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STATUTORY RULES OF NORTHERN IRELAND

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**2019 No. 159**

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

**PART 1**

**INTRODUCTORY PROVISIONS**

**Citation**

**1.—**(1) This Order may be cited as the Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019 and comes into operation on 1st December 2019.

(2) This Order applies to Northern Ireland only in so far as it does not deal with import and export controls and trade with any place outside the United Kingdom, within the meaning of paragraph 20 of Schedule 3 to the Northern Ireland Act 1998<sup>(1)</sup>.

**Interpretation**

**2.—**(1) The Interpretation Act (Northern Ireland) 1954<sup>(2)</sup> applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

“authorised person” means any person authorised, for the purposes of the enforcement of this Order, by the Department in writing;

“biodiversity” means the variability among living organisms from all sources, including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part, including diversity within species, between species and of ecosystems;

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

“Department” means the Department of Agriculture, Environment and Rural Affairs;

“ecosystem services” means the direct and indirect contributions of ecosystems to human wellbeing;

“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 29 (licences for activities relating to invasive alien species);

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<sup>(1)</sup> 1998 c. 47

<sup>(2)</sup> 1954 c. 33 (N.I.)

“owner”, in relation to any land, means any person (other than a mortgagee not in possession) who is the holder of or who is for the time being entitled to sell or otherwise dispose of the fee simple (including a fee farm grant) of the land or any person entitled to possession of the land by virtue of any estate in the land other than a mere licence;

“permit” means a permit issued in accordance with Article 28 (permits for activities relating to invasive alien species);

“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 of 22 October 2014 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(3);

“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 insofar as essential to enable the breeding of those features into non-invasive species;

“sample” means a sample of blood, tissue or other biological material;

“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 European 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; and

“vehicle” includes any aircraft, boat, hovercraft or vessel.

(3) Expressions used in this Order and in the Principal Regulation, unless otherwise defined, have the same meaning in this Order as they do in the Principal Regulation.