

Stakeholder Update – the consolidation of:

- **The Conservation of Habitats and Species Regulations 2010; and**
- **The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007**

The Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation Regulations 2007 transpose the EU Habitats Directive and certain aspects of the Wild Birds Directive into UK law in England and Wales, including territorial and offshore marine areas.

The EU Directives aim to protect biodiversity through the conservation of natural habitats and the populations of species of wild fauna, flora and birds. The Directives lay down rules for the protection and management of such habitats and species.

It is good practice for legislation to be consolidated after three amendments. The Conservation of Habitats and Species Regulations have been amended ten times since they were last consolidated in 2010 and the Offshore Marine Conservation Regulations twelve times since being introduced in 2007.

An exercise has therefore been undertaken to consolidate both regulations, which will aid their usability, making the regulations easier to follow as all amendments made to the regulations have been incorporated into a single set of new 2017 regulations. **This exercise has not changed existing policies and procedures, it simply ensures the statute book is up-to-date. However, the numbering of certain provisions within the regulations has changed.**

The 2017 regulations will transpose the Habitats Directive and elements of the Wild Birds Directive into UK law. The Conservation of Habitats and Species Regulations 2017 extend to England and Wales (including the inshore marine area) and have a limited extent in Scotland and Northern Ireland. The Conservation of Offshore Marine Habitats and Species 2017 Regulations apply to the UK offshore marine area.

The Welsh Ministers have legislative competence for the Conservation of Habitats and Species Regulations 2010; as such the regulations were consolidated jointly by the Welsh Government and the UK Government. The Offshore Marine Conservation Regulations were consolidated by the UK Government, in consultation with the Welsh Government.

Coming into Force

The Conservation of Habitats and Species Regulations 2017 will be laid before the National Assembly for Wales and the UK Parliament on 1 November and will come into force on 30 November.

The Conservation of Offshore Marine Habitats and Species Regulations 2017 will be laid before Parliament on 1 November and will come into force on 30 November.

What does the consolidation exercise mean for me?

From 30 November, all references, for example in guidance documents, to the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 should be replaced with the following:

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

Transfer of offshore European nature conservation functions to the Welsh Ministers

The consolidation exercise has also provided the UK Government with an opportunity to meet a commitment to transfer nature conservation functions for the Welsh offshore marine area to the Welsh Ministers, following recommendations made by the Silk Commission (Silk II).

The first phase of this commitment will transfer the European nature conservation powers under the Conservation of Offshore Marine Habitats and Species Regulations 2017 to the Welsh Ministers on 30 November. Domestic nature conservation powers for the Welsh offshore marine area, relevant to Part 5 of the Marine and Coastal Access Act are expected to transfer to the Welsh Ministers under the Wales Act, in April 2018.

The transfer of European nature conservation functions under the Conservation of Offshore Marine Habitats and Species Regulations 2017, make the Welsh Ministers the relevant administration for wildlife licensing in the Welsh offshore marine area.

To ensure we have an efficient wildlife licensing system in Wales, the Welsh Ministers intend to delegate the licensing function to Natural Resources Wales (NRW) which currently administers wildlife licences for Welsh inshore waters. Welsh Government officials are currently working with NRW and the Marine Management Organisation, who currently issue wildlife licences for the Welsh offshore marine area, on the transfer of this work to Wales.

Contacts

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