

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 therein (OJ L31/35, 4.11.2014) (“the Principal Regulation”) and of Commission Implementation Regulation (EU) No. 2016/1141 (OJ L189/4, 14.7.2016) adopting a list of invasive alien species of Union concern pursuant to Regulation (EU) No. 1143/2014.

This Order provide for criminal offences relating to breach of requirements of the Principal Regulation.

Part 2 of the Order contains criminal offences. Parts 3 and 4 contain defences to those offences and penalties respectively. Part 5 sets out the enforcement provisions. In particular Articles 22 to 24 provide for enforcement notices which allow the Department to serve on the occupier or, where a different person, the owner, or both who has caused or permitted, whether knowingly or otherwise, a species on the Union list to be present on their premises. This Order will be enforced by the Department and authorised persons.

Part 6, provides for the issue of permits (Article 28) in accordance with Articles 8 and 9 of the Principal Regulation. Part 7 contains licencing provisions, which may be issued for a number of different activities, provided specific conditions are met (Article 29).

Part 8 contains provisions ensuring that the Order works alongside related legislation and avoids duplication of controls between similar regimes where possible. Article 32 makes amendments to Parts 1 and 2 of Schedule 9 to the Wildlife (Northern Ireland) Order 1985.

An impact assessment has not been produced for this instrument as no impact on the private, voluntary or public sectors is foreseen.

Changes to legislation:

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