

---

## EXPLANATORY NOTE

*(This note is not part of these Regulations)*

These Regulations amend the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (“the 2007 Regulations”)(1), which make provision implementing Council Directive [92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora (“the Habitats Directive”)(2) and Directive [2009/147/EC](#) on the conservation of wild birds (“the Wild Birds Directive”)(3). These Regulations make further provision transposing certain aspects of the Wild Birds Directive.

Regulation 3 inserts new provisions into regulation 6 of the 2007 Regulations, which require competent authorities to take steps to preserve and re-establish a sufficient diversity and area of habitat for wild birds.

Regulation 8 amends regulation 19 of the 2007 Regulations to provide that management schemes must set out how competent authorities propose to exercise their functions to secure compliance with the Wild Birds Directive.

Regulations 6, 7, 9(a) and 10 amend the 2007 Regulations to make consequential changes in relation to the classification of special protection areas by the Scottish Ministers(4).

New regulation 23(10A) of the 2007 Regulations (inserted by regulation 9(b)) imposes a duty on competent authorities to use all reasonable endeavours to avoid pollution or deterioration of wild bird habitat.

Regulations 11 and 12 clarify how regulations 45(1) and 47(1) of the 2007 Regulations apply in relation to the Scottish Ministers and Northern Ireland departments (ensuring that measures are taken in relation to the protection of certain animals and plants from exploitation and the incidental capture and killing of certain species).

Regulation 13 amends regulation 67 of the 2007 Regulations to make provision for research and scientific work for the purposes of the Wild Birds Directive.

New regulation 76 of the 2007 Regulations (added by regulation 15) requires the Secretary of State to review the operation and effect of the 2007 Regulations and publish a report within five years after these Regulations come into force and within every five years after that.

A transposition note and full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector are available from the International Biodiversity Team, Department for Environment, Food and Rural Affairs, Temple Quay House, 2 The Square, Bristol BS1 6EB, and are published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

---

(1) [S.I. 2007/1842](#), amended by [S.S.I. 2007/485](#), [S.I. 2009/7](#), [S.I. 2010/490](#), [S.I. 2010/491](#) and [S.I. 2010/1513](#).

(2) OJ No L 206, 22.7.1992, p.7, last amended by Council Directive [2006/105/EC](#) (OJ No L 363, 20.12.2006, p.368).

(3) OJ No L 20, 26.1.2010, p.7.

(4) The Offshore Marine Conservation (Natural Habitats, &c.) (Amendment) Regulations 2010 ([S.I. 2010/491](#)) amended the 2007 Regulations, making provision for the Scottish Ministers to classify special protection areas in the Scottish offshore region.