
STATUTORY INSTRUMENTS

2010 No. 490

The Conservation of Habitats and Species Regulations 2010

PART 1

INTRODUCTORY AND GENERAL PROVISIONS

Competent authorities

- 7.—(1) For the purposes of these Regulations, “competent authority” includes—
- (a) any Minister of the Crown (as defined in the Ministers of the Crown Act 1975(1)), government department, statutory undertaker, public body of any description or person holding a public office;
 - (b) the Welsh Ministers; and
 - (c) any person exercising any function of a person mentioned in sub-paragraph (a) or (b).
- (2) In the following provisions (and as provided in regulation 67(3)(a)), “competent authority” includes the Scottish Ministers—
- (a) paragraph (2) of regulation 68 (grant of planning permission), in so far as that paragraph relates to a deemed grant of planning permission under—
 - (i) section 57(2) of the Town and Country Planning (Scotland) Act 1997(2), as mentioned in regulation 68(1)(e)(ii), or
 - (ii) section 5(1) of the Pipe-lines Act 1962(3), as mentioned in regulation 68(1)(e)(iii);
 - (b) Chapter 4 of Part 6 (electricity); and
 - (c) Chapter 5 of Part 6 (pipe-lines).
- (3) In paragraph (1)—
- (a) “public body” includes any local authority, joint board, joint committee or National Park authority; and
 - (b) “public office” means—
 - (i) an office under the Crown,
 - (ii) an office created or continued in existence by a public general Act or by legislation passed by the National Assembly for Wales, or
 - (iii) an office the remuneration in respect of which is paid out of money provided by Parliament or the National Assembly for Wales.
- (4) In paragraph (3)(a)—
- “local authority” means—

(1) 1975 c. 26.

(2) 1997 c. 8.

(3) 1962 c. 58; section 5(1) was amended by S.I. 1999/742, paragraph 2(3) of the Schedule.

- (a) in relation to England, a county council, a district council, a parish council, a London borough council, the Common Council of the City of London, the sub-treasurer of the Inner Temple or the under treasurer of the Middle Temple, and
 - (b) in relation to Wales, a county council, a county borough council or a community council;
- “joint board” means a joint planning board within the meaning of section 2(4) of the TCPA 1990 (joint planning boards); and
- “joint committee” means a joint committee appointed under subsection (1)(b) of section 102 of the Local Government Act 1972(5) (appointment of committees).

(4) Relevant amendments were made to section 2 by the Local Government (Wales) Act 1994 (c. 19), section 19(1) and (4)(a) and Schedule 18.

(5) 1972 c. 70; section 102(1) was amended by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), paragraph 16 of Schedule 9; the Children Act 1989 (c. 41), paragraph 31 of Schedule 13; and the Local Government and Housing Act 1989 (c. 42), paragraph 25(a) of Schedule 11.