
STATUTORY INSTRUMENTS

2019 No. 223

**The Invasive Non-native Species
(Amendment etc.) (EU Exit) Regulations 2019**

PART 3

Amendment of retained direct EU legislation

Amendment of Chapter 2 (prevention)

- 6.**—(1) Chapter 2 is amended as follows.
- (2) In Article 7(2) for “Member States” substitute “ The appropriate authority ”
- (3) In Article 8—
- (a) in paragraph 1, for “Member States” in both places where it occurs, substitute “ the appropriate authority ”;
 - (b) in paragraph 2—
 - (i) for “Member States shall empower their competent authorities to” substitute “ The appropriate authority may ”;
 - (ii) in point (b), for “competent authorities” substitute “ appropriate authority ”;
 - (iii) in point (f), for “competent authority” substitute “ appropriate authority ”;
 - (c) in paragraph 4, for “competent authority” substitute “ appropriate authority ”;
 - (d) in paragraph 5, for “Member States shall empower their competent authorities to” substitute “ The appropriate authority may ”;
 - (e) omit paragraph 6;
 - (f) in paragraph 7, for “Member States, shall” substitute “ the appropriate authority must ”;
 - (g) in paragraph 8—
 - (i) for “Member States” substitute “ The appropriate authority ”;
 - (ii) omit “by their competent authorities”.
- (4) In Article 9—
- (a) in paragraph 1—
 - (i) for “Member States” substitute “ the appropriate authority ”;
 - (ii) omit “subject to authorisation by the Commission”;
 - (b) omit paragraph 2;
 - (c) for paragraph 3 substitute—

“**3.** Before issuing a permit under paragraph 1 of this Article, the appropriate authority must consult and have regard to the opinions of—

- (a) the Committee;
 - (b) the Scientific Forum;
 - (c) the other responsible authorities^[F1];
 - ^{F2}(d)”;
- (d) in paragraph 4—
- (i) in the words before point (a), for “an authorisation” substitute “ a permit under paragraph 1 of this Article ”;
 - (ii) in point (i), omit “national”;
- (e) in paragraph 5—
- (i) for “Authorisations granted by the Commission” substitute “ Permits granted by the appropriate authority under paragraph 1 of this Article ”;
 - (ii) for “competent authority of the Member State concerned” substitute “ other responsible authorities ”;
 - (iii) for “An authorisation”, in both places where it occurs, substitute “ A permit issued under paragraph 1 ”;
 - (iv) for “the authorisation” substitute “ the permit ”;
 - (v) for “that authorisation” substitute “ that permit ”;
- (f) in paragraph 6—
- (i) for the words “Following an authorisation by the Commission, the competent authority” substitute “ The appropriate authority ”;
 - (ii) omit the last sentence;
- (g) in paragraph 7—
- (i) for “The Commission” substitute “ The appropriate authority ”;
 - (ii) for “an authorisation” substitute “ a permit under paragraph 1 ”;
- (h) in paragraph 8—
- (i) for “The Commission” substitute “ The appropriate authority ”;
 - (ii) for “Member State concerned” substitute “ other responsible authorities ”.
- (5) In Article 10—
- (a) in paragraph 1—
- (i) for “a Member State” substitute “ the appropriate authority ”;
 - (ii) for “its territory” substitute “ ^{F3}Great Britain] ”;
 - (iii) for “competent authorities have” substitute “ Scientific Forum has ”;
 - (iv) for “it may” substitute “ the appropriate authority may ^{F4}by regulations] ”;
- (b) for paragraph 2 substitute—
- “2. When introducing emergency measures under paragraph 1, the appropriate authority must notify the Scientific Forum and the Committee.”;
- (c) in paragraph 3—
- (i) for “The Member State concerned shall” substitute “ The Scientific Forum must ”;
 - ^{F5}(ii) for the words from “of the adoption” to “Union list” substitute “on which the emergency measures come into force”;

[^{F6}(ca) after paragraph 3, insert—

“**3A.** Emergency measures may not apply for a period exceeding 2 years.”;]

(d) omit paragraphs 4 and 5;

[^{F7}(e) for paragraph 6 substitute—

“**6.** Where the Secretary of State includes the invasive alien species on the list of species of special concern before the end of the period referred to in paragraph 3A, the appropriate authority must repeal or amend the emergency measures.”;]

(f) omit paragraph 7.

(6) Omit Articles 11 and 12.

(7) In Article 13—

(a) in paragraph 1—

(i) for “Member States shall” substitute “ The responsible authorities, acting jointly, must ”;

[^{F8}(ii) for the words from “their territory” to “[Directive 2008/56/EC](#)” substitute “Great Britain and the GB marine area”;

(b) in paragraph 2, for “each Member State shall” substitute “ the responsible authorities, acting jointly, must ”;

(c) omit paragraph 3;

(d) in paragraph 4—

(i) in point (b), for “third” substitute “ other ”;

(ii) in point (c), for “the Union” substitute “ [^{F9}Great Britain’s] ”;

(e) for paragraph 5 substitute—

“The responsible authorities must review the action plans established under paragraph 2 at least every six years.”;

(f) after paragraph 5 insert—

“**6.** In this Article and Article 14, the date of adoption of the list of species of special concern is to be taken to be 2nd August 2016.”.

Textual Amendments

- F1** Reg. 6(4)(c): full stop substituted for word (31.12.2020 immediately before IP completion day) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), regs. 1(1)(b)(i), **6(5)(a)(i)**
- F2** Words in reg. 6(4)(c) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), regs. 1(1)(b)(i), **6(5)(a)(ii)**
- F3** Words in reg. 6(5)(a)(ii) substituted (31.12.2020 immediately before IP completion day) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), regs. 1(1)(b)(i), **6(5)(b)(i)**
- F4** Words in reg. 6(5)(a)(iv) inserted (31.12.2020 immediately before IP completion day) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), regs. 1(1)(b)(i), **6(5)(b)(ii)**

- F5** Reg. 6(5)(c)(ii) substituted (31.12.2020 immediately before IP completion day) by The Animal Welfare and Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1590), regs. 1(1)(b)(i), **6(5)(b)(iii)**
- F6** Reg. 6(5)(ca) inserted (31.12.2020 immediately before IP completion day) by The Animal Welfare and Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1590), regs. 1(1)(b)(i), **6(5)(b)(iv)**
- F7** Reg. 6(5)(e) substituted (31.12.2020 immediately before IP completion day) by The Animal Welfare and Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1590), regs. 1(1)(b)(i), **6(5)(b)(v)**
- F8** Reg. 6(7)(a)(ii) substituted (31.12.2020 immediately before IP completion day) by The Animal Welfare and Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1590), regs. 1(1)(b)(i), **6(5)(c)(i)**
- F9** Words in reg. 6(7)(d)(ii) substituted (31.12.2020 immediately before IP completion day) by The Animal Welfare and Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1590), regs. 1(1)(b)(i), **6(5)(c)(ii)**

Commencement Information

- I1** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)(b)

Changes to legislation:

There are currently no known outstanding effects for the The Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019, Section 6.