
STATUTORY RULES OF NORTHERN IRELAND

2019 No. 159

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

PART 3

Defences

Transitional provisions for commercial stocks

15.—(1) It is a defence to a charge of committing an offence to which this Article applies for a keeper of a commercial stock of specimens to show that—

- (a) the specimens were acquired before their inclusion on the Union list; and
 - (b) the activity constituting the offence—
 - (i) was carried out for one of the purposes listed in paragraph (3); and
 - (ii) was not carried out after the end of the relevant period following the inclusion of the species to which the specimen in question belongs on the Union list.
- (2) This Article applies to an offence under Article 3(1)(a), (c), (d) or (e).
- (3) The purposes are—
- (a) sale or transfer to a research or ex situ conservation establishment which holds a relevant permit, provided that the conditions in paragraph (4) apply;
 - (b) medicinal activities pursuant to a relevant permit, provided that the conditions in paragraph (4) apply;
 - (c) humane dispatch (in the case of animals) or destruction (in the case of plants, fungi or micro-organisms) of the specimen to exhaust the keeper's stock; or
 - (d) sale or transfer to a non-commercial user, provided that the conditions in paragraph (4) apply.
- (4) The conditions are that, at all material times—
- (a) the specimen was kept and transported in contained holding; and
 - (b) appropriate measures were in place to ensure that the specimen could not reproduce or escape.
- (5) For the purposes of paragraph (1)(b)(ii), the relevant period is—
- (a) in relation to an activity carried out for a purpose mentioned in paragraph (3)(a) to (c), two years;
 - (b) in relation to an activity carried out for a purpose mentioned in paragraph (3)(d), one year.
- (6) In this Article, “relevant permit” means—
- (a) for the purposes of paragraph (3)(a), a permit under—
 - (i) article 28(1)(a);

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- (ii) article 35(1)(a) of the Invasive Alien Species (Enforcement and Permitting) Order 2019; or
 - (iii) any provision in legislation which applies in relation to Scotland and which enables permits to be issued for research or ex situ conservation in accordance with Article 8 of the Principal Regulation; and
- (b) for the purposes of paragraph (3)(b), a permit under—
- (i) article 28(1)(b);
 - (ii) article 35(1)(b) of the Invasive Alien Species (Enforcement and Permitting) Order 2019; or
 - (iii) any provision in legislation which applies in relation to Scotland and which enables permits to be issued for scientific production and subsequent medicinal use in accordance with Article 8 of the Principal Regulation.

Commencement Information

II [Art. 15](#) in operation at 1.12.2019, see [art. 1\(1\)](#)

Changes to legislation:

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