

SCHEDULE 4

Regulation 84

AMENDMENTS TO LEGISLATION

PART 1

PRIMARY LEGISLATION

Amendment of the Town and Country Planning Act 1990

1.—(1) The Town and Country Planning Act 1990(1) is amended as follows.

(2) In sub-paragraph (5) of paragraph 6 (development likely to have significant effects on environment etc), in paragraph (a) of the definition of “qualifying European site”, for “the Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007” substitute “the Conservation of Offshore Marine Habitats and Species Regulations 2017 (S.I. 2017/1013)”.

Amendment of the Marine and Coastal Access Act 2009

2.—(1) The Marine and Coastal Access Act 2009(2) is amended as follows.

(2) In subsection (9) of section 123 (creation of network of conservation sites), for paragraph (b) of the definition of “European marine site” substitute—

“(b) a European offshore marine site within the meaning of the Conservation of Offshore Marine Habitats and Species Regulations 2017 (S.I. 2017/1013),”.

(3) In subsection (2) of section 237 (enforcement of nature conservation legislation), for paragraph (e) substitute—

“(e) the Conservation of Offshore Marine Habitats and Species Regulations 2017 (S.I. 2017/1013);”.

Amendment of the Marine (Scotland) Act 2010

3.—(1) The Marine (Scotland) Act 2010(3) is amended as follows.

(2) In subsection (9) of section 79 (creation of network of conservation sites), for the definition of “European offshore marine site” substitute—

““European offshore marine site” has the meaning given by the Conservation of Offshore Marine Habitats and Species Regulations 2017 (S.I. 2017/1013),”.

PART 2

SUBORDINATE LEGISLATION

Amendment of the Legislative and Regulatory Reform (Regulatory Functions) Order 2007

4.—(1) The Legislative and Regulatory Reform (Regulatory Functions) Order 2007(4) is amended as follows.

(2) In Part 2 of the Schedule to that Order, for “Offshore Marine Conservation (Natural Habitats, &c.) 2007” substitute “Conservation of Offshore Marine Habitats and Species Regulations 2017”.

(1) 1990 c. 8. Schedule 4C was inserted by the Localism Act 2010 (c. 20), Schedule 11.

(2) 2009 c. 23.

(3) 2010 asp 5.

(4) S.I. 2007/3544, to which there are amendments not relevant to these Regulations.

Amendment of the Marine Management Organisation (Prescription of Powers to Fix Fees and Charges) Order 2010

5.—(1) The Marine Management Organisation (Prescription of Powers to Fix Fees and Charges) Order 2010⁽⁵⁾ is amended as follows.

(2) In the table in the Schedule, omit the entry in respect of the Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007, and in its place substitute—

“Conservation of Offshore Marine Habitats and Species Regulations 2017

Regulation 55(14)	To charge a reasonable sum for a licence issued under regulation 55.”.
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Amendment of the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010

6.—(1) The Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010⁽⁶⁾ are amended as follows.

(2) In regulation 2 (interpretation), in the definition of “European site”, for the words “regulation 15” to the end, substitute “regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017;”.

Amendment of the Marine Strategy Regulations 2010

7.—(1) The Marine Strategy Regulations 2010⁽⁷⁾ are amended as follows.

(2) In Schedule 2 (enactments in relation to which duty in regulation 4 applies), for “The Offshore Marine Conservation (Natural Habitats) Regulations 2007” substitute “The Conservation of Offshore Marine Habitats and Species Regulations 2017”.

Amendment of the Marine Licensing (Exempted Activities) (Scottish Offshore Region) Order 2011

8.—(1) The Marine Licensing (Exempted Activities) (Scottish Offshore Region) Order 2011⁽⁸⁾ is amended as follows.

(2) In Article 3 (interpretation), for paragraph (b) of the definition of “a European Site” substitute “a European offshore marine site within the meaning of regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017”.

Amendment of the Marine Licensing (Exempted Activities) (Scottish Inshore Region) Order 2011

9.—(1) The Marine Licensing (Exempted Activities) (Scottish Inshore Region) Order 2011⁽⁹⁾ is amended as follows.

(2) In article 2 (interpretation), in paragraph (2), for paragraph (b) of the definition of “a European site” substitute “a European offshore marine site within the meaning of regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017”.

(5) [S.I. 2010/603](#).

(6) [S.I. 2010/1228](#), to which there are amendments not relevant to these Regulations.

(7) [S.I. 2010/1627](#), to which there are amendments not relevant to these Regulations.

(8) [S.S.I. 2011/57](#) amended by [S.S.I. 2012/25](#); there are other amendments not relevant to these Regulations.

(9) [S.S.I. 2011/204](#), to which there are amendments not relevant to these Regulations.

Amendment of the Marine Licensing (Exempted Activities) Order 2011

10.—(1) The Marine Licensing (Exempted Activities) Order 2011⁽¹⁰⁾ is amended as follows.

(2) In article 3 (interpretation), for paragraph (b) of the definition of “a European site” substitute—

“(b) “European offshore marine site” as defined in regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017;”.

Amendment of the Marine Licensing (Exempted Activities) (Wales) Order 2011

11.—(1) The Marine Licensing (Exempted Activities) (Wales) Order 2011⁽¹¹⁾ is amended as follows.

(2) In article 3 (interpretation), for paragraph (b) of the definition of “European Site”, substitute—

“(b) “European offshore marine site” within the meaning of regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017;”.

Amendment of the Neighbourhood Planning (General) Regulations 2012

12.—(1) The Neighbourhood Planning (General) Regulations 2012⁽¹²⁾ are amended as follows.

(2) In the basic condition prescribed in paragraph 1 of Schedule 2 (neighbourhood development plans), for “the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007” substitute “the Conservation of Offshore Marine Habitats and Species Regulations 2017”.

Amendment of the Nitrate Pollution Prevention (Wales) Regulations 2013

13.—(1) The Nitrate Pollution Prevention (Wales) Regulations 2013⁽¹³⁾ are amended as follows.

(2) In regulation 13A (application for a derogation), for the definition of “European offshore marine site” in paragraph (15)(a) substitute—

““European offshore marine site” has the meaning given in regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017; and”.

Amendment of the Marine Licensing (Application Fees) Regulations 2014

14.—(1) The Marine Licensing (Application Fees) Regulations 2014⁽¹⁴⁾ are amended as follows.

(2) In paragraph 2(3) of the Schedule (application bands and maximum caps), in the definition of “European site”, for the words “regulation 15” to the end, substitute “regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017”.

Amendment of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015

15.—(1) The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015⁽¹⁵⁾ are amended as follows.

(2) In Schedule 2 (prescription of consents)—

(10) S.I. 2011/409, to which there are amendments not relevant to these Regulations.

(11) W.S.I. 2011/559, to which there are amendments not relevant to these Regulations.

(12) S.I. 2012/637, to which there are amendments not relevant to these Regulations.

(13) W.S.I. 2013/2506, to which there are amendments not relevant to these Regulations.

(14) S.I. 2014/615, to which there are amendments not relevant to these Regulations.

(15) S.I. 2015/462.

Status: This is the original version (as it was originally made).

- (a) for the entry “Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007” in the column entitled “Act” substitute “Conservation of Offshore Marine Habitats and Species Regulations 2017”; and
- (b) for the entry “A licence under regulation 49 (power to grant licences)” in the column entitled “consent or authorisation” substitute “A licence under regulation 55 (power to grant licences)”.

Amendment of the Town and Country Planning (Development Management Procedure) (England) Order 2015

16.—(1) The Town and Country Planning (Development Management Procedure) (England) Order 2015(**16**) is amended as follows.

(2) In article 2 (interpretation), for the definition of “qualifying European site” substitute—

““qualifying European site” means—

- (a) a European offshore marine site within the meaning of regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017; or
- (b) a European site within the meaning of regulation 8(1) of the Conservation of Offshore Marine Habitats and Species Regulations 2017;”.

Amendment of the Nitrate Pollution Prevention Regulations 2015

17.—(1) The Nitrate Pollution Prevention Regulations 2015(**17**) are amended as follows.

(2) In regulation 37 (determination of application), in paragraph (6), for the definition of “European offshore marine site” substitute—

““European offshore marine site” has the meaning given by regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017.”.

Amendment of the Environmental Damage (Prevention and Remediation) (England) Regulations 2015

18.—(1) The Environmental Damage (Prevention and Remediation) (England) Regulations 2015(**18**) are amended as follows.

(2) In paragraph 5(d) of Schedule 1 (express authorisation of damage to a protected species, natural habitat or to a site of special scientific interest), for “the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007” substitute “the Conservation of Offshore Marine Habitats and Species Regulations 2017”.

Amendment of the Town and Country Planning (Brownfield Land Register) Regulations 2017

19.—(1) The Town and Country Planning (Brownfield Land Register) Regulations 2017(**19**) are amended as follows.

(2) In regulation 14, (exemptions for certain types of land), in paragraph (5), in paragraph (a) of the definition of “qualifying European site”, for “regulation 15 of the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007” substitute “regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017”.

(16) [S.I. 2015/595](#), to which there are amendments not relevant to these Regulations.

(17) [S.I. 2015/668](#), to which there are amendments not relevant to these Regulations.

(18) [S.I. 2015/810](#), to which there are amendments not relevant to these Regulations.

(19) [S.I. 2017/403](#).

Amendment of the Electricity Works (Environmental Impact Assessment) England and Wales Regulations 2017

20.—(1) The Electricity Works (Environmental Impact Assessment) England and Wales Regulations 2017(**20**) are amended as follows.

(2) In regulation 8 (co-ordination of environmental impact assessment with Habitats Regulations assessment), in paragraph (2), for “regulation 25 of the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007” substitute “regulation 28 of the Conservation of Offshore Marine Habitats and Species Regulations 2017”.

Amendment of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017

21.—(1) The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017(**21**) are amended as follows.

(2) In regulation 38 (co-ordination of assessments), in paragraph (2), for paragraph (b) of the definition of “habitats regulation appraisal” substitute “regulation 28 of the Conservation of Offshore Marine Habitats and Species Regulations 2017”.

(20) [S.I. 2017/580](#).
(21) [S.S.I. 2017/115](#).