
STATUTORY RULES OF NORTHERN IRELAND

2019 No. 159

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

**PART 2
OFFENCES**

Keeping, breeding, transporting etc. of invasive alien species

3.—(1) Any person who contrary to Article 7 (restrictions) of the Principal Regulation intentionally—

- (a) keeps, including in a contained holding;
- (b) breeds, including in a contained holding;
- (c) transports to or from Northern Ireland to or from any place within Great Britain, or within Northern Ireland, except where such transportation is of species to facilities in the context of eradication;
- (d) places on the market;
- (e) uses or exchanges;
- (f) permits to reproduce, grows or cultivates, including in a contained holding; or
- (g) releases into the environment,

an invasive alien species commits an offence.

(2) Any person who releases or allows to escape into the wild any specimen which is of a species of animal which—

- (a) is of a kind not ordinarily resident in and is not a regular visitor to Northern Ireland in a wild state or is a hybrid of any animal of that kind; or
- (b) is included in Part 1 of the Schedule,

commits an offence.

(3) Any person who plants or otherwise causes to grow in the wild any specimen which is of a species of plant which is included in Part 2 of the Schedule or is a hybrid of any plant included in that Part, commits an offence.

(4) A person may not by reason of the same act be convicted of both—

- (a) an offence under paragraph (1); and
- (b) an offence under paragraph (2) or (3).

False statements

4.—(1) Any person who, for the purpose of obtaining the issue of a permit or the grant of a licence (whether for themselves or another), knowingly or recklessly—

(a) makes a statement or representation which is false in a material particular; or
(b) furnishes a document or information which is false in a material particular,
commits an offence.

(2) Any person who, for the purpose of the notice referred to in Article 12(2), makes a statement or representation which is false in a material particular commits an offence.

Misuse of permits or licences

5. Any person who knowingly falsifies or alters a permit or of a licence commits an offence.

Compliance with permits and licences

6. Any person who knowingly contravenes a condition or requirement of a permit or of a licence commits an offence.

Obstruction and deception

7.—(1) Any person who intentionally obstructs an authorised person acting in accordance with the powers conferred in Part 5 commits an offence.

(2) Any person who, without reasonable excuse, fails to give any assistance or information reasonably required by an authorised person acting in accordance with the powers conferred in Part 5 commits an offence.

(3) Any person who, with intent to deceive, pretends to be an authorised person commits an offence.

(4) Any person who furnishes to an authorised person any information knowing it to be false or misleading commits an offence.

Offences committed by bodies corporate, partnerships and unincorporated associations

8.—(1) For the purposes of this Order—

- (a) section 20(2) of the Interpretation Act (Northern Ireland) 1954 applies with the omission of the words “the liability of whose members is limited”;
- (b) section 20(3) of that Act does not apply; and
- (c) where the affairs of a body corporate are managed by its members, section 20(2) of the Act applies in relation to the acts or defaults of a member in connection with the member’s functions of management as if the member were a director of the body corporate.

(2) Where any offence under this Order committed by a partnership is proved—

- (a) to have been committed with the consent or connivance of a partner; or
- (b) to be attributable to any neglect on the partner’s part,

the partner as well as the partnership commits the offence and is liable to be proceeded against and punished accordingly.

(3) For the purposes of paragraph (2), “partner” includes a person purporting to act as a partner.

(4) Where any offence under this Order committed by an unincorporated association (other than a partnership) is proved—

- (a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body; or
- (b) to be attributable to any neglect on the part of such an officer or member,

the officer or member as well as the association commits the offence and is liable to be proceeded against and punished accordingly.

- (5) For the purpose of proceedings under paragraphs (2) or (4)—
 - (a) rules of court relating to the service of documents have effect as if the partnership or association were a body corporate; and
 - (b) the provisions of section 18 (procedure on charge) of the Criminal Justice Act (Northern Ireland) 1945⁽¹⁾ and Article 166 (corporations) of, and Schedule 4 to, the Magistrates' Courts (Northern Ireland) Order 1981⁽²⁾ apply as they apply in relation to a body corporate.
- (6) A fine imposed on a partnership or an unincorporated association on its conviction for an offence under this Part may be made payable out of the funds of the partnership or the association.

Proceedings for offences: venue and time limits

9.—(1) For the purposes of conferring jurisdiction in any proceedings for the prosecution of an offence under this Part, any such offence is deemed to have been committed in any place where the offender is found or to which the offender is first brought after the commission of the offence.

(2) Summary proceedings for such an offence may be commenced within the period of six months from the date on which the prosecutor first knows of evidence sufficient, in the prosecutor's opinion, to justify proceedings.

(3) But, no such proceedings may be commenced more than two years after the commission of the offence.

- (4) For the purposes of paragraph (2)—
 - (a) a certificate signed by or on behalf of the prosecutor and stating the date on which the prosecutor first knew of evidence to justify the proceedings is conclusive evidence of that fact; and
 - (b) a certificate stating that matter and purporting to be so signed is deemed to be so signed unless the contrary is proved.

(1) 1945 c. 15 (N.I.)

(2) S.I. 1981/1675 (N.I.)