

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order gives effect to Regulation (EU) No 1143/2014 of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species (OJ No. L317, 4.11.2014, p.35) (the Principal Regulation).

The Order has effect in relation to invasive alien species on the list of invasive alien species of Union concern adopted by the European Commission in accordance with the Principal Regulation is a reference to that list as amended from time to time (see the definition of “Union list” in article 2(1)).

The Order extends to England and Wales, and the offshore marine area. Provisions relating to controls on imports into and exports from the United Kingdom (apart from provisions relating to civil penalties) also extend to Scotland and Northern Ireland (article 1). References to England, Wales, Scotland and Northern Ireland include the adjacent territorial sea (article 2).

Part 2 of the Order contains criminal offences. It also reproduces a small number of existing offences contained in the Wildlife and Countryside Act 1981 (c. 69) that are disapplied by Part 9. Parts 3 and 4 contain defences and penalties, respectively. Part 5 contains enforcement provisions. The Order will be enforced by enforcement officers (which includes constables) and designated customs officials (article 21). Article 21 in Part 5 also designates the competent authorities who are responsible for the official controls to prevent the introduction of invasive alien species into the Union pursuant to Article 15 of the Principal Regulation.

Part 6 provides for civil sanctions (article 34 and Schedule 3). The suite of sanctions available to the regulator (defined in paragraph 1 of Schedule 3) consists of compliance, restoration and stop notices, fixed and variable monetary penalties, as well as the ability to accept third party undertakings and enforcement undertakings.

Part 7 provides for the issue of permits in accordance with Articles 8 and 9 of the Principal Regulation (article 35). Part 8 contains licensing provisions; licences may be granted for a number of different activities, provided specified conditions are met (article 36).

Part 9 contains provisions ensuring that a person may not be convicted of both an offence under this Order and under other specified enactments by reason of the same act. Article 41 and Schedule 4 make consequential amendments and Article 42 contains a consequential revocation as a result of the Order. Part 10 contains a review provision.

An impact assessment has not been produced for this instrument in relation to England, Scotland or Northern Ireland as no impact on the private or voluntary sector is foreseen.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Welsh Government (Land, Nature and Forestry Division), Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3UR.

**Changes to legislation:**

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