

## Tackling Invasive Non-Native Species in the UK Overseas Territories

### Checklist for legal biosecurity components<sup>1</sup>

This checklist is intended to provide a comprehensive list of elements which together comprise effective biosecurity legislation. Some elements may not be relevant to all Territories, and some elements may already be present in existing legislation.

Territorial legislation should include / underpin (as appropriate) the following:

#	Component	In existing legislation for <i>[Jurisdiction]</i>	Required	In the model legislation
1	Preamble to set out the purpose and scope of the legislation, including its links/adherence to international treaties (CBD where appropriate) and INNS norms.			Long title and clause Pre5 (Functions)
	<b>MANAGEMENT, PRIORITISATION AND FRAMEWORK</b>			
2	Definition of IAS/INNS: definition to cover declared noxious species and non-permitted species (or, on a black list system, prohibited species), both terrestrial and marine.			Clause Pre2 and Schedule or Specifications. Defined as “invasive species” and “pests”
3	Specific inclusion of national legislation to non-native invasive species of broader environmental concern as well as plant health and animal health.			General effect of definition of ‘invasive species’
4	National policy framework established, including a biosecurity strategy.			Mentioned in note to BE2
5	Risk assessment procedures (including pathway analysis), to determine permitted/prohibited status of species, risk goods and regulation of pathways.			Term ‘pathway’ not used but powers throughout the Bill
6	Establishment of White list and / or Black list of species, including process for updating (adding & removing) based on the precautionary principle and including a decision-making process			Overall effect of the power to make specifications etc. Term mentioned in the Exp

<sup>1</sup> Annotated by John Wilson, consultant drafter of the Generic Biosecurity Bill, 30 May 2019

	which is transparent with public/NGO engagement and option for submission.			Note; implicit in BBC1 power.
7	Nomination of Authorised Biosecurity Officers.			Part DB and clause DB2
8	Duties and powers of Authorised Officers.			Parts PBO and BIC
9	Responsibilities of other agencies (eg Immigration, Customs, Postal Workers and Police) required to lend assistance to or be designated as the Authorised Biosecurity Officers in carrying out their duties.			Several mentions of co-ordination and consultation in the Bill
10	Fines and sanctions, with provision for spot-fines: penalties to be effective, dissuasive and proportionate.			Penalties to be decided locally; penalty provisions throughout, and Part OP for additional provisions. Fixed Penalty system, but not 'spot-fines'.
11	Establishment/nomination of data collection & management body/authority.			Part DB. Biosecurity register and records in clause DB7
	<b>PRE-BORDER AND BORDER</b>			
12	Regulation of treatment of certain goods, shipping containers etc in country of origin/transhipment as a condition of import.			Import specifications power in clause BIP4. Transit in BIP10
13	Restriction on importation of regulated articles and establishment of import health and cleanliness standards.			Part BIP generally
14	Appropriate licensing systems, including phytosanitary and zoosanitary measures.			System of specifications in Parts BIP and BEP, with licensing allowed for.
15	Regulation of the introduction and release of beneficial organisms and biocontrol agents.			Clause BIC11
16	Responsibility to provide suitably equipped biosecurity facilities, including detection, incineration and disinsection and disinfection of vessels and aircraft.			Parts BIP, BQ, PBO, VA. See also clause Adm6
17	Approval of facilities for biosecurity inspection.			Part BBC
18	Specified ports of entry for regulated articles (goods, species).			Part BBC
19	Declaration of quarantine stations.			Part BQ

20	Procedures at ports of entry for all vessels (air or sea), including provision for inspection of in-transit articles, postal items, and those imported for a special purpose such as research or display.			Parts VA and BIP. See clause BIP9 for exemptions
21	Regulation of landed cargo under quarantine control.			Part BQ
22	Regulation to prevent an animal or commodity from being landed without authorisation.			Part BIP. Also offence under clause BBC1
23	Establishment of requirements for disinfection, and disinsection procedures for vessels, aircraft, containers etc.			Parts BIP, VA and regulation-making power
24	Powers of entry and search of vessels.			Part PBO, VA
25	Procedures in the event of seizure of live plant material, live animals, and articles, and their disposal.			Part PBO. See also Part BIC powers
26	Inclusion of biosecurity provisions in passenger declaration forms.			Clause VA9
27	Inspection of boots, clothing and personal belongings of passengers for seeds, invertebrates and other viable propagules.			Clause VA9
28	Discharge and treatment of garbage (air and sea vessels).			Clause VA8
29	Discharge and treatment of ballast water.			Clause VA8
30	Procedures for hull inspection, cleaning and clearance.			Clause VA2 and Regulations
31	Inspection of hulls on visiting vessels, and those transiting Territory waters.			Transiting vessels not covered
32	Provision for control of stowaways on board vessels e.g. rats, mice, invertebrates			Clause VA8
33	Recovering the costs of operating facilities from the user / importer.			Provision for fees and charges; Fees Regs
34	Powers to ban sales or exchange (animal, plant, marine species).			Clause OP1
35	Prohibition of intentional release of any species into an area it is not normally native (animal, plant, marine species).			Clause OP2
36	Appropriate pre-border/border procedures at national inter-island level, for example disinsection of aircraft.			Clause BIC8A; conditions of a licence could relate to vessels and aircraft
	<b>EARLY DETECTION AND RAPID RESPONSE</b>			
37	Responsibility and obligation for surveillance.			Clause Pre5 and Part BIC

38	Responsibility and obligation for rapid response, including eradications.			Parts BIC and BE
39	Powers to ban keeping and breeding/growing (animal, plant, marine species), including on private property.			Clauses OP1 and 2
40	Prohibition of transport.			Clauses OP1 and 2
41	Powers of entry and search of land, including private land and domestic dwellings.			Part PBO. See also Part BIC
42	Powers to seize and destroy (risk goods, animal, plant, pathogens, marine species).			Part PBO. See also Part BIC
43	Powers to enforce registration of regulated domestic / pet animals or plants that are allowed to be kept, e.g. goats.			Regulation-making powers in clause MP9
44	Powers to enforce that kept animals are sterile or rendered unable to reproduce.			Regulation-making powers in clause MP9
45	Powers to control species on private land.			Part BIC and clauses OP1 and OP2
46	Powers to enforce landowners / vessel owners to control species.			Part BIC and Part VA
47	Powers to authorise and regulate the use of force and fire arms by authorised officers (including normally prohibited / restricted firearms).			Regulation-making powers in clause MP9
48	Powers to authorise and regulate the use of traps and pesticides by authorised officers (including normally prohibited / restricted types).			Regulation-making powers in clause MP9
49	Declaration of emergencies and specification of actions to be taken to prevent the spread of a detected pest, weed, disease (phytosanitary and zoosanitary) or prohibited species, including exclusion zones.			Part BE
50	Regulations for declaring noxious species (can include those already present).			Clauses BBC 1 and BIC10
51	Inclusion of regulations for internal biosecurity: between major islands, to offshore islands and outer islands.			Clause BIC8A
52	Requirement to notify the public and parliament of the presence of an INNS.			Part BIC declarations

53	Powers to recover management costs from those that undertake illegal actions which result in invasions (polluter pays principle).			Not included as such. But fines can go to the cost of restoration etc. Also fees and charges should go to the Department
	<b>EXISTING INVASIVE NON-NATIVE SPECIES</b>			
54	Regulation for eradication, containment and control of already established invasive species.			Part BIC and PBO
55	Provisions for declared Noxious Species, including species not yet present and those already present. The powers to act (access land, eradicate etc) can be linked to such declaration.			Part BIC control areas. See also BIP5 as to access arrangements
56	Declaring and maintaining areas free or of low pest and disease prevalence (phytosanitary and zoosanitary).			Clauses BIC7 & 8
	<b>HORIZONTAL MEASURES</b>			
57	Regulations link to national development planning, biodiversity conservation and environmental impact assessment, and existing relevant legislation.			Implied in the scheme of the Bill
58	Provision for derogations, eg for research, conservation, biological control, etc.			Clause BIP9