
STATUTORY INSTRUMENTS

2010 No. 491

The Offshore Marine Conservation (Natural Habitats, &c.) (Amendment) Regulations 2010

Amendments to regulation 13

11. In regulation 13 (notification of a proposal to classify a special protection area)—

(a) after paragraph (1), insert—

“(1A) Paragraph (1) does not apply in relation to any site in respect of which the Scottish Ministers have given notice to the Joint Nature Conservation Committee under paragraph (1B).

(1B) If the Scottish Ministers propose to classify a site as a special protection area under regulation 12A, the Scottish Ministers must give to the Joint Nature Conservation Committee—

(a) notice of that proposal; and

(b) an accompanying statement of their reasons for that proposal.

(1C) But the Scottish Ministers may not give notice of a proposal to the Committee as described in paragraph (1B) unless the Secretary has agreed to that proposal.”;

(b) in paragraph (2)—

(i) after “paragraph (1)” insert “or (1B)”;

(ii) for “the Secretary of State’s statement of his reasons” substitute “the accompanying statement of reasons”;

(iii) in sub-paragraph (c), omit “and”;

(iv) for sub-paragraph (d), substitute—

“(d) such other persons as the Secretary of State directs; and

(e) where the Scottish Ministers have given notice under paragraph (1B)—

(i) the Secretary of State; and

(ii) such other persons as the Scottish Ministers direct.”;

(c) in paragraphs (4) and (5), for “Secretary of State” substitute “the relevant administration”;

(d) after paragraph (6), insert—

“(6A) The Scottish Ministers may issue guidance to the Joint Nature Conservation Committee for the purposes of its functions under this regulation in relation to site proposals under paragraph (1B), and the Committee must have regard to that guidance in discharging any of those functions.”;

(e) in paragraph (7), at the end insert “, and the Scottish Ministers may vary or revoke a direction under paragraph (2)(e)(ii)”;

(f) after paragraph (7), add—

“(8) In this regulation—

“the relevant administration” means—

- (a) in relation to a report concerning a site proposal under paragraph (1), the Secretary of State; and
- (b) in relation to a report concerning a site proposal under paragraph (1B), the Scottish Ministers.”.