
STATUTORY INSTRUMENTS

2017 No. 1012

The Conservation of Habitats and Species Regulations 2017

PART 1

Introductory and General Provisions

Competent authorities

- 7.—(1) For the purposes of these Regulations, “competent authority” includes—
- (a) any Minister of the Crown (as defined in the Ministers of the Crown Act 1975 ^{M1}), government department, statutory undertaker, public body of any description or person holding a public office;
 - (b) the Welsh Ministers; and
 - (c) any person exercising any function of a person mentioned in sub-paragraph (a) or (b).
- (2) In the following provisions (and as provided in regulation 69(3)(a)), “competent authority” includes the Scottish Ministers—
- (a) regulation 70(2), in so far as that paragraph relates to a deemed grant of planning permission under—
 - (i) section 57(2), (2A) and (2ZA) of the Town and Country Planning (Scotland) Act 1997 ^{M2}, to which regulation 70(1)(e)(ii) and (f) relate; or
 - (ii) section 5(1) of the Pipe-lines Act 1962 ^{M3}, to which regulation 70(1)(e)(iii) relates;
 - (b) Chapters 4 and 5 of Part 6.
- (3) In paragraph (1)—
- “public body” includes—
- (a) the Broads Authority ^{M4};
 - (b) a joint planning board within the meaning of section 2 of the TCPA 1990 (joint planning boards) ^{M5};
 - (c) a joint committee appointed under section 102(1)(b) of the Local Government Act 1972 (appointment of committees) ^{M6};
 - (d) a National Park authority; or
 - (e) a local authority, which in this regulation means—
 - (i) in relation to England, a county council, a district council, a parish council, a London borough council, the Common Council of the City of London, the sub-treasurer of the Inner Temple or the under treasurer of the Middle Temple;
 - (ii) in relation to Wales, a county council, a county borough council or a community council;
- “public office” means—

Changes to legislation: *The Conservation of Habitats and Species Regulations 2017, Section 7 is up to date with all changes known to be in force on or before 25 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*

- (a) an office under the Crown,
- (b) an office created or continued in existence by a public general Act or by legislation passed by the National Assembly for Wales, or
- (c) an office the remuneration in respect of which is paid out of money provided by Parliament or the National Assembly for Wales.

Marginal Citations

- M1** 1975 c. 26.
- M2** 1997 c. 8. Section 57(2) was substituted, and section 57(2ZA) was inserted, by the [Growth and Infrastructure Act 2013 \(c. 27\)](#), [section 21\(5\)](#).
- M3** 1962 c. 58. Section 5(1) was amended by [S.I. 1999/742](#).
- M4** The Broads Authority was established by section 1 of the [Norfolk and Suffolk Broads Act 1988 \(c. 4\)](#).
- M5** Section 2 was amended by the [Local Government \(Wales\) Act 1994 \(c. 19\)](#), [section 19\(1\)](#) and (4) and Schedule 18; and by the [Environment Act 1995 \(c. 25\)](#), [Schedule 10](#), paragraph 32.
- M6** 1972 c. 70. Section 102(1) was amended by the [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41\)](#), [Schedule 9](#), paragraph 16; and the [Children Act 1989 \(c. 41\)](#), [Schedule 13](#), paragraph 31. It is prospectively amended by the [Local Government and Housing Act 1989 \(c. 42\)](#), [Schedule 11](#), paragraph 25(a), from a date to be appointed.

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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\(3\)\(a\)](#)