
STATUTORY RULES OF NORTHERN IRELAND

2019 No. 159

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

PART 5

ENFORCEMENT

Power of seizure

21.—(1) An authorised person exercising the powers conferred in this Part may seize anything where they have reasonable grounds for believing that—

- (a) seizure is necessary for the purpose of determining whether an offence under this Order is being or has been committed;
- (b) it is a specimen which has been unlawfully transported or is being unlawfully kept in contravention of this Order;
- (c) seizure is necessary for the conservation of evidence; or
- (d) seizure is necessarily incidental to seizure of a thing pursuant to sub-paragraph (a), (b) or (c).

(2) If, in the opinion of the authorised person, it is not for the time being practicable for the authorised person to seize and remove any item from premises, the authorised person may require any person on the premises to secure that the item is not removed or otherwise interfered with until such time as the authorised person may seize and remove it.

(3) Where—

- (a) any item which an authorised person wishes to seize is in a container; and
- (b) the authorised person reasonably considers that it would facilitate the seizure of the item if it remained in the container for that purpose,

any power to seize the item conferred by this Article includes power to seize the container.

(4) The authorised person must make reasonable efforts to give a written receipt for anything that is seized to each of the following persons—

- (a) in the case of an item seized from a person, the person from whom the item was seized;
- (b) in the case of an item seized from premises, any person who appears to the authorised person to be the occupier of the premises, or otherwise in charge of the premises; or
- (c) in any other case, or where the authorised person believes that the item may belong to any person not falling within sub-paragraph (a) or (b), to the person to whom the authorised person believes the item belongs.

(5) Where an item is seized from premises and it is not reasonably practicable to give written notice to the person referred to in paragraph (4), the authorised person must leave a copy of the receipt in a prominent place in or on the premises.

(6) Any relevant organism seized by an authorised person (unless the authorised person is satisfied that it is not a specimen)—

- (a) must be held and transported in a contained holding;
- (b) may be transferred to another authorised person or to an establishment or facility which may lawfully keep it by virtue of a permit or a licence (as the case may be); and
- (c) may, where the authorised person is satisfied it is a specimen, be humanely dispatched (in the case of animals) or destroyed (in the case of plants, fungi or micro-organisms) as the authorised person sees fit.

(7) The court which convicts a person of an offence under this Order must order the offender to reimburse the Department any costs incurred in connection with keeping a relevant specimen by the person to whom it was entrusted following its seizure by an authorised officer under paragraph (1).

(8) Where an order is made under paragraph (7) and the amount specified in the order is not paid within the period specified in the order, the unpaid amount is recoverable summarily as a civil debt.

(9) In paragraph (7), “relevant specimen” means the specimen in relation to which the offence was committed.