
STATUTORY INSTRUMENTS

2017 No. 1013

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

PART 2

CONSERVATION OF NATURAL HABITATS AND HABITATS OF SPECIES

Site protection and management

Conservation measures relating to special areas of conservation

25.—(1) In relation to any site designated as a special area of conservation under regulation 11, competent authorities must, in so far as their functions may be so exercised, exercise such of their functions as they consider appropriate for the purpose of giving effect to Article 6(1) of the Habitats Directive by taking conservation measures corresponding to the ecological requirements of—

- (a) the natural habitat types listed in Annex I to that Directive present on the site; and
- (b) the species listed in Annex II to that Directive which are present on the site.

(2) In considering what conservation measures may be necessary for the purposes of paragraph (1) in relation to a site, competent authorities must have regard to—

- (a) the need to maintain at, or restore to, favourable conservation status the natural habitat types and species mentioned in paragraph (1) which are present on the site;
- (b) the matters referred to in Article 2(3) of the Habitats Directive; and
- (c) any management scheme which has been established for the site.

(3) In so far as the duty in paragraph (1) has been met in respect of a site by any competent authority in Scotland or competent authority in Wales, that paragraph does not apply to any other competent authority in respect of that site.

(4) Before a competent authority (other than a competent authority in Scotland or Wales) exercises any relevant function for the purposes of complying with paragraph (1), it must first consult the Scottish Ministers and the Welsh Ministers.

(5) Where, in relation to any site designated as a special area of conservation under regulation 11, paragraph (1) imposes a duty on more than one competent authority—

- (a) where the competent authorities do not include a competent authority in Scotland or Wales, the Secretary of State may give a direction that, in respect of any measure that may be necessary, the duty of the competent authorities in question is to be satisfied by the taking of that measure by such competent authority or authorities as the Secretary of State may specify in the direction, and any such direction has effect in the terms stated in the direction; and
- (b) where the competent authorities include one or more competent authorities in Scotland or Wales, the relevant administration may give a direction that, in respect of any measure

that may be necessary, the duty of the competent authorities in question is to be satisfied by the taking of that measure by such competent authority or authorities as the relevant administration may specify in the direction, and any such direction has effect in the terms stated in the direction.

(6) A direction under paragraph (5)(b) may not be given unless the Scottish Ministers or the Welsh Ministers (as the case may be) and the Secretary of State have agreed that it may.

(7) In this regulation—

“the relevant administration” means—

- (a) in relation to a competent authority in Scotland, the Scottish Ministers;
- (b) in relation to a competent authority in Wales, the Welsh Ministers; and
- (c) in relation to a competent authority other than a competent authority in Scotland or in Wales, the Secretary of State; and

“relevant function” means any function exercisable for the purpose of securing any result which may instead be secured by the exercise of any function of either the Scottish Ministers or the Welsh Ministers.