
STATUTORY INSTRUMENTS

2019 No. 527

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

PART 9

Amendments, revocations and effect in relation to other enactments

The Destructive Imported Animals Act 1932

37.—(1) A person may not by reason of the same act be convicted of both—

- (a) an offence under this Order; and
- (b) an offence under the Destructive Imported Animals Act 1932⁽¹⁾.

(2) In so far as any act authorised by a permit or a licence under this Order would otherwise be an offence under section 6 of the Destructive Imported Animals Act 1932 (offences etc.) unless authorised by a 1932 Act licence, the permit or licence has effect for the purposes of that Act as such a licence, authorising that act to the extent authorised by the permit or licence and (so far as relevant to the offence in question) subject to the conditions to which it is subject, including (in the case of a permit) the conditions specified in paragraphs 2 and 3 of Article 8 of the Principal Regulation (permits) and set out in Table 2 of Schedule 1.

(3) In so far as any act authorised by a 1932 Act licence would otherwise be an offence under this Order unless authorised by a permit issued under article 35(1)(a) or (b), and could have been authorised by such a permit, the 1932 Act licence has effect for the purposes of this Order as such a permit, authorising that act to the extent authorised by the 1932 Act licence, and (so far as relevant to the offence in question) subject to the conditions to which the 1932 Act licence is subject and the conditions specified in paragraphs 2 and 3 of Article 8 of the Principal Regulation (permits) and set out in Table 2 of Schedule 1.

(4) In so far as any act authorised by a 1932 Act licence would otherwise be an offence under this Order unless authorised by a licence, and could have been authorised by such a licence, the 1932 Act licence has effect for the purposes of this Order as such a licence, authorising that act to the extent authorised by the 1932 Act licence, and (so far as relevant to the offence in question) subject to the conditions to which the 1932 Act licence is subject.

(5) In this article, “1932 Act licence” means a licence granted under section 3 or 8 of the Destructive Imported Animals Act 1932 (grant and revocation of licences, and savings in respect of animals kept for exhibition etc.).

(1) 1932 c. 12. The Act was amended by Schedule 13 to the Agriculture Act 1947 (c. 48); section 31 of the Criminal Law Act 1977 (c. 45); sections 38 and 46 of the Criminal Justice Act 1982 (c. 48); paragraph 1 of Schedule 6 of, and paragraph 1 of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 (c. 16); paragraph 1 of Schedule 13 to, the Deregulation Act 2015 (c. 20); and S.I. 1955/554 and 1992/3302. The Act was repealed in relation to Scotland by section 25 of, and Part 2 of the Schedule to, the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6).

The Customs and Excise Management Act 1979

38. The provisions of this Order apply without prejudice to the Customs and Excise Management Act 1979(2).

The Keeping and Introduction of Fish (Wales) Regulations 2014

39.—(1) A person may not by reason of the same act be convicted of both—

- (a) an offence under this Order; and
- (b) an offence under the Keeping and Introduction of Fish (Wales) Regulations 2014(3).

(2) In so far as any act authorised by a permit or a licence under this Order would otherwise be an offence under regulation 4 or 5 of the Keeping and Introduction of Fish (Wales) Regulations 2014 (introduction and keeping of fish) unless authorised by a 2014 Regulations permit, the permit or licence has effect for the purposes of those Regulations as such a permit, authorising that act to the extent authorised by the permit or licence and (so far as relevant to the offence in question) subject to the conditions to which it is subject, including (in the case of a permit) the conditions specified in paragraphs 2 and 3 of Article 8 of the Principal Regulation (permits) and set out in Table 2 of Schedule 1.

(3) In so far as any act authorised by a 2014 Regulations permit would otherwise be an offence under this Order unless authorised by a permit issued under article 35(1)(a) or (b), and could have been authorised by such a permit, the 2014 Regulations permit has effect for the purposes of this Order as such a permit, authorising that act to the extent authorised by the 2014 Regulations permit, and (so far as relevant to the offence in question) subject to the conditions to which the 2014 Regulations permit is subject and the conditions specified in paragraphs 2 and 3 of Article 8 of the Principal Regulation (permits) and set out in Table 2 of Schedule 1.

(4) In so far as any act authorised by a 2014 Regulations permit would otherwise be an offence under this Order unless authorised by a licence, and could have been authorised by such a licence, the 2014 Regulations permit has effect for the purposes of this Order as such a licence, authorising that act to the extent authorised by the 2014 Regulations permit, and (so far as relevant to the offence in question) subject to the conditions to which the 2014 Regulations permit is subject.

(5) In this article, “2014 Regulations permit” means a permit granted under regulation 6 of the Keeping and Introduction of Fish (Wales) Regulations 2014 (grant of permit).

The Keeping and Introduction of Fish (England and River Esk Catchment Area) Regulations 2015

40.—(1) A person may not by reason of the same act be convicted of both—

- (a) an offence under this Order; and
- (b) an offence under the Keeping and Introduction of Fish (England and River Esk Catchment Area) Regulations 2015(4).

(2) In so far as any act authorised by a permit or a licence under this Order would otherwise be an offence under regulation 4 or 5 of the Keeping and Introduction of Fish (England and River Esk Catchment Area) Regulations 2015 (introduction and keeping of fish) unless authorised by a 2015 Regulations permit, the permit or licence has effect for the purposes of those Regulations as such a permit, authorising that act to the extent authorised by the permit or licence and (so far as relevant to the offence in question) subject to the conditions to which it is subject, including (in the case

(2) 1979 c. 2.

(3) S.I. 2014/3303 (W. 336); amended by S.I. 2017/1012.

(4) S.I. 2015/10; amended by S.I. 2017/1012.

of a permit) the conditions specified in paragraphs 2 and 3 of Article 8 of the Principal Regulation (permits) and set out in Table 2 of Schedule 1.

(3) In so far as any act authorised by a 2015 Regulations permit would otherwise be an offence under this Order unless authorised by a permit issued under article 35(1)(a) or (b), and could have been authorised by such a permit, the 2015 Regulations permit has effect for the purposes of this Order as such a permit, authorising that act to the extent authorised by the 2015 Regulations permit, and (so far as relevant to the offence in question) subject to the conditions to which the 2015 Regulations permit is subject and the conditions specified in paragraphs 2 and 3 of Article 8 of the Principal Regulation (permits) and set out in Table 2 of Schedule 1.

(4) In so far as any act authorised by a 2015 Regulations permit would otherwise be an offence under this Order unless authorised by a licence, and could have been authorised by such a licence, the 2015 Regulations permit has effect for the purposes of this Order as such a licence, authorising that act to the extent authorised by the 2015 Regulations permit, and (so far as relevant to the offence in question) subject to the conditions to which the 2015 Regulations permit is subject.

(5) In this article, “2015 Regulations permit” means a permit granted under regulation 6 of the Keeping and Introduction of Fish (England and River Esk Catchment Area) Regulations 2015 (grant of permit).

Amendments

41. Schedule 4 (amendments) has effect.

Revocations

42. The Prohibition of Keeping of Live Fish (Crayfish) (Amendment) Order 1996(5) is revoked.