
STATUTORY INSTRUMENTS

2017 No. 1013

**The Conservation of Offshore Marine
Habitats and Species Regulations 2017**

PART 4

**ADDITIONAL PROTECTION OF HABITATS
AND WILD ANIMALS AND PLANTS**

Introduction of new species

Introduction of new species

54.—(1) Subject to regulation 55(11)—

- (a) a person on an offshore marine installation commits an offence if that person deliberately introduces into any relevant part of the waters in any area designated under section 1(7) of the Continental Shelf Act 1964⁽¹⁾ any live animal or plant of a kind having a natural range that does not include those waters; and
- (b) a person in, or on board a ship in, any relevant part of the waters comprised in the offshore marine area commits an offence if, other than in accordance with paragraph (3), that person deliberately introduces into any part of those waters any live animal or plant of a kind having a natural range that does not include those waters.

(2) For the purposes of paragraph (1), “relevant part” means any part where the introduction would give rise to a risk of prejudice to natural habitats within their natural range or a risk of prejudice to wild native flora or fauna (whether in the place of introduction or elsewhere).

(3) An introduction is in accordance with this paragraph if—

- (a) it resulted from a discharge of water carried as ballast and the discharge was necessary for the purpose of protecting the safety of any person or ship; and
- (b) all reasonably practicable steps were taken—
 - (i) to avoid its occurring in an area where it would give rise to a risk of prejudice to natural habitats within their natural range or a risk of prejudice to wild native flora or fauna (whether in the place of introduction or elsewhere); and
 - (ii) to minimise any risk of such prejudice.

(4) In any proceedings for an offence under paragraph (1)(b), a court must have regard to any guidance about steps which may be taken to avoid committing an offence under paragraph (1)(b) which is issued for the purposes of this paragraph by the Secretary of State, or—

- (a) in relation to the Scottish offshore region, by the Scottish Ministers; or

⁽¹⁾ 1964 c. 29. Section 1(7) was amended by the Oil and Gas (Enterprise) Act 1982 (c. 23) paragraph 1 of Schedule 3. Areas have been designated under section 1(7) by S.I. 1987/1265, 2000/3062 (revoked by S.I. 2013/3162), 2001/3670 (revoked by S.I. 2013/3162), and 2013/3162.

(b) in relation to the Welsh offshore region, by the Welsh Ministers.

(5) The Scottish Ministers or the Welsh Ministers may only issue guidance under paragraph (4) with the agreement of the Secretary of State.

(6) In any proceedings for an offence under paragraph (1)(b), it is for the defendant to show that the introduction in question was in accordance with paragraph (3).

(7) A person guilty of an offence under this regulation is liable, either on summary conviction or on conviction on indictment, to a fine.

(8) This regulation does not apply to a person on board a third country ship.