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STATUTORY INSTRUMENTS

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**2019 No. 527**

**The Invasive Alien Species (Enforcement  
and Permitting) Order 2019**

**PART 1**

Introductory provisions

**Citation, commencement, extent and application**

1.—(1) This Order may be cited as the Invasive Alien Species (Enforcement and Permitting) Order 2019 and comes into force on [<sup>F1</sup>1st December 2019].

(2) This Order does not extend to Scotland and Northern Ireland except in so far as—

- (a) it relates to controls on imports into and exports from the United Kingdom;
- (b) it relates to the offshore marine area; or
- (c) it applies in relation to any provision which relates to a matter mentioned in subparagraph (a) or (b).

(3) Part 6 does not extend to Scotland or Northern Ireland.

(4) This Order applies—

- (a) to England and Wales;
- (b) to the offshore marine area; and
- (c) as regards any provision which applies in relation to controls on imports into and exports from the United Kingdom, and any provision which relates to any such provision, to Scotland and Northern Ireland.

**F1** Words in art. 1(1) substituted (30.9.2019) by [The Invasive Alien Species \(Enforcement and Permitting\) \(Amendment\) Order 2019 \(S.I. 2019/1213\)](#), arts. 1, 2(2)

**Commencement Information**

**II** Art. 1 in force at 1.12.2019, see [art. 1\(1\)](#)

**Interpretation** **E+W+S**

2.—(1) In this Order—

“contained holding” means keeping an organism in closed facilities from which escape or spread is not possible;

“designated customs official” has the same meaning as in section 14(6) of the Borders, Citizenship and Immigration Act 2009 <sup>M1</sup>;

“England” includes that part of the territorial sea which is not for the purposes of this Order treated as forming part of Scotland, Wales or Northern Ireland;

“enforcement officer” means—

- (a) a constable;
- (b) in England and Wales, a wildlife inspector authorised in accordance with section 18A of the Wildlife and Countryside Act 1981 <sup>M2</sup>;
- (c) an officer authorised for the purposes of the enforcement of this Order by a competent authority specified in article 21(2);
- (d) an officer authorised for the purposes of the enforcement of this Order by—
  - (i) the Secretary of State;
  - (ii) Natural England;
  - (iii) the Welsh Ministers; or
  - (iv) the Natural Resources Body for Wales;

“ex situ conservation” means the conservation of components of biological diversity outside their natural habitat;

“invasive alien species” means any species of animal, plant, fungus or micro-organism included from time to time on the [<sup>F2</sup>list of species of special concern];

“licence” means a licence granted in accordance with article 36 (licences for activities relating to invasive alien species);

“the licensing authority” means—

- (a) Natural England in relation to—
  - (i) England;
  - (ii) the offshore marine area; and
  - (iii) licences relating to imports into or exports from the United Kingdom;
- (b) the Natural Resources Body for Wales in relation to Wales, except in relation to licensing within sub-paragraph (a)(iii);

[<sup>F3</sup>“the list of species of special concern” means the list of species in the Annex to Commission Implementing Regulation (EU) 2016/1141 adopting a list of invasive alien species of Union concern pursuant to Regulation (EU) No 1143/2014 of the European Parliament and of the Council, as amended from time to time;]

“Northern Ireland” includes the area of territorial sea adjacent to Northern Ireland, which is to be construed in accordance with article 2 of the Adjacent Waters Boundaries (Northern Ireland) Order 2002 (the territorial sea adjacent to Northern Ireland) <sup>M3</sup>;

“the offshore marine area” means—

- (a) any part of the seabed and subsoil situated in any area designated under section 1(7) of the Continental Shelf Act 1964 (exploration and exploitation of continental shelf) <sup>M4</sup>; and
- (b) any part of the waters within British fishery limits <sup>M5</sup> (except the internal waters of, and the territorial sea adjacent to, the United Kingdom, the Channel Islands and the Isle of Man);

“permit” means a permit issued in accordance with article 35 (permits for activities relating to invasive alien species);

“permitting authority” means—

- (a) the Secretary of State in relation to—
  - (i) England;
  - (ii) the offshore marine area;

- (iii) permits relating to imports into or exports from the United Kingdom;
- (b) the Welsh Ministers in relation to Wales, except in relation to permits within subparagraph (a)(iii);

“premises” includes any place or land (including buildings) and, in particular, includes any place, plant, machinery, apparatus, vehicle, vessel, aircraft, boat, ship, hovercraft, trailer, container, tent or movable building or structure;

“Principal Regulation” means Regulation (EU) No 1143/2014 of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species;

“registered veterinary surgeon” means a person who is registered in the register of veterinary surgeons under section 2 of the Veterinary Surgeons Act 1966 (register of veterinary surgeons)<sup>M6</sup>;

“relevant organism” means a live animal, plant, fungus or micro-organism, and includes any part, gamete, seed, egg, or propagule that might grow, hatch or reproduce, as the case may be;

“research” means descriptive or experimental work, undertaken under regulated conditions, to obtain new scientific findings or to develop new products, including the initial phases of identification, characterisation and isolation of genetic features (other than those features which make a species invasive) of invasive alien species in so far as essential to enable the breeding of those features into non-invasive species;

“Scotland” includes the area of territorial sea adjacent to Scotland, which is to be construed in accordance with article 3 of, and Schedule 1 to, the Scottish Adjacent Waters Boundaries Order 1999 (boundaries – internal waters and territorial sea)<sup>M7</sup>;

“seize” includes “detain” and cognate words are to be construed accordingly;

“species” includes—

- (a) any hybrid, variety or breed of a species that might survive and subsequently reproduce; and
- (b) any subspecies or lower taxon of a species.

“specimen” means a specimen of any live invasive alien species, and includes any part, gamete, seed, egg, or propagule of such a species that might grow, hatch or reproduce, as the case may be;

<sup>F4</sup> ...

“Wales” includes the area of territorial sea adjacent to Wales, which is to be construed in accordance with article 6 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (the sea adjacent to Wales)<sup>M8</sup>.

(2) This Order applies to the Isles of Scilly as if the Isles were a county and the Council of the Isles were a county council.

(3) Any reference in this Order to five working days, in relation to the detention of a relevant organism, is a reference to a period of 120 hours calculated from the time when the detention occurs, but disregarding so much of any period as falls on a Saturday or Sunday or on Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971<sup>M9</sup> in the part of the United Kingdom where the goods are seized.

#### **Extent Information**

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

- F2** Words in Pt. 1 substituted (E.W.S.) (31.12.2020) by [The Animal Health, Invasive Alien Species, Plant Breeders' Rights and Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1220\)](#), regs. 1(2)(d), [7\(2\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in art. 2(1) inserted (E.W.S.) (31.12.2020) by [The Animal Health, Invasive Alien Species, Plant Breeders' Rights and Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1220\)](#), regs. 1(2)(d), [7\(3\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in art. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of [The Animal Health, Invasive Alien Species, Plant Breeders' Rights and Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1220\)](#), regs. 1(2)(d), [7\(3\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)

### Commencement Information

- I2** Art. 2 in force at 1.12.2019, see art. 1(1)

### Marginal Citations

- M1** 2009 c. 11.
- M2** 1981 c. 69. Section 18A was inserted, in relation to England and Wales, by paragraph 1 of Part 1 of Schedule 5 to the [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#).
- M3** [S.I. 2002/791](#).
- M4** 1964 c. 29. Section 1(7) was amended by section 37 of, and paragraph 1 of Schedule 3 to, the [Oil and Gas \(Enterprise\) Act 1982 \(c. 23\)](#) and by section 103 of the [Energy Act 2011 \(c. 16\)](#). Areas have been designated under section 1(7) by [S.I. 1987/1265](#) (as amended by [S.I. 2000/3062](#)) and 2013/3162.
- M5** As defined by section 1 of the [Fishery Limits Act 1976 \(c. 86\)](#).
- M6** 1966 c. 36. Section 2 was amended by [S.I. 2003/2919](#) and 2008/1824.
- M7** [S.I. 1999/1126](#).
- M8** [S.I. 1999/672](#), to which there are amendments not relevant to this Order. These provisions continue to have effect as if made under section 158(3) of the [Government of Wales Act 2006 \(c. 32\)](#) by virtue of paragraph 26(3) of Schedule 11 to that Act.
- M9** 1971 c. 80. Section 1 was amended by paragraph 4(1) of Schedule 5 to the [Northern Ireland Constitutions Order 1973 \(c. 36\)](#). Schedule 1 was amended by section 1 of the [St Andrew's Day Bank Holiday \(Scotland\) Act 2007 \(asp 2\)](#). There are other amendments which are not relevant to this Order.

### Interpretation **N.I.**

#### 2.—(1) In this Order—

“contained holding” means keeping an organism in closed facilities from which escape or spread is not possible;

“designated customs official” has the same meaning as in section 14(6) of the [Borders, Citizenship and Immigration Act 2009](#) <sup>F5</sup>;

“England” includes that part of the territorial sea which is not for the purposes of this Order treated as forming part of Scotland, Wales or Northern Ireland;

“enforcement officer” means—

- (a) a constable;
- (b) in England and Wales, a wildlife inspector authorised in accordance with section 18A of the [Wildlife and Countryside Act 1981](#) <sup>F6</sup>;
- (c) an officer authorised for the purposes of the enforcement of this Order by a competent authority specified in article 21(2);
- (d) an officer authorised for the purposes of the enforcement of this Order by—
  - (i) the Secretary of State;
  - (ii) Natural England;

- (iii) the Welsh Ministers; or
- (iv) the Natural Resources Body for Wales;

“ex situ conservation” means the conservation of components of biological diversity outside their natural habitat;

“invasive alien species” means any species of animal, plant, fungus or micro-organism included from time to time on the Union list;

“licence” means a licence granted in accordance with article 36 (licences for activities relating to invasive alien species);

“the licensing authority” means—

- (a) Natural England in relation to—
  - (i) England;
  - (ii) the offshore marine area; and
  - (iii) licences relating to imports into or exports from the United Kingdom;
- (b) the Natural Resources Body for Wales in relation to Wales, except in relation to licensing within sub-paragraph (a)(iii);

“Northern Ireland” includes the area of territorial sea adjacent to Northern Ireland, which is to be construed in accordance with article 2 of the Adjacent Waters Boundaries (Northern Ireland) Order 2002 (the territorial sea adjacent to Northern Ireland)<sup>F7</sup>;

“the offshore marine area” means—

- (a) any part of the seabed and subsoil situated in any area designated under section 1(7) of the Continental Shelf Act 1964 (exploration and exploitation of continental shelf)<sup>F8</sup>; and
- (b) any part of the waters within British fishery limits<sup>F9</sup> (except the internal waters of, and the territorial sea adjacent to, the United Kingdom, the Channel Islands and the Isle of Man);

“permit” means a permit issued in accordance with article 35 (permits for activities relating to invasive alien species);

“permitting authority” means—

- (a) the Secretary of State in relation to—
  - (i) England;
  - (ii) the offshore marine area;
  - (iii) permits relating to imports into or exports from the United Kingdom;
- (b) the Welsh Ministers in relation to Wales, except in relation to permits within sub-paragraph (a)(iii);

“premises” includes any place or land (including buildings) and, in particular, includes any place, plant, machinery, apparatus, vehicle, vessel, aircraft, boat, ship, hovercraft, trailer, container, tent or movable building or structure;

“Principal Regulation” means Regulation (EU) No 1143/2014 of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species [<sup>F10</sup>as it has effect by virtue of section 7A of the European Union (Withdrawal) Act 2018];

“registered veterinary surgeon” means a person who is registered in the register of veterinary surgeons under section 2 of the Veterinary Surgeons Act 1966 (register of veterinary surgeons)<sup>F11</sup>;

“relevant organism” means a live animal, plant, fungus or micro-organism, and includes any part, gamete, seed, egg, or propagule that might grow, hatch or reproduce, as the case may be; “research” means descriptive or experimental work, undertaken under regulated conditions, to obtain new scientific findings or to develop new products, including the initial phases of identification, characterisation and isolation of genetic features (other than those features which make a species invasive) of invasive alien species in so far as essential to enable the breeding of those features into non-invasive species;

[<sup>F12</sup>“the retained EU Regulation” means [EU Regulation \(EU\) No 1143/2014](#) of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species as it has effect by virtue of section 3 of the European Union (Withdrawal) Act 2018;]

“Scotland” includes the area of territorial sea adjacent to Scotland, which is to be construed in accordance with article 3 of, and Schedule 1 to, the Scottish Adjacent Waters Boundaries Order 1999 (boundaries – internal waters and territorial sea) <sup>F13</sup>;

“seize” includes “detain” and cognate words are to be construed accordingly;

“species” includes—

- (a) any hybrid, variety or breed of a species that might survive and subsequently reproduce; and
- (b) any subspecies or lower taxon of a species.

“specimen” means a specimen of any live invasive alien species, and includes any part, gamete, seed, egg, or propagule of such a species that might grow, hatch or reproduce, as the case may be;

“the Union list” means the list of invasive alien species of Union concern adopted by the European Commission in accordance with Articles 4(1) and 10(4) of the Principal Regulation, as amended from time to time;

“Wales” includes the area of territorial sea adjacent to Wales, which is to be construed in accordance with article 6 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (the sea adjacent to Wales) <sup>F14</sup>.

(2) This Order applies to the Isles of Scilly as if the Isles were a county and the Council of the Isles were a county council.

(3) Any reference in this Order to five working days, in relation to the detention of a relevant organism, is a reference to a period of 120 hours calculated from the time when the detention occurs, but disregarding so much of any period as falls on a Saturday or Sunday or on Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 <sup>F15</sup> in the part of the United Kingdom where the goods are seized.

#### Extent Information

- E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F5** [2009 c. 11](#).
- F6** [1981 c. 69](#). Section 18A was inserted, in relation to England and Wales, by paragraph 1 of Part 1 of Schedule 5 to the [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#).
- F7** [S.I. 2002/791](#).
- F8** [1964 c. 29](#). Section 1(7) was amended by section 37 of, and paragraph 1 of Schedule 3 to, the [Oil and Gas \(Enterprise\) Act 1982 \(c. 23\)](#) and by section 103 of the [Energy Act 2011 \(c. 16\)](#). Areas have been designated under section 1(7) by [S.I. 1987/1265](#) (as amended by [S.I. 2000/3062](#)) and 2013/3162.
- F9** As defined by section 1 of the [Fishery Limits Act 1976 \(c. 86\)](#).

- F10** Words in art. 2(1) inserted (N.I.) (31.12.2020) by The Animal Welfare and Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1590), regs. 1(1)(b)(ii), **8(2)(a)**
- F11** 1966 c. 36. Section 2 was amended by S.I. 2003/2919 and 2008/1824.
- F12** Words in art. 2(1) inserted (N.I.) (31.12.2020) by The Animal Welfare and Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1590), regs. 1(1)(b)(ii), **8(2)(b)**
- F13** S.I. 1999/1126.
- F14** S.I. 1999/672, to which there are amendments not relevant to this Order. These provisions continue to have effect as if made under section 158(3) of the [Government of Wales Act 2006 \(c. 32\)](#) by virtue of paragraph 26(3) of Schedule 11 to that Act.
- F15** 1971 c. 80. Section 1 was amended by paragraph 4(1) of Schedule 5 to the [Northern Ireland Constitutions Order 1973 \(c. 36\)](#). Schedule 1 was amended by section 1 of the [St Andrew's Day Bank Holiday \(Scotland\) Act 2007 \(asp 2\)](#). There are other amendments which are not relevant to this Order.

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**Commencement Information**

- I3** Art. 2 in force at 1.12.2019, see [art. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Invasive Alien Species (Enforcement and Permitting) Order 2019, PART 1.