
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**

Duties relating to surveillance and monitoring

Protection from incidental capture and killing

53.—(1) The Secretary of State must, as required in the light of information derived from monitoring carried out under regulation 52 or otherwise arranged for the purposes of Article 12(4) of the Habitats Directive, make arrangements for further research, or ensure that conservation measures are taken, for the purpose specified in paragraph (2).

(2) The purpose referred to in paragraph (1) is to ensure that the capture or killing (as the case may be) of animals of a species listed in Annex IV(a) to the Habitats Directive which is incidental to any activity that takes place in the waters comprised in the offshore marine area does not have a significant negative impact on that species.

(3) In so far as arrangements for further research or conservation measures mentioned in paragraph (1) may be made by the Scottish Ministers, the Welsh Ministers or any Northern Ireland Department in the exercise of any of their functions for the purpose mentioned in paragraph (2), paragraph (1) applies to the Scottish Ministers, the Welsh Ministers and that Northern Ireland Department, as the case may be, as it applies to the Secretary of State.

(4) The obligation of the Secretary of State under paragraph (1) is to be treated as satisfied in so far as it has been met by the Scottish Ministers, the Welsh Ministers or any Northern Ireland Department.

(5) Before the Secretary of State exercises any relevant function for the purpose of complying with paragraph (1), the Secretary of State must first consult—

- (a) the Scottish Ministers, in the case of a relevant function exercisable for the purpose referred to in paragraph (6)(a);
- (b) the Welsh Ministers in the case of a relevant function exercisable for the purpose referred to in paragraph (6)(b); or
- (c) in Northern Ireland, the DAERA in the case of a relevant function exercisable for the purpose referred to in paragraph (6)(c).

(6) In this regulation, “relevant function” means any function of the Secretary of State exercisable for the purpose of—

- (a) securing any result which may instead be secured by the exercise of any function of the Scottish Ministers;

- (b) securing any result which may instead be secured by the exercise of any function of the Welsh Ministers; or
- (c) securing any result which may instead be secured by the exercise of any function of any Northern Ireland department.