

2008 No. 17

WILDLIFE

COUNTRYSIDE

**The Conservation (Natural Habitats, &c.) Amendment
(Scotland) Regulations 2008**

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| <i>Made</i> - - - - | <i>23rd January 2008</i> |
| <i>Laid before the Scottish Parliament</i> | <i>24th January 2008</i> |
| <i>Coming into force</i> - - | <i>25th February 2008</i> |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and section 26A of the Wildlife and Countryside Act 1981(b) and all other powers enabling them to do so.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2008 and shall come into force on 25th February 2008.

(2) These Regulations extend to Scotland only.

Amendment of the Conservation (Natural Habitats, &c.) Regulations 1994

2.—(1) The Conservation (Natural Habitats, &c.) Regulations 1994(c) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 39(12) (protection of certain wild animals)(d) omit “Subject to paragraph (13),”.

(3) Omit regulation 39(13).

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3) and the Legislative and Regulatory Reform Act 2006 (c.51), section 27. The functions conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) 1981 c.69. Section 26A of the 1981 Act was inserted by paragraph 22 of schedule 6 to the Nature Conservation (Scotland) Act 2004 (asp 6) and amended by the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), section 44(2).

(c) S.I. 1994/2716; relevant amendments are made by S.S.I. 2007/80. The 1994 Regulations make provision for the purpose of implementing, for Great Britain, Council Directive 92/43/EEC.

(d) Regulation 39 was inserted by S.S.I. 2007/80, regulation 10.

(4) In the entry for “Canis lupus” in the table in Schedule 2A (excluded populations of certain species)(a), in the third column, before “Estonia” insert “Bulgaria.”

MICHAEL RUSSELL

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
23rd January 2008

(a) Schedule 2A was inserted by S.S.I. 2007/80, regulation 25.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, make further provision for the transposition of Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna (“the Habitats Directive”) (O.J. No. L 206, 22.7.1992, p.7). In so doing they amend the Conservation (Natural Habitats, &c.) Regulations 1994 (“the 1994 Regulations”).

Regulation 2(3) amends the 1994 Regulations by removing regulation 39(13) and regulation 2(2) makes a consequential amendment to regulation 39(12) of the 1994 Regulations. As a result the maximum term of imprisonment which can be imposed following summary conviction of an offence under regulation 39 of the 1994 Regulations in relation to a protected species listed in Annex IV(a) of the Habitats Directive is 6 months.

Regulation 2(4) adds the Bulgarian population of Grey Wolf (*Canis lupus*) to Schedule 2A of the 1994 Regulations (excluded populations of certain species). The effect is to extend the specific defence under regulation 39(9) available in respect of specimens of Grey Wolf from certain areas to the Bulgarian population of this species.

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