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STATUTORY INSTRUMENTS

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**2019 No. 1220**

**The Animal Health, Invasive Alien Species, Plant Breeders' Rights and Seeds (Amendment etc.) (EU Exit) Regulations 2019**

**PART 5**

Invasive alien species: amendment of domestic legislation consequent on the withdrawal of the United Kingdom from the European Union

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

7.—(1) The Invasive Alien Species (Enforcement and Permitting) Order 2019 is amended as follows.

(2) In Parts 1 and 3, in each place where it occurs (except as otherwise indicated in paragraph (3) (b)), for “Union list” substitute “list of species of special concern”.

(3) In article 2(1)—

(a) after the definition of “the licensing authority”, insert—

““the list of species of special concern” means the list of species in the Annex to Commission Implementing Regulation (EU) 2016/1141 adopting a list of invasive alien species of Union concern pursuant to Regulation (EU) No 1143/2014 of the European Parliament and of the Council, as amended from time to time;”;

(b) omit the definition of “the Union list”.

[<sup>F1</sup>(4) In article 12—

(a) after paragraph (1), insert—

“(1A) For the purposes of their application by virtue of paragraph (1), the offences in this Part apply as if the references to “Great Britain” in Article 7(1)(a) and (d) of the Principal Regulation included the offshore marine area, and the references to those offences in Table 1 of Schedule 1 are to be construed accordingly.”;

(b) in paragraph (3), in the definition of “third country ship”—

(i) in sub-paragraph (a), for “(other than Gibraltar) which is not a member State” substitute “other than the United Kingdom”;

(ii) in sub-paragraph (b), for “a member State” substitute “the United Kingdom”.]

[<sup>F2</sup>(4A) In article 16—

(a) in paragraph (1), for the words “Article 7(1)(b) (keeping) or (d) (transportation)” substitute “Article 7(1)(b) (keeping), 7(1)(d) (transportation) or, in relation to introduction into Great Britain from Northern Ireland, 7(1)(a) (introduction into Great Britain)”;

(b) in paragraph (4), in the definitions of “relevant licence” and “relevant permit”—

(ii) at the end of sub-paragraph (a), insert “or”;

(iii) at the end of sub-paragraph (b), for “; or” substitute a full stop;

(iv) omit sub-paragraph (c).

(4B) In article 18—

(a) for paragraph (2) substitute—

“(2) This article applies to—

(a) an offence under article 3(1) in relation to a breach of the restrictions in—

(i) Article 7(1)(b) (keeping), (d) (transportation), (e) (placing on the market) or (f) (use or exchange) of the Principal Regulation;

(ii) where the specimens are qualifying Northern Ireland goods, Article 7(1) (a) (introduction into the territory of Great Britain) of the Principal Regulation; and

(b) an offence under article 3(4).”;

(b) for paragraph (6), substitute—

“(6) In this article—

“qualifying Northern Ireland goods” has the meaning given to it from time to time in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

“relevant permit” means—

(a) for the purposes of paragraph (3)(a), a permit under—

(i) article 35(1)(a) (permits for research or ex situ conservation);

(ii) 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; or

(iii) any provision in legislation which applies in relation to Northern Ireland and which enables permits to be issued for research or ex situ conservation in accordance with Article 8 of [Regulation \(EU\) No 1143/2014](#) on the prevention and management of the introduction and spread of invasive alien species as it has effect in Northern Ireland by virtue of section 7A of the European Union (Withdrawal) Act 2018;

(b) for the purposes of paragraph (3)(b), a permit under—

(i) article 35(1)(b) (permits for medicinal activities);

(ii) 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; or

(iii) any provision in legislation which applies in relation to Northern Ireland and which enables permits to be issued for scientific production and subsequent medicinal use in accordance with Article 8 of [Regulation \(EU\) No 1143/2014](#) on the prevention and management of the introduction and spread of invasive alien species as it has effect in Northern Ireland by virtue of section 7A of the European Union (Withdrawal) Act 2018.”.]

[<sup>F3</sup>(5) In article 21—

(a) in paragraph (2)—

(i) for “the Union” substitute “Great Britain”;

(ii) at the end of sub-paragraph (c)(iv), for the semi-colon substitute a full stop;

- (iii) omit sub-paragraph (d);
- (b) after paragraph (2), insert—
  - “(3) In this Part, references to—
    - (a) import into the United Kingdom are references to import into the United Kingdom by introduction into Great Britain,
    - (b) export from the United Kingdom are references to export from the United Kingdom by transportation from Great Britain,and cognate expressions shall be construed accordingly.”.]
- (6) In Schedule 1—
  - (a) in Table 1, for “[<sup>F4</sup>the] Union”, in both places where it occurs, substitute “[<sup>F5</sup>Great Britain]”;
  - (b) in Table 2, in the entry relating to Article 8 paragraph 2—
    - (i) in conditions (a) and (d), for “of Union concern” substitute “ of special concern ”;
    - (ii) in condition (b), for “competent authorities” substitute “ appropriate authority ”;
    - (iii) in condition (f)—
      - (aa) for “competent authority” substitute “ appropriate authority ”;
      - (bb) for “[<sup>F6</sup>the] Union” substitute “[<sup>F7</sup>Great Britain]”.

- F1** Reg. 7(4) substituted (31.12.2020 immediately before IP completion day) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), regs. 1(1)(b)(i), **7(3)(a)**
- F2** Reg. 7(4A)(4B) inserted (31.12.2020 immediately before IP completion day) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), regs. 1(1)(b)(i), **7(3)(b)**
- F3** Reg. 7(5) substituted (31.12.2020 immediately before IP completion day) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), regs. 1(1)(b)(i), **7(3)(c)**
- F4** Word in reg. 7(6)(a) inserted (31.12.2020 immediately before IP completion day) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), regs. 1(1)(b)(i), **7(3)(d)(i)**
- F5** Words in reg. 7(6)(a) substituted (31.12.2020 immediately before IP completion day) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), regs. 1(1)(b)(i), **7(3)(d)(ii)**
- F6** Word in reg. 7(6)(b)(iii)(bb) inserted (31.12.2020 immediately before IP completion day) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), regs. 1(1)(b)(i), **7(3)(d)(i)**
- F7** Words in reg. 7(6)(b)(iii)(bb) substituted (31.12.2020 immediately before IP completion day) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), regs. 1(1)(b)(i), **7(3)(d)(ii)**

#### Commencement Information

- I1** Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)\(d\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Animal Health, Invasive Alien Species, Plant Breeders' Rights and Seeds (Amendment etc.) (EU Exit) Regulations 2019, Section 7.