
STATUTORY INSTRUMENTS

2019 No. 527

The Invasive Alien Species (Enforcement and Permitting) Order 2019

PART 2

Offences

Import, keeping, breeding, purchase, release etc. of invasive alien species **E+W+S**

3.—(1) A person who contravenes a provision of the Principal Regulation specified in Table 1 of Schedule 1 is guilty of an offence.

(2) A person who releases or allows to escape into the wild any specimen which is of a species of animal which—

- (a) is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state, or
- (b) is included in Part 1 of Schedule 2,

is guilty of an offence.

(3) A person who plants or otherwise causes to grow in the wild any specimen which is of a species of plant which is included in Part 2 of Schedule 2 is guilty of an offence.

(4) A person who—

- (a) sells, offers or exposes for sale, or has in his possession or transports for the purposes of sale, any specimen of a species included in Part 3 of Schedule 2, or
- (b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any specimen of a species included in Part 3 of Schedule 2,

is guilty of an offence.

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

- (a) an offence under paragraph (1); and
- (b) an offence under paragraph (2), (3) or (4).

(6) The power to make an order under section 14ZA(3)(b) of the Wildlife and Countryside Act 1981 (sale of invasive non-native species)^{M1} applies for the purposes of enabling the Secretary of State, or (in relation to Wales) the Welsh Ministers, to add to or remove from Part 3 of Schedule 2 any species of animal or plant as it applies for the purposes of enabling animals or plants to be prescribed for the purposes of section 14ZA of that Act.

[^{F1}(7) Where regulations made under Article 10 of the Principal Regulation (emergency measures) provide that any provision specified in Table 1 of Schedule 1 is to apply in relation to a species specified in those regulations as it applies in relation to an invasive alien species, this Part and Parts 3 to 8 apply in relation to any contravention, or attempted contravention, of any such provision in relation to that species, as they apply in relation to a contravention, or attempted contravention, of that provision in relation to an invasive alien species.]

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent
Changes to legislation: There are currently no known outstanding effects for the The Invasive Alien Species (Enforcement and Permitting) Order 2019, Section 3. (See end of Document for details)

Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F1** [Art. 3\(7\)](#) inserted (E.W.S.) (31.12.2020) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1590), regs. 1(1)(b)(ii), **9(2)**

Commencement Information

- I1** Art. 3 in force at 1.12.2019, see [art. 1\(1\)](#)

Marginal Citations

- M1** [1981 c. 69](#). Section 14ZA was inserted by section 50 of the [Natural Environment and Rural Communities Act 2006](#) (c. 16) and amended by section 25(3) of the [Infrastructure Act 2015](#) (c. 7).

Import, keeping, breeding, purchase, release etc. of invasive alien species **N.I.**

3.—(1) A person who contravenes a provision of the Principal Regulation specified in Table 1 of Schedule 1 is guilty of an offence.

[^{F2}(1A) The offences in this Part apply as if the references to “the Union” in Article 7(1)(a) (bringing into the territory of the Union) and (d) (transportation) of the Principal Regulation included Northern Ireland, and the references to those offences in Table 1 of Schedule 1 are to be construed accordingly.]

(2) A person who releases or allows to escape into the wild any specimen which is of a species of animal which—

- (a) is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state, or
- (b) is included in Part 1 of Schedule 2,

is guilty of an offence.

(3) A person who plants or otherwise causes to grow in the wild any specimen which is of a species of plant which is included in Part 2 of Schedule 2 is guilty of an offence.

(4) A person who—

- (a) sells, offers or exposes for sale, or has in his possession or transports for the purposes of sale, any specimen of a species included in Part 3 of Schedule 2, or
- (b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any specimen of a species included in Part 3 of Schedule 2,

is guilty of an offence.

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

- (a) an offence under paragraph (1); and
- (b) an offence under paragraph (2), (3) or (4).

(6) The power to make an order under section 14ZA(3)(b) of the Wildlife and Countryside Act 1981 (sale of invasive non-native species) ^{F3} applies for the purposes of enabling the Secretary of State, or (in relation to Wales) the Welsh Ministers, to add to or remove from Part 3 of Schedule 2 any species of animal or plant as it applies for the purposes of enabling animals or plants to be prescribed for the purposes of section 14ZA of that Act.

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent

Changes to legislation: There are currently no known outstanding effects for the *The Invasive Alien Species (Enforcement and Permitting) Order 2019, Section 3.* (See end of Document for details)

[^{F4}(7) Where regulations made under article 3A (emergency measures) provide that any provision specified in Table 1 of Schedule 1 is to apply in relation to a species specified in those regulations as it applies in relation to an invasive alien species, this Part and Parts 3 to 8 apply in relation to any contravention, or attempted contravention, of any such provision in relation to that species, as they apply in relation to a contravention, or attempted contravention, of that provision in relation to an invasive alien species.]

Extent Information

- E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F2** Art. 3(1A) inserted (N.I.) (31.12.2020) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), regs. 1(1)(b)(ii), **8(3)(a)**
- F3** 1981 c. 69. Section 14ZA was inserted by section 50 of the [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#) and amended by section 25(3) of the [Infrastructure Act 2015 \(c. 7\)](#).
- F4** Art. 3(7) inserted (N.I.) (31.12.2020) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), regs. 1(1)(b)(ii), **8(3)(b)**

Commencement Information

- I2** Art. 3 in force at 1.12.2019, see art. 1(1)

Status:

There are multiple versions of this provision on screen. These apply to different geographical extents.

Skip to:

- E+W+S - England, Wales and Scotland extent
- N.I. - Northern Ireland extent

Changes to legislation:

There are currently no known outstanding effects for the The Invasive Alien Species (Enforcement and Permitting) Order 2019, Section 3.