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

### **Guidance notes for the issue of a licence to take or kill protected wild birds, their eggs or nests and to use a method that is otherwise prohibited.**

The purpose of this guide is to help applicants understand the requirements for obtaining a licence to control wild birds.

Please note that this licence does not permit activities involving Herring gull and pheasant species, for which separate licence applications and associated guidance notes are available from the Department.

#### **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 Wildlife Law to grant a licence to take or kill wild birds, their nests or eggs 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 the purposes of preserving public health or public or air safety;
- for the purpose of preventing the spread of disease; or
- for the purposes of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, fisheries or inland waters.

##### **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 that their proposed action is required for the purpose listed above. The applicant must also provide details of the alternatives they have tried or considered. For those alternatives tried, we need to know why they have either proved unsuccessful or for those which were only considered, why they were not tried.

Note that 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](http://www.jerseylaw.je)

## **1.2 Licence purpose**

This application form is for a licence to carry out an activity that involves the killing or taking of protected wild birds, their eggs or nests and using a method that is otherwise prohibited. This is not an annual licence and will expire upon completion of the licensed activity.

Note that it is a legal requirement that all activities carried out under this licence meet the purposes and conditions outlined in 1.1 above. It is the licence holder's responsibility to ensure such compliance throughout the term of this licence and to be able to demonstrate evidence of compliance if required.

## **1.3 Who can be licensed?**

This licence will normally only be granted to a pest controller with an approved certificate in bird management of an equivalent standard to that of the British Pest Control Association. Membership of a recognised professional association is also expected.

In addition to qualifications applicants may be required to provide evidence of competency and experience in the relevant field.

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 licence through the periodic inspection of documentation relating to activities carried out including method statements and 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](http://www.gov.je) accompanied by the relevant documentation 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.

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.

#### Section A – Applicant Details

Please provide full details of the person who will hold the licence. This will normally be the person who will be carrying out the activity. Note that written consent of the owner of land or property on which the activity is to take place will also be required.

#### Section B - Previous Applications and Experience

A licence will only be granted to applicants with the experience and skill to exercise the licence properly. Sufficient justification of the applicant's qualifications and experience in the relevant field must be enclosed with this application. Applicants who have previously provided such information to the Department may still be required to provide evidence that qualifications are current and up to date.

#### Section C – Additional Persons

If there are any additional persons to be included in this licence, please include their details in full. An Agent may work independently of the licence holder. The Licensee is to provide evidence of the experience of any named Agent (as stated in Section 1.3). Assistants must work under the personal supervision of the licence holder or the Agents. The licence holder is responsible for ensuring that Agents have the appropriate training and experience and that they are fully aware

of the terms and conditions applied to any licence granted.

#### Section D – Location

The location of the problem should be described as accurately as possible. A location map may be attached where helpful.

Note that evidence of the landowner's consent to the proposed activity must be provided with the application.

#### Section E – Purpose of the licence

A full description of the nature of the problem must be provided, including the type of species affected, numbers of species, and the time of the year in which it occurs (if relevant). Reference to the scientific name of species should be given where possible.

The proposed activity or activities for which the application is made must be described as accurately as possible. Failure to do so may result in activities that are not covered by the licence leading to an offence under the Law.

Note that in order to issue the licence the Department must be satisfied that the proposed activity meets both of the conditions outlined in 1.1 above. It is the responsibility of the applicant to provide the information required for this decision to be made.

#### Section F – Alternative measures taken

A licence may only be issued where it can be demonstrated that there is no other satisfactory solution to the problem being experienced.

Evidence that alternative (non-lethal) measures have been tried but failed must be provided. Where there are a range of possible actions we would expect that those with the least impact, either in conservation or welfare terms, must be employed first.

#### Section G - Use of prohibited methods

The Conservation of Wildlife (Jersey) Law 2000 (Article 9) prohibits the use of certain methods of taking wild birds except under a licence. This includes the use of certain traps, nets, artificial lighting and sighting devices. If the proposed activity is to involve the use of any prohibited methods it is the responsibility of the Applicant to ensure that all such methods are specified and justified in Section G within the licence application.

#### Section H – Long Term Preventative Measures

Where a licence is granted to address a particular problem concerning protected wild bird species we would expect the licensed activity to be accompanied by additional (non-lethal) measures being put in place to prevent the problem from re-occurring.

If a licence has been sought in the past, unless the situation is a single isolated event, there will be a requirement to have produced a strategy and action plan for dealing with future problems.

This should be provided alongside the licence application and details should be provided as to the work carried out in line with that document.

#### Section I – Previous convictions

If the applicant or agent has any previous conviction under the Conservation of Wildlife (Jersey) Law 2000 or the Animal Welfare (Jersey) Law 2004, then it must clearly be stated in this section, including names, dates and details.

## **4. Best Practice Guidance on implementation of licensed activities**

It is a condition of this licence that in carrying out the licensed activities the Licensee should at all times be aware of and comply with all relevant legislation, protocols and best practice guidelines. The following are some key examples of best practice in addressing commonly encountered situations with wild birds.

**Killing chicks** is not acceptable as a general form of pest control and can only be performed in acute circumstances **and if there is no other satisfactory solution.**

In all cases alternative non-lethal solutions should be examined and licensees must consider their actions in relation to the Law and advise their clients accordingly.

#### **Circumstances where killing chicks might be considered appropriate:**

Where a chick falls from the nest and unlikely to fly in the immediate future and where adult birds, in protecting the chick, cause unacceptable disruption, threat of injury or loss of access;

- In acute circumstances where emergency maintenance work is required or where the halting of scheduled maintenance or demolition is simply not practical;
- Where the territorial behaviour of an adult bird in relation to its chick is causing serious prolonged disruption. This might include limiting access to a school playground or private dwelling.

#### **Circumstances where killing chicks would NOT be considered appropriate:**

- Where the chick is capable of flying;
- Chicks killed every year on the same nesting site where long term deterrents to prevent nesting have not been installed;
- Where the planned painting of a chimney stack or other non vital maintenance task could be delayed for several weeks until the nest site was empty; or
- Where a fallen chick, close to fledging, could be left in an undisturbed area.

#### **Non-lethal methods of control**

Control of wild birds through population reduction is generally less effective than the removal of food sources or blocking off sites where birds perch or roost. Proofing with blunt spikes, sprung wires and nets installed on buildings are effective in discouraging birds without harming them provided that such proofing is properly installed.

#### **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.

### **Application Procedure - Summary**

- An application for a licence should be made on the relevant application form 'WB- Wild Bird Control Application Form'. Forms 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](http://www.gov.je)
- Ensure that the form is completed following the Guidelines above, and that all relevant supporting documentation is attached.
- If the applicant is not the owner of the land on which the licensed activity is to take place, written consent from the landowner must be attached to the application form.
- 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.**