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STATUTORY INSTRUMENTS

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**2017 No. 1013**

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

**PART 2**

**CONSERVATION OF NATURAL HABITATS AND HABITATS OF SPECIES**

*European offshore marine sites*

**Classification of sites as special protection areas**

**12.**—(1) The Secretary of State must classify as special protection areas such sites in the offshore marine area as the Secretary of State considers necessary to ensure that the objective specified in paragraph (2) is attained.

(2) The objective is that there are classified as special protection areas those sites across the United Kingdom's territory which are most suitable in number and size for—

- (a) the conservation of the species listed in Annex I to the Wild Birds Directive which naturally occur in that territory; and
- (b) the conservation of regularly occurring migratory species of birds not listed in Annex I which naturally occur in that territory.

(3) The Secretary of State must make the decision as to the sites to be classified under paragraph (1) only on the basis of relevant scientific information and—

- (a) in the case of a site to be classified for the purpose mentioned in paragraph (2)(a), on the basis of the criteria set out in Article 4(1) of the Wild Birds Directive; and
- (b) in the case of a site to be classified for the purpose mentioned in paragraph (2)(b), on the basis of the criteria set out in Article 4(2) of the Wild Birds Directive.

(4) Where a site is classified under paragraph (1) or under regulation 13, the Secretary of State must provide information on that site to the Commission including—

- (a) a chart of the site;
- (b) its name, location and extent; and
- (c) the data resulting from application of the criteria set out in Article 4(1) or (2) of the Wild Birds Directive.

(5) The information specified in paragraph (4) must be provided in such format as is established by the Commission.

(6) In this regulation, “the United Kingdom's territory” means the United Kingdom (including its internal waters), the territorial sea adjacent to the United Kingdom, and the offshore marine area.

(7) Nothing in this regulation requires the Secretary of State to classify as, or as part of, a special protection area any site which is or forms part of a site classified as a special protection area by—

- (a) the Scottish Ministers under regulation 13(1); or

(b) the Welsh Ministers under regulation 13(2).