

Tackling Invasive Non-Native Species in the UK Overseas Territories

Guidance on drafting biosecurity legislation

The following are suggested procedures for drafting biosecurity legislation in any one territory.

Preparation for work:

- Biosecurity policy needs to be approved and request for biosecurity legislation mandated by the relevant authority.
- Biosecurity legislation needs to be on the priority list for the territory
- The lead agency and person responsible for organising the work should be clearly identified.

Working with the drafter:

- The person leading the work forms a review committee. Typically this may consist of representatives for:
 - Biosecurity
 - Agriculture – production and livestock
 - Environment – terrestrial and marine conservation
 - Attorney General's Office

Additional members may include representatives for:

- Customs
 - Public Health
 - Importers
 - NGO
 - Farmers
- It may be useful as a preliminary exercise for the review committee to go through the Checklist (<http://www.nonnativespecies.org/index.cfm?pageid=639>) together and analyse where the gaps are in terms of existing legislation.

Visit to the Territory:

- Where a visit can be made by the drafter, and is able to be budgeted for, the drafter should make a visit to the territory to meet all stakeholders, raise questions and agree any gaps for policy work to support drafting of the legislation.

First draft:

- On receiving the first draft the lead person should organise a teleconference between the review committee and drafter:

- The drafter will explain the format and go through the drafting notes.
- Legal process can be defined and clarified.
- Timelines for action can be agreed.
- It is recommended that members of the review committee go through the first draft separately and make initial comments relevant to their sector.
- The review committee then meet and go through the first draft together. A suggested format is to put the text up on a screen and work through it.
- Comments are collated and returned to the drafter.
- A second teleconference is then held with the review committee and drafter to discuss and agree changes.
- The drafter returns an amended second draft for review.

Subsequent drafts:

- There may be a need for subsequent drafts until a final draft is agreed. It is anticipated that any further changes will be relatively minor.

Post-drafting:

- The lead agency takes the final text through the process to endorsement. This will include:
 - Internal advocacy
 - Public consultation
 - Minor edits and changes

Time commitments required for review committee members:

- It is recommended that most effort is expended at the first draft stage, ensuring that the text at the end of this stage is substantially correct and approaching its final form. Corrections and edits for the second and subsequent drafts will therefore be relatively minor.
- The review committee members need to make sure they are able to commit the relevant time to achieve the work. Time required is estimated as follows:
 - 1 to 3 hours for the review committee for the first teleconference (instruction and guidance);
 - Half to full day for each member of the review committee to review draft text independently;
 - Half to full day for the review committee for the second teleconference (full discussion);
 - Half to full day for the review committee to review draft text collectively;
 - Up to half day for the person collating the comments at the first draft; less for subsequent drafts.