
EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations amend the [Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\(1\)\)](#) (“the 2010 Regulations”), which make provision transposing Council Directive [92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora (“the Habitats Directive”)(2) and certain aspects of Directive [2009/147/EC](#) on the conservation of wild birds (“the Birds Directive”)(3).

These Regulations extend to England and Wales. They also extend to Scotland and Northern Ireland to a limited degree.

Regulation 7 provides that Part 6 of the 2010 Regulations has effect in relation to plans and projects affecting European sites in the United Kingdom, and regulation 19 provides that the assessment and review provisions of that Part apply in relation to plans and projects not specifically mentioned in that Part.

Regulation 8 substitutes regulation 9 of the 2010 Regulations, to provide that public bodies must exercise their conservation functions so as to comply with the Habitats Directive and the Birds Directive.

Regulation 8 also inserts regulation 9A, which imposes new duties on public bodies in relation to wild bird habitat, and regulation 9B, which requires nature conservation bodies to review and report on whether the obligations under regulation 9A have been met.

Regulations 10 to 15 simplify the provisions applying to cases where land which is a site of special scientific interest under the Wildlife and Countryside Act [1981 \(c.69\)](#) is also a European site under the 2010 Regulations.

Regulation 16 provides that management schemes may be established for European marine sites in order to secure compliance with the requirements of the Birds Directive as well as the Habitats Directive.

Regulation 17 removes a restriction on the making of byelaws or orders for the protection of European marine sites.

Regulation 22 inserts regulation 129A of the 2010 Regulations, concerning research and scientific work for the purposes of the Habitats Directive and the Birds Directive.

Regulation 23 requires the Secretary of State to review the operation and effect of the 2010 Regulations and publish a report within five years after these Regulations come into force and within every five years after that.

A transposition note and full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector are available from the International Protected Areas team, Department for Environment, Food and Rural Affairs, Temple Quay House, 2 The Square, Bristol BS1 6EB, and are published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

(1) Amended by [S.I. 2011/603](#) and [625](#) and [2012/637](#).

(2) OJ No L 206, 22.7.1992, p.7, last amended by Council Directive [2006/105/EC](#) (OJ No L 363, 20.12.2006, p.368).

(3) OJ No L 20, 26.1.2010, p.7.