

STATUTORY INSTRUMENTS

**2017 No. 1012**

**The Conservation of Habitats and Species Regulations 2017**

**PART 2**

Conservation of Natural Habitats and Habitats of Species

*European sites*

**Classification of sites as special protection areas**

**15.**—(1) The appropriate authority must classify as special protection areas such sites in England and Wales as the authority considers necessary to ensure that the objective in paragraph (2) is met.

(2) The objective referred to in paragraph (1) is that those sites across the United Kingdom's territory which are most suitable in number and size for—

- (a) the conservation of the species listed in Annex 1 to the new Wild Birds Directive which naturally occur in that territory, and
- (b) the conservation of regularly occurring migratory species of birds not listed in Annex 1 which naturally occur in that territory,

are classified as special protection areas.

(3) The appropriate authority must make a decision as to the sites to be classified for the purpose mentioned in paragraph (1) only on the basis of relevant scientific information and—

- (a) in the case of a site to be classified for the purpose mentioned in paragraph (2)(a), on the basis of the criteria set out in Article 4(1) of the new Wild Birds Directive (classification of special protection areas); and
- (b) in the case of a site to be classified for the purpose mentioned in paragraph (2)(b), on the basis of the criteria set out in Article 4(2) of the new Wild Birds Directive.

[<sup>F1</sup>(4) In applying the criteria referred to in sub-paragraphs (3)(a) and (b) in relation to any species, references in Articles 4(1) and (2) of the new Wild Birds Directive to classifying the most suitable territories “in the geographical sea and land area where this Directive applies” are to be construed as referring to the most suitable territories in the United Kingdom’s territory, having regard to the importance of such territories for ensuring the survival and reproduction of that species in their area of distribution]

<sup>F2</sup>(5) .....

<sup>F2</sup>(6) .....

**Textual Amendments**

**F1** Reg. 15(4) substituted (31.12.2020) by [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/579\)](#), regs. 1, **12(2)**; 2020 c. 1, Sch. 5 para. 1(1)

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**Changes to legislation:** *The Conservation of Habitats and Species Regulations 2017, Section 15 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

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**F2** [Reg. 15\(5\)\(6\) omitted \(31.12.2020\) by virtue of The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/579\), regs. 1, \*\*12\(3\)\*\*; 2020 c. 1, Sch. 5 para. 1\(1\)](#)

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [reg. 41\(2\)\(aa\)](#) inserted by [2023 c. 55 Sch. 8 para. 38\(5\)](#)
- [reg. 108\(6\)](#) inserted by [2023 c. 55 Sch. 8 para. 39\(6\)](#)
- [reg. 111\(2\)\(aa\)\(ab\)](#) substituted for [reg. 111\(2\)\(a\)\(b\)](#) by [2023 c. 55 Sch. 8 para. 40\(3\)\(a\)](#)