

**Strategic Planning and Corporate  
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Department of  
**Agriculture, Environment  
and Rural Affairs**

An Roinn

**Talmhaíochta, Comhshaoil  
agus Gnóthaí Tuaithe**

Depairtment o'

**Fairmin, Environment  
an' Kintra Matthers**

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26 November 2025

Dear Janice,

### **Legislative Consent Motion for The Biodiversity Beyond National Jurisdiction Bill**

Further to my previous correspondence of 24 September 2025, I am writing to provide an update on the Biodiversity Beyond National Jurisdiction (BBNJ) Bill that is progressing through Westminster and the next steps in the legislative consent process for the clauses that deal with devolution matters.

The Biodiversity Beyond National Jurisdiction Bill was introduced to the House of Commons on 10 September 2025. The Bill enables the UK to implement the international BBNJ Agreement under United Nations Convention on the Law of the Sea (UNCLOS), covering marine genetic resources, area-based management tools, and environmental impact assessments in areas beyond national jurisdiction.

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The Bill had its 1st reading in the House of Lords on 18 November and is scheduled for the 2nd reading on 2 December 2025. Committee stage is scheduled for 16 and 18 December 2025. The report is likely to follow early January 2026.

Legislative consent must be obtained from the devolved parliaments at the report stage and before the 3rd reading in the House of Lords.

A memorandum was initially laid in the NI Assembly on 24 September 2025 which did not include a draft Legislative Consent Motion as the devolution analysis had not yet been completed.

The Department has now completed the devolution analysis and agrees with the devolution analysis undertaken by the UK Government. The Department of Justice has also confirmed that the proposed criminal offences are necessary, consistent and proportionate.

The Bill contains 26 clauses and one schedule. Legislative consent is required for the following clauses of the Bill as these provisions engage devolved matters within the legislative competence of the Assembly:

- Clauses 2-9 – Marine Genetic Resource provisions. The LCM process is engaged for these clauses as they relate to scientific research and education, which are devolved matters.
- Clause 11 – Area Based Management Tools – Power to make regulations. The LCM process is engaged for this clause on the basis that the future use of the measures, which is primarily for the implementation of future BBNJ Conference of Parties decisions, could involve devolved matters.
- Clause 13 – Directions. Again, the LCM process is engaged for this clause on the basis that the future use of the measures, which is primarily for the future

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implementation of future BBNJ Conference of Parties decisions, could involve devolved matters.

The Executive considered the draft legislative consent motion on 20 November 2025 and agreed that the endorsement of the Assembly by means of a Legislative Consent Motion should be sought in relation to the clauses that deal with devolution matters.

The Legislative Consent Memorandum (**Annex A**) was laid in the Assembly on 24 November 2025.

The legislative consent process in the Scottish Parliament is at a similar stage as the NI Assembly. The Welsh Government assessed that the Bill did not require legislative consent from the Welsh Parliament. Ireland has ratified the BBNJ Agreement and is expected to bring forward its own implementing legislation. The EU signed the BBNJ Agreement and is developing an implementation framework consistent with UNCLOS and the Kunming-Montreal Global Biodiversity Framework.

Please update the Committee and advise if any further information or briefing is required to support its consideration of the provisions of the Bill relating to devolution matters.

Yours sincerely,



**Paul McGranaghan**  
**Departmental Assembly Liaison Officer**

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