
STATUTORY INSTRUMENTS

2017 No. 1013

**The Conservation of Offshore Marine
Habitats and Species Regulations 2017**

PART 4

**ADDITIONAL PROTECTION OF HABITATS
AND WILD ANIMALS AND PLANTS**

Duties relating to surveillance and monitoring

Protection of certain animals and plants from exploitation

51.—(1) The Secretary of State must, as required in the light of information derived from surveillance carried out under regulation 50 or otherwise arranged for the purposes of Article 11 of the Habitats Directive, ensure that measures are taken for the purpose described in paragraph (2).

(2) The purpose referred to in paragraph (1) is to ensure that—

(a) the taking in the wild of specimens of a species listed in Annex V to the Habitats Directive, and

(b) the exploitation of any such specimens in the waters comprising the offshore marine area, are compatible with that species being maintained at a favourable conservation status.

(3) Where measures are required under paragraph (1), the Secretary of State must make arrangements for surveillance for the purpose of establishing whether the taking in the wild of specimens of the species concerned, and the exploitation of specimens of that species, are compatible with the maintenance of the species at a favourable conservation status.

(4) In so far as arrangements for measures mentioned in paragraph (1) may be made by either the Scottish Ministers or the Welsh Ministers in the exercise of any of their respective functions for the purpose mentioned in paragraph (2), paragraph (1) applies to the Scottish Ministers and the Welsh Ministers as it applies to the Secretary of State.

(5) The obligation of the Secretary of State under paragraph (1) is to be treated as satisfied in so far as it has been met by either the Scottish Ministers or the Welsh Ministers.

(6) Insofar as arrangements for measures mentioned in paragraph (1) may be made by any Northern Ireland department in the exercise of any of its functions for the purpose mentioned in paragraph (2), paragraph (1) applies to that department as it applies to the Secretary of State.

(7) The obligation of the Secretary of State under paragraph (1) is to be treated as satisfied insofar as it has been met by any Northern Ireland department.

(8) Before the Secretary of State exercises any relevant function for the purpose of complying with paragraph (1), the Secretary of State must first consult—

(a) the Scottish Ministers, in the case of a relevant function exercisable for the purpose referred to in paragraph (9)(a);

- (b) the Welsh Ministers, in the case of a relevant function exercisable for the purpose referred to in paragraph (9)(b); or
- (c) the DAERA, in the case of a relevant function exercisable for the purpose referred to in paragraph (9)(c).

(9) In this regulation, “relevant function” means any function of the Secretary of State exercisable for the purpose of—

- (a) securing any result which may instead be secured by the exercise of any function of the Scottish Ministers;
- (b) securing any result which may instead be secured by the exercise of any function of the Welsh Ministers; or
- (c) securing any result which may instead be secured by the exercise of any function of any Northern Ireland department.