
STATUTORY INSTRUMENTS

2017 No. 1013

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

PART 3

PROTECTION OF SPECIES

Application of offences in Part 3

39.—(1) Subject to paragraphs (2) and (3), regulations 40, 42, 43, 45, 47 and 49 (in so far as they are capable of so applying) apply to any person—

- (a) in any part of the waters comprised in the offshore marine area;
- (b) on a ship in any part of the waters comprised in the offshore marine area;
- (c) on a British aircraft over the waters comprised in the offshore marine area;
- (d) on or under an offshore marine installation; or
- (e) on any aircraft above an offshore marine installation, in so far as the presence of the aircraft above that installation is for purposes connected with the use of the installation.

(2) Regulations 40, 42, 43 and 49 do not apply to any person on a third country ship [^{F1}unless the United Kingdom is entitled under international law to exercise those powers without the consent of the flag state].

(3) Regulation 45(3) only applies in relation to a person on a third country ship where—

- (a) the animal in question is a relevant animal; or
- (b) the part in question is from, or the thing in question is derived from, a relevant animal.

(4) In paragraph (3) “a relevant animal” is an animal of a European protected species which was taken or killed in any part of the waters within British fishery limits.

Textual Amendments

F1 Words in reg. 39(2) inserted (31.12.2020) by [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/579\)](#), regs. 1, 54; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Conservation of Offshore Marine Habitats and Species Regulations 2017, Section 39.