

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2007 No.

**The Conservation (Natural Habitats, &c.)
Amendment (Scotland) Regulations 2007**

PART III

AMENDMENTS TO OTHER LEGISLATION

26. In section 10 (power to grant licences) of the Conservation of Seals Act 1970(1)–

(a) after subsection (4) insert–

“(4A) A licence under this section does not authorise the use of any method of killing or taking seals which is inconsistent with regulation 41 of the Conservation (Natural Habitats, &c.) Regulations 1994 or any other enactment for the time being in force for the purpose of giving effect to Article 15 of the Habitats Directive (as read subject to any derogation permitted by Article 16 of that Directive).”; and

(b) after subsection (5) insert–

“(6) In subsection (4A), the “Habitats Directive” means the Directive of the Council of the European Communities dated 21st May 1992 (No.92/43/EEC) on the conservation of natural habitats and of wild flora and fauna(2), as amended from time to time.”.

27. The Wildlife and Countryside Act 1981(3) is amended in accordance with regulations 28 and 29.

28. The following animals are removed from Schedule 5(4)–

<i>Common name</i>	<i>Scientific name</i>
Bats, Horseshoe (all species)	Rhinolophidae
Bats, Typical (all species)	Vespertilionidae
Butterfly, Large Blue	Maculinea arion
Dormouse	Muscardinus avellanarius
Lizard, Sand	Lacerta agilis
Newt, Great Crested (otherwise known as Warty newt)	Triturus cristatus
Otter, Common	Lutra lutra

(1) 1970 c. 30. There are amendments to section 10 not relevant to these Regulations.

(2) O.J. No. L 206, 22.7.1992, p.7.

(3) 1981 c. 69.

(4) The entries relating to the wild cat, dolphins (all species), the dormouse, porpoises (all species), marine turtles (all species) and whale (all species) were inserted by article 2 of the Wildlife and Countryside Act 1981 (Variation of Schedules) Order 1988 (S.I.1988/288). The entry relating to the sturgeon was inserted by article 2 of the Wildlife and Countryside Act 1981 (Variation of Schedules 5 and 8) Order 1992 (S.I. 1992/2350). There are further amendments to Schedule 5 not relevant to these Regulations.

<i>Common name</i>	<i>Scientific name</i>
Snake, Smooth	Coronella austriaca
Sturgeon	Acipenser sturio
Toad, Natterjack	Bufo calamita
Turtles, Marine (all species)	Dermochelyidae and Cheloniidae
Dolphins (all species)	Cetacea
Porpoises (all species)	Cetacea
Whale (all species)	Cetacea

29. The following plants are removed from Schedule 8(5)–

<i>Common name</i>	<i>Scientific name</i>
Dock, Shore	Rumex rupestris
Fern, Killarney	Trichomanes speciosum
Gentian, Early	Gentianella anglica
Lady's- slipper	Cypripedium calceolus
Marshwort, Creeping	Apium repens
Naiad, Slender	Najas flexilis
Orchid, Fen	Liparis loeselii
Plantain , Floating Water	Luronium natans
Saxifrage, Marsh	Saxifrage hirulus

30. In Column 2 of the Schedule to the Spring Traps Approval (Scotland) Order 1996(6) substitute “Schedule 6” for “Schedules 5 and 6” in each place where those words appear.

(5) The entry relating to the creeping marshwort was inserted by article 3 of the Wildlife and Countryside Act 1981 (Variation of Schedules) Order 1988 (S.I. 1988/288). The entries relating to the shore dock, the early gentian, the slender naiad, the floating water plantain and the marsh saxifrage were inserted by article 3 of the Wildlife and Countryside Act 1981 (Variation of Schedules 5 and 8) Order 1992 (S.I. 1992/2350). There are further amendments to Schedule 8 not relevant to these Regulations.

(6) S.I. 1996/2202 (S.178).