

Tackling Invasive Non-Native Species in the UK Overseas Territories

SUMMARY OF PROPOSALS FOR A BIOSECURITY BILL SIMPLIFIED VERSION

1. A generic Biosecurity Bill has been drafted which can be adopted, with necessary modifications, by any Overseas Territory. It is intended to achieve harmonisation of laws to control harmful invasive species, pests and diseases which might come from animals and plants and their products. The original, full, annotated version, with Explanatory Notes and a Summary, was placed on the NNSS website in June 2019.¹ The simplified annotated Bill as revised and shortened in the light of consultations with several OTs is also now on the NNSS website, with a revised Explanatory Note.

2. The simplified Bill as revised:

- controls the landing of vessels and aircraft anywhere in the territory, or (in the case of a ship) offloading people or goods anywhere in the waters of the territory, including the EEZ;
- requires vessels and aircraft to obtain landing clearance, passengers and crew to obtain entry clearance and regulated goods to obtain import clearance (or export clearance if they are leaving the country;)
- creates a category of ‘regulated articles’ i.e. all animals and plants and their products, and enables orders to be made prohibiting or restricting their entry and departure;
- provides for the functions of a Director of Biosecurity or similar officer or body, and for biosecurity officers, who can be drawn from the public service;
- enables biosecurity officers to require a written arrival declaration for vessels, aircraft and passengers, to inspect all goods on arrival, to place regulated articles in quarantine, to apply treatment to regulated articles and to destroy or reassign them;
- creates a regime for the inspection of outgoing regulated articles to ensure that they comply with the requirements of the receiving country and will not harm it;
- gives powers to control the movement of regulated articles within the territory and between different areas of the territory, including powers in an emergency;
- requires the public to co-operate by giving notice of invasive species, pests and diseases that are made notifiable;
- creates offences and prescribes penalties for committing them.

3. The Bill enables the Director to issue specifications as to the conditions for the importation of regulated articles. These are not legislative and the Bill keeps to a minimum the regulations or legislative orders needed. It leaves a number of matters to be dealt with by administrative action, such as delegations, outsourcing, coordination and consultation, facilities at biosecurity holding areas, compliance agreements, agreements with landowners and biosecurity approved premises.

4. The Bill if enacted will repeal existing laws on the subject, but will save any existing import conditions relating to animals and plants and their products. It will not replace laws relating to agriculture or animals, the environment, protection of species, customs and immigration and health, etc. but will supplement them.

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¹ <http://www.nonnativespecies.org/index.cfm?pageid=639>