

Tackling Invasive Non-Native Species in the UK Overseas Territories

SUBSIDIARY LEGISLATION

SIMPLIFIED VERSION

Note: The following 4 drafts are suggestions for the main items of subsidiary legislation that will probably be needed to implement an Ordinance based on the revised generic draft Bill. They are illustrative only and not meant to be exhaustive.

The format is a fairly standard one for Overseas Territories but is a matter for local decision. The signatory will be whoever has the authority to sign subsidiary legislation. An Explanatory Note might not be needed in some jurisdictions. The section references are to the revised generic Biosecurity Bill.

[JURISDICTION]

BIOSECURITY ORDINANCE [2020]

(No. [] of 2020)

- A. Import & Export Categories Order
- B. Notifiable Invasive Species, Pests and Diseases Order
- C. Fees and Charges Regulations
- D. Specifications of Import & Export Conditions

A. Import and Export Categories Order

BIOSECURITY (IMPORT AND EXPORT CATEGORIES) ORDER [2020]

(Section [BBC2])

Citation and commencement

1. (1) This Order may be cited as the Biosecurity (Import and Export Categories) Order [2020].

(2) This Order comes into force on [the date of commencement of the Ordinance] *[OR specific date]*.

Prohibited and restricted import regulated articles

2. (1) The categories of regulated articles the importation of which is prohibited for all purposes are as set out in Part A of Schedule 1.

(2) The categories of regulated articles the importation of which is permitted subject to conditions specified by the Director of Biosecurity under section [BIP4] are as set out in Part B of Schedule 1.

Prohibited and restricted export regulated articles

3. (1) The categories of regulated articles the exportation of which is prohibited for all purposes are as set out in Part A of Schedule 2.

(2) The categories of regulated articles the exportation of which is permitted subject to conditions specified by the Director of Biosecurity under section [BEP4] are as set out in Part B of Schedule 2.

Dated this day of [2020]

X Y Z
Clerk (*for the Governor in Council*)

SCHEDULE 1
(Art.2)

PROHIBITED & RESTRICTED IMPORT REGULATED ARTICLES

PART A
Non-native species

Animals and animal products
General animal import prohibitions
[Giant African snail, etc.]

Specific animal import prohibitions
The importation into [*Jurisdiction*] of the animal products listed in the first column of Table A is subject to the specific prohibitions shown in the second column.

TABLE A

Plants and plant products
General plant import prohibitions
[Fruit fly, etc.]

Specific plant import prohibitions
The importation into [*Jurisdiction*] of the plants listed in the first column of Table B is subject to the specific prohibitions shown in the second column.

TABLE B

PART B
Pests and diseases

Animals

Plants

SCHEDULE 2

(Art. 3)

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PROHIBITED & RESTRICTED EXPORT REGULATED ARTICLES

PART A

Species

[E.g. Giant African Snail, etc.]

PART B
Pests and Diseases

Under section [BBC4] the Governor in Council may, in an order under section [BBC2], include regulated articles or categories of regulated articles from –

(a) all countries or areas of origin; or

(b) one or more particular countries or areas of origin,

if the importation would present an unacceptable biosecurity risk to [Jurisdiction].

The Schedules can be adapted accordingly, if required, e.g.

“The regulated articles or category of regulated articles listed in column 1 may not be imported into [Jurisdiction] from the countries or parts of countries listed in column 2.

Article or category of article

Country/area”

B. Notifiable Invasive Species and Pests Order

BIOSECURITY (NOTIFIABLE INVASIVE SPECIES, PESTS AND DISEASES)

ORDER, [2020]

(Section [BIC10])

Citation and commencement

1. This Order may be cited as the Biosecurity (Notifiable Invasive Species, Pests and Diseases) Order, [2020]

(2) This Order comes into force on [the date of commencement of the Ordinance] *[OR specific date]*.

Notifiable invasive species

2. The invasive species listed in Part A of the Schedule are notifiable as posing a biosecurity risk to *[Jurisdiction]*.

Notifiable pests

3. The pests and diseases listed in Part B of the Schedule are notifiable as posing a biosecurity risk to *[Jurisdiction]*.

Manner of notification of high risk or high priority species, pests or diseases

4. In accordance with section [BIC10] of the Ordinance, a person who knows of or suspects the occurrence of a notifiable invasive species or pest or disease in *[Jurisdiction]* or on board a vessel or aircraft in *[Jurisdiction]* must, unless the person reasonably believes that the Director of Biosecurity has already been notified of the occurrence, as soon as reasonably practicable notify the Director of Biosecurity of the occurrence at the office of the [Department of Biosecurity] or by any other means of communication which is practicable to that person.

MADE this ... day of ..., [2020]

XYZ

Clerk (*for the Governor in Council*)

SCHEDULE
(Arts. 2 and 3)

NOTIFIABLE NON-NATIVE SPECIES, PESTS AND DISEASES

PART A

Notifiable invasive species

PART B

Notifiable pests and diseases

C. Fees and Charges Regulations

BIOSECURITY (FEES AND CHARGES) REGULATIONS [2020]
(Section [MP9])

Citation and commencement

1. (1) These Regulations may be cited as the Biosecurity (Fees and Charges) Regulations [20209].

(2) These Regulations come into force on [the date of commencement of the Ordinance] [*OR specific date*].

Fees and charges

2. (1) The fees and charges set out in column 3 of the Schedule are prescribed as the fees and charges payable for the services respectively listed in column 2 of that Schedule.

(2) The fees and charges are payable to the Director of Biosecurity at the office of the [Department of Biosecurity] or at any other place designated by the Director of Biosecurity for that purpose.

Dated this day of[2020]

X Y Z

Clerk (*for the Governor in Council*)

SCHEDULE

[Reg. 2]

<u>Section</u>	<u>Service</u>	<u>Fee or charge £ [or \$]</u>
[BBC6	Receiving notice of biosecurity agent]	
CVA1	Vessel arrival declaration form	
CVA2	Search/inspection of incoming vessel/aircraft	
CVA2	Grant of biosecurity landing clearance	
CVA3	Removal of vessel/aircraft to quarantine	[Cost]
CVA3	Treatment of vessel/aircraft in quarantine	[Cost]
CVA3	Keeping vessel/aircraft in port quarantine	[Cost]
CVA4	Grant of port quarantine clearance	
CVA5	Search/inspection of outgoing vessel/aircraft	
CVA5	Treatment of outgoing vessel/aircraft	[Cost]
CVA7	Incoming passenger declaration form	[Free]
CVA7	Clearance of passenger baggage etc.	[Free]
BIP1	Entry inspection of incoming goods	
BIP2	Entry release of incoming goods	
BIP3	Biosecurity clearance inspection of incoming goods	
BIP3	Taking incoming goods to holding area	
BIP3	Import clearance	
BIP3	Sampling of incoming goods	
BIP4	Treatment of incoming goods	
BIP4	Additional biosecurity measures	
BIP5	Issue of import licence	
BIP6	Grant of exemption	
BIP7	Transit waiver fee	

BEP1	Inspection of outgoing regulated articles	
BEP1	Biosecurity export declaration form	
BEP2	Release of outgoing article	
BEP3	Issue of SPS Certificate	
BEP4	Grant of biosecurity export clearance	
BQ1	Removal of an article to biosecurity quarantine	
BQ1	Keeping an article in quarantine	
BQ2	Treatment of an article in quarantine	
BQ3	Release from biosecurity quarantine	
Adm5	Inspection/copying of biosecurity register	
Schedule 3	Detention of articles	[Cost]
Schedule 3	Taking of samples	
Schedule 3	Testing of articles	
Schedule 3	Cost of treatment	[Cost]
Schedule 3	Reconsignment	[Cost]
Schedule 3	Destruction	[Cost]

D. Specifications of Import & Export Conditions

SPECIFICATIONS OF CONDITIONS FOR IMPORTATION AND EXPORTATION OF REGULATED ARTICLES

(Sections [BIP4], [BEP4] and [MP8])

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1. Definitions

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2. Plant import conditions

- 2.1 General plant import conditions
- 2.2 Specific plant import conditions

3. Animal import conditions

3.1 General animal import conditions

3.2 Specific animal import conditions

PART B - EXPORTS

4. Plant export conditions

4.1 General plant export conditions

4.2 Specific plant export conditions

5. Animal export conditions

5.1 General animal export conditions

5.2 Specific animal export conditions

Made by XYZ
[Director of Biosecurity]

Date.....[2020]

EXPLANATORY NOTE
