

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

### CHECKLIST FOR LEGAL BIOSECURITY COMPONENTS

#### SIMPLIFIED VERSION

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.

The notes in the 5th column refer to both the original generic Biosecurity Bill and the revised version of March 2020

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

#	Component	In existing legislation for [ <i>Jurisdiction</i> ]	Required	In the generic Biosecurity Bill
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 of Govt)
	<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.			Definitions in clause [Pre2]/[Schedule 1] and powers in clause [BBC1]/[BBC2] to declare prohibited & restricted species

3	Specific extension 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' and see clause [Pre6] as to other laws
4	National policy framework established, including a biosecurity strategy.			Not a legislative requirement, but reflected in the drafting
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 requirements throughout the Bill to make risk assessment
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 which is transparent with public/NGO engagement and option for submission.			Overall effect of the power to make specifications etc. Term mentioned in the Exp Note; implicit in clause [BBC1]/[BBC2]
7	Designation of authorised Biosecurity Officers.			See clause [DB2]/[Adm1]
8	Duties and powers of Biosecurity Officers.			There are powers in Parts [BIP],[BEP], [BQ] and [BIC] and see also Part [PBO]/Clause

				[Adm3] and [Schedule 3]
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 original Bill See also clauses [Pre6] and [MP13] in revised draft
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 see Part [OP] for additional provisions. Fixed Penalty system (not ‘spot fines’) in clause [OP8]
11	Establishment/nomination of data collection & management body/authority.			See Part [DB]/[Adm]. Also Biosecurity Register and records in clause [DB7]/[Adm4]
	<b>PRE-BORDER AND BORDER</b>			
12	Regulation of treatment of certain goods, shipping containers etc in country of origin/transshipment as a condition of import.			Power to issue import specifications in clause [BIP4].

				Transit control in clause [BIP10]/[BIP7]
13	Restriction on importation of regulated articles and establishment of import health and cleanliness standards.			Parts [BIP] and [BQ] generally
14	Appropriate licensing systems, including phytosanitary and zoosanitary measures.			Power to issue specifications in Part [BIP] for imports and Part [BEP] for exports, with licensing/permit system allowed for
15	Regulation of the introduction and release of beneficial organisms and biocontrol agents.			Clause [BIC11] in both versions
16	Responsibility to provide suitably equipped biosecurity facilities, including detection, incineration and disinsection and disinfection of vessels and aircraft.			Parts [VA], [BIP], [BQ] and clause [Adm6] in original version. Parts [CVA], [BIP], [BQ] and clause [MP11] in revised version
17	Approval of facilities for biosecurity inspection.			Part [BBC]/Not expressly included in revised version
18	Specified ports of entry for regulated articles (goods, species).			Clause [BBC]/Not included
19	Declaration of quarantine stations.			Part [BQ]/Not expressly included

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]/Parts [CVA] and [BIP]. See clause [BIP9]/[BIP6] for exemptions
21	Regulation of landed cargo under quarantine control.			Part [BQ] in both versions
22	Regulation to prevent an animal or commodity from being landed without authorisation.			Part [BIP] and offence under clause [BBC1]
23	Establishment of requirements for disinfection, and disinsection procedures for vessels, aircraft, containers etc.			Parts [VA] and [BIP]/[CVA] and [BIP], and regulation-making power
24	Powers of entry and search of vessels.			Parts [VA] and [PBO]/Part [CVA] and [Schedule 3]
25	Procedures in the event of seizure of live plant material, live animals, and articles, and their disposal.			Part [PBO]/[Schedule 3] See also Part [BIC] powers
26	Inclusion of biosecurity provisions in passenger declaration forms.			Clause [VA9]/[CVA7]
27	Inspection of boots, clothing and personal belongings of passengers for seeds, invertebrates and other viable propagules.			Clause [VA9]/[CVA7]
28	Discharge and treatment of garbage (air and sea vessels).			Clause [VA8][CVA6]
29	Discharge and treatment of ballast water.			Clause [VA8][CVA6]

30	Procedures for hull inspection, cleaning and clearance.			Clause [VA2]/[CVA2], and regulations
31	Inspection of hulls on visiting vessels, and those transiting Territory waters.			All vessels require landing clearance and can be inspected – clause [BIP1]/[BBC1]. Transit is in clause [BIP10]/[BIP7]
32	Provision for control of stowaways on board vessels e.g. rats, mice, invertebrates			Clause [VA8]/[CVA6]
33	Recovering the costs of operating facilities from the user / importer.			Provision for fees and charges; Fees Regs under clause [MP9]
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]/[BIC6]; 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]/Clauses [BIC7 and 8]

39	Powers to ban keeping and breeding/growing (animal, plant, marine species), including on private property.			Clauses [OP1 and OP2]
40	Prohibition of transport.			Clauses [OP1 and OP2]
41	Powers of entry and search of land, including private land and domestic dwellings.			Part [PBO]/[Schedule 3]. See also Part [BIC]
42	Powers to seize and destroy (risk goods, animal, plant, pathogens, marine species).			Part [PBO]/[Schedule 3]. 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]/[CVA]
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]/Clause [BIC7] for emergencies; Part [BIC] for exclusion zones
50	Regulations for declaring noxious species (can include those already present).			Clauses [BBC 1]/[BBC2] and [BIC10]
51	Inclusion of regulations for internal biosecurity: between major islands, to offshore islands and outer islands.			Clause [BIC8A]/[BIC6]
52	Requirement to notify the public and parliament of the presence of an INNS.			Part [BIC] declarations and clause [Adm8]
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 Government. See clause [Adm6] in revised version
	<b>EXISTING INVASIVE NON-NATIVE SPECIES</b>			
54	Regulation for eradication, containment and control of already established invasive species.			Part [BIC] and Part [PBO]/[Schedule 3]
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.			Clause [BBC1]/[BBC2] and Part [BIC] control areas/zones.



				See also clause [BIP5] of the original version as to access arrangements
56	Declaring and maintaining areas free or of low pest and disease prevalence (phytosanitary and zoosanitary).			Clauses [BIC7 & 8]/Clauses [BIC4 and 5]
	<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. See also clause [Pre6]
58	Provision for derogations, eg for research, conservation, biological control, etc.			Clause [BIP9]/[BIP6]