
STATUTORY INSTRUMENTS

2010 No. 490

The Conservation of Habitats and Species Regulations 2010

PART 4

**ADDITIONAL PROTECTION OF HABITATS
AND WILD ANIMALS AND PLANTS**

Surveillance and monitoring

Monitoring of incidental capture and killing

50.—(1) The appropriate authority must make arrangements in accordance with paragraphs (4) to (6) to establish a system to monitor the incidental capture or killing of animals of the species listed in Annex IV(a) to the Habitats Directive.

(2) In respect of the arrangements made by the Secretary of State under paragraph (1), the Secretary of State must, from time to time—

- (a) consult the devolved administrations;
- (b) provide the devolved administrations with such information as the Secretary of State considers appropriate that has been derived from the monitoring which has been arranged; and
- (c) review those arrangements and, if appropriate, revise them.

(3) In respect of the arrangements made by the Welsh Ministers under paragraph (1), the Welsh Ministers must, from time to time—

- (a) consult the Secretary of State and the other devolved administrations;
- (b) provide the Secretary of State and the other devolved administrations with such information as the Welsh Ministers consider appropriate that has been derived from the monitoring which has been arranged; and
- (c) review those arrangements and, if appropriate, revise them.

(4) The appropriate nature conservation body must, in relation to the species of animals listed in Annex IV(a) to the Habitats Directive which are found in England or Wales—

- (a) identify the risks of incidental capture and killing to which those species are subject, and the activities which give rise to such risks;
- (b) maintain a record of instances of incidental capture or killing of animals of those species of which the nature conservation body are aware as a result of the surveillance carried out under regulation 48 (surveillance of conservation status of habitats and species), the monitoring carried out under this regulation or otherwise;
- (c) assess to what extent monitoring of incidental capture and killing is needed, having regard to—
 - (i) the risks identified under sub-paragraph (a),

- (ii) the instances of incidental capture or killing recorded under sub-paragraph (b),
 - (iii) whether the species is a priority species, and
 - (iv) the conservation status of the species; and
- (d) advise the appropriate authority as to the need for such monitoring.
- (5) The appropriate authority must ensure that the necessary monitoring of incidental capture and killing is carried out.
- (6) Monitoring for the purposes of this regulation may be carried out by—
 - (a) a nature conservation body;
 - (b) any other competent authority;
 - (c) any other person acting pursuant to, and in accordance with—
 - (i) an agreement with the appropriate authority or a nature conservation body, or
 - (ii) a condition of a licence or other authorisation granted by a competent authority.