
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 113

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 85C

- 23.**—(1) Regulation 85C (considerations of overriding public interest) is amended as follows.
- (2) In paragraphs (2)(b) and (3), for “European Commission” substitute “Scottish Ministers”.
- (3) For paragraph (4) substitute—
- “**(4)** In giving 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 plan-making authority.”.
- (4) After paragraph (4), insert—
- “**(4A)** Before giving 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.”.