

LEGISLATIVE CONSENT MEMORANDUM

BIODIVERSITY BEYOND NATIONAL JURISDICTION BILL

Background

1. This memorandum has been laid before the Assembly by the Minister for Agriculture, Environment and Rural Affairs under Standing Order 42A(4)(b). The Biodiversity Beyond National Jurisdiction Bill (the Bill) was introduced in the House of Commons on 10 September 2025. The latest version of the Bill can be found at:

<https://publications.parliament.uk/pa/bills/cbill/59-01/0302/240302.pdf>

Summary of the Bill and its policy objectives

2. The Bill is to enable the United Kingdom (UK) to implement the *Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction* (the BBNJ Agreement). The full text of the BBNJ Agreement can be found at:

<https://www.un.org/bbnjagreement/sites/default/files/2024-08/Text%20of%20the%20Agreement%20in%20English.pdf>

3. Areas Beyond National Jurisdiction is defined in the BBNJ Agreement as the high seas and the seabed and ocean floor beyond the limits of national jurisdiction.
4. The Bill contains 26 clauses and one schedule, addressing three of the four substantive parts of the BBNJ Agreement, *Part II: Marine Genetic Resources including the fair and equitable sharing of benefits*, *Part III: Measures such as Area-Based Management Tools, including Marine Protected Areas*, and, insofar as it relates to marine licensing, *Part IV: Environmental Impact Assessments*. The other parts of the BBNJ Agreement are not specifically covered in this Bill as they do not require legislation for the UK to meet its obligations under the Agreement.
5. The BBNJ Agreement was adopted by consensus at the United Nations (UN) on 19 June 2023 and the UK signed the Agreement when it opened for signature on 20 September 2023. The Agreement cements the UN Convention on the Law of the Sea (UNCLOS) as the key legal framework of ocean governance. It aims to enable greater conservation of the two-thirds of the ocean that lies beyond national jurisdiction and will support the delivery of the Kunming-Montreal Global Biodiversity Framework – that includes the

target to effectively conserve and manage at least 30% of the ocean by 2030. Primary legislation, and subsequent secondary legislation, is required before the UK can ratify the Agreement to ensure compliance with its obligations.

6. The BBNJ Agreement:

- establishes new obligations to share the benefits of research into, and utilisation of, marine genetic resources (MGR) from areas beyond national jurisdiction and digital sequence information (DSI) on those MGR;
- establishes a mechanism to designate area-based management tools (ABMTs), including marine protected areas (MPA), in areas beyond national jurisdiction;
- builds upon provisions in UNCLOS requiring environmental impact assessments for planned activities in areas beyond national jurisdiction;
- strengthens capacity-building for developing states, along with broader marine technology transfer; and
- makes clear that the BBNJ Conference of the Parties should work with and alongside existing bodies such as the International Maritime Organisation (IMO) and its work must be consistent with the provisions of UNCLOS.

Provisions which deal with a Devolution Matter

7. Some of the provisions of the Bill may fall within the legislative competence of the Assembly, as they potentially deal with devolved matters. Analysis is being undertaken to determine which provisions deal with a devolution matter.

Reasons for making the Provisions

8. The Bill will provide the legal framework for the United Kingdom to fully implement its international obligations under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (the BBNJ Agreement).

Reasons for utilising the Bill rather than an Act of the Assembly

9. The provisions of the Bill extend and apply to England, Wales, Scotland and Northern Ireland, apart from clauses 17 and 18 which extend and apply to Scotland only.
10. The Bill amends the Marine and Coastal Access Act 2009 and the Marine Works (Environmental Impact Assessment) Regulations 2007 to align the

marine licensing regimes with the BBNJ EIA process in respect of activities in areas beyond national jurisdiction. This legislation operates on a UK-wide basis and therefore it is appropriate for a Westminster Bill to introduce the provisions rather than an Assembly Bill.

Consultation

11. The Natural History Museum and the National Oceanography Centre, as the organisations holding the main collections of MGR of ABNJ in the UK, were consulted both during the negotiation of the Agreement and in the development of the UK's approach to its implementation.

Human Rights and Equality

12. Foreign Secretary Yvette Cooper has made the following statement under section 19(1)(a) of the Human Rights Act 1998: In my view the provisions of the Biodiversity Beyond National Jurisdiction Bill are compatible with the Convention rights.

Financial Implications

13. The UK Government has assessed the public sector financial costs to be low on the basis that there will no significant costs to the public sector above business as usual.

Summary of Regulatory Impact

14. The UK Government has assessed the overall regulatory impact to be neutral. The impact assessment indicates there will minimal impacts on businesses. There is a possibility that as a result of access and benefit sharing under the BBNJ Agreement, greater dissemination of information enables the development of new and improved solutions in the pharmaceutical, life sciences, agri-tech, cosmetics, nutraceuticals and bulk chemical sectors. This could have significant benefits to UK businesses and households. However, due to long lead-times for research, any impacts are likely to be negligible to begin with.

Engagement to date with the Committee for Agriculture, Environment and Rural Affairs

15. The Agriculture, Environment and Rural Affairs Committee has been notified about this Bill and will be provided with a briefing as part of the legislative consent motion process.

Conclusion

16. The Minister of Agriculture, Environment and Rural Affairs will consider the findings of the analysis and in the interests of good government, will bring forward a Legislative Consent Motion and further Memorandum as soon as possible following the Executive's consideration.

Department of Agriculture, Environment and Rural Affairs

24 September 2025