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STATUTORY INSTRUMENTS

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**2019 No. 527**

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

**PART 3**

**Defences**

**Transitional provisions for commercial stocks**

**18.**—(1) It is a defence to a charge of committing an offence to which this article applies for a keeper of a commercial stock of specimens to show that—

- (a) the specimens were acquired before their inclusion on the Union list; and
  - (b) the activity constituting the offence—
    - (i) was carried out for one of the purposes listed in paragraph (3); and
    - (ii) was not carried out after the end of the relevant period following the inclusion of the species to which the specimen in question belongs on the Union list.
- (2) This article applies to—
- (a) an offence under article 3(1) in relation to a breach of the restrictions in Article 7(1)(b) (keeping), (d) (transportation), (e) (placing on the market) or (f) (use or exchange) of the Principal Regulation; and
  - (b) an offence under article 3(4).
- (3) The purposes are—
- (a) sale or transfer to a research or ex situ conservation establishment which holds a relevant permit, provided that the conditions in paragraph (4) apply;
  - (b) medicinal activities pursuant to a relevant permit, provided that the conditions in paragraph (4) apply;
  - (c) humane dispatch (in the case of animals) or destruction (in the case of plants, fungi or micro-organisms) of the specimen to exhaust the keeper's stock; or
  - (d) sale or transfer to a non-commercial user, provided that the conditions in paragraph (4) apply.
- (4) The conditions are that, at all material times—
- (a) the specimen was kept and transported in contained holding; and
  - (b) appropriate measures were in place to ensure that the specimen could not reproduce or escape.
- (5) For the purposes of paragraph (1)(b)(ii), the relevant period is—
- (a) in relation to an activity carried out for a purpose mention in paragraph (3)(a) to (c), two years;
  - (b) in relation to an activity carried out for a purpose mentioned in paragraph (3)(d), one year.

- (6) In this article, “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 the Principal Regulation;
  - (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 the Principal Regulation.