
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Conservation (Natural Habitats, &c.) Regulations 1994 (“the 1994 Regulations”), which make provision for the transposition of Council Directive [92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p.7) (“the Habitats Directive”) and certain aspects of Directive [2009/147/EC](#) of the European Parliament and of the Council on the conservation of wild birds (OJ L 20, 26.1.2010, p.7) (“the Birds Directive”).

These Regulations extend to Scotland only.

Regulation 3 makes amendments to regulation 2 of the 1994 Regulations (interpretation and application), and makes a consequential change in respect of regulation 6(3)(c).

Regulation 4 substitutes a new regulation 3 (duties relating to compliance with the Directives) which provides that public bodies must exercise their functions relevant to nature conservation so as to comply with the Habitats Directive and the Birds Directive.

It also inserts regulation 3A (duties in relation to wild bird habitat), which imposes new duties on public bodies in relation to wild bird habitat, and regulation 3B (review and guidance), which requires Scottish Natural Heritage to review and report on whether the obligations under regulation 3A have been met, and the Scottish Ministers to provide guidance in relation to those obligations.

Regulation 5 amends regulation 37 (nature conservation policy in planning contexts) to update references to planning legislation in that provision.

Regulation 6 inserts regulation 111 (research) into the 1994 Regulations, making provision as regards research and scientific work for the purposes of the Habitats Directive and the Birds Directive.

Regulation 7 amends section 15 of the National Parks and Access to the Countryside Act 1949.

Regulation 8 and the Schedule revoke (and in one case, repeal) amendments to the 1994 Regulations which will be spent when these Regulations come into force.

No Business and Regulatory Impact Assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.