

Tackling Invasive Non-Native Species in the UK Overseas Territories

GENERIC BIOSECURITY BILL, 2019

SUBSIDIARY LEGISLATION

Note: The following 6 drafts are suggestions for the main items of subsidiary legislation that will probably be needed to implement the Ordinance. 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 generic Biosecurity Bill.

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A. Designations Order

[JURISDICTION]

BIOSECURITY ORDINANCE [2019]

(No. [] of 2019)

BIOSECURITY (DESIGNATIONS) ORDER [2019]

(Sections [BBC3], [BBC4], [VA3] and [BQ2])

Citation and commencement

1. (1) This Order may be cited as the Biosecurity (Designations) Order [2019].

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

Biosecurity points of entry and departure

2. (1) The ports and airports at which regulated articles may enter and leave *[Jurisdiction]* are as set out in Schedule 1.

(2) The ports and airports at which regulated articles may leave *[Jurisdiction]* are the same as the biosecurity points of entry.

Biosecurity port holding areas

3. (1) The [areas of water/parts of seaports] described in Part A of Schedule 2 are the biosecurity port holding areas for vessels.

(2) The parts of airports described in Part B of Schedule 2 are the biosecurity port holding areas for aircraft.

Biosecurity goods holding area

4. The areas of land described in Part A of Schedule 3 are the biosecurity goods holding areas for incoming or outgoing containers or goods.

Biosecurity postal holding areas

5. The [mail exchanges/parts of mail exchanges] listed in Part B of Schedule 3 are the biosecurity postal holding areas for incoming or outgoing postal items

Biosecurity port quarantine areas

6. (1) The [areas of water/parts of seaports] described in Part A of Schedule 4 are the biosecurity port quarantine areas for vessels.

(2) The parts of airports described in Part B of Schedule 4 are the biosecurity port quarantine areas for aircraft.

Biosecurity quarantine stations

7. The areas of land described in Schedule 5 are the biosecurity quarantine stations for [animals and animal products/ plants and plant materials/ conveyances/ containers etc.] for the purposes of the Ordinance.

Dated this day of [2019]

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

SCHEDULE 1 [Art. 2]
BIOSECURITY POINTS OF ENTRY & DEPARTURE

BIOSECURITY POINTS OF ENTRY

Seaports

Airports

BIOSECURITY POINTS OF DEPARTURE

[The biosecurity points of departure can be the same as the biosecurity points of entry.]

SCHEDULE 2 [Art. 3]
BIOSECURITY PORT HOLDING AREAS

PART A
PORT HOLDING AREAS FOR VESSELS

PART B
PORT HOLDING AREAS FOR AIRCRAFT

SCHEDULE 3 [Arts. 4 & 5]
BIOSECURITY GOODS & POSTAL HOLDING AREAS

PART A

GOODS HOLDING AREAS

**PART B
POSTAL HOLDING AREAS**

Mail exchanges

**SCHEDULE 4
BIOSECURITY PORT QUARANTINE AREAS**

[Art . 6]

**PART A
PORT QUARANTINE AREAS FOR VESSELS**

**PART B
PORT QUARANTINE AREAS FOR AIRCRAFT**

**SCHEDULE 5
BIOSECURITY QUARANTINE STATIONS**

[Art. 7]

Animals and animal products

Plants and plant materials

Conveyances

Containers

Other goods

B. Import and Export Categories Order

[JURISDICTION]

BIOSECURITY ORDINANCE [2019]

(No. [] of 2019)

BIOSECURITY (IMPORT AND EXPORT CATEGORIES) ORDER [2019]

(Section [BBC1])

Citation and commencement

1. (1) This Order may be cited as the Biosecurity (Import and Export Categories) Order [2019].

(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 [2019]

X Y Z

Clerk (*for the Governor in Council*)

SCHEDULE 1

(Para.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 productsGeneral 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**

(Para. 3)

]

PROHIBITED & RESTRICTED EXPORT REGULATED ARTICLES

PART A
Species

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

PART B
Pests and Diseases

Under section [BBC1A] the Governor in Council may, in an order under section [BBC1], 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”

C. Notifiable Invasive Species and Pests Order

[JURISDICTION]

BIOSECURITY ORDINANCE [2019]

(No. [] of 2019)

**BIOSECURITY (NOTIFIABLE INVASIVE SPECIES AND PESTS) ORDER,
[2019]**

(Section [BIC10])

Citation and commencement

1. This Order may be cited as the Biosecurity (Notifiable Invasive Species and Pests) Order, [2019]

(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 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 ..., [2019]

XYZ

Clerk *(for the Governor in Council)*

SCHEDULE 1
(Arts. 2 and 3)

NOTIFIABLE NON-NATIVE SPECIES, PESTS AND DISEASES

PART A

Notifiable invasive species

PART B

Notifiable pests

D. Fees and Charges Regulations**[JURISDICTION]****BIOSECURITY ORDINANCE [2019]**

(No. [] of 2019)

BIOSECURITY (FEES AND CHARGES) REGULATIONS [2019]

(Section [MP9])

Citation and commencement

1. (1) These Regulations may be cited as the Biosecurity (Fees and Charges) Regulations [2019].

(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[2019]

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	
VA1	Vessel arrival declaration form	
VA2(1)(d)	Form of conveyance biosecurity certificate	
VA2(2)	Search/inspection of incoming vessel/aircraft	
VA2(2)	Grant of biosecurity landing clearance	
VA3(3)	Removal of vessel/aircraft to quarantine (if done by Service)	[Cost]
VA5(1)(c)	Treatment of vessel/aircraft in quarantine	[Cost]
VA5(2)	Keeping vessel/aircraft in port quarantine	[Cost]
VA6(1)	Grant of port quarantine clearance	

VA7(1)	Search/inspection of outgoing vessel/aircraft	
VA7(1)(d)	Treatment of outgoing vessel/aircraft	[Cost]
VA9(1)	Incoming passenger declaration form	[Free]
VA9(5)	Clearance of passenger baggage etc.	[Free]
BIP1(1)	Entry inspection of incoming goods	
BIP1(2)	Biosecurity import declaration form	[Free]
BIP1(3)(b)	Entry release of incoming goods	
BIP2(1)(a)	Biosecurity clearance inspection of incoming goods	
BIP2(1)(b)	Taking incoming goods to holding area	
BIP2(2)	Import clearance	
BIP2(3)(c)	Sampling of incoming goods	
BIP2(3)(d)	Treatment of incoming goods	
BIP3(3)	Additional biosecurity measures	
BIP5(3)	Making of new specifications	
BIP6(2)	Application for import licence	
BIP7(1)	Issue of import licence	
BIP9(5)	Application for exemption from requirements	
BIP9	Grant of exemption	
BIP10(5)	Transit waiver fee	
BEP1(1)	Inspection of outgoing regulated articles	
BEP1(2)	Biosecurity export declaration form	
BEP1(5)(b)	Release of outgoing article	
BEP3(1)(a)	Application for SPS Certificate	
BEP3(2)	Issue of SPS Certificate	
BEP5	Application for export clearance	
BEP6(1)	Grant of biosecurity export clearance	
BEP6(2)	Removal of an article to biosecurity quarantine	
BQ1(7)	Keeping an article in quarantine	
BQ2(2)	Treatment of an article in quarantine	
BQ3(2)	Release from biosecurity quarantine	
PBO5(7)	Detention of articles	[Cost]
PBO6(11)	Taking of samples	
PBO7	Testing of articles	[Cost]
PBO8(12)	Cost of treatment	
PBO9	Reconsignment	[Cost]
PBO10	Destruction	[Cost]
DB7(1)	Inspection/copying of biosecurity register	

E. General Regulations

[JURISDICTION]

BIOSECURITY ORDINANCE [2019]

(No. [] of 2019)

BIOSECURITY (GENERAL) REGULATIONS [2019]

(Section [MP9])

Citation and commencement

1. (1) These Regulations may be cited as the Biosecurity (General) Regulations [2019].

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

Application for import licence

2. An application for an import licence must include –
- (a) the full name, residential and postal address and other contact details of the importer;
 - (b) if the importer is an agent - identity and contact details for the owner of the goods;
 - (c) the name and address and contact details of the exporter of the goods from country of origin;
 - (d) the place of origin of the goods;
 - (e) the quantity of the goods and the type of container;
 - (f) common and scientific name (where applicable) of the goods;
 - (g) the mode of transport, biosecurity point of entry, and the approximate date of arrival and voyage or flight number;
 - (h) any other information the Director of Biosecurity from time to time requires.

Designation of official contacts

3. (1) The Director of Biosecurity is the official contact for the purposes of the obligations in respect of *[Jurisdiction]* to the World Organisation for Animal Health/ Office International des Epizooties (OIE).

(2) The Director of Biosecurity is the official contact point for the purposes of the obligations in respect of *[Jurisdiction]* under the International Plant Protection Convention, 1951 (IPPC).

(3) The [Department of Biosecurity] is the national plant protection organisation for *[Jurisdiction]* for the purposes of the obligations in respect of *[Jurisdiction]* under any

international or regional agreement or treaty to which Her Majesty's Government in the United Kingdom is a party in respect of *[Jurisdiction]*, including the IPPC.

Codes of practice to be recognised

4. The following are adopted as codes of practice and their provisions apply generally in *[Jurisdiction]*, except for any provision that is inconsistent with the Ordinance or these Regulations –

- (a) the International Animal Health Code of the (OIE);
- (b) the Manual of the International Embryo Transfer Society;
- (c) the International Air Transport Association Live Animal Regulations.

Dated this day of [2019]

X Y Z

Clerk (*for the Governor in Council*)

F. Specifications of Import & Export Conditions

[JURISDICTION]

BIOSECURITY ORDINANCE [2019]

(No. [] of 2019)

SPECIFICATIONS OF CONDITIONS FOR IMPORTATION AND EXPORTATION OF REGULATED ARTICLES

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

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1. Definitions

PART A - IMPORTS

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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.....[2019]

EXPLANATORY NOTE
