
STATUTORY INSTRUMENTS

2011 No. 625

**The Conservation of Habitats and
Species (Amendment) Regulations 2011**

Amendments to regulation 100

8. In regulation 100 (marine works), for paragraphs (5) and (6) substitute—
- “(5) In this regulation, “marine works” means—
- (a) any activity or proposed activity requiring —
 - (i) a marine licence under Part 4 of the Marine Act;
 - (ii) a licence under Part 2 of the Food and Environment Protection Act 1985(1) (deposits in the sea);
 - (iii) an authorisation under the Aquatic Animal Health (England and Wales) Regulations 2009(2); or
 - (iv) an approval or consent for harbour works under legislation falling within paragraph (6); or
 - (b) harbour works authorised by, and carried out in accordance with, any legislation falling within paragraph (6).
- (6) The legislation referred to in paragraph (5)(a)(iv) and (b) is—
- (a) a local Act;
 - (b) such an Act read together with a notice given and published under section 9 of the Harbours Transfer Act 1862(3) (power to Admiralty to retain authority over ports, etc. where dockyards, etc. are situate); or
 - (c) an order made under section 14 (powers, on application of harbour authorities, or others, to make orders for securing harbour efficiency etc.) or 16 (powers, on application of intending undertakers, or others, to make orders conferring powers for improvement, construction, etc., of harbours) of the Harbours Act 1964(4).
- (7) In paragraph (5)(a)(iv) and (b), “harbour works” means—
- (a) works involved in the construction of a harbour;
 - (b) works involving the making of modifications to an existing harbour;
 - (c) any dredging operation undertaken by or on behalf of a harbour authority within the meaning of the Harbours Act 1964(5); and

(1) 1985 c. 48. Part 2 was amended by the Marine and Coastal Access Act 2009 (c. 23), s.112(1) and paragraphs 2,5 and 6 of Schedule 8. By virtue of these amendments, Part 2 of the Food and Environment Protection Act 1985 only applies to the Scottish inshore region. See section 322(1) for the definition of the “Scottish inshore region”.

(2) S.I. 2009/463.

(3) 1862 c. 69. Section 9 was amended by SR & O 1921/1804.

(4) 1964 c. 40; sections 14 and 16 were amended by the Transport Act 1981 (c. 56), paragraphs 3 and 14 of Schedule 6 and Schedule 12; the Criminal Justice Act 1982 (c. 48), sections 37 and 46; the Transport and Works Act 1992 (c. 42), paragraphs 1 and 2 of Schedule 3; S.I. 2006/1177; the Planning Act 2008 (c. 29), paragraphs 8, 9 and 10 of Schedule 2; and S.I. 2006/1177. Section 14 was additionally amended by SI 2009/1941. Section 16 was additionally amended by the Marine and Coastal Access Act 2009 (c. 23), paragraphs 1 and 2 of Schedule 21.

(5) See the definition of “harbour authority” in section 57(1).

(d) works involving the deposit of spoil from any such dredging operation.”.