

Parliamentary Bureau - Legislative Consent Memorandum

Biodiversity Beyond National Jurisdiction Bill (UK legislation)

Introduction

1. Under Rule 9B.3.5, the Parliamentary Bureau is required to refer any legislative consent memorandum (LCM) that has been lodged with the Parliament to the committee within whose remit the subject matter of the relevant provision falls.
2. This LCM has been lodged by Gillian Martin MSP, Cabinet Secretary for Climate Action and Energy, in accordance with Rule 9.B.3.1(a).

Biodiversity Beyond National Jurisdiction Bill

3. This Bill was introduced in the House of Commons on 10 September 2025.
4. The Bill's main purpose is to implement the UK's obligations under 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* (BBNJ Agreement). The agreement aims to ensure the conservation and sustainable use of marine resources in areas beyond national jurisdiction (ABNJ) (i.e. beyond 200 nautical miles (nm)). Implementing obligations under the BBNJ Agreement through this Bill will enable the UK to ratify the BBNJ Agreement. The Bill extends across the UK, including Scotland, Wales, and Northern Ireland, and the UK Government has requested legislative consent for the relevant provisions.
5. 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* (implemented by Part 2 of the Bill – Clauses 2-10); *Part III: Measures such as Area-Based Management Tools, including Marine Protected Areas* (implemented by Part 3 of the Bill – clauses 11 to 13); and, insofar as it relates to marine licensing, *Part IV: Environmental Impact Assessments* (implemented by Part 4 of the Bill – Clauses 14-19). 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 BBNJ Agreement. The Explanatory Notes for the Bill can be found at the UK Parliament publication pages.¹
6. The LCM sets out that both the Scottish and UK governments agree that legislative consent is required for Clauses 2-9, 11 and 13-19 of the Bill. In addition, the Scottish Government considers that clause 10 requires legislative consent.
7. The LCM contains a draft motion seeking the Parliament's consent to Clauses 15 to 19 of the Bill. The Scottish Government has not yet reached a position in

¹ [The BBNJ Bill Explanatory Notes](#)

respect of the other relevant provisions. Due to the limited time available between the Scottish Government first seeing the complete draft Bill and the introduction of the Bill on 10 September, the Government requires a longer timeframe to work through the remaining clauses to assess its policy and legal implications, as well as the need for any further amendments. The Scottish Government intends to lodge a supplementary LCM once it has reached a position on these remaining clauses.

Designation of lead committee

8. The relevant provisions of the Bill fall within the remit of the Net Zero, Energy and Transport Committee. The committee's remit is (among other things) to consider and report on matters within the responsibility of the Cabinet Secretary for Climate Action and Energy, with the exception of matters relating to just transition. The Cabinet Secretary has responsibility (among other things) for environmental protection, physical and marine environment, and marine planning.
9. The LCM will also be considered by the Delegated Powers and Law Reform Committee in relation to any provisions in the Bill conferring powers to make subordinate legislation in areas of devolved competence.

Recommendation

10. The Bureau is invited to refer, under Rule 9B.3.5, the LCM to the Net Zero, Energy and Transport Committee as lead committee.

Parliamentary Business Team
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