

Government response: The Invasive Alien Species (Enforcement and Permitting) Order 2019

The Committee has raised various reporting points under Standing Orders 21.2(ix) and (vi), which will be addressed in turn.

In relation to reporting point 2 under SO 21.2(vi), there is a typographical error in the Welsh Explanatory Memorandum meaning that the title of this statutory instrument is incorrectly referred to as the “Invasive Alien Species (Enforcement and Permitting) (Wales) Order 2019” (*emphasis added*). The title should of course read the “Invasive Alien Species (Enforcement and Permitting) Order 2019”. This will be corrected via a correction slip. This will be done on a Wales only basis as the Explanatory Memorandum is specific to Wales. The UK Government have drafted their own, separate EM.

In relation to reporting point 3 also under SO 21.2(vi), we have been in discussions with Defra officials to clarify the position in relation to the cross-reference in article 32(1)(a). Following this, we can confirm that the reference is intended to be to article 27(2). When drafting the Order, it was considered that it was more sensible to refer to a detention under article 27(2) as this is the power to continue the detention for a period of 5 days, which is distinct from the power of seizure under article 27(1). In this context, that is the context of the costs of storing a relevant organism, it is sensible to refer to the power enabling continuous detention where there would be such associated costs.

We note the Committee’s first reporting point and reiterate the concession given by the Legal Advisers that there are good reasons as to why this instrument is not made in both Welsh and English.