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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 8**

**MISCELLANEOUS**

**The Destructive Imported Animals Act (Northern Ireland) 1933**

**30.**—(1) A person may not by reason of the same act be convicted of both—

- (a) an offence under this Order; and
- (b) an offence under the Destructive Imported Animals Act (Northern Ireland) 1933 (“the 1933 Act”)(1).

(2) In so far as any act authorised by a permit or a licence under this Order would otherwise be an offence under section 6 of the 1933 Act (provisions as to offences) unless authorised by a 1933 Act licence, the permit or licence has effect for the purposes of that Act as if it were a 1933 Act licence, authorising that act to the extent authorised by the permit or licence and (so far as relevant to the offence in question) subject to the conditions to which it is subject, including (in the case of a permit) the conditions specified in paragraphs 2 and 3 of Article 8 (permits) of the Principal Regulation.

(3) In so far as any act authorised by a 1933 Act licence would otherwise be an offence under this Order unless authorised by a permit issued under Article 28(1)(a) or (b), and could have been authorised by such a permit, the 1933 Act licence has effect for the purposes of this Order as if it were a permit under this Order, authorising that act to the extent authorised by the 1933 Act licence, and (so far as relevant to the offence in question) subject to the conditions to which the 1933 Act licence is subject and the conditions specified in paragraphs 2 and 3 of Article 8 of the Principal Regulation.

(4) In so far as any act authorised by a 1933 Act licence would otherwise be an offence under this Order unless authorised by a licence, and could have been authorised by such a licence, the 1933 Act licence has effect for the purposes of this Order as if it were a licence under this Order, authorising that act to the extent authorised by the 1933 Act licence, and (so far as relevant to the offence in question) subject to the conditions to which the 1933 Act licence is subject.

(5) In this Article, “1933 Act licence” means a licence granted under section 3 (grant and revocation of licences) of the 1933 Act, or a special licence granted under section 7 (saving in respect of animals kept for exhibition, etc.) of that Act.

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**Commencement Information**

**II** [Art. 30](#) in operation at 1.12.2019, see [art. 1\(1\)](#)

## Fisheries Act (Northern Ireland) 1966

**31.**—(1) A person may not by reason of the same act or omission be convicted of both—

- (a) an offence under this Order; and
- (b) an offence under the Fisheries Act (Northern Ireland) 1966 (“the 1966 Act”)(2).

(2) In so far as any act authorised by a licence or a permit under this Order would otherwise be an offence under section 11(5) (fish culture licences) or 13(2) (prohibition of introduction of fish of certain kinds) of the 1966 Act unless authorised by a 1966 Act licence or permit, the licence or permit has effect for the purposes of that Act as if it were a 1966 Act licence or permit, authorising that act to the extent authorised by the licence or permit and (so far as relevant to the offence in question) subject to the conditions to which it is subject, including (in the case of a permit) the conditions specified in paragraphs 2 and 3 of Article 8 (permits) of the Principal Regulation.

(3) In so far as any act authorised by a 1966 Act licence or permit would otherwise be an offence under this Order unless authorised by a permit issued under Article 28(1)(a) or (b), and could have been authorised by such a permit, the 1966 Act licence or permit has effect for the purposes of this Order as if it were a permit under this Order, authorising that act to the extent authorised by the 1966 Act licence or permit, and (so far as relevant to the offence in question) subject to the conditions to which the 1966 Act licence or permit is subject and the conditions specified in paragraphs 2 and 3 of Article 8 of the Principal Regulation.

(4) In so far as any act authorised by a 1966 Act licence or permit would otherwise be an offence under this Order unless authorised by a licence, and could have been authorised by such a licence, the 1966 Act licence or permit has effect for the purposes of this Order as if it were a licence under this Order, authorising that act to the extent authorised by the 1966 Act licence or permit, and (so far as relevant to the offence in question) subject to the conditions to which the 1966 Act licence or permit is subject.

(5) In this Article, “1966 Act licence or permit” means a licence granted under section 11(1) or a permit issued under section 13(3) or 14(1) (exemptions for artificial propagation and scientific purposes) of the 1966 Act.

### Commencement Information

**I2** [Art. 31](#) in operation at 1.12.2019, see [art. 1\(1\)](#)

## Amendments to the Wildlife (Northern Ireland) Order 1985

**32.**—(1) The Wildlife (Northern Ireland) Order 1985(3) is amended as follows.

(2) In Article 15 (introduction of new species etc.), after paragraph (9) add—

“(10) Paragraph (1)(a) does not apply to species included on 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 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 in invasive alien species as amended from time to time.”.

(3) In Schedule 9 (animals and plants to which Article 15 applies)—

- (a) in Part 1 (animals which are established in the wild), omit the following entries—

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(2) [1966 c. 17 \(N.I.\)](#)

(3) [1985 No.171 \(N.I.2\)](#), as amended by the Wildlife and Natural Environment Act (N.I) [2011 \(c. 15\)](#)

<i>Common name</i>	<i>Scientific name</i>
Crayfish, Signal	<i>Pacifastacus leniusculus</i>
Crayfish, Spiny-cheek	<i>Orconectes limosus</i>
Crayfish, Marbled	<i>Procambarus</i> sp.
Deer, Muntjac	<i>Muntiacus reevesi</i>
Duck, Ruddy	<i>Oxyura jamaicensis</i>
Squirrel, Grey	<i>Sciurus carolinensis</i> ;

(b) in Part 2 (plants), omit the following entries —

<i>Common name</i>	<i>Scientific name</i>
Balsam, Himalayan	<i>Impatiens glandulifera</i>
Cabbage, Skunk	<i>Lysichiton americanum</i>
Fanwort	<i>Cabomba caroliniana</i>
Hogweed, Giant	<i>Heracleum mantegazzianum</i>
Mile-A-Minute Weed	<i>Polygonum perfoliatum</i>
Parrot's Feather	<i>Myriophyllum aquaticum</i>
Pennywort, Floating	<i>Hydrocotyle ranunculoides</i>
Rhubarb, Giant	<i>Gunnera tinctoria</i>
Salvinia, Giant	<i>Salvinia molesta</i>
Water Primrose	<i>Ludwigia</i>
Waterweed, Curly	<i>Lagarosiphon major</i> ;

(c) in Part 2 (plants), for the entry in respect of “Waterweeds (all species) Elodea (all species)” substitute—

“Waterweeds (except Nuttall’s Waterweed)	All species of the genus <i>Elodea</i> , except <i>Elodea nuttallii</i> ”.
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#### **Commencement Information**

**I3** [Art. 32](#) in operation at 1.12.2019, see [art. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019, PART 8.