
STATUTORY INSTRUMENTS

2017 No. 1013

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

PART 4

**ADDITIONAL PROTECTION OF HABITATS
AND WILD ANIMALS AND PLANTS**

Duties relating to surveillance and monitoring

Surveillance of conservation status of habitats and species

50.—(1) In relation to the offshore marine area, the Secretary of State must make arrangements in accordance with paragraphs (9) to (11) for the surveillance of the conservation status of natural habitats of Community interest and species of wild flora and fauna of Community interest, and in particular priority natural habitat types and priority species.

(2) In relation to the Scottish offshore region, the Scottish Ministers must make arrangements in accordance with paragraphs (9) to (11) for the surveillance of the conservation status of natural habitats of Community interest and species of wild flora and fauna of Community interest, and in particular priority natural habitat types and priority species.

(3) In relation to the Welsh offshore region, the Welsh Ministers must make arrangements in accordance with paragraphs (9) to (11) for the surveillance of the conservation status of natural habitats of Community interest and species of wild flora and fauna of Community interest, and in particular priority natural habitat types and priority species

(4) Before the Secretary of State makes any arrangements under paragraph (1) for surveillance in relation to the Scottish offshore region or the Welsh offshore region, the Secretary of State must consult the Scottish Ministers or the Welsh Ministers, respectively.

(5) The Secretary of State must from time to time—

- (a) consult the devolved administrations about the arrangements made under paragraph (1);
- (b) provide the devolved administrations with such information as the Secretary of State considers appropriate that has been derived from the surveillance arranged under paragraph (1); and
- (c) review the arrangements made under paragraph (1) and, if the Secretary of State thinks it appropriate, revise those arrangements.

(6) The Scottish Ministers must from time to time—

- (a) consult the other devolved administrations and the Secretary of State about the arrangements made under paragraph (2);
- (b) provide the other devolved administrations and the Secretary of State with such information as the Scottish Ministers consider appropriate that has been derived from the surveillance arranged under paragraph (2); and

- (c) review the arrangements made under paragraph (2) and, if they think it appropriate, revise those arrangements.
- (7) The Welsh Ministers must from time to time—
- (a) consult the other devolved administrations and the Secretary of State about the arrangements made under paragraph (3);
 - (b) provide the other devolved administrations and the Secretary of State with such information as the Welsh Ministers consider appropriate that has been derived from the surveillance arranged under paragraph (3); and
 - (c) review the arrangements made under paragraph (3) and, if they think it appropriate, revise those arrangements.
- (8) The Joint Committee must—
- (a) assess how and to what extent surveillance of the conservation status of each relevant habitat and species needs to be carried out, having regard to—
 - (i) whether a habitat or species is a priority natural habitat type or priority species; and
 - (ii) the conservation status of the habitat or species; and
 - (b) advise the relevant administration as to the need for such surveillance.
- (9) The relevant administration must ensure that the necessary surveillance is carried out on an ongoing basis.
- (10) Surveillance for the purposes of this regulation may be carried out by—
- (a) the Joint Committee; or
 - (b) any other person acting pursuant to, and in accordance with, an agreement with the relevant administration or the Joint Committee.
- (11) In this regulation—
- (a) a “relevant” habitat or species means a habitat or species in the offshore marine area of a type referred to in paragraph (1), (2) or (3);
 - (b) “the relevant administration” means—
 - (i) in relation to surveillance under paragraph (1), the Secretary of State;
 - (ii) in relation to surveillance under paragraph (2), the Scottish Ministers; and
 - (iii) in relation to surveillance under paragraph (3), the Welsh Ministers.