
STATUTORY INSTRUMENTS

2019 No. 527

The Invasive Alien Species (Enforcement and Permitting) Order 2019

PART 3

Defences

Transitional provision for non-commercial owners: companion animals E+W+S

16.—(1) It is a defence to a charge of committing an offence under article 3(1) in relation to a breach of the restrictions in [^{F1}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)] of the Principal Regulation to show that the specimen to which the alleged offence relates—

- (a) immediately before its inclusion on the [^{F2}list of species of special concern], was kept as a companion animal; and
 - (b) the condition in paragraph (2) or the condition in paragraph (3) applies.
- (2) The condition in this paragraph is that, at all material times—
- (a) the purpose in keeping the animal was to keep it as a companion animal;
 - (b) the animal was kept in contained holding and appropriate measures were in place to ensure that the animal could not reproduce or escape.
- (3) The condition in this paragraph is that, at all material times—
- (a) the animal was kept for the purpose of transporting it to—
 - (i) a facility to which a relevant licence had been granted;
 - (ii) an establishment to which a relevant permit had been issued; or
 - (iii) a place where it was to be humanely dispatched; and
 - (b) the animal was kept in contained holding and appropriate measures were in place to ensure that the animal could not reproduce or escape.
- (4) In this article—
- “relevant licence” means a licence under—
- (a) article 36(2)(d) (licences for the keeping of animals by a facility); [^{F3}or]
 - (b) any provision in legislation which applies in relation to Scotland and which enables licences to be granted for the keeping of an animal by a facility until the end of its natural life in accordance with Article 31(4) of the Principal Regulation [^{F4}.]
 - (c) ^{F5}...
- “relevant permit” means a permit under—
- (a) article 35 (permits for activities relating to invasive alien species) of this Order; [^{F3}or]

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. *Skip to:* E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent
Changes to legislation: There are currently no known outstanding effects for the The Invasive Alien Species (Enforcement and Permitting) Order 2019, Section 16. (See end of Document for details)

- (b) any provision in legislation which applies in relation to Scotland and which enables permits to be issued in accordance with Article 8 or 9 of the Principal Regulation [^{F4}.]
- (c) ^{F5} ...

Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F1** Words in art. 16(1) substituted (E.W.S.) (31.12.2020 immediately before IP completion day) by S.I. 2019/1220, **reg. 7(4A)(a)** (as inserted 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)**)
- F2** Words in Pt. 3 substituted (E.W.S.) (31.12.2020) by The Animal Health, Invasive Alien Species, Plant Breeders' Rights and Seeds (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1220), regs. 1(2)(d), **7(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F3** Word in art. 16(4) inserted (E.W.S.) (31.12.2020) by S.I. 2019/1220, **reg. 7(4A)(b)(ii)** (as inserted 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)**)
- F4** Art. 16(4): full stop substituted for word (E.W.S.) (31.12.2020) by S.I. 2019/1220, **reg. 7(4A)(b)(iii)** (as inserted) 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)**)
- F5** Words in art. 16(4) omitted (E.W.S.) (31.12.2020) by S.I. 2019/1220, **reg. 7(4A)(b)(iv)** (as inserted 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)**)

Commencement Information

- I1** Art. 16 in force at 1.12.2019, see [art. 1\(1\)](#)

Transitional provision for non-commercial owners: companion animals **N.I.**

16.—(1) It is a defence to a charge of committing an offence under article 3(1) in relation to a breach of the restrictions in Article 7(1)(b) (keeping) or (d) (transportation) of the Principal Regulation to show that the specimen to which the alleged offence relates—

- (a) immediately before its inclusion on the Union list, was kept as a companion animal; and
 - (b) the condition in paragraph (2) or the condition in paragraph (3) applies.
- (2) The condition in this paragraph is that, at all material times—
- (a) the purpose in keeping the animal was to keep it as a companion animal;
 - (b) the animal was kept in contained holding and appropriate measures were in place to ensure that the animal could not reproduce or escape.
- (3) The condition in this paragraph is that, at all material times—
- (a) the animal was kept for the purpose of transporting it to—
 - (i) a facility to which a relevant licence had been granted;
 - (ii) an establishment to which a relevant permit had been issued; or
 - (iii) a place where it was to be humanely dispatched; and
 - (b) the animal was kept in contained holding and appropriate measures were in place to ensure that the animal could not reproduce or escape.
- (4) In this article—
- “relevant licence” means a licence under—

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent

Changes to legislation: There are currently no known outstanding effects for the The Invasive Alien Species (Enforcement and Permitting) Order 2019, Section 16. (See end of Document for details)

- (a) article 36(2)(d) (licences for the keeping of animals by a facility);
- (b) [^{F6}any provision corresponding to paragraphs (1) and (2)(d), read together, of article 36 which applies in relation to Scotland; or]
- (c) [^{F6}any provision corresponding to paragraphs (1) and (2)(d), read together, of article 36 which applies in relation to Northern Ireland;]

“relevant permit” means a permit under—

- (a) article 35 (permits for activities relating to invasive alien species) of this Order;
- (b) [^{F7}any provision corresponding to article 35 which applies in relation to Scotland; or]
- (c) [^{F7}any provision corresponding to article 35 which applies in relation to Northern Ireland;]

Extent Information

E2 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

F6 Words in art. 16(4) substituted (N.I.) (31.12.2020) by The Animal Welfare and Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1590), regs. 1(1)(b)(ii), **8(7)(a)**

F7 Words in art. 16(4) substituted (N.I.) (31.12.2020) by The Animal Welfare and Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1590), regs. 1(1)(b)(ii), **8(7)(b)**

Commencement Information

I2 Art. 16 in force at 1.12.2019, see [art. 1\(1\)](#)

Status:

There are multiple versions of this provision on screen. These apply to different geographical extents.

Skip to:

- E+W+S - England, Wales and Scotland extent
- N.I. - Northern Ireland extent

Changes to legislation:

There are currently no known outstanding effects for the The Invasive Alien Species (Enforcement and Permitting) Order 2019, Section 16.