), paragraph 29(1) and (2); the [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), [Schedule 11](#), paragraph 48; the [Environment \(Wales\) Act 2016 \(anaw 3\)](#), [Schedule 2](#), paragraph 2(1) and (3); and S.I. 2013/755 (W. 90).
- M4** 1974 c. 40.
- M5** [Section 28](#) was substituted, and sections 28A to 28C and 28D to 28R were inserted, by the [Countryside and Rights of Way Act 2000](#) (“the 2000 Act”), [Schedule 9](#), paragraph 1 and [Schedule 10](#), paragraph 1. Sections 28, 31 and 34 were repealed as regards Scotland by the [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), [Schedule 7](#), paragraph 4, and sections 28A to 28S do not extend to Scotland. Sections 28 to 28C and 28D to 28R were amended by the [Natural Environment and Rural Communities Act 2006](#) (“the 2006 Act”), [Schedule 11](#), paragraph 79. Sections 28, 28A, 28B and 28C were amended by the [Marine Act](#), [Schedule 13](#), paragraphs 2, 3, 5 and 6. Sections 28CA and 28CB were inserted by the [Marine Act](#), [Schedule 13](#), paragraphs 7 and 8. Section 28D was amended by the 2006 Act, section 56; and the [Marine Act](#), [Schedule 13](#), paragraph 9. Section 28E was amended by the 2006 Act, [Schedule 11](#), paragraph 80; and the [Environment \(Wales\) Act 2016](#), [Schedule 2](#), paragraph 3(2). Section 28F was amended by the [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [Schedule 5](#), paragraph 5. Section 28G was amended by the 2006 Act, [Schedule 11](#), paragraph 81. Section 28J was amended by the [Environment \(Wales\) Act 2016](#), [Schedule 2](#), paragraph 3(3). Section 28L was amended by the [Planning \(Wales\) Act 2015](#), [Schedule 5](#), paragraph 6. Section 28P was amended by the 2006 Act, section 55; and S.I. 2015/664. Section 28S was inserted by the 2006 Act, section 58(1). Section 31 was amended by the [Criminal Justice Act 1982 \(c. 48\)](#), [sections 37](#) and 46; the 2000 Act, [Schedule](#)

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9, paragraph 3; the [Constitutional Reform Act 2005 \(c. 4\)](#), [Schedule 9](#), paragraph 37; and the 2006 Act, section 55(5) and Schedule 11, paragraph 79. Section 32 was amended by the [Agriculture Act 1986 \(c. 49\)](#), section 20(1) to (3); the 2000 Act, Schedule 9, paragraph 4 and Schedule 16, Part 3; the 2006 Act, Schedule 11, paragraph 79; the Environment (Wales) Act 2016 (anaw 3), [Schedule 2](#), paragraph 3(4); and [S.I. 2011/1043](#). Section 33 was amended by the 2006 Act, Schedule 11, paragraph 82. Section 34 was amended by the [Local Government Act 1985 \(c. 51\)](#), [Schedule 3](#), paragraph 7; the [Planning \(Consequential Provisions\) Act 1990 \(c. 11\)](#), [Schedule 2](#), paragraph 54(1); the [Local Government \(Wales\) Act 1994 \(c. 19\)](#), [Schedule 16](#), paragraph 65(3); the 2000 Act, section 78; the 2006 Act, Schedule 11, paragraph 83; and [S.I. 2015/664](#). Section 34A was inserted by the 2006 Act, Schedule 11, paragraph 84, and was amended by [S.I. 2013/755 \(W. 90\)](#). Section 35 was amended by the 2006 Act, Schedule 11, paragraph 85; and the Marine Act, Schedule 13, paragraph 10. Section 35A was inserted by the Marine Act, Schedule 13, paragraph 11.

M6 [1991 c. 59](#).

M7 [1992 c. 36](#). Section 1 was amended by the Marine Act, section 11 and Schedule 22, Part 4; and by [S.I. 1999/1820](#).

M8 [2006 c. 16](#).

M9 [S.I. 2012/1903 \(W. 230\)](#), to which there are amendments not relevant to these Regulations.

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