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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 1st October 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.

**Interpretation**

**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>(1)</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>(2)</sup>;
- (c) an officer authorised for the purposes of the enforcement of this Order by a competent authority specified in article 21<sup>(2)</sup>;
- (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>(3)</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>(4)</sup>; and
- (b) any part of the waters within British fishery limits<sup>(5)</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;

(2) 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).

(3) S.I. 2002/791.

(4) 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.

(5) As defined by section 1 of the Fishery Limits Act 1976 (c. 86).

(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)(6);

“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)(7);

“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)(8).

(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

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(6) 1966 c. 36. Section 2 was amended by S.I. 2003/2919 and 2008/1824.

(7) S.I. 1999/1126.

(8) 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.

Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971<sup>(9)</sup> in the part of the United Kingdom where the goods are seized.

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(9) [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.