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SCOTTISH STATUTORY INSTRUMENTS

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**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**

**Insertion of new regulation 2A**

**5. After regulation 2, insert—**

**“Interpretation: the Directives**

**2A.—**(1) The Habitats Directive is to be construed for the purposes of these Regulations as if—

- (a) any reference to “the European territory of the Member States to which the Treaty applies” included a reference to the United Kingdom;
- (b) any reference to “Member State” or “Member States” included a reference to the United Kingdom;
- (c) any reference to “of Community interest” included, in relation to the United Kingdom, a reference to “of national interest”;
- (d) in Article 1(d) and (h), references to “the Community” were references to “the European Union or the United Kingdom”; and
- (e) in Article 1(l), the reference to “a site of Community importance designated by the Member States” included, in relation to the United Kingdom, a reference to a site of national importance designated under any of the retained transposing regulations.

(2) The Wild Birds Directive is to be construed for the purposes of these Regulations as if—

- (a) any reference to “the European territory of the Member States to which the Treaty applies” included a reference to the United Kingdom; and
- (b) any reference to “Member State” or “Member States” included a reference to the United Kingdom.

(3) Any reference in these Regulations to “the requirements of the Directives” is to be construed as if the objectives of the Directives included the objectives referred to in regulation 9D(2).

(4) The Scottish Ministers may, after consultation with the appropriate nature conservation body and such other bodies or persons as they consider appropriate, issue guidance as to the interpretation of the requirements of the Directives.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(5) Any guidance issued under paragraph (4) must be published by the Scottish Ministers in such manner as they consider appropriate.”.