

CARIBBEAN OVERSEAS TERRITORIES & BERMUDA

REVIEW OF LEGAL FRAMEWORKS IN EACH TERRITORY: December 2016

ANGUILLA

Instrument	Key provisions	Observations
International		
MEAs extended to Anguilla	<ul style="list-style-type: none"> • Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention); • Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention); • International Convention on the Regulation of Whaling • Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)¹ (Entry into force: 27/02/2014) 	<p>These MEAs are covered by Anguilla legislation through the Biodiversity and Heritage Conservation Act (Rev. 2010). The exception is CITES which is governed by the Trade in Endangered Species Act, Revised Statutes of Anguilla, Chapter T27 (rev. 2010) and it's attending regulations.</p> <p>The MEAs reflect a fairly harmonized international policy framework governing natural resource management and protection of endangered species and ecosystems from identified threats including invasive alien species. (e.g. Ramsar Res. VII.14 "<i>Invasive Species and Wetlands</i>", 1999), CITES Conf.13.10 (Rev. Cop 14), "<i>Trade in alien invasive species</i>"). There appears to be limited application of the MEAs directly towards invasive species management.</p>
Policy framework		

¹ <https://cites.org/eng/cms/index.php/component/cp/country/AI>

<p>Biodiversity and Heritage Conservation Act (Rev. 2010)</p>	<p>The purpose of this Act is:</p> <p>(a) To support and promote the conservation of wildlife species, their habitats and the ecosystems of which they form a part, in Anguilla , the Caribbean and the world;</p> <p>(b) To prevent wildlife species from being extirpated or becoming extinct and to provide for the recovery of wildlife species that are extirpated, endangered or threatened as a result of human activity;</p> <p>(c) To prevent vulnerable species from becoming endangered or threatened;</p> <p>(d) To support and promote the conservation of heritage sites and listed buildings in Anguilla; and</p> <p>(e) To protect heritage objects in Anguilla and to prevent heritage objects or types of heritage objects from being exported.²</p> <p>Allows for the declaration of alien invasive species (8)</p>	<p>The framework Act for Protection and management of species habitats and ecosystem in Anguilla</p>
<p>Anguilla Environment Charter, 2001</p>	<p>2. Ensure the protection and restoration of key habitats, species and landscape features through legislation and appropriate management structures and mechanisms, including a protected areas policy, and attempt the control and eradication of invasive species.</p>	<p>Anguilla has developed a National Environmental Management Strategy (NEMS). See below</p>
<p>Native Plant and Animal Habitat Conservation (Biodiversity) Policy</p>	<p>Executive Council approved the Native Plant and Animal Habitat Conservation (Biodiversity) Policy on 4th October, 2001.</p> <p>6. Take the necessary measures to control the intentional or accidental introduction or escape into or from the environment, of alien or modified organisms that are likely to impact adversely on other organisms or on the environment.</p>	<p>This policy empowers the necessary authorities / agencies to address invasive species threats</p>
<p>Organisation of Eastern Caribbean States (OECS) St. Georges</p>	<p>Anguilla is an associated member of the OECS and St. Georges Declaration is a sub regional environmental instrument under the OECS. Amongst its targets are:</p> <ul style="list-style-type: none"> • Biodiversity protection 	<p>Requires the preparation of a National Environmental Management Strategy and Action Plan</p>

² UK Overseas Territories and Crown Dependencies: 2011 Biodiversity snapshot. Anguilla Appendices. Author: Karim V.D. Hodge, Director, Department of Environment
More information available at: www.gov.ai/doenvironment/

Declaration	<ul style="list-style-type: none"> • Protected area management • halt the loss of biological species <p>One of the supportive actions for these targets states: “adoption of measures to avoid or minimise the intentional or accidental introduction or escape of invasive alien or modified organisms that have the potential to impact negatively on the environment or human health, and to eradicate or control the pathways of those that have been introduced or escaped;”</p>	
National Environmental Management Strategy and Action Plan 2005 ³	<p>PRINCIPLE 13: Protect and Conserve Biological Diversity</p> <p>Strategy 40: Take necessary precautionary measures to avoid or minimize, the intentional or accidental introduction or escape, into or from the environment, and the control of alien or living modified organisms that are likely to impact adversely on other organisms, the environment or on human health.</p> <p>Activities:</p> <ol style="list-style-type: none"> i. Increase the staffing, training and budget of the Dept of Agriculture, Dept of Customs and the Port Authority to enhance plant inspection and phytosanitary control. [Department of Agriculture] ii. Continue monitoring and control programmes for pests, diseases and invasive species. AEC [Dept of Agriculture] iii. Develop and implement a national framework for Biosafety. [Dept of Agriculture and Dept of Environment] 	
Anguilla National Biological Diversity Strategy and Action Plan 2009	<p>Major outputs from this project were individual assessment reports of key sectors: Land use and Environmental Planning; Agriculture/Forests/Wildlife; Fisheries/Marine/Coastal Areas; Tourism and a socioeconomic assessment for the NBSAP as well. These were in addition to the National Biological Diversity Strategy and Action Plan for</p>	

³ Homer, F. 2005. Anguilla National Environmental Management Strategy and Action Plan. 2005-2009. Government of Anguilla.

	Anguilla document and awareness building activities on the biodiversity and the NBSAP. ⁴	
Anguilla Invasive Species Strategy (2008) DRAFT	A draft framework for a National Invasive Species strategy and policy for the island of Anguilla produced in 2008 ⁵	This draft outlines a management framework and responses to invasive species incursion. It also sets out some voluntary codes of conduct for various stakeholders to consider. However it does not specify how the strategy will be implemented, monitored nor financed.
Biosecurity measures pre-border and at point of entry		
Marine Parks (schedule amendment) regulations, 2009	<p>Restriction on introduction of flora and fauna;</p> <p>7. No person shall introduce into a marine park any flora and fauna without the prior written permission of the Controlling Officer.</p> <p>Arrest of persons and seizure of vessels, etc.</p> <p>15. (1) Without prejudice to any other powers conferred upon them by any other law, the Controlling Officer, or any authorised person, or any customs officer or any person appointed under section 11 may—</p> <p>(a) board any vessel moored or anchored in a marine park and require to be produced for the purpose of examining or taking copies—</p> <p>(i) any permits issued under these Regulations, or...</p> <p>(b) stop, board and search any vessel or carrier suspected to have acted or to be acting in contravention of these Regulations;</p>	The legislation specifically addresses introduction of species to Marine Parks and authorizes officers with powers of search, seizure and arrest. This Act is supported by the Marine Parks regulations which specifically address the prevention of the introduction of fauna and flora.
Plant Protection Act	The Act and its supporting regulation restricts the importation of plants that may pose a pest or disease risk	This Act primarily aims at reducing the risk of introduction of plant pests and diseases however this could also address risk of alien insects and pathogens. It is also supported by the Fumigation of plants Act

⁴ UK Overseas Territories and Crown Dependencies: 2011 Biodiversity snapshot. Anguilla Appendices. Author: Karim V.D. Hodge, Director, Department of Environment
More information available at: www.gov.ai/doenvironment/

⁵ Connor,R. 2008. Anguilla Invasive Species Strategy (DRAFT). Environment and Sustainable development, Department of Environment, Anguilla, WI

Fumigation of Plants Act	Speaks to the fumigation of plants and seeds that have arrived by shipment or post.	The focus is to reduce the risk of plant pests and diseases. The fumigation is to be supervised by the Director of Agriculture
Trade in Endangered Species Act, Revised Statutes of Anguilla, Chapter T27 (rev. 2010)	An Act to further the protection and conservation of endangered, threatened and exploited species of wild fauna and flora by regulating the export and import of specimens of those species and thereby enable Anguilla to fulfill its obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora ⁶ . It regulates trade in endangered species, implementing CITES obligations. Offences and fines for trade without a licence (Art.13). Inspection powers available to enforcement officers (Art.30), offences and penalties set out for contraventions (Art.39). ⁷	This legislation covers the import, export and re-export of CITES listed species under the Conventions related Appendices I,II and III. However, it does not address the introduction of non-CITES species, nor control of movement upon entry.
Animals (Disease and Importation) Act 2010	Prohibition of importation of birds, etc. 13. (l) No bird, reptile or insect may be imported into Anguilla save under and in accordance with a licence granted by the inspector under the provisions of section 15. (2) Any person who: (a) imports into Anguilla any bird, reptile or insect. otherwise than under a licence in that behalf granted under section 15: or (h) contravenes or fails to comply with any of the provisions of any such licence; is guilty of an offence against this Act: and any bird, reptile or insect in respect of which any such offence is alleged to have been committed may be seized and on conviction of the offender shall be forfeited to the Crown.	This prohibition addresses specific fauna, i.e. birds, reptiles and insects (does not address mammals). The focus of the Act is prevention of the spread of disease. However, Sec. 17 does say that “ All animals, birds, reptiles shall be...placed in a quarantine depot...for such time...as specified by regulations”
Animals	Regulations supporting the Animals (Disease and Importation) Act 2010	Identifies the procedures for importation of

⁶ UK Overseas Territories and Crown Dependencies: 2011 Biodiversity snapshot. Anguilla Appendices. Author: Karim V.D. Hodge, Director, Department of Environment
More information available at: www.gov.ai/doenvironment/

⁷ UK Overseas Territories and Crown Dependencies: 2011 Biodiversity snapshot. Anguilla Appendices. Author: Karim V.D. Hodge, Director, Department of Environment
More information available at: www.gov.ai/doenvironment/

(Importation) Control Regulations		dogs, cats, horses, poultry, cattle, sheep, goats, pigs. No monkeys are allowed entry to Anguilla
Anguilla Air and Seaports Authority Act	Sec 75. Power to kill animals found trespassing	It is lawful for any authorized officer by writing on behalf of the Chief Executive Officer to kill by shooting any animal found trespassing on any Port
The Fisheries Regulations 2001	Enforcement includes declaration on the type of species, origin and biology of the species. The authorised officer therefore has the opportunity to decline an application if the potential species (animal/plant) is deemed to be an invasive threat.	
Internal and inter-island biosecurity		
Native Plant and Animal Habitat Conservation (Biodiversity) Policy	Executive Council approved the Native Plant and Animal Habitat Conservation (Biodiversity) Policy on 4th October, 2001. 6. Take the necessary measures to control the intentional or accidental introduction or escape into or from the environment, of alien or modified organisms that are likely to impact adversely on other organisms or on the environment.	This policy empowers the necessary authorities / agencies to address invasive species threats
Early detection and rapid response		
Animals (Disease and Importation) Act 2010	Prohibition of importation of birds, etc. 13. (l) No bird, reptile or insect may be imported into Anguilla save under and in accordance with a licence granted by the inspector under the provisions of section 15. (2) Any person who: (a) imports into Anguilla any bird, reptile or insect. otherwise than under a licence in that behalf granted under section 15: or (h) contravenes or fails to comply with any of the provisions of any such licence;	This prohibition addresses specific fauna, i.e. birds, reptiles and insects (does not address mammals). The focus of the Act is prevention of the spread of disease. However, Sec. 17 does say that “ All animals, birds, reptiles shall be...placed in a quarantine depot...for such time...as specified by regulations” . This Act provides for seizure at designated ports with failure to comply

	is guilty of an offence against this Act: and any bird, reptile or insect in respect of which any such offence is alleged to have been committed may be seized and on conviction of the offender shall be forfeited to the Crown.	
Plant Protection Act	The Act and its supporting regulation restricts the importation of plants that may pose a pest or disease risk	This Act primarily aims at reducing the risk of introduction of plant pests and diseases however this could also address risk of alien insects and pathogens. It is also supported by the Fumigation of plants Act
Fumigation of Plants Act	Speaks to the fumigation of plants and seeds that have arrived by shipment or post.	The focus is to reduce the risk of plant pests and diseases by designated ports of entry or through postal service. The fumigation is to be supervised by the Director of Agriculture.
Control and management of invasive species		
Biodiversity and Heritage Conservation Act (Rev. 2010)	Allows for PART 6- Covers "Regulation of terrestrial species that are not listed" 46. (1) The competent minister may make regulations with respect to terrestrial species, other than those that are listed wildlife species, including regulations— This should result in management plans	
Native Plant and Animal Habitat Conservation (Biodiversity) Policy	Executive Council approved the Native Plant and Animal Habitat Conservation (Biodiversity) Policy on 4th October, 2001. 6. Take the necessary measures to control the intentional or accidental introduction or escape into or from the environment, of alien or modified organisms that are likely to impact adversely on other organisms or on the environment.	The policy empowers the agencies including the Department of the Environment and the Antigua National Trust to act on management and control of invasive alien species
Plant Protection Act	The Act and its supporting regulation restricts the importation of plants that may pose a pest or disease risk	Addresses control of import of plants and regulates the entry of plants through designated sea ports and airports.
Fumigation of Plants Act	Speaks to the fumigation of plants and seeds that have arrived by shipment or post.	The focus is to reduce the risk of plant pests and diseases. The fumigation is to be

		supervised by the Director of Agriculture
Animals (Disease and Importation) Act 2010	Prohibition of importation of birds, etc. 13. (l) No bird, reptile or insect may be imported into Anguilla save under and in accordance with a licence granted by the inspector under the provisions of section 15.	This prohibition addresses specific fauna, i.e. birds, reptiles and insects (does not address mammals). The focus of the Act is prevention of the spread of disease. However, Sec. 17 does say that “ All animals, birds, reptiles shall be...placed in a quarantine depot...for such time...as specified by regulations” . This Act provides for seizure at designated ports with failure to comply
Public Pounds Act 2002	Measures to deal with stray animals	
Horizontal measures		
Anguilla Environment Charter, 2001	2. Ensure the protection and restoration of key habitats, species and landscape features through legislation and appropriate management structures and mechanisms, including a protected areas policy, and attempt the control and eradication of invasive species.	
Organisation of Eastern Caribbean States (OECS) St. Georges Declaration	Anguilla is an associated member of the OECS and St. Georges Declaration is a sub regional environmental instrument under the OECS. Amongst its targets are: <ul style="list-style-type: none"> • Biodiversity protection • Protected area management • halt the loss of biological species One of the supportive actions for these targets states: “adoption of measures to avoid or minimise the intentional or accidental introduction or escape of invasive alien or modified organisms that have the potential to impact negatively on the environment or human health, and to eradicate or control the pathways of those that have been introduced or escaped;”	The preparation of a National Environmental Management Strategy and Action Plan (NEMS) for Anguilla is a requirement of the Government in discharge of its obligations under the St George’s Declaration (SGD) of Principles for Environmental Sustainability in the OECS, 2001. Objectives to address invasive species are set out under Principle 13 (ii) in the National Environmental Management Strategy and Action Plan 2005

National Environmental Management Strategy and Action Plan 2005 ⁸	<p>PRINCIPLE 13: Protect and Conserve Biological Diversity Strategy 40: Take necessary precautionary measures to avoid or minimize, the intentional or accidental introduction or escape, into or from the environment, and the control of alien or living modified organisms that are likely to impact adversely on other organisms, the environment or on human health.</p> <p>Activities:</p> <p>i. Increase the staffing, training and budget of the Dept of Agriculture, Dept of Customs and the Port Authority to enhance plant inspection and phytosanitary control. [Department of Agriculture]</p> <p>ii. Continue monitoring and control programmes for pests, diseases and invasive species.AEC [Dept of Agriculture]</p> <p>iii. Develop and implement a national framework for Biosafety. [Dept of Agriculture and Dept of Environment]</p>	The preparation of a National Environmental Management Strategy and Action Plan (NEMS) for Anguilla is a requirement of the Government in discharge of its obligations under the St George’s Declaration (SGD) of Principles for Environmental Sustainability in the OECS, 2001. There are 21 Principles that have been prescribed in the SGD, and OECS Member States have agreed to utilize these in the governance of national affairs.
Anguilla National Biological Diversity Strategy and Action Plan 2009	Major outputs from this project were individual assessment reports of key sectors: Land use and Environmental Planning; Agriculture/Forests/Wildlife; Fisheries/Marine/Coastal Areas; Tourism and a socioeconomic assessment for the NBSAP as well. These were in addition to the National Biological Diversity Strategy and Action Plan for Anguilla document and awareness building activities on the biodiversity and the NBSAP. ⁹	Objectives to address invasive species are set out under Principle 13 (ii) in the National Environmental Management Strategy and Action Plan 2005
Anguilla Invasive Species Strategy	A draft framework for a National Invasive Species strategy and policy for the island of Anguilla produced in 2008 ¹⁰	This draft outlines a management framework and responses to invasive species incursion. It

⁸ Homer, F. 2005. Anguilla National Environmental Management Strategy and Action Plan. 2005-2009. Government of Anguilla.

⁹ UK Overseas Territories and Crown Dependencies: 2011 Biodiversity snapshot. Anguilla Appendices. Author: Karim V.D. Hodge, Director, Department of Environment
More information available at: www.gov.ai/doenvironment/

¹⁰ Connor, R. 2008. Anguilla Invasive Species Strategy (DRAFT). Environment and Sustainable development, Department of Environment, Anguilla, WI

(2008)		also sets out some voluntary codes of conduct for various stakeholders to consider. However it does not specify how the strategy will be implemented, monitored nor financed.
Physical Planning Act of 2001	EIAs are required	
Land Development Control Act,	<u>D</u> esignates consideration for “Special Development Area” meaning an area of land adjacent to or within which area there is, or will be, a duly approved particular development which is of significant importance to the general development of Anguilla and which therefore requires protection of the environment.	

BRITISH VIRGIN ISLANDS

Legislation for the BVI is obtainable from the website, <http://www.caribbeanenvirolaw.org/taxonomy/term/10>, and is available for download.

Instrument	Key provisions	Observations
International		
MEAs extended to BVI	<ul style="list-style-type: none"> • Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention); • Convention on Biological Diversity (CBD); • Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention); and • Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region (Cartagena Convention), Protocol Concerning Specially Protected Areas and Wildlife (SPAW Protocol). • Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) • International Convention on the Regulation of Whaling • Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage) 	The MEAs reflect a fairly harmonized international policy framework governing natural resource management and protection of endangered species and ecosystems from identified threats including invasive alien species. (e.g. Ramsar Res. VII.14 “ Invasive Species and Wetlands”, 1999), CITES Conf.13.10 (Rev. Cop 14), “Trade in alien invasive species”)
Policy framework		
National Environmental Action Plan (NEAP) 2004.	Use resources use practices part of the plan, there is a target to Establish a National control programme and eradicate Invasive Alien Species	Invasive species mentioned once. Biosecurity not mentioned
Environmental Charter of the British Virgin Islands, 2001	<p>Guiding Principle (7.) To safeguard and restore native species, habitats and landscape features, and control or eradicate invasive species.</p> <p>Commitment (2.) Ensure the protection and restoration of key habitats,</p>	Various projects addressing invasive species under the Charter (Commitment 2) have been implemented with funding support of the Darwin plus (e.g. “ <i>Consolidating local</i>

	<p>species and landscape features through legislation and appropriate management structures and mechanisms, including a protected areas policy, and attempt the control and eradication of invasive species</p> <p>Various projects have been implemented with funding support of the Darwin plus (e.g. "Consolidating local capacity for sustainable restoration and monitoring of Protected Areas in the Virgin Islands (UK)"</p>	<p><i>capacity for sustainable restoration and monitoring of Protected Areas in the Virgin Islands (UK)"</i> and EC- BEST (e.g. "Conserving species and sites of international importance by the eradication of invasive alien species in the Caribbean UK Overseas Territories" (2013-2015))</p>
<p>The Virgin Islands Constitution Order 2007 (2007 No. 1678)</p>	<p>Protection of the environment;</p> <p>29. Every person has the right to an environment that is generally not harmful to his or her health or well-being and to have the environment protected, for the benefit of present and future generations, through such laws as may be enacted by the Legislature including laws to—</p> <p>(a) prevent pollution and ecological degradation; (b) promote conservation; and (c) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.</p>	<p>The Virgin Islands Constitution lays a legal foundation for protection of environmental resources and recognition of its role in the sustainable development of the BVI. This Constitution thereby lays the basis for maintenance of sound environmental management against the threat of invasive alien species. This is one of very few constitutions to recognize the role of the environment in the Caribbean.</p>
<p>Parks and Protected Areas System Plans</p>	<p>The System Plan was approved in 2007 and has a 10-year shelf life. Six areas have been gazetted for eventual inclusion into the schedule of protected areas. They are:</p> <ul style="list-style-type: none"> • Various areas on Anegada • The marine components of the Greater Baths • Eastern end of Jost Van Dyke, Green Cay and Sandy Spit • Great Thatch • Bar Bay Mangroves 	<p>There is an awareness of IAS and impacts in the designated and /or to be designated MPAs with the invasion of the Indo-Pacific Lionfish. The diving community have been mobilised. A non-profit organisation called Reef Guardians was formed by BVI dive operators in an attempt to manage the spread. The Conservation and Fisheries Department (CFD) is the national authority</p>

	<ul style="list-style-type: none"> • Belmont & Smuggler's Cove <p>The areas have to be approved by Cabinet and the proposal must be tabled in the House of Assembly. The approval by Cabinet and subsequent step is outstanding .¹¹</p>	responsible for reporting on the spread of this species and it collaborates with Reef Guardians to direct divers to sites where lionfish have been reported. ¹²
Organisation of Eastern Caribbean States (OECS) St. Georges Declaration	<p>The BVI is an associated member of the OECS and St. Georges Declaration is a sub regional environmental instrument under the OECS. Amongst its targets are:</p> <ul style="list-style-type: none"> • Biodiversity protection • Protected area management • halt the loss of biological species <p>One of the supportive actions for these targets states: “adoption of measures to avoid or minimise the intentional or accidental introduction or escape of invasive alien or modified organisms that have the potential to impact negatively on the environment or human health, and to eradicate or control the pathways of those that have been introduced or escaped;”</p>	The British Virgin Islands officially signed on to the OECS the St. George's Declaration on Principles of Environmental Sustainability in 2001. A National Environmental Action Plan (NEAP) was developed in 2004. Objectives to address invasive species are set out under Principle 13 (ii)
Biosecurity measures pre-border and at point of entry		
Endangered Animals and Plants Ordinance 1976	<p>The ordinance makes reference to both import and export of animals and plants and the need for the person in possession of the species should furnish proof of lawful acquisition or risk forfeiture by the Customs official under the Customs Ordinance of 1975. This Ordinance also makes specific reference to Article 15 of the Convention on the Trade in International Species of Wild Fauna and Flora (CITES) which relates to the amendments under the Convention relating to trade in animals and plants. Endangered Animals and Plants Ordinance 1976 and the Protection of Endangered Animals, Plants</p>	Section 5 speaks to the “Restriction of movement of certain live animals after importation” but does not refer to a similar concern for movement of plants.

¹¹ Interview with J. Smith Abbott

¹² N. W. Pascoe, (NPTVI) and J. Smith Abbott, (Ministry of Natural Resources and Labour).2014. Adaptive Management of Protected Areas in the British Virgin Islands Status Report for the Worlds Parks Congress-2014

	(CAP. 95 and Articles (Removal and Possession) (1981) implements CITES regulations governing the introduction of species (animals & plants) at borders	
Customs Duties Ordinance (1975).	<p>Section 20 states that the Governor may make Regulations.</p> <p>(a) make such regulations as may be necessary for the purpose of carrying into effect the provisions of this Ordinance; and covers the importation of</p> <p>(a) Dogs and cats</p> <p>(b) Cage birds including members of the parrot family</p> <p>(c) All other animals proper to Chapter 01</p> <p>It also covers importation of live trees and other plants, bulbs, roots and the like: cut flowers and ornamental foliage:</p> <p>(a) fruit stocks and fruit trees, shrubs, bushes and plants</p>	The primary objective of this ordinance is the collection of duties for customs revenues on various items. It does however make provisions for making regulations concerning the import and export of animals and plants through the office of the Governor.
Protection of Endangered Animals, Plants (CAP. 95 and Articles (Removal and Possession) (1981).	Refers mainly to the removal or possession of endangered species without requisite licence.	This legislation is in support of the implementation of the Convention on the Trade in International Species of Wild Fauna and Flora (CITES). It interprets "article" as "any animal or plant or matter or thing principally derived from such animal or plant;" and authorizes officers for licensing, search and seizure (if article is illegally obtained). This pertains mainly to possession of articles of species identified as endangered and regulated under Endangered Animals and Plants Ordinance. It does not directly address management and control of IS
The Fisheries Act 1997	<p>(a) to afford special protection to the living resources of the area and to protect and preserve the natural breeding grounds and habitats of aquatic life, particularly those in danger of extinction;</p> <p>(designed to minimize, to the extent possible,...(d) the intentional or</p>	The Act and its supporting regulations specifically address introduction of alien species to Marine Reserves and Sec. 54 authorizes officers with powers of stop, search, seizure and arrest.

	<p>accidental introduction of species, alien or new, to a particular part of the fishery waters or marine environment generally, which may cause significant and harmful changes to the living resources of the fishery waters or marine environment.</p> <p>PART VII AQUACULTURE</p> <p>47. (1) No person shall operate an aquaculture establishment for any purpose, unless he applies for and obtains a licence in accordance with this Part.</p> <p>2) The measures taken under subsection (1) shall include but not limited to those</p> <p>48. (1) Where the Chief Conservation and Fisheries Officer receives an application to operate an aquaculture establishment, he shall, if satisfied that the requirements for such an establishment as prescribed in this Part or any Regulations made under this Act have been met, make a recommendation in respect of the application to the Minister.</p>	<p>(2) An authorised officer may, without warrant and whether on board a vessel or otherwise, arrest and detain any person whom he has reason to believe has committed or attempted to commit an offence under this Act or any Regulations made thereunder.</p> <p>The Act also makes provision for management of aquaculture and thereby possible entry of fishes that may be deemed invasive</p>
<p>Plant Protection (Prohibition of Importation of Plants) (Amendments) Regulations, 2002 [No. 35 of 2002]</p>	<p>Governs the import and entry of plants by the Crop and Plant Quarantine Division.</p> <p>(1) absolutely no soil is permitted into the territory from a foreign territory.</p> <p>(3) The Plant / (s) must show no visible sign of pests or diseases.</p> <p>(4) Plant /(s) must be accompanied by a completed Phyto-sanitary Certificate (quantities and name of plants) issued by the Plant Quarantine Authority in the country of origin.</p> <p>(5) Plants must be treated with an insecticide and fungicide and certified by the Plant Quarantine Authority.</p>	<p>The regulations are directed at reducing the risk of entry of insect pest and diseases to the BVI that may threaten agriculture sector.</p>
<p>Animals Importation and</p>		

diseases Regulations 1995 and 2001		
With legislation yet to be enacted (CITIES legislation)	Animals inappropriately imported can be kept in a facility, deported or Euthanized http://www.bvi.gov.vg/content/animal-import-permits	
The Fisheries Regulations 2001	Enforcement includes declaration on the type of species, origin and biology of the species. The authorised officer therefore has the opportunity to decline an application if the potential species (animal/plant) is deemed to be an invasive threat.	
Internal and inter-island biosecurity (Within Territory- Domestic)		
Protection of Trees and Conservation of Soil and Water Ordinance	In this Ordinance— "Chief Agricultural Officer" means the officer for the time being in charge of the Agricultural Department of the Territory; 12. (1) It shall be lawful for any authorised person to impound or otherwise deal with any livestock found within any protected area or forestry area or water area contrary to the provisions of this Ordinance as though such livestock were, when so found, trespassing on that person's land and as though the provisions of the Pound Ordinance, as amended applied to the trespass. In this subsection "authorised person" means the Governor or the owner of the protected area, forestry area or water area concerned, or such persons as they may respectively depute.	This ordinance recognises the role for authorised persons to impound or “otherwise deal with any livestock”. This implies approval of lethal means to dispose of feral livestock trespassing on protected areas and threatening such designated areas. It does not recognize threats posed by invasive plants to such designated areas
Endangered Animals and Plants Ordinance (1976)	Section 5 speaks to the “Restriction of movement of certain live animals after importation” but does not refer to a similar concern for movement of plants.	
Customs Ordinance, 1975.	Any Customs Officers have powers of seizure of animal, plant or if deemed to be unlawful importation or exportation and if such proof is not furnished to the satisfaction of the Customs Officer the animal, plant or article shall be liable to forfeiture	

Early detection and rapid response		
Protection of Trees and Conservation of Soil and Water Ordinance	<p>In this Ordinance— "Chief Agricultural Officer" means the officer for the time being in charge of the Agricultural Department of the Territory;</p> <p>12. (1) It shall be lawful for any authorised person to impound or otherwise deal with any livestock found within any protected area or forestry area or water area contrary to the provisions of this Ordinance as though such livestock were, when so found, trespassing on that person's land and as though the provisions of the Pound Ordinance, as amended applied to the trespass. In this subsection "authorised person" means the Governor or the owner of the protected area, forestry area or water area concerned, or such persons as they may respectively depute.</p>	This ordinance recognises the role for authorised persons to impound or “otherwise deal with any livestock”. This implies approval of lethal means to dispose of feral livestock trespassing on protected areas and threatening such designated areas. It does not recognize threats posed by invasive plants to such designated areas
Pounds and Livestock Brands Act, 2004	An Act to provide for the impounding of animals found straying in public places or trespassing on private land, the branding of livestock, the repeal of the Pounds Ordinance (Cap. 245) and other matters connected therewith.	This Act covers movement of livestock on public lands i.e. “ any land occupied by the Crown”
Customs Ordinance, 1975.	Any Customs Officers have powers of seizure of animal, plant or if deemed to be unlawful importation or exportation and if such proof is not furnished to the satisfaction of the Customs Officer the animal, plant or article shall be liable to forfeiture	
Control and management of invasive species		
Endangered Animals and Plants Ordinance 1976	The ordinance makes reference to both import and export of animals and plants and the need for the person in possession of the species should furnish proof of lawful acquisition or risk forfeiture by the Customs official under the Customs Ordinance of 1975. This Ordinance also makes specific reference to Article 15 of the Convention on the Trade in International Species of Wild Fauna and Flora (CITES) which relates to the amendments under the Convention relating to trade in animals and plants.	Section 5 speaks to the “Restriction of movement of certain live animals after importation” but does not refer to a similar concern for movement of plants.

<p>Protection of Trees and Conservation of Soil and Water Ordinance</p>	<p>In this Ordinance— "Chief Agricultural Officer" means the officer for the time being in charge of the Agricultural Department of the Territory;</p> <p>12. (1) It shall be lawful for any authorised person to impound or otherwise deal with any livestock found within any protected area or forestry area or water area contrary to the provisions of this Ordinance as though such livestock were, when so found, trespassing on that person's land and as though the provisions of the Pound Ordinance, as amended applied to the trespass. In this subsection "authorised person" means the Governor or the owner of the protected area, forestry area or water area concerned, or such persons as they may respectively depute.</p>	<p>This ordinance recognises the role for authorised persons to impound or “otherwise deal with any livestock”. This implies approval of lethal means to dispose of feral livestock trespassing on protected areas and threatening such designated areas. It does not recognize threats posed by invasive plants to such designated areas</p>
<p>The Fisheries Act 1997</p>	<p>35. (1) The Minister may, by Order published in the Gazette, declare any area of the fishery waters and, as appropriate, any adjacent or surrounding land, to be a marine reserve where he considers that special measures are necessary</p> <p>(2) The measures taken under subsection (1) shall include but not limited to those designed to minimize, to the extent possible,...(d) the intentional or accidental introduction of species, alien or new, to a particular part of the fishery waters or marine environment generally, which may cause significant and harmful changes to the living resources of the fishery waters or marine environment.</p> <p>PART VII AQUACULTURE</p> <p>47. (1) No person shall operate an aquaculture establishment for any purpose, unless he applies for and obtains a licence in accordance with this Part.</p>	<p>The CFD has broad powers to govern the management of its designated marine reserves and personnel are given powers of search, seizure and arrest under the Act.</p> <p>Aquaculture is a possible pathway for entry of potential IS species and the legislation call for certain requirements to be met before the CFD gives approval.</p>

	48. (1) Where the Chief Conservation and Fisheries Officer receives an application to operate an aquaculture establishment, he shall, if satisfied that the requirements for such an establishment as prescribed in this Part or any Regulations made under this Act have been met, make a recommendation in respect of the application to the Minister.	
Pounds and Livestock Brands Act, 2004	An Act to provide for the impounding of animals found straying in public places or trespassing on private land, the branding of livestock, the repeal of the Pounds Ordinance (Cap. 245) and other matters connected therewith.	This Act covers movement of livestock on public lands i.e. “ any land occupied by the Crown”
National Parks regulations (2008)	48 (d) prohibits “... undertake... activity which could cause the introduction of alien invasive species into a park”	
Horizontal measures		
Physical Planning Act (No. 15) 2004	<p>“environment” means all or any of... <i>(b) organic and inorganic matter and living organisms including human beings,</i> Section 13. (1) states: In consultation and co-ordination with the Chief Agricultural Officer and the Minister responsible for the Protection of Trees and Conservation of Soil and Water Ordinance, the National Parks Ordinance, the Marine Parks and Protected Areas Ordinance and the Fisheries Act, 1997, the Authority may prepare or cause to be prepared an environmental protection area management plan with respect to an area designated to be an environmental protection area in a development plan.</p> <p>(2) The purpose of a plan prepared under this section shall be to set out the policies and measures for the preservation, enhancement and management of the special features of the environmental protection area, including as may be relevant to the area to which the plan applies, policies and measures for</p>	<p>This Physical Planning Act supports the management of designated environmental protection areas and protection of fauna and flora therein.</p> <p>The Act makes specific reference for the need for an environmental impact assessment and for permission for keeping of poultry, pigs , goats or other livestock. These species have the potential to become feral and negatively impact environmentally sensitive areas.</p>

	<p>(a) the preservation of marine and terrestrial flora and fauna, including the regulation of hunting and fishing;</p> <p>Law also notes: (2) Without restricting the generality of subsection (1), the notice referred to in that subsection shall be served by the Chief Planner in respect of any application for permission to develop land in an environmental protection area; Publicity for applications. (c) for which it is determined by the Authority that environmental impact assessment is required;... <i>“(g) for permission to carry out development for keeping of poultry, pigs, goats or other livestock;</i></p> <p><i>PART IV refers to : 3. Allocation of lands (b) for game and bird sanctuaries; (c) for the protection of marine life; (d) for national parks and environmental protection area. 4. Preservation or protection of forests, woods, trees, shrubs, plants and flowers. ; 5. Protection of coastal zone, designation of marine parks, special resource and special use areas.</i></p>	
<p>National Integrated Development Plan (NIDP) 1999-2003</p>	<p>The specific character of integrated planning is the alignment of different sector planning objectives rather than the creation of one-issue plans. Sectoral planning is undertaken in line agencies, such as the Conservation and Fisheries Department and the Departments of Social Development and Agriculture. In the “planning process” the Ministry of Finance plays a key role as arbitrator influencing decisions mainly through financial limitations. The integration of the major planning functions at the national level could be achieved by the creation of a Department of National Planning, with the following divisions: Economic and Social Planning; Physical Planning;</p>	<p>The NIDP recognises the need for multi-stakeholder involvement and the pre-eminence usually given to certain line ministries (e.g. finance) in the planning process. It specifically identifies the need to engage natural resource management agencies (e.g. the Conservation and Fisheries Department) in the planning process. This would enhance the opportunity for the CFD and allied organisations (e.g. NPTVI) to flag IAS concerns on proposed initiatives.</p>

	<p>Environmental Planning; Projects; and Information, Statistics, and Publications</p> <p>In the BVI case it meant extending the process to the knowledge pool throughout the globe to the networks of partners British Virgin Islands firms trade in financial services, tourism and government. Another consideration is the use of extensive knowledge that foreign residents of the BVI have about environmental management and preservation.¹³</p>	
--	---	--

MONTSERRAT

Policy and legal instruments relevant to invasive species

Instrument	Key provisions	Observations									
International											
MEAs extended to Montserrat of relevance to invasive species	<p>Multilateral Environmental Agreements ratified by Montserrat</p> <table border="1" data-bbox="425 917 1624 1260"> <thead> <tr> <th data-bbox="425 917 504 1021">#</th> <th data-bbox="504 917 1377 1021">Convention or agreement</th> <th data-bbox="1377 917 1624 1021">Status of ratification</th> </tr> </thead> <tbody> <tr> <td data-bbox="425 1021 504 1125">1)</td> <td data-bbox="504 1021 1377 1125">Convention Concerning the Protection of the World Cultural and Natural Heritage (UNESCO WHC)</td> <td data-bbox="1377 1021 1624 1125">Extended</td> </tr> <tr> <td data-bbox="425 1125 504 1260">2)</td> <td data-bbox="504 1125 1377 1260">Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)</td> <td data-bbox="1377 1125 1624 1260">Ratified 02-Aug-1976</td> </tr> </tbody> </table>	#	Convention or agreement	Status of ratification	1)	Convention Concerning the Protection of the World Cultural and Natural Heritage (UNESCO WHC)	Extended	2)	Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	Ratified 02-Aug-1976	The MEAs reflect a fairly harmonized international policy framework governing natural resource management and protection of endangered species and ecosystems from identified threats including invasive alien species. (e.g. Ramsar Res. VII.14 “ <i>Invasive Species and Wetlands</i> ”, 1999), CITES Conf.13.10 (Rev. Cop 14),
#	Convention or agreement	Status of ratification									
1)	Convention Concerning the Protection of the World Cultural and Natural Heritage (UNESCO WHC)	Extended									
2)	Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	Ratified 02-Aug-1976									

¹³ Otto O’Neal. 2000. The British Virgin Islands National Integrated Development Strategy

3)	Convention on Wetlands of International Importance especially as Waterfowl Habitats (Ramsar)	Extended 05-Jan-1976	<i>“Trade in alien invasive species”</i>
4)	Protocol to amend the Convention on Wetlands of International Importance of 2/2/1971 especially as Waterfowl Habitats	Ratified 19-Apr-1984	
5)	Amendments to Articles VI and VII of the Convention on Wetlands of International Importance of 2/2/1971 especially as Waterfowl Habitats	Extended 27-Jun-1990	
6)	Convention on the Conservation of Migratory Species of Wild Animals (CMS) or Bonn Convention	Ratified 23-Jul-1985	
7)	UK Overseas Territories Environment Charter (UKOTEC)	Extended	
8)	St. George’s Declaration of Principles for Environmental Sustainability in the OECS	Extended 2001	
9)	International Convention on the Regulation of Whaling (a) (FCO List)		
Sources:			
Foreign & Commonwealth Office website http://www.fco.gov.uk/resources/en/pdf/3706546/3892595/3892707/FCOOTEnviron			
Additional notes 2015			
Cartagena Convention. Montserrat is a signatory to this convention (signed 24 March 1983 and ratified 28 – Feb-1986).			

	<p>Generally Montserrat participates in all of the related meetings of the convention as part of the Caribbean Environment Programme (CEP).</p> <p>Of the 3 Protocols, Montserrat is Party to two of them.</p> <p>2. The SPAW Protocol (signed 18 Jan 1990 not ratified)</p> <p>Source: United Nation Caribbean Environment Programme. http://cep.unep.org/cartagena-convention</p>	
Policy framework		
<p>Conservation and Environmental Management Act (2014)</p>	<p>Sec.28. Unprotected species of fauna and flora (4) ...the Director may direct an authorised officer or a person to take any action as may be reasonably necessary to impound, hunt, harvest or possess unprotected species of fauna and flora, including feral or loose livestock, found on Crown lands, protected area or private lands.</p> <p>PART 6—TRADE OF SPECIMENS- 31. Permit required for trade</p> <p>(1) No person shall import, export, re-export or possess a specimen or attempt to import, export, re-export or possess a specimen unless that person is in possession of a permit issued by the Director.</p> <p>(2) The Director may issue a permit under this section subject to terms and conditions which he considers necessary.</p> <p>(6) For the avoidance of doubt, where there are other enactments applicable to the importation, exportation, re- exportation or possession of a specimen, a person seeking to import, export, re-export or possess a specimen is required to fulfil the requirements under those enactments.</p>	<p>Sec. 28. Allows for the Department of the Environment to implement feral livestock control measures in the Centre Hills Protected area. It's also notable that the act enables management of identified invasive flora.</p> <p>Part 6 governs implementation of CITES and the trade in species listed in its Appendices I,II and III. Currently exercise of the powers for CITES is under Endangered Animals and Plants act</p>

<p>Forestry, Wildlife, National Parks and Protected Areas Act (Ordinance 1996, Rev. 2013)</p>	<p>Ordinance contains provisions to establish an environmental board to oversee the management of forests, wildlife, national parks and protected areas, to prepare a national forestry plan, and to set up an environmental fund to finance management activities.¹⁴</p> <p>A council and sub committees will be set up under CEMA</p>	<p>This Act has been repealed and replaced by CEMA (2014) and the proposed environmental fund has not been implemented. It is proposed that the fund be established under a separate bill covering Trust funds with the Ministry of Finance. There is a need for such a fund based on possible need for sustained management action for some invasive or feral fauna and flora.</p>
<p>Forestry Ordinance Cap. 95 1956</p>	<p>This Ordinance was repealed when the Forestry, Wildlife, National Parks and Protected Areas Ordinance 1996 was enacted. The Instruments previously allowed under Cap. 95 are enacted under the new legislation. Cap. 95 makes provision for the Governor to appoint a forestry board that can declare any land to be protected forest and specify appropriate restrictions on its use. The board may also recommend the purchase of lands by the Crown to serve as forest reserve. Under the Ordinance, clearing of forest, cutting of timber or fuelwood <i>and livestock grazing is illegal without the permission of the forestry board.</i>¹⁵ SAME APPLIES UNDER CEMA</p>	<p>This Act has been repealed and replaced by CEMA (2014) and its supporting regulations which support invasive species and feral animal issues</p>
<p>Endangered Animals and Plants Ordinance 1976 (Rev. 2013)</p>	<p>Act enabling legislation for CITES. The Act sets out “to restrict the importation and exportation of certain animals, plants and articles; to restrict the movement after importation of certain live animals; and for connected purposes.”</p>	<p>This ordinance gave legal implementation to the CITES Convention in Montserrat. As with CEMA, it concerned the trade in species listed in its Appendices I,II and III.</p>

¹⁴ Procter, D., & Fleming, L.V., eds. 1999. Biodiversity: the UK Overseas Territories. Peterborough, Joint Nature Conservation Committee.

¹⁵ Procter, D., & Fleming, L.V., eds. 1999. Biodiversity: the UK Overseas Territories. Peterborough, Joint Nature Conservation Committee.

		Other legislation would have to be invoked for management of trade in non-CITES listed specimens. THIS is currently being updated and should be passed shortly
Convention of Migratory Species of Wild Animals Act (Rev. 2013)	Act initially passed in 1985 to provide for the implementation in Montserrat of the Convention of Migratory Species of Wild Animals. Sec (5.) states; Where appropriate and feasible, each Agreement should provide for,.... (e) conservation and, where required and feasible, restoration of the habitats of importance in maintaining a favourable conservation status, and protection of such habitats from disturbances, <i>including strict control of the introduction of, or control of already introduced, exotic species detrimental to the migratory species;</i>	The Act provides for management actions against IS that negatively impact on migratory species. A suitable example would be actions against feral pigs who have been recorded rooting out eggs of endangered nesting marine turtles on Montserrat beaches. Marine turtles, including the green turtle, leatherback and hawksbill turtles, all of which are listed on CMS Appendix I
Montserrat National Trust Act 1970 (Rev. 2013)	The Trust is regularly called upon by both Government and international conservation agencies as an advisory body. The Act notes as its objective <i>inter alia</i> (a) to conserve and enhance the beauty of Montserrat; (c) to preserve the fauna and flora of Montserrat; (d) making the public aware of the value and beauty of the Island's heritage;	Although the Trust has a challenge with limited human and financial resources, it has a role in public education and outreach on natural resource management and on invasive species and feral animals
Fisheries Act 2013	Application for aquaculture licence; 38. (1) No person shall operate an aquaculture establishment for any purpose, unless he applies for and obtains a license in accordance with this Act.	This Act allows for possible intervention on potential aquatic IS. However, it does

	<p>(2) In particular, without limiting the generality of subsection (1), the Governor acting on the advice of Cabinet may make regulations for all or any of the following purposes—;</p> <p>(t) regulating or prohibiting the entry into any land leased for the purposes of aquaculture or into any waters superjacent to such land;</p>	state the need for the applicant not the regulating agency to flag any invasive or biosecurity risks.
Animals Trespass and Pound Act (2013)	<p>This Act speaks to the management of “animals” which are defined as “any horse, mule, ass, swine, goat or sheep and shall include any animal of the bovine species irrespective of age and sex and by whatever local or technical name it may be known”</p> <p>Animals found roaming on mountain slopes to be deemed abandoned</p> <p>5. (1) <i>Notwithstanding anything in any other law animals found roaming in mountain slopes shall be deemed abandoned by their owner and it shall be lawful for the Director of Agriculture to order—</i></p> <p>(a) that the animals be culled and sold by public auction or slaughtered and the meats sold; or</p> <p>(b) that the animals be shot and the meat sold.</p> <p>(3) For the purpose of this section, “Mountain slopes” means—</p> <p>(a) any area within three hundred yards of a spring; and</p> <p>(b) any area declared as a forest reserve, a protected forest, a conservation area or a national park under the Laws of Montserrat.</p> <p>Wild Cattle</p> <p>14. (1) If any damage shall be caused on any land by the trespass of cattle which by reason of their wildness or being untethered cannot be impounded it shall be lawful for the Director of Agriculture or an officer authorised in that behalf by him upon the application of the proprietor of the land sustaining such damage or his agent to permit the applicant or other qualified person to shoot or kill such cattle while in the act of trespassing.</p> <p>(Substituted by Act 10 of 1999)</p>	This Act has a narrow definition of animals but speaks to the impact and control of ruminants on native forests
(a)Dogs Act (2013)	<p>(a) Keeping of unlicensed dog an offence; Sec.3. Any person who keeps any dog, whether such dog is his own property or not, without being licensed under the provisions of this Act so to do, shall be guilty of an offence.</p>	The Acts are primarily aimed at dogs that inflict injury or harm to a person or livestock.

<p>(b) Dogs (protection of poultry and small stock) Act (acts 20 of 1968 and 9 of 2011)</p>	<p>(b) An act to provide for liability on the part of an owner of a dog for injury to poultry or small stock and for the destruction of dogs which injure or attempt to injure poultry or small stock.</p>	<p>It does not necessarily address feral dogs and potential impact on wildlife/biodiversity</p>
<p>Biosecurity measures pre-border and at point of entry</p>		
<p>Animals (diseases and importation) Act (2013)</p>	<p>2. In this Act— “animal” means any bovine, canine, equine, feline, goat, guinea pig, monkey, rabbit, sheep or swine, and any bird (including poultry), fish, insect and any other animal whatsoever, whether similar to the foregoing or not; Restriction on importation of animals, etc.</p> <p>13. (1) No animal, animal carcass, animal parts, veterinary biological product, fodder or litter shall be imported into Montserrat, unless imported from a country or part of a country prescribed under section 15(1) and under and in accordance with an import permit issued by the Chief Veterinary Officer in the prescribed manner.</p>	<p>This Act is primarily concerned with the control or prevention of the risk of pest, and disease among animals. However it does cover permission of importation of animals in a general sense.</p>
<p>Aviation Act (2013)</p>	<p>9. (1) No person shall bring into the airport or tether or cause to be tethered or permit to stray on the airport any animal: Provided that, this Regulation shall not apply in respect of any animal which has arrived by air or is intended for despatch by air and which is restrained by leash or confined in such other manner as to be under control.</p> <p>(2) It shall be lawful for the Commissioner of Police or any police officer to seize and impound any animal found straying or tethered on the airport, or to shoot any animal found straying on the airport.</p>	<p>This Act seeks to address an aviation safety concern as against biosecurity or invasive species issues</p>
<p>Port Authority Act</p>	<p>Considers the movement of animals and plants and game under “perishable goods” . Sec. 25. When on Port Authority premises, no person shall—(f) bring in live animals, without</p>	<p>This Port authority act can being support to other</p>

	permission;	articles that are focused on prevention of illegal entry of fauna.
Plant Protection Act 2013	<p>Power to make proclamations</p> <p>4. The Governor may by proclamation— (e) authorise or require the inspection before import or export of any plant or article likely to infect any plant with any pest or disease, and provide for the grant of a certificate as to the results of any such inspection;</p> <p>(h) direct or authorise the detention of classes of imported plants in any specified place and specify the precautions to be observed during such detention;</p> <p>(i) require plants, or any class or classes of plants, to be accompanied on importation by a plant certificate issued by a competent person or persons.</p> <p>Procedure for eradication of diseases and pests</p> <p>7. A Plant Protection Officer may, by notice in writing in the form in the Schedule served upon the occupier of any land, require him to take at his own expense and within a time specified in the notice, ..., all such measures as may be necessary for the eradication or the prevention of the spread of any disease or pest. Such measures may include the total destruction if necessary of any plant whether infected by any disease or infested with any pest <i>or not</i>.</p> <p>Regulations</p> <p>15. The Governor acting on the advice of Cabinet may make regulations for all or any of the following purposes—</p> <p>(f) for prohibiting the importation of any plant or plants except at specified ports or places of entry;</p> <p>(g) for directing or authorising the detention of any imported plant or plants in any specified place and prescribing the precautions to be observed during such detention;</p> <p>(h) for requiring the importation of any plant or plants to be accompanied by a plant certificate issued by an authorised person or persons;</p>	Mainly focused on prevention of spread of plant pests and disease however it does concern the import and export of plants.

	(i) for authorising or requiring the issue and revocation of licences for and the inspection of nurseries in which plants are reared for the purposes of sale, and the imposition of fees for such licences, and the regulation of the sale or removal of plants, whether reared in nurseries or not;	
Fumigation of Plants Act (2013)	<p>All imported plants to be fumigated</p> <p>4. All plants imported into Montserrat, together with the packages in which they are contained shall, subject to the discretion of the Agricultural Authority, be fumigated.</p> <p>By Agricultural Authority</p> <p>5. All plants so imported shall be delivered up by the importer to the Comptroller of Customs who shall cause them to be conveyed to the place of fumigation there to be dealt with by the Agricultural Authority. (Amended by Act 7 of 1966)</p> <p>Place of landing;</p> <p>6. No imported plants shall be landed elsewhere than at a port of entry.</p>	This Act is in support of the Plant protection Act and its focus is on the prevention of entry of plant pests and disease enforcement
Conservation and Environmental Management Act (2014)	<p>PART 6—TRADE OF SPECIMENS- 31. Permit required for trade</p> <p>(1) No person shall import, export, re-export or possess a specimen or attempt to import, export, re-export or possess a specimen unless that person is in possession of a permit issued by the Director.</p> <p>(2) The Director may issue a permit under this section subject to terms and conditions which he considers necessary.</p> <p>(6) For the avoidance of doubt, where there are other enactments applicable to the importation, exportation, re- exportation or possession of a specimen, a person seeking to import, export, re-export or possess a specimen is required to fulfil the requirements under those enactments.</p>	Regulations section 84 covers CITES. This part 6 is in addition to CITES
Internal and inter-island biosecurity		
Endangered Animals and Plants Ordinance 1976	Act enabling legislation for CITES. The Act sets out “to restrict the importation and exportation of certain animals, plants and articles; to restrict the movement after importation of certain live animals; and for connected purposes.”	

(Rev. 2013)		
Plant Protection Act 2013	<p>Power to make proclamations</p> <p>Procedure for eradication of diseases and pests</p> <p>7. A Plant Protection Officer may, by notice in writing in the form in the Schedule served upon the occupier of any land, require him to take at his own expense and within a time specified in the notice, running from the date of service, all such measures as may be necessary for the eradication or the prevention of the spread of any disease or pest. Such measures may include the total destruction if necessary of any plant whether infected by any disease or infested with any pest <i>or not</i>.</p> <p>(i) for authorising or requiring the issue and revocation of licences for and the inspection of nurseries in which plants are reared for the purposes of sale, and the imposition of fees for such licences, and the regulation of the sale or removal of plants, whether reared in nurseries or not;</p>	<p>Mainly focused on prevention of spread of plant pests and disease however does concern the import and export of plants</p> <p>The regulations also allow for interventions by a plant protection officer on private lands which may be occupied by infested plants. This however does not necessarily address if <i>the plant itself is classed as a pest</i></p>
Early detection and rapid response		
Conservation and Environmental Management Act (2014)	<p>Sec.28. Unprotected species of fauna and flora (4) ...the Director may direct an authorised officer or a person to take any action as may be reasonably necessary to impound, hunt, harvest or possess unprotected species of fauna and flora, including feral or loose livestock, found on Crown lands, protected area or private lands.</p>	<p>Sec. 28. Allows for the Department of the Environment to implement feral livestock control measures in the Centre Hills Protected Area. It's also notable that the act enables management of identified invasive flora.</p>
Plant Protection Act 2013	<p>Power to make proclamations</p> <p>4. The Governor may by proclamation— (e) authorise or require the inspection before import or export of any plant or article likely to infect any plant with any pest or disease, and provide for the grant of a certificate as to the results of any such inspection;</p>	<p>Mainly focused on prevention of spread of plant pests and disease however does concern the import and</p>

	<p>(h) direct or authorise the detention of classes of imported plants in any specified place and specify the precautions to be observed during such detention; (i) require plants, or any class or classes of plants, to be accompanied on importation by a plant certificate issued by a competent person or persons.</p> <p>Procedure for eradication of diseases and pests 7. A Plant Protection Officer may, by notice in writing in the form in the Schedule served upon the occupier of any land, require him to take at his own expense and within a time specified in the notice, running from the date of service, all such measures as may be necessary for the eradication or the prevention of the spread of any disease or pest. Such measures may include the total destruction if necessary of any plant whether infected by any disease or infested with any pest <i>or not</i>.</p> <p>Regulations</p> <p>15. The Governor acting on the advice of Cabinet may make regulations for all or any of the following purposes— (f) for prohibiting the importation of any plant or plants except at specified ports or places of entry; (g) for directing or authorising the detention of any imported plant or plants in any specified place and prescribing the precautions to be observed during such detention; (h) for requiring the importation of any plant or plants to be accompanied by a plant certificate issued by an authorised person or persons; (i) for authorising or requiring the issue and revocation of licences for and the inspection of nurseries in which plants are reared for the purposes of sale, and the imposition of fees for such licences, and the regulation of the sale or removal of plants, whether reared in nurseries or not;</p>	export of plants
Control and management of invasive species		
Animals Trespass and	This Act speaks to the management of “animals” which are defined as “any horse, mule, ass, swine, goat or sheep and shall include any animal of the bovine species irrespective of	This Act has a narrow definition of animals but

<p>Pound Act (2013)</p>	<p>age and sex and by whatever local or technical name it may be known”</p> <p>Animals found roaming on mountain slopes to be deemed abandoned</p> <p>5. (1) <i>Notwithstanding anything in any other law animals found roaming in mountain slopes shall be deemed abandoned by their owner and it shall be lawful for the Director of Agriculture to order—</i></p> <p>(a) that the animals be culled and sold by public auction or slaughtered and the meats sold; or</p> <p>(b) that the animals be shot and the meat sold.</p> <p>(3) For the purpose of this section, “Mountain slopes” means—</p> <p>(a) any area within three hundred yards of a spring; and</p> <p>(b) any area declared as a forest reserve, a protected forest, a conservation area or a national park under the Laws of Montserrat.</p> <p>Wild Cattle</p> <p>14. (1) If any damage shall be caused on any land by the trespass of cattle which by reason of their wildness or being untethered cannot be impounded it shall be lawful for the Director of Agriculture or an officer authorised in that behalf by him upon the application of the proprietor of the land sustaining such damage or his agent to permit the applicant or other qualified person to shoot or kill such cattle while in the act of trespassing. (Substituted by Act 10 of 1999)</p>	<p>speaks to the impact and control of feral livestock on native forests. It supports the CEMA legislation in addressing feral livestock concerns. The Department of Environment/ Ministry of Agriculture, Lands, Housing, and the Environment has employed feral livestock culling over recent years in order to conserve forests, wildlife and water resources.</p> <p>This Act demonstrates the need for cross departmental support on actions since the Department of Agriculture is empowered to control feral livestock</p>
<p>Conservation and Environmental Management Act (2014)</p>	<p>Sec.28. Unprotected species of fauna and flora (4) ...the Director may direct an authorised officer or a person to take any action as may be reasonably necessary to impound, hunt, harvest or possess unprotected species of fauna and flora, including feral or loose livestock, found on Crown lands, protected area or private lands.</p>	<p>Both acts empower persons to control feral livestock.</p>
<p>(a)Dogs Act (2013)</p>	<p>(a) Keeping of unlicensed dog an offence; Sec.3. Any person who keeps any dog, whether such dog is his own property or not, without being licensed under the provisions of this Act so to do, shall be guilty of an offence. (dogs not currently licensed)</p>	<p>Dogs are not currently licensed. However, the Acts are primarily aimed at dogs that inflict injury or harm to a</p>

(b) Dogs (protection of poultry and small stock) Act (acts 20 of 1968 and 9 of 2011)	(b) An act to provide for liability on the part of an owner of a dog for injury to poultry or small stock and for the destruction of dogs which injure or attempt to injure poultry or small stock.	person or livestock. Notably, it does not address feral dogs and potential impact on wildlife
Fumigation of Plants Act (2013)	<p>All imported plants to be fumigated</p> <p>4. All plants imported into Montserrat, together with the packages in which they are contained shall, subject to the discretion of the Agricultural Authority, be fumigated.</p> <p>5. All plants so imported shall be delivered up by the importer to the Comptroller of Customs who shall cause them to be conveyed to the place of fumigation there to be dealt with by the Agricultural Authority. (Amended by Act 7 of 1966)</p> <p>Place of landing;</p> <p>6. No imported plants shall be landed elsewhere than at a port of entry.</p>	The Act is directed at reducing the risk of entry of insect pest and diseases to Montserrat that may threaten agriculture sector. It does not address the threat of the imported pants being invasive
Horizontal measures		
Environmental Charter of Montserrat, 2001	<p>Guiding Principle (7.) To safeguard and restore native species, habitats and landscape features, and control or eradicate invasive species.</p> <p>Commitment (2.) Ensure the protection and restoration of key habitats, species and landscape features through legislation and appropriate management structures and mechanisms, including a protected areas policy, and attempt the control and eradication of invasive species</p>	Various projects have been undertaken to address invasive species issues in support of the objectives of the Charter, particularly concerning feral livestock in the Centre Hills; (i.e. <i>Montserrat Centre Hills Project</i> , Funded by: The Darwin Initiative, Royal Society for the Protection of Birds and OTEP)

<p>Organisation of Eastern Caribbean States (OECS) St. Georges Declaration</p>	<p>Montserrat is a full member of the OECS and St. Georges Declaration is a sub regional environmental instrument under the OECS.</p> <p>Amongst its targets are:</p> <ul style="list-style-type: none"> • Biodiversity protection • Protected area management • halt the loss of biological species <p>One of the supportive actions for these targets states: “adoption of measures to avoid or minimise the intentional or accidental introduction or escape of invasive alien or modified organisms that have the potential to impact negatively on the environment or human health, and to eradicate or control the pathways of those that have been introduced or escaped;”</p>	<p>National Environmental Management Strategy for Montserrat (2005)(NEMS) prepared as a requirement of the Government in discharge of its obligations under the St George’s Declaration (SGD) of Principles for Environmental Sustainability in the OECS, 2001. There are 21 Principles that have been prescribed in the SGD, and OECS Member States have agreed to utilize these in the governance of national affairs.</p>
<p>Centre Hills Management Plan (2008-2010)</p>	<p>In 2000, a 2,792-acre section of the Centre Hills forest was given legal protection, approximately two- thirds of which is privately-owned Forest Reserve, and one-third of which is government-owned Protected Forest.</p> <p>2. Conserve biodiversity, habitats, and ecosystem services of the Centre Hills</p> <p>2.3 Develop and implement a protocol for management of invasive species</p>	<p>The Plan is supported by CEMA legislation and other environmental policies referenced here.</p> <p>Now designated as one area “Protected Forest”</p>

CAYMAN ISLANDS

Instrument	Key provisions	Observations
International		
MEAs extended to	CBD - Cayman ratified in 1994 species and habitats, protected	

Cayman	areas not yet designated beyond national Trust sites; marine Pas in progress; Ramsar – 5 sites; CITES – effected through the Endangered species (Trade and Transport Law 2014) CMS – ratified in Cayman	
Policy framework		
National Environmental Policy – framework policy 2002	Recognises the importance role of the natural environment in Cayman - seeks max. benefit for development whilst conserving natural resources and to consider culture, simplify decision making, stimulate sustainable development, a set of broad environmental goals and notes need for further strategies and laws, some of which are now in place.	Invasives /biosecurity not mentioned explicitly
National Biodiversity Action Plan	Species plans (e.g. Blue Iguana and Rock Iguana) include targets for invasive species: green iguana , feral cat and dog control	
Environment Charter 2001	The seventh guiding principle is ‘to safeguard and restore native species , habitats and landscape features and control or eradicate invasive species	
Biosecurity measures pre-border and at point of entry		
The National Conservation Law 2013	35.Where (a) the Chief Agric. Vet Officer is considering any licence or permit to import into possess or transport to any part of the Islands a live or viable specimen of alien or genetically altered species under the provisions of the Animal Law (2013 Revision) or the Plants (Importation and Exportation Law (1997 Revision); they shall in accordance with any directives issued by the Council , consult with the Council and take into account any views of the Council before granting such certificate, licence or permit (2) A person who wishes to introduce or release in any part of the Islands a live or viable specimen of alien or genetically	Refers only to knowingly imported live specimens. Permits needed for import of animals or plants and consultation with the National Conservation Council

	<p>altered species shall apply to the Council under this Law for a permit to do so.</p> <p>50. (1) The Cabinet may make regulations...</p> <p>(f) Controlling or prohibiting whether generally or respect of any specified species, genus, family, order, or class of animal or plant the import and export of specimens</p>	<p>Import can be controlled or prohibited</p> <p>Appears to be no list or schedule of banned animals or plants? Could invasive species be added?</p>
The Endangered Species Act (Trade and Transport) 2004	Limited relevance as this refers to strict import export regulations surrounding endangered species only (those listed on schedules rather than invasive species)	Words: Invasive, biosecurity and alien not mentioned at all in this document
Animals Law (2013 revision)	<p>3. No animal of any description may be imported directly or indirectly into the Islands from any country outside the Islands or from any one island into any other otherwise than in accordance with this Law</p> <p>4. Save as specifically permitted by this Law, no animal of any description may be imported into the Islands from any country in Asia, Africa or Central and South America.</p> <p>5. (1) No animal or carcass other than fish caught directly from the sea may be imported into the Islands save by way of George Town seaport or Owen Roberts Airport and ports of entry in Cayman Brac and Little Cayman under licence from the Director</p> <p>24. Dog owners require licences – not transferable.</p>	<p>Largely focused on promotion of health and prevention of disease. Could be modified for invasive species?</p> <p>Forbids animal import unless license /permit obtained.</p> <p>No animal from Asia, Africa, Central and South America unless permitted by this Law?</p> <p>Animals/carcass must only be imported through port of entry</p> <p>No Banned list?</p>
Plant (Importation and Exportation) Law 1997 revision with 2014 amendment	<p>3. No import or export of plants without permission</p> <p>7. The director.... with an officer of the Police force may ...having gained permission...enter any place where a plant may be</p> <p>8. Any person who import into or exports from any port other than</p> <p>a) In Grand Cayman , the port of George Town or the airport Owen Roberts International</p>	<p>Largely focused on promoting health and prevention of plant disease .</p> <p>Import controlled by permission/permits</p> <p>Ability to inspect</p> <p>Import must be through ports/airports – except Little Cayman ?</p>

	<p>b) in Cayman Brac, the port of Creek or Gerard Smith Airport Commits an offence \$1000 penalty or imprisonment for a year</p>	
<p>Import Regulations – Cayman Islands customs (Regulations</p>	<p>An import permit from the Cayman Islands Department of Agriculture will be required before being able to import any live animals, fish, plant or plant product into the islands.</p>	<p>Refers to knowingly imported live specimens?</p>
<p>Customs Law 2012 revision</p>	<p>Customs Law deals Part 11 of this Law deals with the control of vessels and good 13. all vessels bound for the Islands shall arrive at a port and stay till released, any ship or vessel any officer may board to combat smuggling . 15. No person shall discharge goods or disembark passengers /crew from any vessel, anywhere but in the proscribed place all goods to be removed I forthwith to a transit shed: 17. (1) Without prejudice to any other power conferred by this or any other law, an officer may examine and take account of any goods-</p> <ul style="list-style-type: none"> (a) which are imported; (b) which are in a warehouse or Queen’s Warehouse; (c) which have been loaded into any ship or aircraft at any place in the Islands; (d) which are entered for exportation or for use as stores; (e) which are brought to any place in the Islands for shipment for exportation or as stores; or (f) in respect of which any claim for drawback, allowance, rebate, remission or repayment of duty is made, 	<p>Controlled points of entry Inspection permitted Good direct to transit shed. Power to examine goods</p>

	and may, for that purpose, require any container to be opened or unpacked, and samples of any goods to be drawn. 33. (1) All goods for export shall be deposited in a transit shed and, before such goods are loaded for export, entry shall be made in respect thereof.	
Public health Law 2002 revision Quarantine amendment 2011	Maritime Declaration of Health is included in the Public Health Law 202 revision , Public Health Quarantine (amendment regulations 2011)	This Law doesn't include a requirement for biosecurity declaration
Customs Regulations	Import of " some plants prohibited" appears to be endangered species , rice from Asian countries and Marijuana Any live specimen requires import permit. Species must be inspected and accompanied by original copy of inspection certificate Animal (bird of fish) = Official Health Certificate Plant or plant product = Phytosanitary certificate	All live matter must be inspected and accompanied by inspection certificate
Internal and inter-island biosecurity		
National Conservation Law 2013	35.Where (a) the Chief Agric. Vet Officer is considering any licence or permit to import into possess or transport to any part of the Island a live or viable specimen of alien or genetically altered species under the provisions of the Animal Law (2013 Revision) or the Plants (Importation and Exportation Law (1997 Revision); and (b) the Management Authority is considering any certificate or permit to import into possess or transport to any part of the Island a live or viable specimen of alien or genetically altered	Permit required to release otherwise an offence (e.g. releasing 'alien' iguanas would be an offence??)

	<p>species under the provision of the Endangered Species Trade and Transport Law 2004</p> <p>they shall in accordance with any directives issued by the Council , consult with the Council and take into account any views of the Council before granting such certificate, licence or permit</p> <p>(2) A person who wishes to introduce or release in any part of the Islands a live or viable specimen of alien or genetically altered species shall apply to the Council under this Law for a permit to do so.</p> <p>In a protected area authorisation or a permit is needed to 32. (f) ... discharge waste or any other matter or in any other way disturb alter or destroy the natural environment</p>	
Plants (Importation and Exportation) Law revision 1997, with amendments 2014	6. Cabinet can restricted /prohibit movement of plants within islands when necessary to prevent disease and make regulations to that purpose	? have any regulations been made?
Early detection and rapid response		
Plant (Importation and Exportation) Law 1997 revision with 2014 amendment	5. The Chief Agricultural Veterinary officer /Director may ...direct that any plant imported without permission or ..on to which any condition has not been complied with ... may be destroyed	Can destroy imported plants
Animal Law 2013	Part III section 18 allows for destruction of infected animals	Can destroy disease animals – may be useful for infected reptiles e.g. fungus??
<i>Control and management of invasive species</i>		
The National	11. (Management plans)	Management plans allow for control of

<p>Conservation Law 2013</p>	<p>(1) a management plan may contain directives consistent with the provisions of the plan for the prohibition or regulation of activities within the protected area</p> <p>Including</p> <p>(2) ...</p> <p>(a) prohibit or regulate entry of persons animals or vehicles</p> <p>(g) prescribe measures to protect , conserve and restore wildlife populations</p> <p>19. In order to help prevent a species from becoming endangered or threatened the Council may-...</p> <p>(e)develop and implement a conservation plan for any species whose population falls below optimum levels for the purpose of restoring the population to its optimal level</p> <p>50. (1) The Cabinet may make regulations...</p> <p>(h.) Controlling or regulating populations of aliens or genetically altered species;</p>	<p>IAS on protected sites</p> <p>Conservation plans could include eradication /control of IAS if they threaten wildlife populations</p>
<p>Fish consultation plan (under consultation 2016)</p>	<p>General encouragement for people to fish for Lionfish – no limits</p>	
<p>Animals Law 2013</p>	<p>33. The owner of any livestock, other than honey bees, shall take proper and effective measures to prevent them from trespassing on land in the occupation or ownership of another, and from straying on to the public highway and, subject to sections 34 and 35, the owner of such animals shall be responsible in damages for any injury or damage caused or done by the animal when so trespassing or straying.</p> <p>47. A constable may seize and detain any dog found in a highway or place of public resort which he has reason to believe is a stray and, if the owner can be traced, shall give notice of</p>	<p>Allows for (feral) livestock control</p> <p>And control of feral dogs (ref. Iguanas)</p>

	<p>seizure to the said owner to whom the dog shall be restored upon such owner paying all expenses incurred by its detention</p> <p>48. Dogs seized under section 47 shall be retained at the police station or in a dog pound for a period of seven days if unclaimed by the owner, after which they may be sold or handed over to the Department of Agriculture for destruction. The proceeds of sale of stray dogs shall be appropriated to the expenses of the maintenance of the dog pound</p> <p>70 (8) The C.A.V.O. or a person authorised by him, may use any prescribed poison to destroy any animal on any public or private land where it is necessary, in the opinion of the C.A.V.O., in the interests of public health, public safety or agriculture, or to preserve other domestic or wild animals and, in using such poison, the C.A.V.O. or the person authorised by him shall use all necessary precautions to prevent injury to any other animal or to any person.</p>	<p>Approves use of poison to protect wild animals</p>
<p>Horizontal measures</p>		
<p>Nature Conservation Law 2013</p>	<p>Part 7, section 43. (2) not yet enacted</p> <p>(2) An environmental impact assessment shall-</p> <p>(a) assess the proposed action having regard to its direct, indirect and cumulative impact and the need to....</p> <p>(ii) preserve natural resources, ecological functions and biological diversity;</p> <p>(iii) protect and conserve protected areas and conservation areas;</p> <p>(iv) protect and conserve protected, endemic and migratory species and their habitats; and</p> <p>made under this Law.</p>	<p>Environmental Impact Assessment can be used to highlight effects and costs of development if invasive species are brought in/allowed to become out of control</p>
<p><i>Development and</i></p>	<ul style="list-style-type: none"> • Part III (s13-29) deals with Control of Development but only 	<p>Not helpful for biosecurity</p>

<i>Planning Law</i> (2014 and 2011 Revisions)	nature requirements for <ul style="list-style-type: none"> o S25 – preservation of trees & woodlands o 26 – storm belts /mangrove buffer o 28 – taking ballast from the shoreline is an offence 	
DoE Cayman GIS Programme		Technical capacity to map invasives?

TURKS AND CAICOS ISLANDS

Instrument	Key provisions	Observations
International		
	Ramsar – 8 sites; CITES – will be effected through the draft Endangered Species (Trade, Collection removal and Transport) Bill 2011 CMS – ratified in Turks and Caicos	The Bill needs to be enacted – it is due to be re-submitted to the next House of Assembly. When all sections of the Bill (inc. biosecurity related) will be reviewed and introduction of new sections will be permitted.
Policy framework		
WildLife and Biodiversity Bill (NOT YET INACTED)	Section V comprehensive section on Alien Invasive species	As above: this bill needs to be enacted
Animal Health Ordinance	Scope: This Ordinance is intended to prevent the introduction and spread of animal diseases, to protect and promote animal health, to control the movement of animals and animal products into, from and within the Islands, and to regulate related matters.	
Plant Health Ordinance 2012	Scope : To prevent the introduction of plant pests, to protect and promote plant health, to control the movement of regulated articles into , from and within the Turks and Caicos Islands; and for connected purposes.	
Customs Ordinance revised 2009	Covers movement of goods: administration, customs controlled areas, importation , exportation , coasting trade, warehousing, duties/prohibitions/restrictions /powers, offences/ legal/ disputes	
Biosecurity measures pre-border and at point of entry		
Wildlife and Biodiversity Bill	14. (1) Prohibits activities involved known IAS without permit inc. limited to importing/bringing into the Islands a known or suspected IAS, propagation, trade,	As above – the Bill is to be resubmitted)

<p>(NOT YET INACTED)</p>	<p>field planting, accidental or intentional spreading of confirmed or alleged IAS . Permits issues after risk assessment and impacts to economy by the Scientific Authority which makes TOR for risk assessment and reviews qualifications of assessors, and recommends action (2) (3) (4) (5) (6)</p> <p>15. (1) An invasive species list can be published (3) No species will be discharged that are potentially invasive. (4) All confiscated invasive species shall be destroyed</p> <p>19. IAS on any land should be notified to the Dept. and steps taken with department to minimise harm to environment, biodiversity and economy , if not the Dept can suspend permits and recover costs if they must to do the work themselves</p> <p>There is a fifth schedule of IAS in the Bill but it is not referenced in the draft text of the Bill</p>	<p>Not allowed to discharge invasives but no inspection?</p>
<p>Animal Health Ordinance 2012</p>	<p>Powers of entry search and seizure of animals match those for plants described above (7). An inspector may seize and if needed destroy animals or animals samples posing a sanitary risk (8) fine for not providing samples \$5000 (9) animal inspector may contain or prevent movement (10) Failure to comply \$10,000</p> <p>Can also stop/apprehend people in relation to the above impose fines of \$20,000 if an offence has been committed by animal inspector Fine of \$10,000 if the offence committed in relation to inspection of 12 months imprisonment or both</p> <p>27. (1) The Director, on the advice of the CVO, may in order to ensure control of animal diseases and the safe and humane treatment of animals which are to be moved from or to or within the Islands, by notice prohibit— (a) the movement from or to or within the Islands of specified animals; or (b) the movement from or to or within the Islands of any animal on a specified</p>	<p>The ordinance covers only to sanitary and disease issues not invasive species potentially damaging to wildlife</p> <p>Inspection, seizure and destruction of animals is possible.</p> <p>Restriction of movement possible in relation to diseases of animals</p> <p>No landing of animals unless and animal inspector is present</p> <p>De ratting requirements – important to support biosecurity</p>

	<p>vessel or aircraft, for a period specified in the notice.</p> <p>34 and 35 deals with import of controlled animal commodities, that they must be imported at a port and must be inspected (41) controlled commodities must be declared by passengers, crew and captains, fine or imprisonment if not.</p> <p>Also under 44 responsibilities of captains and owners of vessels:</p> <p>(4) The captain of every incoming vessel must, while the vessel is in the Islands take all necessary steps to prevent any animal on board the vessel from making contact with any animal on shore unless permitted by an animal inspector, and then only as directed by the inspector.</p> <p>(5) An incoming vessel must comply with any de-ratting requirements prescribed by regulations.</p>	<p>measures for example on Ambergris Cay...?.</p> <p>DoA always take into consideration the sanitary and the environmental aspects of the import. If the import is an invasive species they refer to DECRA before granting an import permit. For CITES listed species, CITES export certification is required.</p>
<p>Plant Health Ordinance 2012</p>	<p>In relation to pests and diseases :</p> <p>Right to enter establishment dealing with live plant matter, vehicle, port facilities or other premises where activities relating to plants are being carried out and can search and seize (section 7) need a warrant to search a dwelling</p> <p>Inspector has other inspection powers and can order destruction of infected plant material , quarantine, and disinfection of premises</p> <p>A plant inspector may stop and search any vehicle or container upon entry into, movement within or exit from the Islands, if the inspector reasonably suspects that the vehicle or container is carrying a regulated article in contravention of this Ordinance and that a plant pest risk is created as a result.(section 8)</p> <p>Can take samples/act to contain detain, stop distribution (s10) serve enforcement notices and fines (11) can detain people of risk 13, fail to allow inspection fine \$10,000 or 12 months or both</p>	<p>Gives right to enter, search and destroy</p> <p>Plant measures described could be used to control potentially invasive species ?</p> <p>The Plant Health Ordinance does prevent "soil, noxious weeds and bees" "regulated article" means— (a) any plant, plant product, storage equipment, packaging, vehicle, container or soil; and (b) any other organism, object or material capable of harbouring or spreading pests; ?</p>

	<p>27. (1) The Director, on the advice of the CPPO, may in order to ensure control of quarantine pests and the proper handling of plants which are to be moved from or to or within the Islands, by notice prohibit—</p> <p>(a) the movement from or to or within the Islands of a specified plant; or</p> <p>(b) the movement from or to or within the Islands of any plant on a specified vessel or aircraft, for a period specified in the notice.</p> <p>(2) No import permit and no phytosanitary certificate may be issued in relation to the import or export of a plant contrary to a prohibition notice under subsection (1).</p> <p>(3) For the purposes of controlling or eradicating a quarantine pest and of preventing its introduction or spread, the Director, on the advice of the CPPO, may by notice</p> <p>(a) control the movement of regulated articles within, into or out of a zone;</p> <p>(b) provide for the establishment of compartments within a zone and varying measures of control for each compartment;</p> <p>(c) authorise the disposal or treatment of regulated articles that are or have been in a zone; or Compensation Control of movement of plants</p> <p>(d) impose any other dis-infestation measure, eradication measure or official control and stamping-out program that is required, for a period specified in the notice.</p>	
<p>Customs Ordinance revised 2009</p>	<p>Vessels and goods from outside the islands must come into recognised port/customs airport (21, 22)</p> <p>Collector has power to give direction on unloading of imported goods (23) provide procedures etc must make a report of what it carries (24) nothing must be tampered with (unloaded, destroyed, thrown overboard , stowed) before report made otherwise ne imposed</p>	<p>Relates to known imported goods – but not the unknown unsavoury stowaways.</p>
<p>Internal and inter-island biosecurity</p>		
<p>Animal Health ordinance</p>	<p>27. (1) The Director, on the advice of the CVO, may in order to ensure control of animal diseases and the safe and humane treatment of animals which are to be moved from or to or within the Islands, by notice prohibit—</p> <p>(a) the movement from or to or within the Islands of specified animals; or</p>	<p>Movement control is aimed directly at disease control and prevention of spread.</p>

	(b) the movement from or to or within the Islands of any animal on a specified vessel or aircraft, for a period specified in the notice.	
Plant Health ordinance 2012	<p>A plant inspector may stop and search any vehicle or container upon entry into, movement within or exit from the Islands, if the inspector reasonably suspects that the vehicle or container is carrying a regulated article in contravention of this Ordinance and that a plant pest risk is created as a result (s 8)</p> <p>27. (1) The Director, on the advice of the CPPO, may in order to ensure control of quarantine pests and the proper handling of plants which are to be moved from or to or within the Islands, by notice prohibit—</p> <p>(a) the movement from or to or within the Islands of a specified plant; or</p> <p>(b) the movement from or to or within the Islands of any plant on a specified vessel or aircraft, for a period specified in the notice.</p> <p>(2) No import permit and no phytosanitary certificate may be issued in relation to the import or export of a plant contrary to a prohibition notice under subsection (1).</p> <p>(3) For the purposes of controlling or eradicating a quarantine pest and of preventing its introduction or spread, the Director, on the advice of the CPPO, may by notice</p> <p>(a) control the movement of regulated articles within, into or out of a zone;</p> <p>(b) provide for the establishment of compartments within a zone and varying measures of control for each compartment;</p> <p>(c) authorise the disposal or treatment of regulated articles that are or have been in a zone; or Compensation Control of movement of plants</p> <p>(d) impose any other dis-infestation measure, eradication measure or official control and stamping-out program that is required, for a period specified in the notice.</p>	The Plant Health Ordinance does prevent "soil, noxious weeds and bees" "regulated article" means—
Early detection and rapid response		
Wildlife and Biodiversity Bill 2010	22 (3) The Department shall have the power to enter any land to survey and assess the extent of any invasive species on the land and the power to remove, contain and destroy such species in accordance with an invasive species notice where the	Excellent - when enacted.

NOT YET ENACTED	Department determines that an invasive species is a serious threat to an ecosystem, habitat, or protected species.	
Animal Health Ordinance	19. (1) The Service must establish an early detection system designed to detect sanitary risks or health hazards from animals or animal products. The system is codified. It is based on an active-passive monitoring system.	Only relates to animal health not invasives. Regulation of live animal imports is robust but not animal products because of staffing issues. The AHO gives us powers for disease control and prevention not powers for IAS. Again, potential IAS would not be permitted entry unless DECR says so after consultation. Illegal imports are another matter altogether; it requires a specific bill to address the control of IAS.
Plant Health Ordinance	19. (1) The Service must establish an early detection system designed to detect plant pest risks or health hazards from regulated articles. I	
Control and management of invasive species		
Wildlife and Biodiversity Bill	16 .Failure to comply with invasive species import /discharge rule person can be ordered to carry out mitigation measures for environment and economy or within 6 months a fine of up to \$25,00 or imprisonment for six month or both If IAS establish liable for cost of control (18) Section 20 deals with control of IAS Control and eradication possible using technically viable, socially acceptable,	Good – when enacted Fines for not managing invasive species Allows for ethical control and

	<p>environment friendly and economically reasonable methods. Action to be executed with caution and in a manner that may cause the least possible harm to biodiversity and damage to the environment.</p> <p>(The methods employed to control and eradicate should also be directed at the offspring, propagating material and re-growth of such invasive species in order to prevent regeneration/reestablishment</p> <p>21. Allows for monitoring, control and eradication plans and states that “An invasive species National Action Plan shall be prepared to contain monitoring, control and eradication plan. The plan shall contain the following information-</p> <p>(a) a complete list and detailed description (biology and ecology) of any listed invasive species occurring in a specific location;</p> <p>(b) the exact location (coordinates) and description of the area there the invasive species occur and the adjoining area;</p> <p>(c) an assessment of the extent of infestation, and reproduction biology of the AIS or suspected AIS;</p> <p>(d) a status report of past and present preventive , control and eradication measures/methods;</p> <p>(e) the implementation strategies to address the threats of invasive species”.</p> <p>22. The public will be notified of IAS activities, the intention and the activity period and the Department shall have the power to enter any land to survey and assess the extent of any invasive species on the land and the power to remove, contain and destroy such species in accordance with an invasive species notice where the Department</p> <p>23.Mitigation action may need to be taken by Department – even on private land..</p>	<p>eradicate of IAS</p> <p>Allows for development of eradication plans</p> <p>Requires full public consultation</p> <p>Allows mitigation actions to be made by Government on private land</p>
Animal Health Ordinance	<p>24. (1) The CVO may, by notice in the Gazette, designate any part of the Islands as an animal disease-free zone, a buffer zone or a surveillance zone for the purposes of this Ordinance.</p> <p>(25)Animals can be destroyed for animal disease purposes</p>	<p>Allows culling to prevent disease spreading</p>

Plant Health Ordinance	Plants can be destroyed for plant pest reasons(25)	Allows destruction to prevent plant pest spread
Horizontal measures		
Physical Planning Ordinance 1998 and subsequent revisions	<p>Part III – Planning Policy & Exercise of Planning Functions</p> <p>§§14 – General duty of the Governor, Minister, Board, Director & all planning officers to exercise powers/perform duties <i>‘in such manner as will promote development of land which—</i></p> <p><i>(a) is consistent with a coherent policy for the development of land in the Islands (including any development plan having effect in accordance with the provisions of this Ordinance);</i></p> <p><i>(b) promotes orderly development of the Islands in such manner as is beneficial to the people of the Islands; and (c) takes into account environmental, social and economic considerations.’</i></p> <p>for consideration by Board when determining applications include:</p> <p>Limited EIS requirement for certain types of projects in Conservation Areas</p>	<p>Planning should take account of environment</p> <p>EIS though limited is in place and there is an way to raise threats of invasive species though new developments. In some projects, DECR is requested to review/provide comments, in which case DECR looks into preventing introduction of AIS. There is also a Bill (Environmental Management Bill and EIA Regulation) that will require EIA for all projects. However, there is a perception that many oppose this proposed legislations.</p>

BERMUDA

NB his analysis is based on information available at the time of publication.

Instrument	Key provisions	Observations
International		
MEAs extended to Bermuda	CBD - not ratified. Protected areas currently under review, marine areas designated.; Ramsar ratified – 7 x 0.12km ² sites; CITES ratified CMS – ratified	
Policy framework		
National biodiversity Strategy and Action plan.	In the Bermuda NBSAP principle 20 recognises threats of invasive and numerous targets within the plan to address element of IAS management, mainstreaming, legislation review and awareness. There are 30 activities in the present document out of 408 total activities	In the upcoming BSAP review, IAS will have its own section.
Environment Charter 2001	Principle 7 To safeguard and restore native species, habitats and landscape features, and control or eradicate invasive species. Commitment 2 Ensure the protection and restoration of key habitats, species and landscape features including a protected areas policy, and attempt the control and eradication of invasive species	
Bermuda's Implementation Plan for the Future Objectives and Actions to Achieve the Sustainable Development Strategy 2008	Actions under 3.5 and 3.5 relates to invasive species including compensation for Invasive removal, control of Invasive plant imports (banned list) , promotion of planting natives and endemics and increasing nursery stock	
Strategy for the Sustainable Use of	Objective 5. Investigating New Harvest Opportunities includes Investigating a new fishery for the invasive Pacific lionfish	

Bermuda's Living Marine Resources (undated) 2010		
Draft Invasive alien species strategy	Moving towards species –specific management plans (lionfish , chicken etc see below)	
Biosecurity measures pre-border and at point of entry		
Agriculture Act 1930	<p>Makes provisions for regulations to control infectious diseases (13) and to allow control of animal imports (16)</p> <p>In order to control pests and diseases a plant pathologist may inspect all plants imported into Bermuda (19) and Minister can destroy all infected imported plants (20) and can prohibit import export of plants (21)</p> <p>Also provisions for regulations of nursery stock, certificates and inspection. Inspection of potatoes before removed from wharf (40, 41). Vegetables seeds control and regulation.</p> <p>Regulations; incidental provisions Regulations made in pursuance of any provision of this Act— may,provide for the inspection of any premises, land, boat, vehicle or aircraft; for the seizure and examination of any animal or thing, the analysis of anything, and the forfeiture and disposal of any animal or thing used or possessed in contravention of the regulations; and may require that the regulations, or any part or extract therefrom, shall be displayed in any prescribed place.</p>	<p>Biosecurity relevant sections of this Act and the associated regulations (below) focus on animal and plant pests and diseases with a focus on maintaining health of agricultural animals and crops and public health in general.</p> <p>Invasive species and wildlife not mentioned</p> <p>Provisions for inspection and where need destruction of plant material. Certificates if health for nursery stock, potatoes and vegetable seeds</p>
Agriculture(control of Animal Diseases)	6 and 7 The Veterinary Officer shall have the right to board and inspect any vessel or aircraft arriving in Bermuda in which animals	Inspection Quarantine

Regulations 1947	<p>are being imported, and to place animal in quarantine. 11. has the right to order carcass destruction. 14. can order slaughter</p> <p>57 Refers to import rules to notify arrival and allow inspection require certificate of health before being off loaded</p> <p>The regulations details the certificates needed including</p> <p>74 No certificate must be returned to port from whence it came</p> <p>76 No animal products from South America</p> <p>79 No bees or bees on comb – queen bees only with certificate and no infection. Bees and hives can be inspected</p>	<p>Destruction of animal or animal product</p> <p>Certificate of health</p>
Agriculture (Control of Plant disease and pest regulations) 1970 – 1989 revision and amendments 2007	<p>6. Permission to board any ship or aircraft if necessary to prevent pest or disease. 7 Masters and pilots to be responsible to prevent introduction. Permits required for import(9) restrictions on seed import (10) Plants from countries which have golden nematode, burying nematode, citrus blackfly, need certificates(12-14) as do any unfrozen fruit and vegetables and cut flowers (18 – 20)</p> <p>No sand soil or earth on stock can be imported (15) unless certificate from minister (23A). No removal of consignment without inspections permission</p> <p>Written consent needed to import sand gravel peat</p> <p>Plants for export can also be inspected</p>	<p>Inspection</p> <p>Responsibility of masters and pilots</p> <p>Import controlled by permission/permits</p> <p>Restrictions</p> <p>Certificate of health</p> <p>No soil without certificate</p>
Importation of fruit Vegetables and Flowers Act 1961 and Amendment 1994	<p>1. Subject to this Act the Minister responsible for the environment ("the Minister") may prohibit the importation of specified fresh fruits, vegetables and flowers during any period of the year</p> <p>Penalty and forfeit of product if contravened</p>	
Agriculture (Importation and Sale of Potatoes) Regulations1936 – 1989 revision	<p>Regulations governing import, certificates required for import and standard (free of disease) destroy if diseased</p>	
Agriculture (Inspection	<p>Inspection of Easter Lily fields to prevent disease</p>	

and Exportation of Nursery Stock) Regulations 1931	No vegetable or fruit export to the US or the British west Indies with a list of exceptions Coral sand for packing must be uncontaminated by soil	
Agriculture (Soil Erosion) Regulations 1967	5. Restriction on importing grazing animals, must have a permit	
Fisheries Regulations 2010	27. It is an offence to introduce live or unfrozen and uncooked fish into waters of Bermuda unless license given	
Internal and inter-island biosecurity		
	(181 islands in the archipelago) Internal biosecurity is by policy, not legislated. Nature reserves have biosecurity measures Nonsuch Island has foot baths for visitors and trees and plants coming to the island must be bare root (out of pots, no soil). Similarly, trees going to Trunk Island must be bare root or dipped before transport to the island.	Goods can land at L.F Wade international Airport and the two ports: Royal Naval Dockyard, Kings Wharf / Heritage Wharf (double dock)
Early detection and rapid response		
Agriculture Act 1931 and associated regulations described above	As described above – particularly: Allow for inspection of animals and plants and destruction if diseased, both on entry to Bermuda (ports of entry and in country) Can control or prevent imports at any time. Provisions for regulations and control of nursery stock, potatoes and vegetables seeds	No reference to invasive species or threat to wildlife
Agriculture (Japanese Beetle) Order 1939	Japanese beetle is a notifiable pest	
<i>Control and management of invasive species</i>		
Bermuda National Parks Act 1986 1999 revision Currently undergoing revision	Part II 3. establish national parks that should be (2) managed to protect maintain and enhance natural and historic features Reflected also in objectives 5 (1) can include private areas with agreement of the owner 6 (1) 10 A commission (including environmental experts) advises on long	Management of protected areas can include control of IAS.

	<p>term management of areas adequacy of management plans etc 11 and 12 requirement for a management plan and the content of activities needed</p> <p>18 (2) (iii) officers can seize any vehicle, vessel, weapon, or thing within a protected area in connection with which an offence appears to have been committed against this Act or any regulations made there under, or any plant or animal or anything whatsoever which he has reason to believe is being possessed within a protected area in contravention of this Act,</p> <p>This Act gives the power to make regulations 25 (1) including (d) controlling the taking into and use of animals in protected areas for any purpose; (q) providing for such other measures as may be required to ensure furtherance of the objectives of protected areas;</p> <p>28. Punishment on summary conviction: in respect of each offence imprisonment for 3 months or a fine of \$1,000 or both..... in the case of a second or subsequent conviction imprisonment for 6 months or a fine of \$2,000 or bothcontinuing offence a further fine of \$200 for every day during which the offence continues.</p>	<p>Could include invasive species</p> <p>IAS control and management</p> <p>Care and abandonment Act for animals</p>
Bermuda National Parks regulations 1988	<p>7. Animals and fowls No person shall, being the owner of, or in control of, any animal (including a fowl)—cause or permit such animal to graze in.... stray on... or permit such animal to disturb or take another animal (including birds, reptiles, fish or invertebrate animal) in a protected area.</p>	<p>Good for feral animal control including chickens!</p>
Endangered Animals and Plant Act 2006	<p>Limited relevance as this is refers to strict import export regulations surrounding endangered species only (those listed on schedules rather than invasive species)</p>	<p>Words: Invasive, biosecurity and alien not mentioned at all in this document</p>
Protected Species Act	<p>6. Critical habitats for protected species can be designated as</p>	<p>Words: Invasive, biosecurity and alien</p>

2003	protected areas. 7. (1) Recovery plans to be developed and published for threatened species including (c) a statement of the measures to be taken to eliminate or reduce the threats to the species	not mentioned at all in this document, but the intention is to have separate legislation for invasive species Allows IAS control/eradication to be undertaken
Protection of Birds Act 1975	4. (2) The Minister may authorize in writing any officer of the Department, or any other person, to take such measures for the control or destruction of such pest bird or species of pest bird as the Minister may approve which includes feral chickens and feral pigeons	
Public Health Law 1949	50. Provision to remove vermin – particularly rats and mosquitoes	This Law doesn't include a requirement for biosecurity declaration
Control plans: Bermuda Lionfish Control plan 2014 Pigeons American Crow Feral chicken 2013	Not legislation but supported by government. Permits required to spear Lionfish \$20 plus 2 hour course. The Department of Environment and Natural Resources Pigeons http://environment.bm/s/Feral-pigeon-management-plan-for-Bermuda-PSA-format.pdf The American Crow (http://environment.bm/s/Crow-management-plan-for-Bermuda-PSA-format.pdf) and a cabinet approved feral chicken management plan http://environment.bm/s/Feral-Chicken-Management-Plan-Nov-2013-secured.pdf	
Horizontal measures		
<i>Development and Planning Law</i>	The terrestrial conservation officer reviews planning developments on conservation zoned land. This gives him the ability to have clients who are proposing to plant invasive plants in a landscaping scheme to substitute another species. This particularly applies to woodland reserve and nature reserve zonings.	

DENR Bermuda GIS Programme	Lionfish reporting map is online As part of DENR mapping in support of protected species programme and Red List assessments for plants, we have been mapping threats to the rare plants, which is a de facto invasive plants map. Feral bird control requests are mapped continuously	Considerable in house GIS capacity in the department and in government.
----------------------------	---	---