
STATUTORY INSTRUMENTS

2020 No. 1590

**The Animal Welfare and Invasive Non-native Species
(Amendment etc.) (EU Exit) Regulations 2020**

PART 3

Amendments concerning invasive non-native species

CHAPTER 2

Amendments relating to Northern Ireland

Amendment of the Invasive Alien Species (Enforcement and Permitting) Order 2019

8.—(1) The Invasive Alien Species (Enforcement and Permitting) Order 2019⁽¹⁾ is amended as follows.

(2) In article 2(1)—

- (a) in the definition of “Principal Regulation”, at the end insert “as it has effect by virtue of section 7A of the European Union (Withdrawal) Act 2018”;
- (b) after the definition of “research”, insert—

““the retained EU Regulation” means [EU 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 as it has effect by virtue of section 3 of the European Union (Withdrawal) Act 2018;”.

(3) In article 3—

(a) after paragraph (1), insert—

“(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.”;

(b) after paragraph (6), insert—

“(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.”.

(4) After article 3, insert—

“Emergency measures

3A.—(1) For the purpose of Article 10 of the Principal Regulation (emergency measures), the Secretary of State may, by regulations, take emergency measures, consisting of relevant restrictions.

(2) In paragraph (1), “relevant restrictions” means restrictions of a kind specified in Article 7(1)(a) (bringing into territory of the Union) or (d) (transportation) of the Principal Regulation, in so far as they relate to controls on imports into and exports from the United Kingdom by the introduction of goods into, and transportation of goods from, Northern Ireland.

(3) The power to make regulations under paragraph (1) is exercisable by statutory instrument.

(4) A statutory instrument containing regulations under this regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Regulations made under paragraph (1) may—

- (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);
- (b) make different provision for different purposes.

(6) The Secretary of State may not make regulations under paragraph (1) without the consent of the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.”

(5) Omit article 12.

(6) After Part 2, insert—

“PART 2A

Controls on invasive alien species in the offshore marine area

13A.—(1) Subject to paragraph (2), this Order applies (in so far as it is capable of so applying) to any person—

- (a) in any part of the waters comprised in the offshore marine area;
- (b) on a ship in any part of the waters comprised in the offshore marine area;
- (c) on or under an offshore marine installation.

(2) For the purposes of this article, the Order shall apply—

- (a) as if references to the “Principal Regulation” were to the retained EU Regulation, and references to provisions of the Principal Regulation were construed accordingly;
- (b) as if—
 - (i) references to “invasive alien species” were to any species of animal, plant, fungus or micro-organism included from time to time on the list of species of special concern;
 - (ii) references to “the Union list” were to the list of species of special concern;
 - (iii) in Article 7(1)(a) (bringing into the territory of Great Britain) and (d) (transportation) of the retained EU Regulation, references to “Great Britain” included the offshore marine area, and the references to those offences in Table 1 of Schedule 1 were construed accordingly;
 - (iv) the reference in article 3(8)(a) to article 3A (emergency measures) were a reference to Article 10 of the retained EU Regulation (emergency measures).

- (3) The offences applied by virtue of this Part do not apply to any person on a third country ship.
- (4) In this article—
- “list of species of special concern” has the same meaning as in the retained EU Regulation;
- “offshore marine installation” means any artificial island, installation or structure (other than a ship) which is situated—
- (a) in any part of the waters designated under section 1(7) of the Continental Shelf Act 1962 (exploration and exploitation of the continental shelf)(2); or
- (b) in any part of the waters in any area designated under section 84(4) of the Energy Act 2004 (exploitation of areas outside the territorial sea for energy production)(3);
- “ship” means any vessel (including hovercraft, submersible craft and other floating craft) other than one which permanently rests on, or is permanently attached to, the seabed;
- “third county ship” means a ship which—
- (a) is flying the flag, or registered in, any State or territory other than the United Kingdom; and
- (b) is not registered in the United Kingdom.”.
- (7) In article 16(4)—
- (a) in the definition of “relevant licence”, for sub-paragraphs (b) and (c) substitute—
- “(b) any provision corresponding to paragraphs (1) and (2)(d), read together, of article 36 which applies in relation to Scotland; or
- (c) any provision corresponding to paragraphs (1) and (2)(d), read together, of article 36 which applies in relation to Northern Ireland;”;
- (b) in the definition of “relevant permit”, for sub-paragraphs (b) and (c) substitute—
- “(b) any provision corresponding to article 35 which applies in relation to Scotland; or
- (c) any provision corresponding to article 35 which applies in relation to Northern Ireland;”.
- (8) In article 18(6)—
- (a) in sub-paragraph (a), for paragraphs (ii) and (iii) substitute—
- “(ii) any provision corresponding to article 35(1)(a) which applies in relation to Scotland; or
- (iii) any provision corresponding to article 35(1)(a) which applies in relation to Northern Ireland;”;
- (b) in sub-paragraph (b), for paragraphs (ii) and (iii) substitute—
- “(ii) any provision corresponding to article 35(1)(b) which applies in relation to Scotland; or
- (iii) any provision corresponding to article 35(1)(b) which applies in relation to Northern Ireland.”.
- (9) In article 21(2), omit sub-paragraphs (b) and (c).

(2) 1964 c. 29. Section 1(7) was amended by section 37 of, and paragraph 1 of Schedule 3 to, the Oil and Gas (Enterprise) Act 1982 (c. 23). Areas have been designated under section 1(7) by S.I. 1987/1265 (as amended by S.I. 2000/3062) and 2013/3162.

(3) 2004 c. 20. Section 84(4) was substituted by paragraph 4 of Schedule 4 to the Marine and Coastal Access Act 2009 (c. 23). Areas have been designated under section 84(4) by S.I. 2004/2668 and 2013/3161.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
