



Criteria for listing of species in the Schedules to the Wildlife (Jersey) Law 2021

Updated January 2024

Introduction

The Wildlife (Jersey) Law 2021¹ is the main legislation for nature conservation in Jersey. The purpose of this Law is the conservation of wildlife and the promotion of biodiversity conservation in Jersey.

The Wildlife Law provides protection for wild animals, birds and plants etc., in Jersey, including its territorial waters. The Law makes it an offence to carry out deliberate or reckless acts affecting protected species, including killing and capturing species and disturbance or damage of nests, dens, resting sites and breeding sites.

Species that are protected are listed in the Schedules to the Law, which specify different levels of protection. The levels of protection are determined according to the conservation status of the species concerned, both locally and internationally.

The process of selecting species for listing in the Schedules to the Law follows three main steps:

- **Rationale for listing** – why species are considered
- **Eligibility Criteria** – used to determine which species should be considered
- **Decision Criteria** – used to determine whether the species meets the need for protection under the Wildlife Law

Rationale for listing

The rationale for listing a wild animal, bird or plant in the Schedules to the Wildlife Law is that legal protection should be provided where the species is close to extinction in Jersey, or is likely to become so, and where such protection is likely to improve its chances of survival. Protection should also be provided where there is an international obligation to do so. Listing will need to be supported by evidence to show that the species meets the above requirements. An animal, bird or plant species meeting the Eligibility Criteria below will only be recommended for listing in the relevant Schedule to the Law where there is a strong case that such protection will remove the risk of its extinction or risk of it becoming threatened, through the reduction of one or more of the direct human pressures listed in the Decision Criteria below. Protection should then facilitate an increase in population size, number of localities occupied or range.

Eligibility Criteria

¹ [Wildlife \(Jersey\) Law 2021 \(jerseylaw.je\)](http://jerseylaw.je)

Eligibility criteria for native species

For a species to be eligible for listing in a Schedule to the Wildlife Law, one of the Eligibility Criteria in each of sections A, B and C below should be met and supported by evidence.

Section A - Nomenclature

The species must satisfy the following:

1. The taxonomic status of the species must meet recognised international standards of nomenclature (i.e., with an authenticated authority²).
2. Taxa below the species level may be considered, provided that they are:
 - i. clearly recognisable (i.e., morphologically distinct); or
 - ii. geographically or ecologically distinct.

Section B – Jersey Status

The species must satisfy one or more of the following:

- i. The species is native in the wild in Jersey i.e., arrived in Jersey without intervention by man, whether intentional or unintentional, having come from an area in from which it is native or a species which has arisen de novo in Jersey (Preston *et al* 2002)³; or
- ii. The species occurs as a vagrant in Jersey and requires international protection; or
- iii. The species is a native that is believed extinct in Jersey as a breeding species, but is in the process of being reintroduced to the Island; or
- iv. The species is a native that is believed extinct in Jersey, but with the possibility that it could become re-established naturally; or
- v. The species is native to Jersey and listed on Appendices I, II or III of the Bern Convention⁴; Appendices I and II of the Bonn Convention⁵ (unless specific derogations apply); or
- vi. The species is threatened internationally, but Jersey provides or could provide a refuge for a wild population.

Section C – Conservation Status

The species must satisfy one or more of the following:

- i. The species is considered Threatened⁶ in Jersey; or

²e.g., [International Commission on Zoological Nomenclature \(iczn.org\)](http://www.iczn.org)

³ Preston, C.D., Pearman, D.A. & Dines, T.D. (2002). *New Atlas of the British and Irish Flora*. Oxford University Press, Oxford.

⁴ [Convention on the Conservation of European Wildlife and Natural Habitats \(Bern Convention\)](http://www.biodiv.org/convention/bernc)

⁵ [CMS | Convention on the Conservation of Migratory Species of Wild Animals \(Bonn Convention\)](http://www.cms.gov/convention/migratory-species/)

⁶ [IUCN Red List of Threatened Species](http://www.iucn.org/redlist/)

- ii. The species is likely to become Threatened, unless conservation measures are taken; or
- iii. There is an international obligation to afford the species legal protection (if not protected elsewhere e.g., International or European designation); or
- iv. The species or sub species is widely recognised and accepted by the scientific community (or other relevant community) as being endemic to Jersey; or
- v. Where a protected species is easily confused with another species or sub species.

NOTES REGARDING 'THREATENED': the term Threatened is interpreted according to the IUCN Red List Categories and Criteria to encompass the categories of Vulnerable, Endangered and Critically Endangered (IUCN 2012).

A species is considered to be or to be likely to be within a Threatened Category when:

- It is included in an approved Jersey Red List, using the IUCN criteria, as Critically Endangered, Endangered or Vulnerable; or
- Records indicate that the species is known locally from only a single locality or from a severely fragmented range.

For species yet to be assessed for Red Listing or where an approved Jersey Red List for the species group concerned has not yet been published, the species may be added if it can be shown to meet IUCN criteria for a Threatened category. For example, if a species is rapidly declining in population, with a reduction in number of localities occupied or range according to the IUCN criteria. The decline must transcend normal fluctuations.

To be recommended for listing, the classification of a species within a Threatened category must, at least in part, be due to one or more of the direct human pressures listed in the Decision Criteria.

Eligibility criteria for non-native species

- i. Generally, only native (including reintroduced native) taxa are to be considered (see Eligibility Criteria for native species above). In exceptional circumstances, non-native species which have been introduced or thought to have been introduced to Jersey by man could be considered if the species is endangered or extinct in its native range and if current information suggests that the species is unlikely to have an adverse impact on native species or ecosystems.

If a non-native species meets criterion (i) above, preference will be given to those non-native species whose native range reaches the north-west coast of Europe (i.e., continental distribution extends to the Atlantic coast of France, Belgium, the Netherlands, Germany or Scandinavia and the northern Mediterranean Countries) and for marine taxa, the distribution includes the north-west Atlantic area.

There are different types of non-native plants:

- Non-native species brought into Jersey by man, intentionally or unintentionally, even if native to the source area or which have come into Jersey without man's intervention, but from an area in which it is present as a non-native (Preston *et al* 2002)
- Neophytes: (naturalised after AD 1500). Where there is clear evidence that a species is a neophyte it will be excluded from listing except where new evidence shows these neophytes to be considered native (Cheffings and Farrell 2005)⁷
- Archaeophytes: (naturalised before AD 1500) can be included in the selection process (Cheffings and Farrell 2005)
- "Native or Alien": evidence for and against native status is too finely balanced to decide the status. These species will be eligible for the selection process under the precautionary principle unless new evidence is available to decide the status one way or the other (Cheffings and Farrell 2005)

Decision Criteria

An animal, bird or plant species meeting the Eligibility Criteria will be recommended for listing in the relevant Schedule to the Wildlife Law where there is a strong case that scheduling will afford significant benefits to it through a decrease in any of the direct human pressures listed below:

- i. deliberate or reckless killing or injuring, picking or uprooting or reckless disturbance of the species; or
- ii. 'Collection' including possession, dead or alive, in full or part thereof; or
- iii. Deliberate or reckless damage to the habitat, disturbance or obstruction to any structure or place of shelter and protection which is regarded as essential for the survival of the species (such as nests, burrows, holes, scrapes, or similar resting sites; sites used to raise young (and eggs)); or
- iv. A currently or potentially damaging trade, or other forms of exploitation or pressure;
- v. Incidental pressure from land use or other activity affecting the population or its habitat.

Removing species and changing the protection status

Where a species that is already listed in a Schedule to the Wildlife Law is no longer considered to meet the Eligibility or Decision Criteria for listing, then it may be reassessed for the purposes of removing from the Schedule concerned. Similarly, the level of protection may be varied if the protection currently afforded to a species is no longer appropriate. In each case evidence must be provided to support any recommendations for change.

⁷ Cheffings, C. and Farrell, L. (2005) (Editors). The Vascular Plant Red Data List for Great Britain. Species Status 7: 1-116. JNCC, Peterborough.