
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 1

EU-exit related amendments

The Animal Health, Invasive Alien Species, Plant Breeders' Rights and Seeds (Amendment etc.) (EU Exit) Regulations 2019

7.—(1) The Animal Health, Invasive Alien Species, Plant Breeders' Rights and Seeds (Amendment etc.) (EU Exit) Regulations 2019(1) are amended as follows.

(2) After regulation 1(3), insert—

“(4) Regulation 7 does not extend to Northern Ireland.”.

(3) In regulation 7—

(a) for paragraph (4) substitute—

“(4) In article 12—

(a) after paragraph (1), insert—

“(1A) For the purposes of their application by virtue of paragraph (1), the offences in this Part apply as if the references to “Great Britain” in Article 7(1) (a) and (d) of the Principal Regulation included the offshore marine area, and the references to those offences in Table 1 of Schedule 1 are to be construed accordingly.”;

(b) in paragraph (3), in the definition of “third country ship”—

(i) in sub-paragraph (a), for “(other than Gibraltar) which is not a member State” substitute “other than the United Kingdom”;

(ii) in sub-paragraph (b), for “a member State” substitute “the United Kingdom”.”;

(b) after paragraph (4), insert—

“(4A) In article 16—

(a) in paragraph (1), for the words “Article 7(1)(b) (keeping) or (d) (transportation)” substitute “Article 7(1)(b) (keeping), 7(1)(d) (transportation) or, in relation to introduction into Great Britain from Northern Ireland, 7(1)(a) (introduction into Great Britain)”;

(1) [S.I. 2019/1220](#), to which there are amendments not relevant to these Regulations.

- (b) in paragraph (4), in the definitions of “relevant licence” and “relevant permit”—
 - (ii) at the end of sub-paragraph (a), insert “or”;
 - (iii) at the end of sub-paragraph (b), for “; or” substitute a full stop;
 - (iv) omit sub-paragraph (c).
- (4B) In article 18—
 - (a) for paragraph (2) substitute—
 - “(2) This article applies to—
 - (a) an offence under article 3(1) in relation to a breach of the restrictions in—
 - (i) Article 7(1)(b) (keeping), (d) (transportation), (e) (placing on the market) or (f) (use or exchange) of the Principal Regulation;
 - (ii) where the specimens are qualifying Northern Ireland goods, Article 7(1)(a) (introduction into the territory of Great Britain) of the Principal Regulation; and
 - (b) an offence under article 3(4).”;
 - (b) for paragraph (6), substitute—
 - “(6) In this article—
 - “qualifying Northern Ireland goods” has the meaning given to it from time to time in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;
 - “relevant permit” means—
 - (a) for the purposes of paragraph (3)(a), a permit under—
 - (i) article 35(1)(a) (permits for research or ex situ conservation);
 - (ii) any provision in legislation which applies in relation to Scotland and which enables permits to be issued for research or ex situ conservation in accordance with Article 8 of the Principal Regulation; or
 - (iii) any provision in legislation which applies in relation to Northern Ireland and which enables permits to be issued for research or ex situ conservation in accordance with Article 8 of [Regulation \(EU\) No 1143/2014](#) on the prevention and management of the introduction and spread of invasive alien species as it has effect in Northern Ireland by virtue of section 7A of the European Union (Withdrawal) Act 2018;
 - (b) for the purposes of paragraph (3)(b), a permit under—
 - (i) article 35(1)(b) (permits for medicinal activities);
 - (ii) any provision in legislation which applies in relation to Scotland and which enables permits to be issued for scientific production and subsequent medicinal use in accordance with Article 8 of the Principal Regulation; or
 - (iii) any provision in legislation which applies in relation to Northern Ireland and which enables permits to be issued for scientific production and subsequent medicinal use in accordance with Article 8 of [Regulation \(EU\) No 1143/2014](#) on the prevention and management of the introduction and

spread of invasive alien species as it has effect in Northern Ireland by virtue of section 7A of the European Union (Withdrawal) Act 2018.”.”;

(c) for paragraph (5) substitute—

“(5) In article 21—

(a) in paragraph (2)—

(i) for “the Union” substitute “Great Britain”;

(ii) at the end of sub-paragraph (c)(iv), for the semi-colon substitute a full stop;

(iii) omit sub-paragraph (d);

(b) after paragraph (2), insert—

“(3) In this Part, references to—

(a) import into the United Kingdom are references to import into the United Kingdom by introduction into Great Britain,

(b) export from the United Kingdom are references to export from the United Kingdom by transportation from Great Britain,

and cognate expressions shall be construed accordingly.”.”;

(d) in paragraph (6), in paragraphs (a) and (b)(iii)(bb)—

(i) before “Union” insert “the”;

(ii) for “United Kingdom” substitute “Great Britain”.