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## **Conservation of Wildlife (Jersey) Law 2000 (as amended)**

### **Guidance notes for the issue of a licence for possession of live protected wild birds and/or live protected wild animals for the purposes of science, research, education and conservation**

#### **1. Introduction**

##### **1.1 Power to grant licences**

The Conservation of Wildlife (Jersey) Law 2000 ('the Law') protects the wild animals and wild birds that are listed in the Schedules to the Law. Article 8 of the Law provides that it is an offence for any person to keep or have in the person's control any live protected wild animal or live protected wild bird.

- A 'wild bird' is defined in the Law as meaning any bird of a kind which is ordinarily resident in or is a visitor to Jersey in a wild state (with the exception of poultry).
- A 'wild animal' is defined in the Law as meaning any animal other than a bird which is or, before it is killed or taken, was living wild.
- Protected wild animals and protected wild birds are those described in Schedules 1 and 2 of the Law.

Exemptions are provided in the following cases:

##### a) **Possession of disabled wild animals and/or wild birds (Article 5(3)(a))**

Subject to certain conditions it is not an offence under the Law to take and to keep a wild animal or wild bird from the wild that is disabled and provided that it has been taken for the sole purpose of tending the animal or bird and releasing it when no longer disabled.

In these circumstances a person may keep the animal or bird for up to 28 days, after which time a licence for possession will be required under the Law.

If the animal or bird is considered to be permanently disabled (in other words, unfit to be released back to the wild), this must be confirmed by a vet and the animal or bird must be ringed/microchipped before a licence can be issued for long term possession (see (b) below).

b) Possession of wild animals and/or wild birds under a licence (Article 16(2))

The Minister for the Environment has the authority to licence the possession of a wild animal or a wild bird provided that specific conditions outlined in the Wildlife Law can be satisfied.

i) The first condition is:

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

- for scientific, research or educational purposes
- for the purpose of the re-population of an area with, or the reintroduction into an area of, wild birds, including any breeding necessary for that purpose;
- for the purpose of conserving flora or fauna; or
- for the purpose of protecting any zoological or botanical collection.

ii) 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.

## **1.2 Who can be licensed?**

A licence will normally only be granted to applicants with the experience and skill to exercise the licence properly. Sufficient justification of the applicant's experience and competence in husbandry and management of the species concerned must be provided (see section H below).

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 reasoning for 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 method statements and activity reports as necessary.

### **1.3 Licensed premises**

It is the responsibility of the licence holder to ensure that the premises in which the wild animal or wild bird is to be kept, are of such standard and maintained in compliance with the requirements of the Conservation of Wildlife (Jersey) Law 2000, the Animal Welfare (Jersey) Law 2004 (as amended) and associated Codes of Practice.

This includes the requirement under Article 12A of the Conservation of Wildlife (Jersey) Law 2000 for any cage or other receptacle housing a wild bird to be of sufficient height, length and breadth to permit the bird to stretch both its wings freely.

### **1.4 Licence term**

This licence will expire on the occurrence of either of the following events, whichever should occur sooner:

- a) the death of the wild animal or wild bird in possession; or
- b) the licence holder no longer being in possession of the wild animal or wild bird concerned, whether it be by releasing it back into the wild or passing possession onto a third party.

Note that in accordance with best practice any animal/bird that is released back into the wild should be:

- released at or as close as possible to the location from which they were taken and at a time where the risk of injury to themselves, other animals or people is minimised;
- fit for release into the wild and in a healthy and disease-free state.

Note also that it will be a condition of the licence that the licence holder shall, within 15 days of the expiry of the licence, provide a written report to the Department of the Environment.

### **1.5 Licensing requirements under the Animal Welfare (Jersey) Law 2004**

It is the responsibility of the applicant to ensure compliance with the Animal Welfare (Jersey) Law 2004, including the application for a relevant licence under this legislation if required. Note also that the applicant may be required to permit an inspection of the premises and any equipment and animals to which the licence relates under this legislation.

## **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](http://www.gov.je) accompanied by the relevant documentation in support of the application.

### **Data sharing**

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.

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 license 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.

### **A – Applicant Details**

Please provide full details of the person who will hold the licence. This will normally be the person who will hold in their possession or under their control the live protected animal(s) and/or bird(s) concerned.

### **B – Authorisation**

If the applicant is not the owner or occupier of the premises in which the animal(s) and/or bird(s) will be kept, signed written consent from the owner should be attached to the application form when submitted.

### **C – Site Details**

Please give the address where the wild animal(s) and/or bird(s) will be kept.

#### D – Purpose

Please use this section to provide as much information as possible regarding the main purpose and reasons for the possession of the wild animal(s) and/or bird(s) concerned, attaching a separate sheet to the application if appropriate.

#### E –Species Details - Birds

Note that it will be a condition of the licence that the wild bird is ringed. This is to ensure that, in the event that the bird should escape into the wild it may be more easily distinguished from wild birds of the same kind that are living naturally in the wild.

If the bird(s) was imported under licence, you will need to note the CITES import number(s) or other relevant licence details, origin and date of import.

If the bird was not imported under licence, you should provide as much information as required to confirm the origin of the bird, including date acquired and name and contact details of previous owner.

#### F – Species details – Animals

Note that it will be a condition of the licence that the animal is microchipped.

#### G – Animal and bird species of alternative origin

If the animal or bird is derived from the wild in Jersey you will need to provide as much information as possible regarding the origin of the animal/bird, including the name and contact details of the previous owner if known, and how and where the animal/bird came into your possession.

#### H - Qualifications

A licence will only be granted to applicants with the experience and skill to exercise the licence properly. Sufficient justification should be enclosed with this application, which may include:

- evidence of skills/training in husbandry and management of the species concerned; and
- an understanding of the relevant protocols and best practice guidelines for working with the species concerned.

Applicants who have previously provided evidence of qualifications to the Department may still be required to provide evidence that qualifications are current and up to date.

## **Important Advice**

- Any person considering applying for a licence is advised to consult the full text of the Wildlife Law, which can be obtained from the Department of the Environment or online at [www.jerseylaw.je](http://www.jerseylaw.je)
- 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.

## **Application Procedure - Summary**

- An application for a licence should be made on the relevant application form ref. **P – Licence for Possession**. Forms and Guidance Notes are available from the Department of the Environment (at the address shown on the front page of this advice sheet) or online at [www.gov.je](http://www.gov.je)
- 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.

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