
STATUTORY RULES OF NORTHERN IRELAND

2019 No. 159

The Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019

PART 5

ENFORCEMENT

Enforcement notices

22.—(1) Where it appears to the Department that an invasive alien species is present on any premises contrary to Article 17 (rapid eradication at an early stage of invasion) of the Principal Regulation, the Department may serve an enforcement notice on the occupier, requiring that person to carry out such of the following works or operations as may be specified in the notice, that is to say—

- (a) steps to remove and dispose of any invasive alien species, in a manner and within the period specified in the notice; and
 - (b) steps to ensure that the ecosystem is, so far as reasonably possible, restored to its condition before the invasive alien species was caused or permitted to be on the premises.
- (2) An enforcement notice must—
- (a) state the name of the person on whom it is served and the matters constituting the contravention;
 - (b) state the premises to which it relates;
 - (c) specify the species to which it relates;
 - (d) specify the steps which the person served with the notice is required to take to remedy the contravention;
 - (e) specify how the steps are to be carried out;
 - (f) state the date by which those steps must be carried out; and
 - (g) inform the person on whom it is served of the right of appeal under Article 25 (appeals).
- (3) If an enforcement notice is not complied with, the Department may—
- (a) take such steps as it considers reasonably necessary (including the removal and disposal of the invasive alien species) to—
 - (i) ensure compliance with the requirements of the notice;
 - (ii) remedy the consequences of the failure to carry them out; and
 - (iii) recover any expenses reasonably incurred in so doing from the person who was served with the notice.
- (4) An enforcement notice does not take effect until 28 days after it is served.
- (5) The Department may remove and dispose of any invasive alien species without serving an enforcement notice—

- (a) where, in the opinion of the Department, there is an imminent risk of adverse effects or an imminent threat to biodiversity, ecosystem services, human health and/or the economy; and
 - (b) at the cost of the owner and, as the case may be, the occupier who caused or permitted, whether knowingly or otherwise, the invasive alien species to be present on the premises.
- (6) Except where Article 25(3) applies, any person served with an enforcement notice commits an offence if the enforcement notice is not complied with.