
STATUTORY INSTRUMENTS

2019 No. 527

WILDLIFE

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

<i>Made</i>	- - - -	<i>at 1 00 p.m. on 7th March 2019</i>
<i>Laid before Parliament</i>		<i>8th March 2019</i>
<i>Laid before the National Assembly for Wales</i>		<i>at 4 00 p.m. on 7th March 2019</i>
<i>Coming into force</i>		<i>1st October 2019</i>

**THE INVASIVE ALIEN SPECIES (ENFORCEMENT
AND PERMITTING) ORDER 2019**

PART 1

Introductory provisions

1. Citation, commencement, extent and application
2. Interpretation

PART 2

Offences

3. Import, keeping, breeding, purchase, release etc. of invasive alien species
- 3A. Emergency measures
4. False statements
5. Misuse of permits or licences
6. Compliance with permits and licences
7. Obstruction and deception
8. Attempts to commit offences etc.
9. Offences by bodies corporate
10. Offences by Scottish partnerships
11. Offences by partnerships and unincorporated associations
12. Application of offences in the offshore marine area
13. Proceedings for offences: venue and time limits

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

PART 2A

Controls on invasive alien species in the offshore marine area

- 13A (1) Subject to paragraph (2), this Order applies (in so...

PART 3

Defences

- 14. Defences: permits and licences
- 15. Defences: enforcement activity
- 16. Transitional provision for non-commercial owners: companion animals
- 17. Transitional provision for non-commercial owners: commercial stocks
- 18. Transitional provisions for commercial stocks
- 19. Defences: due diligence

PART 4

Penalties

20. Penalties etc.

PART 5

Enforcement

- 21. General
- 22. Power to stop and search persons
- 23. Power to enter and search vehicles
- 24. Powers of entry
- 25. Examining relevant organisms and taking samples
- 26. Power of seizure for purposes of investigation etc.
- 27. Power of seizure to facilitate functions of an enforcement officer
- 28. Power to use reasonable force
- 29. Proof of lawful import or export
- 30. Action following seizure
- 31. Information sharing
- 32. Recovery of costs
- 33. Forfeiture
- 33A Meaning of relevant permit and relevant licence

PART 6

Civil sanctions

34. Civil Sanctions

PART 7

Permits

35. Permits for activities relating to invasive alien species

PART 8

Licences

36. Licences for activities relating to invasive alien species

PART 9

Amendments, revocations and effect in relation to other enactments

37. The Destructive Imported Animals Act 1932
38. The Customs and Excise Management Act 1979
39. The Keeping and Introduction of Fish (Wales) Regulations 2014
40. The Keeping and Introduction of Fish (England and River Esk Catchment Area) Regulations 2015
41. Amendments
42. Revocations

PART 10

Review

43. Review: England
Signature

SCHEDULE 1 — Provisions of the Principal Regulation

SCHEDULE 2 — Animals and plants to which Articles 3(2) to (4) apply

- PART 1 — Animals to which the offence in article 3(2) applies
- PART 2 — Plants to which the offence in article 3(3) applies
- PART 3 — Species to which the offences in article 3(4) apply

SCHEDULE 3 — Civil sanctions

PART 1 — Power to impose civil sanctions

1. The regulator
 2. Compliance notice
 3. Restoration notice
 4. Imposition of a fixed monetary penalty
 5. Imposition of a variable monetary penalty
 6. Notice of intent
 7. Combination of penalties
 8. Discharge of liability – fixed monetary penalties
 9. Making representations and objections
 10. Third party undertakings
 11. Final notice
 12. Contents of final notice: compliance and restoration notices
 13. Contents of final notice: fixed and variable monetary penalties
 14. Fixed monetary penalty: discount for early payment
 15. Appeals against a final notice
 16. Fixed monetary penalty: non-payment within the stated payment period
 17. Criminal proceedings
- ##### PART 2 — Stop notices
18. Stop notices
 19. Contents of a stop notice
 20. Appeals
 21. Completion certificates
 22. Compensation
 23. Offences

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

- PART 3 — Enforcement undertakings
- 24. Enforcement undertakings
- 25. Contents of an enforcement undertaking
- 26. Acceptance of an enforcement undertaking
- 27. Discharge of an enforcement undertaking
- 28. Inaccurate, incomplete or misleading information
- 29. Non-compliance with an enforcement undertaking
 - PART 4 — Non-compliance penalties
- 30. Non-compliance penalties
- 31. Appeals
 - PART 5 — Withdrawal and amendment of notices
- 32. Withdrawing or amending a notice
 - PART 6 — Costs recovery
- 33. Recovery of enforcement costs
 - PART 7 — Appeals
- 34. Appeals
 - PART 8 — Guidance and publicity
- 35. Guidance as to use of civil sanctions
- 36. Consultation on guidance
- 37. Publication of enforcement action

SCHEDULE 4 — Amendments

- PART 1 — Amendments to primary legislation
- 1. Wildlife and Countryside Act 1981
 - PART 2 — Amendments to secondary legislation
- 2. The Prohibition of Keeping of Live Fish (Crayfish) Order 1996
- 3. The Wildlife and Countryside Act 1981 (Prohibition on Sale etc. of Invasive Non-native Plants (England) Order 2014

Explanatory Note

Changes to legislation:

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