
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
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

Status: This is the original version (as it was originally made).

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
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PART 5

Enforcement

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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
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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

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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
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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

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 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
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 21. Completion certificates
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 23. Offences
- 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

Status: This is the original version (as it was originally made).

- 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
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- 35. Guidance as to use of civil sanctions
- 36. Consultation on guidance
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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