
STATUTORY INSTRUMENTS

2019 No. 579

The Conservation of Habitats and Species
(Amendment) (EU Exit) Regulations 2019

PART 4

Amendments to the Conservation of Offshore
Marine Habitats and Species Regulations 2017

Amendment of regulation 29 (considerations of overriding public interest)

50.—(1) Regulation 29 is amended as follows.

(2) In paragraph (3)—

- (a) after “a competent authority”, insert “other than the relevant administration”; and
- (b) for “Commission” substitute “relevant administration”.

(3) In paragraph (4), for “Secretary of State”, in both places where it occurs, and, for “Commission”, substitute “relevant administration”.

(4) For paragraphs (5) to (7), substitute—

“(5) In giving its opinion as to whether the reasons are imperative reasons of overriding public interest, the relevant administration must have regard to the national interest, and provide its opinion to the competent authority.

(6) Before giving its opinion as to whether the reasons are imperative reasons of overriding public interest, the relevant administration must consult the following, and have regard to their opinion—

- (a) the Joint Nature Conservation Committee;
- (b) where the relevant administration is the Secretary of State, the devolved administrations;
- (c) where the relevant administration is a devolved administration, the Secretary of State and the other devolved administrations; and
- (d) any other person the relevant administration considers appropriate.

(7) In this regulation, “the relevant administration” means—

- (a) in relation to a plan or project relating to an activity other than one specified in regulation 55(16)—
 - (i) where the plan or project is to be carried out in the Scottish offshore region, the Scottish Ministers; and
 - (ii) where the plan or project is to be carried out in the Welsh offshore region, the Welsh Ministers; and

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- (b) in relation to a plan or project relating to an activity specified in regulation 55(16), or in any case not falling within sub-paragraph (a)(i) or (ii), the Secretary of State.”.