



Natural Environment and Rural Communities Act 2006

2006 CHAPTER 16

PART 3

WILDLIFE ETC.

Invasive non-native species

50 Sale etc. of invasive non-native species

After section 14 of the 1981 Act insert—

“14ZA Sale etc. of invasive non-native species

- (1) Subject to the provisions of this Part, a person is guilty of an offence if he sells, offers or exposes for sale, or has in his possession or transports for the purposes of sale—
 - (a) an animal or plant to which this section applies, or
 - (b) anything from which such an animal or plant can be reproduced or propagated.
- (2) Subject to the provisions of this Part, a person is guilty of an offence if he publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell—
 - (a) an animal or plant to which this section applies, or
 - (b) anything from which such an animal or plant can be reproduced or propagated.
- (3) This section applies to an animal or plant which—
 - (a) is within section 14(1) or (2) (animals and plants which must not be released etc. into the wild),

- (b) is of a description prescribed for the purposes of this section by an order made by the Secretary of State, and
 - (c) is a live animal or live plant.
- (4) An order under subsection (3) may be made in relation to a particular area or a particular time of the year.
- (5) Subsections (3) and (4) of section 14 (defence of due diligence etc.) apply to an offence under this section as they apply to an offence under that section.”

51 Codes of practice in connection with invasive non-native species

After section 14ZA of the 1981 Act insert—

“14ZB Codes of practice in connection with invasive non-native species

- (1) The Secretary of State may issue or approve a code of practice relating to—
- (a) animals which are not ordinarily resident in and are not regular visitors to Great Britain in a wild state,
 - (b) animals or plants included in Schedule 9, or
 - (c) any description of animals or plants mentioned in paragraph (a) or (b).
- (2) The Secretary of State may revise or replace a code or approve its revision or replacement.
- (3) The Secretary of State must ensure that a code is published in a way that is appropriate for bringing it to the attention of persons likely to be affected by it.
- (4) A person’s failure to comply with a provision of a code does not make him liable to criminal or civil proceedings.
- (5) A code—
- (a) is admissible in evidence in any proceedings, and
 - (b) must be taken into account by a court in any case in which it appears to the court to be relevant.”