STATUTORY RULES OF NORTHERN IRELAND

2004 No. 435

EUROPEAN COMMUNITIES
NATURE CONSERVATION

The Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2004

Made - - - -	*12th October 2004*
Coming into operation	*22nd November 2004*

The Department of the Environment, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to the conservation of natural habitats and of wild fauna and flora, in exercise of the powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2004, and shall come into operation on 22nd November 2004.

Interpretation

2.—(1) In these Regulations "the principal Regulations" means the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995(**3**).

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of regulation 2 of the principal Regulations

3. In regulation 2(2) of the principal Regulations (Interpretation and application) for the definition of "the Habitats Directive" there shall be substituted the following definition –

(**1**) S.I.1992/2870
(**2**) 1972 c. 68
(**3**) S.R. 1995 No. 380
(**4**) 1954 c. 33 (N.I.)

""the Habitats Directive" means Council Directive 92/43/EEC(**5**) on the Conservation of Natural Habitats and of wild fauna and flora as amended by the Act of Accession to the European Union of Austria, Finland and Sweden(**6**) and by Council Directive 97/62/EC(**7**);"

Amendment of regulation 3 of the principal Regulations

4. In regulation 3 of the principal Regulations (Implementation of Directive) –

(a) in paragraph (1) for the words from "Council Directive" to the end there shall be substituted "the Habitats Directive.";

(b) in paragraph (2) for:

"Parts V and VI of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;

Part II of the Wildlife (Northern Ireland) Order 1985; and these Regulations"

there shall be substituted –

"Part V of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985(**8**);

Part II of the Wildlife (Northern Ireland) Order 1985(**9**);

Part IV of the Environment (Northern Ireland) Order 2002(**10**); and these Regulations.";

(c) in paragraph (3) for "the Water Act (Northern Ireland) 1972" there shall be substituted "the Water (Northern Ireland) Order 1999(**11**),".

Amendment of regulation 4 of the principal Regulations

5. In regulation 4 of the principal Regulations (Relevant authorities in relation to marine areas and European marine sites) –

(a) at the end of paragraph (d) for "Northern Ireland;" there shall be substituted "Northern Ireland; and";

(b) in paragraph (e) for "the Foyle Fisheries Commission; and" there shall be substituted "the Loughs Agency.";

(c) paragraph (f) shall be omitted.

Amendment of regulation 9 of the principal Regulations

6. In regulation 9 of the principal Regulations (Meaning of "European site" in these Regulations) –

(a) in paragraph (1) at the end of sub-paragraph (c) the word "or" shall be omitted;

(b) in paragraph (1) at the end of sub-paragraph (d) for "Wild Birds Directive" there shall be substituted "Wild Birds Directive, or";

(c) in paragraph (1) after sub-paragraph (d) there shall be inserted the following sub-paragraph –

(**5**) O.J. No. L206, 22.7.92, p. 7
(**6**) O.J. No. L1, 1.1.95, p. 1
(**7**) O.J. No. L305, 8.11.97, p. 42
(**8**) S.I. 1985/170 (N.I. 1)
(**9**) S.I. 1985/171 (N.I. 2)
(**10**) 2002 c. 7 (N.I.)
(**11**) S.I. 1999/662 (N.I. 6)

"(e) a site in Northern Ireland included in the list of sites which has been proposed by the Department and transmitted to the Commission under regulation 6(4) until such time as –

(i) the draft list of sites of Community importance is established under the first sub-paragraph of Article 4(2) of the Habitats Directive where in any case the site is not included in that list, or

(ii) the list of sites referred to in the third sub-paragraph of Article 4(2) of the Habitats Directive is adopted by the Commission in accordance with that sub-paragraph."

Amendment of regulation 10 of the principal Regulations

7. In regulation 10(2) of the principal Regulations (Duty to compile and maintain a register of European sites) –

(a) at the end of sub-paragraph (c) the word "and" shall be omitted;

(b) at the end of sub-paragraph (d) for "commencement" there shall be substituted "commencement; and";

(c) after sub-paragraph (d) there shall be inserted the following sub-paragraph –

"(e) any site in Northern Ireland included in the list of sites which has been proposed by the Department and transmitted to the Commission under regulation 6(4) until such time as paragraph (i) or paragraph (ii) of regulation 9(1)(e) applies.".

Amendment of regulation 29 of the principal Regulations

8. In regulation 29(1) of the principal Regulations (Management scheme for European marine site) for "the Department of Agriculture" there shall be substituted "the Department of Agriculture and Rural Development".

Amendment of regulation 34 of the principal Regulations

9. In regulation 34 of the principal Regulations (Protection of wild animals of European protected species) –

(a) in the title to the regulation, for "Protection of wild animals of European protected species" there shall be substituted "Protection of wild animals";

(b) in paragraph (2) for "wild animal of a European protected species" there shall be substituted "animal which is taken from the wild and is of a species listed in Annex IV(a) to the Habitats Directive,".

Amendment of regulation 35 of the principal Regulations

10. In regulation 35 of the principal Regulations (Exceptions from regulation 34) –

(a) in paragraph (1) for "the Department of Agriculture" there shall be substituted "the Department of Agriculture and Rural Development";

(b) omit paragraphs (5) to (7).

Amendment of regulation 38 of the principal Regulations

11. In regulation 38 of the principal Regulations (Protection of wild plants of European protected species) –