

Changes to legislation: The Conservation of Habitats and Species Regulations 2017, PART 1 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 6

Consequential Amendments

PART 1

Primary Legislation

Harbours Act 1964

1. In Part 1 (orders made on application to the Secretary of State) of Schedule 3 to the Harbours Act 1964 (procedure for making harbour revision and empowerment orders) ^{M1}, in paragraph 1 (interpretation), in paragraph (j) of the definition of “sensitive area” as it has effect in England and Wales, for “the Conservation of Habitats and Species Regulations 2010 (see regulation 8)” substitute “the Conservation of Habitats and Species Regulations 2017 (see regulation 8)”.

Marginal Citations

M1 1964 c. 40; paragraph (j) of the definition of “sensitive area” was substituted in relation to England and Wales by S.I. 2010/490.

Sea Fisheries (Shellfish) Act 1967

2. In section 5F of the Sea Fisheries (Shellfish) Act 1967 (protection of marine environment: supplementary provision) ^{M2}, in subsection (1), in the definition of “European marine site”, for “the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490) (see regulation 8)” substitute “the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) (see regulation 8)”.

Marginal Citations

M2 1967 c. 83; section 5F was inserted by the Environment (Wales) Act 2016 (anaw 3), Part 5, section 75.

Conservation of Seals Act 1970

3. In section 10 of the Conservation of Seals Act 1970 (power to grant licences) ^{M3}, in subsection (4A), for “regulation 43 of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 45 of the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M3 1970 c. 30; subsection (4A) was inserted in relation to England and Wales by S.I. 2007/1843 and amended by S.I. 2010/490.

Highways Act 1980

4. In section 105A of the Highways Act 1980 (environmental impact assessments) ^{M4}, in subsection (6)(i), for “the Conservation of Habitats and Species Regulations 2010 (see regulation 8)” substitute “the Conservation of Habitats and Species Regulations 2017 (see regulation 8)”.

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Marginal Citations

M4 1980 c. 66; section 105A was inserted by S.I. 1988/1241 and substituted by S.I. 1999/369. Subsection (6) was amended by 2010/490.

Town and Country Planning Act 1990

5. In Schedule 4C of the TCPA 1990 (community right to build orders)^{M5}, in sub-paragraph (5) of paragraph 6 (development likely to have significant effects on environment etc), in paragraph (b) of the definition of “qualifying European site”, for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M5 1990 c. 8; Schedule 4C was inserted by the Localism Act 2010 (c. 20), Schedule 11.

Planning Act 2008

6. In section 16 of the Planning Act 2008 (electric lines)^{M6}, in subsection (4), in the definition of “European site”, for “the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490)” substitute “the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012)”.

Marginal Citations

M6 2008 c. 29; subsection (4) was substituted by S.I. 2013/1479.

Constitutional Reform Act 2005

7. In Part 3 (Tribunal-related and other appointments: appointments by the Lord Chancellor) of Schedule 14 to the Constitutional Reform Act 2005 (the judicial appointments commission: relevant offices and enactments)^{M7}, in Table 1, in the column entitled “enactment”, for the entry “Regulation 34(3) of the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490)” substitute “Regulation 36(4) of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012)”.

Marginal Citations

M7 2005 c. 4; the entry relating to regulation 34(3) of the Conservation of Habitats and Species Regulations 2010 was substituted in relation to England and Wales by S.I. 2010/490.

Marine and Coastal Access Act 2009

8.—(1) The Marine Act is amended as follows.

(2) In section 123 (creation of network of conservation sites)^{M8}, in subsection (9), for paragraph (a)(ii) of the definition of “European marine site” substitute—

“(ii) the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) (see regulation 8), or”.

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(3) In section 158 (byelaws: supplementary provision) ^{M9}, in subsection (6)(d), for “the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490) (see regulation 8)” substitute “the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) (see regulation 8)”.

(4) In section 237 (enforcement of nature conservation legislation) ^{M10}, in subsection (2), for paragraphs (i) and (j) substitute—

“(i) regulations 43, 45, 47, 54, 59, 60 and 122(1) and (2) of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012);

(j) any byelaws or orders made by virtue of regulation 32 or 40 of those Regulations.”.

Marginal Citations

M8 Subsection (9) was amended by [S.I. 2010/490](#).

M9 Subsection (6)(d) was amended by [S.I. 2010/490](#).

M10 Subsection (2) was amended by [S.I. 2010/490](#).

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 41(2)(aa) inserted by [2023 c. 55 Sch. 8 para. 38\(5\)](#)
- reg. 108(6) inserted by [2023 c. 55 Sch. 8 para. 39\(6\)](#)
- reg. 111(2)(aa)(ab) substituted for reg. 111(2)(a)(b) by [2023 c. 55 Sch. 8 para. 40\(3\)\(a\)](#)