



Department  
for Environment  
Food & Rural Affairs

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[www.gov.uk/defra](http://www.gov.uk/defra)

[REDACTED]  
Public Administration International  
56 Russell Square  
London  
WC1B 4HP

**Your ref:** CPG/1766/2017  
**Our ref:** Project 24036  
**Date:** 01 August 2018

Dear [REDACTED]

## **Call-off from The Conflict Stability and Security Fund Foreign & Commonwealth Office framework agreement, number CPG7982015.**

### **For: Overseas Territories Support Legislation Reform**

Under call-off arrangements with the Foreign & Commonwealth Office Defra wishes to engage your services under the terms of the above named framework agreement completed 17 May 2017.

The requirement is for the drafting of model biosecurity legislation which can then be adapted to the individual needs of Overseas Territories that have expressed a need for such legislation (specifically Falkland Islands, St Helena and Turks and Caicos Islands).

I have attached Terms of Reference providing scope of the requirement, contact details of the project officer and an estimate of costs table for drafting the model legislation and further adaptation work. If time required and/or costs exceed the attached table estimate we will extend this contract via a Contract Change Note (CCN) subject to agreement from all parties

Drafting the model legislation is the first stage of this requirement after which progress will be reviewed and then consideration given to extend this contract for further adaptation for an Overseas Territory, to be advised by the Project Officer. Any extension will be via issue of CCN, under same terms as above paragraph.

Can you please confirm that you accept this contract offer by signing both copies of this offer letter and returning to myself at the above address. I will then arrange completion by an authorised signatory and return a completed contract to you.

Once complete can you please liaise with the contacts listed in the Terms of Reference as appropriate regarding meeting this requirement and establishing a timescale for completion of the model legislation (no later than 31 March 2019)

Payment will be made on completion of the draft model legislation and any further subsequent adaptations. Invoices should quote the purchase order number (to follow) and submitted to:

[Redacted]  
Wildlife Team  
Wildlife, Climate Change and Forestry  
DEFRA  
Horizon House  
Deanery Road  
Bristol  
BS1 5AH

Yours sincerely

[Redacted]

[Redacted]  
Countryside, Nature and Biodiversity Procurement Team  
DEFRA

T: 020 802 [Redacted]  
E: [Redacted]@Defra.Gsi.Gov.uk.

I confirm that I accept the above contract offer dated 01 August 2018 under the terms of The Conflict Stability and Security Fund Foreign & Commonwealth Office framework agreement, number CPG7982015.

Signed for and on behalf of <b>Public Administration International</b>	
Name	[Redacted]
Title	[Redacted]
Signature	[Redacted]
Dated	7/8/2018

Signed for and on behalf of <b>Department for Environment Food &amp; Rural Affairs</b>	
Name	[Redacted]
Title	[Redacted]
Signature	[Redacted]
Dated	15/08/18

## TERMS OF REFERENCE

### DRAFTING OF LEGISLATION TO COVER REGISTRATION REQUIREMENTS FOR TACKLING INVASIVE SPECIES IN THE UK OVERSEAS TERRITORIES

#### *Background*

This request is driven by the need for comprehensive legislation to underpin biosecurity. Islands are recognised as particularly vulnerable to invasive non-native species (pests, weeds and diseases) which threaten agricultural production, biodiversity and public health. Examples of such species include the Pacific Lionfish, Pink hibiscus mealybug, and insect vectors responsible for malaria and Zika, among others. Biosecurity systems provide the protection needed by the Territories from the incursion of new invasive non-native species. The borders of the island Territories are very porous and there are multiple ways in which people can introduce illegal or restricted items. The growth in tourism and globalisation is resulting in a concomitant increase in importation of regulated items such as food-vegetables, fruits, meats, live plants, timber, and live animals, which pose a serious threat for the introduction of hitchhiker and contaminant species. Without the proper support in place, this issue can escalate.

#### *Scope*

Falkland Islands, St Helena, Turks and Caicos Islands, but proposal foresees the development of model legislation applicable to most of the Overseas Territories.

#### *Objective*

The development of biosecurity legislation would make a direct contribution to the NSC objectives of protecting the prosperity and economic development of the OTs, by protecting agriculture and fisheries. It would also contribute to improving OTs' ability to meet international obligations to protect biodiversity, including under the Convention on Biological Diversity, which has been extended to the Falklands and St Helena.

#### *Methodology*

The request is for the development of model biosecurity legislation, together with assistance with legal drafting to adapt the model to each Territory for endorsement.

Comprehensive model legislation will provide the full complement of regulations required for effective biosecurity, including components for phytosanitary and zoosanitary risks, border actions, post-border surveillance and emergency response, compliance, enforcement and sanctions. Once the model is complete, each of the three Territories will access drafting support to analyse existing legislation and adapt the model to fill in the gaps in a manner appropriate to their specific needs. By this means biosecurity legislation will be harmonised across the UKOTs to international standards.

The three territories will provide the relevant policy input with support from the GB Non-Native Species Secretariat in collaboration with PAI, as required.

Model biosecurity legislation will be of interest to most of the Territories as existing legislation is generally weak, as evidenced by a recent biosecurity gap analysis carried out for all Territories as part

of this project, and a review of biosecurity legislation in the Caribbean Territories carried out by the RSPB. The exceptions are Gibraltar (covered by EU legislation), and BAT and South Georgia (covered by Antarctic Treaty legislation).

*Timing*

As soon as possible. Biosecurity legislation or the lack thereof, holds back the development of the biosecurity systems, putting the fragile ecosystems of the Territories at risk. All are undergoing growth in several sectors, such as tourism and for the Falklands hydrocarbon exploration, and with a growing population and increasing imports it is important to get legislation in place as soon as possible.

*Key contacts*

██████████ - GB Non-Native ██████████ Animal and Plant Health Agency (implementing partner) - +44 ██████████ or +44 ██████████ - ██████████ [@apha.gsi.gov.uk](mailto:██████████@apha.gsi.gov.uk)

██████████ - ██████████ Defra - +44 ██████████ - ██████████ [@defra.gsi.gov.uk](mailto:██████████@defra.gsi.gov.uk)

Please liaise with both contacts.

## Legislative Support on Biosecurity

Budget Estimate – 31 May 2018

### PART A – DRAFT MODEL ACT

For the draft model Act, including adapting recent best practice legislation for use in OTs, producing a draft Act to share with DEFRA and APHA, taking on board comments and further instructions. The draft model Act will include notes on what is needed to adapt it to individual OTs and an explanatory note to explain the structure and sources of provisions.

Fees:

Name	Title	Daily Rate	Number of Days	Total
	Legislative			
	Quality		Up to	
	Lawyer			
			Up to	
			Up to	
Total				£23,671.60

Contingency fees:

Type of Cost	Rate	Quantity	Total
Contingency for any extra costs needed to enable work to be carried out, as agreed in advance by DEFRA/APHA	Actual costs incurred	As incurred, estimate	£5,000
Total:			£5,000.00

**TOTAL COST FOR DRAFT MODEL ACT**

**£28,036.60**

**PART B – ADAPTING MODEL BIOSECURITY LAW**

To adapt the model law (Bill) to the exact circumstances and legislative regime of separate OTs, acting on the instructions and directions of the OT and DEFRA and APHA' producing a draft Bill suitable for enactment' excluding unforeseen subordinate legislation

For The Falkland Islands and each subsequent OT

**Fees:**

Name	Title	Daily Rate	Number of Days	Total
██████████	Legislative ██████████	██████████	Up to ██████	██████████
██████████	Quality ██████████ ██████████ Lawyer	██████████	Up to ██████	██████████
██████████	██████████	██████████	Up to ██████	██████████
██████████	██████████	██████████	Up to ██████	██████████
<b>Total</b>				<b>£18,036.60</b>

**Contingency fees:**

Type of Cost	Rate	Quantity	Total
Contingency for any extra costs needed to enable work to be carried out, as agreed in advance by DEFRA/APHA	Actual costs incurred	As incurred, estimate	£5,000
<b>Total:</b>			<b>£5,000.00</b>

**TOTAL COST FOR THE FALKLAND ISLANDS AND SUBSEQUENT OTS**

**£23,036.60**