

Conservation of Wildlife (Jersey) Law 2000

Guidance notes for the issue of a licence to kill by shooting common pheasant (*Phasianus colchicus*).

The purpose of this guide is to help applicants understand the application process and requirements for obtaining a licence to control common pheasant.

1. Introduction

1.1 Power to grant licences

The Conservation of Wildlife (Jersey) Law 2000 ('the Wildlife Law') protects all wild birds except for four species; carrion crow, magpie, wood and feral pigeon. The Law prohibits the deliberate killing, injuring or taking of any protected wild bird, and the destruction or taking of the egg or nest of a protected wild bird while such nest is in use. The Law also prohibits the use of certain methods of killing or taking any wild birds, including the use of traps.

The Minister for the Environment has authority under Article 16(2) of the Law to grant a licence to kill or take protected wild birds and their nests provided that specific legal conditions are satisfied.

a) The first condition is:

Licences can only be issued for certain purposes specified in the Law. Such purposes include:-

- for preserving public health or public or air safety;
- for preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, fisheries or other forms of property, whether movable or immovable; or
- preventing the spread of disease.

b) The second condition is:

The Minister shall not grant a licence for any purpose mentioned above unless he is satisfied that as regards that purpose;

- there is no other satisfactory solution; and
- anything authorised by the licence will not be detrimental to the survival of the

population concerned.

A licence can only be issued if all of the above conditions are satisfied.

It is the responsibility of the applicant to provide sufficient evidence in respect of the above.

The above is only a summary of the main provisions of the Law as they relate to this present licence application. Any person considering applying for a licence is advised to consult the full text of the Law, which can be obtained from the Department of the Environment or online at www.jerseylaw.je

1.2. Licence purpose

This application form is for an annual licence to take by shooting common pheasant only. This annual licence does not permit the use of any otherwise prohibited method of taking or any activity involving other protected bird species.

1.3 Who can be licensed?

This licence is issued to the landowner or to the occupier of the land upon which the licensed activity is to take place. This may be an individual, company or partnership. Note that if the applicant is the occupier of the land, written consent from the landowner must also be provided to accompany the application.

The applicant may nominate up to six shooters to be authorised to carry out the licensed activity (five if the applicant is also to carry out the licensed activity). Note that if the licence is granted, it remains the applicant's responsibility to ensure that each named shooter complies with the terms of the licence and with any requirements in relation to possession of a valid firearms certificate and any other relevant legislation.

Please note that completion of a licence application does not guarantee that a licence will be granted. If an application is refused, the Department will inform you in writing of the basis for the refusal.

The Department may not issue a licence to a person who has not complied with the terms of a previous licence; licences may be suspended or revoked at any time and, if so, should be surrendered to the Department immediately.

Note that the Department reserves the right to monitor compliance with this annual licence through the periodic inspection of documentation relating to activities carried out including activity reports as necessary.

2. The Application Process

Licence applications should be submitted using the appropriate form available from the Department of the Environment or online at www.gov.je, accompanied by the relevant documentation if required, in support of the application.

In assessing the application, the Department will consider all of the information that you

provide in your application form including copies of previous relevant licences. You may be asked to provide further information. The Department reserves the right to consult with third parties for professional advice/opinion regarding the application, and to disclose your application details if necessary. For example, your licence details will also be passed to Parish Halls for the purposes of managing gun licences issued under the Firearms (Jersey) Law 2000.

The Department will aim to decide whether a licence should be issued within fifteen working days of receipt of the application and all relevant enclosures or within 30 working days when consultation is required. Complex applications may require more time to be processed. In this case you will be contacted to be informed of the reason for the delay.

If the licence application is approved the licence will be issued in duplicate and sent by post or electronically (on request) to the applicant. These must be signed and one copy returned to the Department of the Environment.

Note that the licence will only become valid once one original copy of the licence counter-signed by the applicant has been received by the Department of the Environment.

3. Completing the Application Form

Please complete all sections of the application form. If any part does not apply to your specific application, please say so in the box so that we do not assume you have missed an answer.

Section A – Applicant Details

Please provide full details of the person who will hold the licence. This will normally be the landowner or the occupier of the land upon which the licensed activity is to take place.

Section B – Location

It is a requirement of the Law that any licensed activity that involves the killing of a protected wild bird must specify the location where the killing takes place. Field numbers and a location map should be provided where possible.

Section C – Nature of the problem being experienced

A licence may only be issued if the proposed activity meets one or more of the purposes defined in Article 16 (2) of the Wildlife Law (see Introduction above).

A full description of the nature of the problem must be provided as justification for the licence application. This may include evidence gathered from previous years' experiences and any information about current number of birds present.

Section D – Previous licences

Please provide information on any previous licences held to control wild birds by you, or held for the same area of land as mentioned in the current application form. The nature of the problem for previous licences should also be included.

Section E - Preventative measures taken

A licence can only be granted if there is no other satisfactory solution to the problem being experienced.

Applicants must provide details of alternative non-lethal measures (such as scaring) that have been undertaken to prevent the problem arising. If no such measures have been tried then the application may be refused.

Section F – Authorised shooters

The applicant may nominate a maximum of six shooters (five if the licence holder will also be carrying out the licensed activity) who will be authorised to carry out the licensed activity on the land specified in Section B above. Note that the licence holder will remain responsible for ensuring that each shooter carries out the licensed activity in accordance with the terms of the licence and is aware of all relevant protocols etc.

The full name and firearms certificate number are required for each additional shooter who is nominated to be included under the licence. A photocopy of each firearm certificate will also need to be attached to this application if not previously provided to the Department of the Environment.

The licence holder is responsible for ensuring that authorised shooters have the appropriate competence so as to avoid causing unnecessary suffering. All firearms must be used in accordance with the relevant provisions of the Firearms (Jersey) Law 2000.

Section G – Previous convictions

Any previous convictions under the Conservation of Wildlife Law (Jersey) 2000 or the Animal Welfare (Jersey) Law 2004, needs to be declared for the licence holder and the nominated shooters.

4. Reporting Requirements

Note that as a condition of the licence, an Annual Licence Report of activities must be fully completed at the end of the term of the licence. The report must specify the numbers and sex of those birds killed (including no activity taken) and the location of those shot.

The information contained in your report may be shared with other interested parties for bird monitoring purposes. If you are concerned about the sharing of this data please contact the licensing authority.

The report must be submitted to the Department of the Environment, to arrive **no later than the 14th day after the licence expires**. If no report is submitted the licence may not be renewed.

WARNING

The Minister for the Environment can modify or revoke at any time any licence that may be issued but this will not be done unless there are good reasons for doing so. Any licence that is issued is likely to be revoked immediately if it is discovered that false information had been provided which resulted in the issue of a licence. A person who, for the purpose of obtaining the grant of a licence, makes a statement or representation, or furnishes a document or information, which they know to be false in a material particular, shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

Under the Conservation of Wildlife (Jersey) Law 2000 (as amended) failure to comply with the terms of a licence may make the licensee liable to prosecution for an offence.

Under the Animal Welfare (Jersey) Law 2004 it is an offence to cause unnecessary suffering to an animal. It is the responsibility of the licence holder to ensure that they and their

authorised agents and assistants, use appropriate equipment and to ensure that they are competent to use such equipment so as to avoid causing unnecessary suffering.

A licence issued in respect of this application does not confer any exemption from any legal provision not contained within the Conservation of Wildlife (Jersey) Law 2000.

All firearms must be used in accordance with the relevant provisions of the Firearms (Jersey) Law 2000.

Further information

Further information regarding licensing arrangements can be obtained from the Department of the Environment.

Application Procedure - Summary

- An application for a licence should be made on the relevant form 'PH - Pheasant Control Application Form' which can be requested from the Department of the Environment (at the address shown on the front page of this advice sheet) or online at www.gov.je .
- Ensure that the form is completed following the Guidelines above, and that all relevant supporting documentation is attached.
- Note that the application form must be signed by the owner or occupier of the land upon which the licensed activity is to take place. If the occupier signs then the application must be accompanied by written consent from the landowner. The applicant (landowner or occupier) may nominate up to six people to carry out the licensed activity.
- Electronic copies of the application form and supporting documents are accepted, however, the application will only be processed on receipt of the original signed application form.
- The Department will aim to decide whether a licence should be issued within fifteen working days of receipt of the application and all relevant enclosures or within 30 working days when consultation is required. Complex applications may require more time to be processed. In this case you will be contacted to be informed of the reason for the delay.
- Note that the licence will only become valid once one original copy of the licence counter-signed by the applicant has been received by the Department of the Environment.
- The period of validity of a licence will be stated in it (normally 1st January to 31st December of a given year).
- **No renewal of a licence will be granted unless a return of numbers killed or taken under the licence has been submitted to the Department of the Environment not later than the 14th day after the licence expires.**

Please ensure that you have answered all questions fully and have signed the declaration of the Licence application.