
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

The Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019

PART 2

**AMENDMENT OF THE CONSERVATION
(NATURAL HABITATS, &C.) REGULATIONS 1994**

Amendment of regulation 49 (Consideration of overriding public interest)

21.—(1) Regulation 49 (considerations of overriding public interest) is amended as follows.

(2) In paragraph (2)(b), for “European Commission” substitute “Scottish Ministers”.

(3) In paragraph (3), for the words from “the opinion” to “Secretary of State” substitute “, for the purposes of paragraph (2)(b), the opinion of the Scottish Ministers as to whether reasons are to be considered imperative reasons of overriding public interest, they must submit a written request to the Scottish Ministers”.

(4) For paragraph (4) substitute—

“(4) In giving, for the purposes of paragraph (2)(b), their opinion as to whether the reasons are imperative reasons of overriding public interest, the Scottish Ministers must have regard to the national interest, and provide their opinion to the competent authority.”.

(5) After paragraph (4), insert—

“(4A) Before giving, for the purposes of paragraph (2)(b), their opinion as to whether the reasons are imperative reasons of overriding public interest, the Scottish Ministers must consult the following, and have regard to their opinion—

- (a) the Joint Nature Conservation Committee;
- (b) the Secretary of State;
- (c) the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;
- (d) the Welsh Ministers; and
- (e) any other person the Scottish Ministers consider appropriate.”.