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STATUTORY INSTRUMENTS

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**2017 No. 1177**

**The Environmental Damage (Prevention and Remediation) (England) (Amendment) Regulations 2017**

**Amendment of Schedule 1**

7. In Schedule 1, for paragraph 5 substitute—

“5.—(1) Damage to a protected site or natural habitat and damage to a site of special scientific interest do not include damage caused by an act expressly authorised by the relevant authorities in accordance with—

- (a) the Conservation (Natural Habitats, &c.) Regulations 1994(1);
- (b) the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001(2);
- (c) the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3);
- (d) the Conservation of Habitats and Species Regulations 2010(4);
- (e) the Conservation of Habitats and Species Regulations 2017(5);
- (f) the Conservation of Offshore Marine Habitats and Species Regulations 2017(6).

(2) Damage to sites of special scientific interest does not include, in the case of a site that is not a European site, damage caused by an act expressly authorised by the relevant authorities in accordance with Part 2 of the Wildlife and Countryside Act 1981(7).

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- (1) 1994/2716, amended by paragraph 233(1) of Schedule 22 to the Environment Act 1995 (c. 25); S.I. 1996/525; 1997/3055; 2000/192 and 1973; 2003/2155; 2005/3389; 2006/1282; 2007/1843 and 3538; 2008/2172; 2009/6, 1307, 2438 and 3160; and paragraph 4(1) of Schedule 11 to the Marine and Coastal Access Act 2009 (c.23); and revoked (in relation to England and Wales) by S.I. 2010/490.
  - (2) S.I. 2001/1754, amended by S.I. 2007/77 and 1842; and 2010/1513.
  - (3) S.I. 2007, amended by S.I. 2009/7; 2010/490, 491 and 1513; 2011/2043; 2012/1809 and 1928; and 2013/755.
  - (4) S.I. 2010/490, amended by S.I. 2011/603 and 625; 2012/630, 635, 637 and 1927; and 2013/755.
  - (5) S.I. 2017/1012.
  - (6) S.I. 2017/1013.
  - (7) 1981 c. 69; Part 2, so far as it relates to sites of special scientific interest, was amended as follows. Section 28 was substituted, and sections 28A to 28C and 28D to 28R were inserted, by paragraph 1 of Schedule 9 and paragraph 1 of Schedule 10 to the Countryside and Rights of Way Act 2000 (“the 2000 Act”). Sections 28 to 28C and 28D to 28R were amended by paragraph 79 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (“the 2006 Act”). Sections 28, 28A, 28B and 28C were amended by paragraphs 2, 3, 5 and 6 of Schedule 13 to the Marine Act. Sections 28CA and 28CB were inserted by paragraphs 7 and 8 of Schedule 13 to the Marine Act. Section 28D was amended by section 56 of the 2006 Act and paragraph 9 of Schedule 13 to the Marine Act. Section 28E was amended by paragraph 80 of Schedule 11 to the 2006 Act and paragraph 3(2) of Schedule 2 to the Environment (Wales) Act 2016 (anaw 3). Section 28F was amended by paragraph 5 of Schedule 5 to the Planning (Wales) Act 2015 (anaw 4). Section 28G was amended by paragraph 81 of Schedule 11 to the 2006 Act. Section 28J was amended by paragraph 3(3) of Schedule 2 to the Environment (Wales) Act 2016. Section 28L was amended by paragraph 6 of Schedule 5 to the Planning (Wales) Act 2015. Section 28P was amended by section 55 of the 2006 Act and S.I. 2015/664. Section 28S was inserted by section 58(1) of the 2006 Act. Section 31 was amended by sections 37 and 46 of the Criminal Justice Act 1982 (c. 48), paragraph 3 of Schedule 9 to the 2000 Act, paragraph 37 of Schedule 9 to the Constitutional Reform Act 2005 (c. 4), and section 55(5) of, and paragraph 79 of Schedule 11 to, the 2006 Act. Section 32 was amended by section 20(1) to (3) of the Agriculture Act 1986 (c. 49), paragraph 4 of Schedule 9 and Part 3 of Schedule 16 to the 2000 Act, paragraph 79 of Schedule 11 to the 2006 Act, paragraph 3(4) of Schedule 2 to the Environment (Wales) Act 2016, and S.I. 2011/1043. Section 33 was amended by paragraph 82 of Schedule 11 to the 2006 Act.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(3) In sub-paragraph (2), “European site” has the same meaning as in regulation 8 of the Conservation of Habitats and Species Regulations 2010<sup>(8)</sup>.”.

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<sup>(8)</sup> S.I. 2010/490, amended by S.I. 2012/1927; there are other amending instruments but none is relevant.