
STATUTORY INSTRUMENTS

1994 No. 2716

The Conservation (Natural Habitats, &c.) Regulations 1994

[^{F1}PART I

INTRODUCTORY PROVISIONS

[^{F1}^{F2}Duties relating to compliance with the Directives

3.—(1) The Scottish Ministers, the appropriate nature conservation body and, in relation to the Scottish marine area, a competent authority must exercise their functions which are relevant to nature conservation, including marine conservation, so as to secure compliance with the requirements of the Directives.

(2) Paragraph (1) applies in particular to functions under the following enactments:—

the Dockyard Ports Regulation Act 1865;

the Hill Farming Act 1946;

Part III of the National Parks and Access to the Countryside Act 1949;

the Land Drainage (Scotland) Act 1958;

the Harbours Act 1964;

[^{F3}the Forestry and Land Management (Scotland) Act 2018];

section 49A of the Countryside (Scotland) Act 1967 (management agreements);

section 15 of the Countryside Act 1968 (areas of special scientific interest);

Part II of the Control of Pollution Act 1974 (pollution of water);

Part I and section 35 of the Wildlife and Countryside Act 1981;

sections 120 to 122 of the Civic Government (Scotland) Act 1982 (control of the seashore, adjacent waters and inland waters);

sections 2, 3, 5, 7 and 11 of the Natural Heritage (Scotland) Act 1991;

the Sea Fisheries Acts within the meaning of section 1 of the Sea Fisheries (Wildlife Conservation) Act 1992 (conservation in the exercise of sea fisheries functions);

the Environment Act 1995;

the Deer (Scotland) Act 1996;

the Town and Country Planning (Scotland) Act 1997;

the National Parks (Scotland) Act 2000;

Part 1 of the Land Reform (Scotland) Act 2003 (access rights);

Part 1 of the Water Environment and Water Services (Scotland) Act 2003(1) (protection of the water environment);

(1) The expression “harbour authority” is defined in section 57 of that Act.

Part 2 of the Nature Conservation (Scotland) Act 2004 (conservation and enhancement of natural features);
the Natural Environment and Rural Communities Act 2006;
the Flood Risk Management (Scotland) Act 2009;
the Marine (Scotland) Act 2010;
the Water Environment (Controlled Activities) (Scotland) Regulations 2011; and
these Regulations.

(3) Without prejudice to the preceding provisions, a competent authority, in exercising their functions, must have regard to the requirements of the Directives so far as they may be affected by the exercise of those functions.]

[^{F4}(4) In complying with their duties under paragraphs (1) and (3), the Scottish Ministers, the appropriate nature conservation body and a competent authority must have regard to any guidance issued under regulation 2A(4).]]

Textual Amendments

- F1** Regulations revoked (E.W.) (1.4.2010 except so far as relating to the revocation in relation to W. of reg. 36 and specified words in reg. 3(3), 12.12.2014 in so far as not already in force) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), regs. 1(2)(4)(b), **133(3)** (with regs. 125, 134)
- F2** Regs. 3-3B substituted for reg. 3 (S.) (16.8.2012) by [The Conservation \(Natural Habitats, &c.\) Amendment \(Scotland\) Regulations 2012 \(S.S.I. 2012/228\)](#), regs. 1(1), **4**
- F3** Words in reg. 3(2) substituted (18.3.2021) by [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential, Saving and Transitional Provisions\) Regulations 2021 \(S.S.I. 2021/44\)](#), regs. 1(1), **2(2)**
- F4** Reg. 3(4) inserted (31.12.2020) by [The Conservation \(Natural Habitats, &c.\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/113\)](#), regs. 1, **6**; 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C1** [Reg. 3](#) power to disapply or modify conferred (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), ss. **293(4)(5)**, **334(3)(j)** (with s. 293(6))

Commencement Information

- I1** [Reg. 3](#) in force at 30.10.1994, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Conservation (Natural Habitats, &c.) Regulations 1994, Section 3.