
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 425

**The Conservation (Natural Habitats, &c.)
Amendment (No. 2) (Scotland) Regulations 2008**

Regulation 40

5. In regulation 40 (exceptions to regulation 39)(1) at the end insert—

“(4) The exceptions to regulation 39 in paragraphs (1) and (2) shall not apply where it is shown that—

- (a) there was a satisfactory alternative to what was done; or
- (b) what was done was detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.”.