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Environment, Climate Change and Land Reform Committee

**Comataidh Atharrachadh Clìomaid is Ath-leasachaidh
Fearann**

The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2019 (SSI 2019/64)



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Environment, Climate Change and Land Reform Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Environment, Climate Change and Land Reform.



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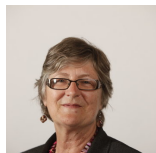
Committee Membership



Convener
Gillian Martin
Scottish National Party



Deputy Convener
John Scott
Scottish Conservative
and Unionist Party



Claudia Beamish
Scottish Labour



Finlay Carson
Scottish Conservative
and Unionist Party



Angus MacDonald
Scottish National Party



Mark Ruskell
Scottish Green Party



Stewart Stevenson
Scottish National Party

Committee Consideration

1. The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2019 were laid before the Scottish Parliament on 22 February 2019 and referred to the Environment, Climate Change and Land Reform Committee. The Committee must report on the Regulations by 1 April 2019.
2. The Regulations are subject to the negative procedure. The negative procedure is set out in Chapter 10 of Standing Orders.
3. Negative instruments are instruments that are "subject to annulment" by resolution of the Parliament for a period of 40 days after they are laid. All negative instruments are considered by the Delegated Powers and Law Reform Committee (on various technical grounds) and by the relevant lead committee (on policy grounds). Under Rule 10.4, any member (whether or not a member of the lead committee) may, within the 40-day period, lodge a motion for consideration by the lead committee recommending annulment of the instrument. If the motion is agreed to, the Parliamentary Bureau must then lodge a motion to annul the instrument for consideration by the Parliament.
4. The purpose of the Regulations is to amend the Conservation (Natural Habitats, &c.) Regulations 1994 ("the 1994 Regulations"), which make provision for the transposition of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p.7). Regulation 2 amends schedule 2 of the 1994 Regulations to add the Eurasian Beaver (otherwise known as the European Beaver) to the list of European Protected Species of Animals that are given protection under the 1994 Regulations.
5. At its meeting on 5 March 2019, the Delegated Powers and Law Reform Committee considered the instrument and had no comments to make.ⁱ
6. The Environment, Climate Change and Land Reform Committee also considered the instrument on 5 March 2019 and heard oral evidence from Scottish Government officials and Scottish Natural Heritage (SNH).ⁱⁱ
7. SNH undertook to write to the Committee following the evidence session with details of reporting requirements and how the licensing regime associated with the Regulations would be transparent. SNH also undertook to provide further information about the potential positive role beavers could play in flood management.ⁱⁱⁱ
8. The Committee received supplementary written evidence from SNH on 11 March providing the information requested.^{iv}

ⁱ Official Report, Delegated Powers and Law Reform Committee, 5 March 2019

ⁱⁱ Official Report, Environment, Climate Change and Land Reform Committee, 5 March 2019

ⁱⁱⁱ Official Report, Environment, Climate Change and Land Reform Committee, 5 March 2019

^{iv} Correspondence from Scottish Natural Heritage, 11 March 2019

9. At its meeting on 12 March 2019, the Environment, Climate Change and Land Reform Committee considered the instrument and John Scott MSP indicated that he intended to lodge a motion to annul the Regulations.^v
10. John Scott MSP subsequently lodged motion [S5M-16304](#) - That the Environment, Climate Change and Land Reform Committee recommends that the Conservation of (Natural Habitats, &c.) Amendment (Scotland) regulations 2019 (SSI 2019/64) be annulled.
11. The Committee received a submission from Scottish Environment LINK in relation to these Regulations on 18 March.^{vi}
12. The Committee further considered the instrument at its meeting of 19 March 2019 and took evidence from the Cabinet Secretary for the Environment, Climate Change and Land Reform and her officials. The [Official Report](#) of that meeting is available online.
13. In that evidence session the Committee explored a range of topics relating to this instrument, including^{vii} —
 - Scottish Government engagement with stakeholders
 - the management framework for the new licensing regime
 - reporting procedures
 - animal welfare issues
 - flood management issues
 - the Beaver Mitigation Scheme
14. Following the evidence session, John Scott MSP moved S5M-16304 - That the Environment, Climate Change and Land Reform Committee recommends that the Conservation of (Natural Habitats, &c.) Amendment (Scotland) Regulations 2019 (SSI 2019/64) be annulled.
15. The motion was disagreed to by division: For 1, Against 5, Abstentions 1.

The Environment, Climate Change and Land Reform Committee recommends that the Conservation of (Natural Habitats, &c.) Amendment (Scotland) Regulations 2019 (SSI 2019/64) be approved.

^v Official Report, Environment, Climate Change and Land Reform Committee, 12 March 2019

^{vi} Written submission, Scottish Environment LINK, 18 March 2019, available online: https://www.parliament.scot/S5_Environment/General%20Documents/ECCLR_SI_Beavers_SELINK_Sup.pdf

^{vii} Official Report, Environment, Climate Change and Land Reform Committee, 19 March 2019

