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STATUTORY INSTRUMENTS

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**2017 No. 1013**

The Conservation of Offshore Marine  
Habitats and Species Regulations 2017

**PART 4** U.K.

ADDITIONAL PROTECTION OF HABITATS  
AND WILD ANIMALS AND PLANTS

*Duties relating to surveillance and monitoring*

**Monitoring incidental capture and killing** U.K.

**52.**—(1) The relevant administration must make arrangements in accordance with paragraphs (4) and (5) to establish a system for monitoring—

- (a) the capture of animals of any species listed in Annex IV(a) to the Habitats Directive, and
- (b) the killing of any such animals,

which (in either case) is incidental to any activity that takes place in the waters comprised in the offshore marine area.

(2) The relevant administration must, from time to time—

- (a) consult the other administrations about the arrangements made under paragraph (1);
- (b) provide the other administrations with such information as it considers appropriate derived from the monitoring arranged under paragraph (1); and
- (c) review the arrangements made under paragraph (1) and, if it thinks it appropriate, revise those arrangements.

(3) The Joint Committee must, in relation to the species of animals listed in Annex IV(a) to the Habitats Directive which are found in the offshore marine area—

- (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 Joint Committee 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 relevant administration as to the need for such monitoring.

(4) The relevant administration must ensure that the necessary monitoring of incidental capture and killing is carried out.

(5) Monitoring for the purposes of this regulation may be carried out by—

- (a) the Joint Committee;
- (b) any other competent authority;
- (c) any other person acting pursuant to, and in accordance with—
  - (i) an agreement with the relevant administration or the Joint Committee; or
  - (ii) a condition of a licence or other authorisation granted by a competent authority.

(6) Before the Secretary of State exercises any functions under this regulation in relation to a matter in relation to which functions are also exercisable by the Scottish Ministers or the Welsh Ministers, the Secretary of State must consult the Scottish Ministers or Welsh Ministers, respectively.

(7) The obligations of the Secretary of State under this regulation in relation to the Scottish offshore region or the Welsh offshore region are to be treated as satisfied in so far as corresponding obligations of the Scottish Ministers or the Welsh Ministers, respectively, have been met by them.

(8) In this regulation—

- (a) “the other administrations” means the administrations other than the relevant administration, and for this purpose “the administrations” means the Secretary of State and the devolved administrations; and
- (b) “the relevant administration” means—
  - (i) in relation to the monitoring of activity taking place in the offshore marine area, the Secretary of State;
  - (ii) in relation to the monitoring of activity taking place in the Scottish offshore region, the Scottish Ministers; and
  - (iii) in relation to the monitoring of activity taking place in the Welsh offshore region, the Welsh Ministers.

**Changes to legislation:**

There are currently no known outstanding effects for the The Conservation of Offshore Marine Habitats and Species Regulations 2017, Section 52.