
STATUTORY RULES OF NORTHERN IRELAND

1995 No. 380

The Conservation (Natural Habitats, etc.)
Regulations (Northern Ireland) 1995

PART I

INTRODUCTORY PROVISIONS

Citation and commencement

1.—(1) These Regulations may be cited as the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995.

(2) These Regulations shall come into operation on 13th November 1995.

Interpretation and application

2.—(1) The Interpretation Act (Northern Ireland) 1954(1) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

“the 1991 Order” means the Planning (Northern Ireland) Order 1991(2);

“competent authority” shall be construed in accordance with regulation 5;

“the Department” means the Department of the Environment;

“destroy”, in relation to an egg, includes doing anything to the egg which is calculated to prevent it from hatching;

“enterprise zone order” shall be construed in accordance with Article 19 of the 1991 Order;

“enterprise zone scheme” shall have the same meaning as in Article 2(2) of the 1991 Order;

“European site” has the meaning given by regulation 9 and “European marine site” means a European site which consists of, or so far as it consists of, marine areas;

“general development order and special development order” shall be construed in accordance with Article 13(3) of the 1991 Order;

“functions” includes powers and duties;

“the Habitats Directive” has the meaning given by regulation 3(1);

“livestock” includes any animal which is kept—

(a) for the provision of food, wool, skins or fur;

(b) for the purpose of its use in the carrying on of any agricultural activity; or

(c) for rearing and release into the wild for the provision or improvement of shooting or fishing, or for the purposes of nature conservation;

(1) 1954 c. 33 (N.I.)

(2) S.I. 1991/1220 (N.I. 11)

“management agreement” means an agreement entered into, or having effect as if entered into, under regulation 13;

“marine area” means any land covered (continuously or intermittently) by tidal waters or parts of the sea in or adjacent to Northern Ireland up to the seaward limits of territorial waters;

“Natura 2000” means the European network of special areas of conservation and special protection areas under the Wild Birds Directive, provided for by Article 3(1) of the Habitats Directive;

“occupier”, for the purposes of Part III (protection of species), includes any person having any right of hunting, shooting, fishing or taking game or fish;

“owner”, in relation to any land, means any person (other than a mortgagee not in possession) who is the holder of or who is for the time being entitled to sell or otherwise dispose of the fee simple (including a fee farm grant) of the land or any person entitled to possession of the land by virtue of any estate in the land other than a mere licence;

“the register” means the register of European sites in Northern Ireland provided for by regulation 10;

“relevant authorities” in relation to marine areas and European marine sites, shall be construed in accordance with regulation 4;

“simplified planning zone” and “simplified planning zone scheme” shall be construed in accordance with Article 14 of the 1991 Order;

“statutory undertaker” has the same meaning as in the 1991 Order;

“the Wild Birds Directive” means Council Directive [79/409/EEC\(3\)](#) on the conservation of wild birds.

(3) Expressions used in these Regulations and in the Habitats Directive have the same meaning as in that Directive.

The following expressions, in particular, are defined in Article 1 of that Directive—

“priority natural habitat types” and “priority species”;

“site” and “site of Community importance”; and

“special area of conservation”.

(4) For the purposes of these Regulations the territorial waters of the United Kingdom adjacent to Northern Ireland shall be treated as part of Northern Ireland, and reference to Northern Ireland shall be construed as including the adjacent territorial waters.

For the purposes of this paragraph territorial waters include any waters landward of the baselines from which the breadth of the territorial sea is measured.

Implementation of Directive

3.—(1) These Regulations make provision for the purpose of implementing, for Northern Ireland, Council Directive [92/43/EEC\(4\)](#) on the conservation of natural habitats and of wild fauna and flora (referred to in these Regulations as “the Habitats Directive”).

(2) The Department shall exercise its functions under the enactments relating to nature conservation so as to secure compliance with the requirements of the Habitats Directive.

Those enactments include—

(3) O.J. No. L. 103, 25.4.79 p.1

(4) O.J. No. L. 206, 22.7.92 p.7

Parts V and VI of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985(5);

Part II of the Wildlife (Northern Ireland) Order 1985(6); and these Regulations.

(3) In relation to marine areas any competent authority having functions relevant to marine conservation shall exercise those functions so as to secure compliance with the requirements of the Habitats Directive.

This applies, in particular, to the functions under the following enactments—

Foyle Fisheries Act (Northern Ireland) 1952(7),

Fisheries Act (Northern Ireland) 1966(8),

Section 2(2) of the Military Lands Act 1900(9) (provisions as to use of sea, tidal water or shore),

Harbours Act (Northern Ireland) 1970(10),

Articles 20 and 21 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 (marine nature reserves),

Water Act (Northern Ireland) 1972(11),

Water and Sewerage Service (Northern Ireland) Order 1973(12),

Drainage (Northern Ireland) Order 1973(13), and these Regulations.

(4) Without prejudice to the preceding provisions, every competent authority in the exercise of any of its functions shall have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

Relevant authorities in relation to marine areas and European marine sites

4. For the purposes of these Regulations the relevant authorities, in relation to a marine area or European marine site, are such of the following as have functions in relation to land or waters within or adjacent to that area or site—

- (a) a district council;
- (b) the Commissioners of Irish Lights;
- (c) a harbour authority as defined by the Harbours Act (Northern Ireland) 1970 (Section 38);
- (d) the Fisheries Conservancy Board for Northern Ireland;
- (e) the Foyle Fisheries Commission; and
- (f) a pilotage authority within the meaning of the Pilotage Act 1983(14).

Competent authorities generally

5. For the purposes of these Regulations the expression “competent authority” includes government departments, district councils and statutory undertakers, and any trustees, commissioners, board or other persons who, as a public body and not for their own profit, act

(5) S.I. 1985/170 (N.I. 1); relevant amendments were made by the Nature Conservation and Amenity Lands (Amendment) (Northern Ireland) Order 1989 (S.I. 1989/492 (N.I. 3))

(6) S.I. 1985/171 (N.I. 2)

(7) 1952 c. 5 (N.I.)

(8) 1966 c. 17 (N.I.)

(9) 1900 c. 56; the power conferred by Section 2(2) was extended by Section 7 of the Land Powers (Defence) Act 1958 (c. 30)

(10) 1970 c. 1 (N.I.)

(11) 1972 c. 5 (N.I.)

(12) S.I. 1973/70 (N.I. 2)

(13) S.I. 1973/69 (N.I. 1)

(14) 1983 c. 21

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under any statutory provision for the improvement of any place or the production or supply of any commodity or service.