1995 No. 380

The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995

PART I

INTRODUCTORY PROVISIONS

Interpretation and application

2.—(1) The Interpretation Act (Northern Ireland) 1954(1) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

“the 1991 Order” means the Planning (Northern Ireland) Order 1991(2);
“competent authority” shall be construed in accordance with regulation 5;
“the Department” means the Department of the Environment;
“destroy”, in relation to an egg, includes doing anything to the egg which is calculated to prevent it from hatching;
“enterprise zone order” shall be construed in accordance with Article 19 of the 1991 Order;
“enterprise zone scheme” shall have the same meaning as in Article 2(2) of the 1991 Order;
“European site” has the meaning given by regulation 9 and “European marine site” means a European site which consists of, or so far as it consists of, marine areas;
“general development order and special development order” shall be construed in accordance with Article 13(3) of the 1991 Order;
“functions” includes powers and duties;
“the Habitats Directive” has the meaning given by regulation 3(1);
“livestock” includes any animal which is kept—
(a) for the provision of food, wool, skins or fur;
(b) for the purpose of its use in the carrying on of any agricultural activity; or
(c) for rearing and release into the wild for the provision or improvement of shooting or fishing, or for the purposes of nature conservation;
“management agreement” means an agreement entered into, or having effect as if entered into, under regulation 13;
“marine area” means any land covered (continuously or intermittently) by tidal waters or parts of the sea in or adjacent to Northern Ireland up to the seaward limits of territorial waters;

(1) 1954 c. 33 (N.I.)
(2) S.I.1991/1220 (N.I. 11)
“Natura 2000” means the European network of special areas of conservation and special protection areas under the Wild Birds Directive, provided for by Article 3(1) of the Habitats Directive;

“occupier”, for the purposes of Part III (protection of species), includes any person having any right of hunting, shooting, fishing or taking game or fish;

“owner”, in relation to any land, means any person (other than a mortgagee not in possession) who is the holder of or who is for the time being entitled to sell or otherwise dispose of the fee simple (including a fee farm grant) of the land or any person entitled to possession of the land by virtue of any estate in the land other than a mere licence;

“the register” means the register of European sites in Northern Ireland provided for by regulation 10;

“relevant authorities” in relation to marine areas and European marine sites, shall be construed in accordance with regulation 4;

“simplified planning zone” and “simplified planning zone scheme” shall be construed in accordance with Article 14 of the 1991 Order;

“statutory undertaker” has the same meaning as in the 1991 Order;


(3) Expressions used in these Regulations and in the Habitats Directive have the same meaning as in that Directive.

The following expressions, in particular, are defined in Article 1 of that Directive—

“priority natural habitat types” and “priority species”;

“site” and “site of Community importance”; and

“special area of conservation”.

(4) For the purposes of these Regulations the territorial waters of the United Kingdom adjacent to Northern Ireland shall be treated as part of Northern Ireland, and reference to Northern Ireland shall be construed as including the adjacent territorial waters.

For the purposes of this paragraph territorial waters include any waters landward of the baselines from which the breadth of the territorial sea is measured.