



Jersey

WILDLIFE (JERSEY) LAW 201-

Report

Explanatory Note

This Law revises and updates the statutory protection of Jersey wildlife (meaning animals, birds and plants), makes new provision to control invasive non-native species, and creates a new duty to promote biodiversity in Jersey.

Part 1 deals with the interpretation and application of the Law. *Article 1* defines terms and concepts used in the Law as a whole. In particular, *Article 1(3)* defines how ‘deliberately’ (a key concept for the purpose of determining whether an offence under the Law has been committed) is to be interpreted.

The Law confers two general levels of protection. The base level relates to wild animals, wild birds and wild plants, which are defined by *Articles 2, 3* and *4* respectively. Higher levels of protection are conferred on certain wild animals, wild birds and wild plants, as set out in *Article 5* which brings into effect the Schedules to the Law.

Article 6 provides for the Law to extend to Jersey territorial waters, and to Crown land in Jersey.

Part 2 deals with the protection of wild animals and wild birds. It creates a number of offences; in most of these, there is an exception for acts authorized by licence (which means, as provided by *Article 1(1)*, a licence under Part 5).

Article 7 provides that it is an offence deliberately to kill, injure or take a protected wild animal or bird (including, by virtue of the interpretation provision in *Article 1(2)*, the egg of any such animal or bird), except as authorized either by a licence or, in the case of destruction, under any other enactment; or in cases of tending or humanely killing a disabled animal or bird. Where the case involves protected wild birds there is also a defence of seeking to prevent injury, or damage to land. Where the case involves a bat, no offence is committed if an act prohibited by *Article 7(1)* occurs in the dwelling-area of a living house as an incidental and unavoidable result of a lawful operation, or if carried out with the prior approval of the Minister. A person guilty of an offence under this Article is liable to the standard penalty for the purposes of the Law (which is defined by *Article 1(1)*, taken with Article 13(2) of the Interpretation (Jersey) Law 1954, as imprisonment for up to 5 years and/or an unlimited fine). All other offences under the Law carry the standard penalty, except where otherwise indicated.

Article 8 creates offences of various types of interference with dens and nests of protected wild animals and protected wild birds while in use or, in the case of nests, while being built. *Article 8(6)* provides that a den or nest may be “in use” even if it is temporarily unoccupied. Again, there are exceptions for certain cases where the act in question occurs within the living area of a dwelling-house, or where authorized by a licence.

A further level of protection is conferred by *Article 10* on the breeding sites or resting sites of protected wild birds of species listed in Schedule 5, and by *Article 12* on the breeding sites or resting sites of protected wild animals of species listed in Schedule 4. “Breeding site” and “resting site” are respectively defined by paragraphs (1) and (2) of *Article 9*. Under *Article 10(2)* it is an offence for a person deliberately to take, damage or destroy any part of a breeding site of a Schedule 5 bird while a nest on that site is in use or being built; or to take from a breeding site, or disturb in a breeding or resting site, the eggs or dependent offspring of such a bird at any time. Under *Article 10(5)* it is an offence for a person deliberately to do an act or carry out an activity which causes the deterioration of the breeding site or resting site of such a bird. *Article 11* applies *Article 10(2)*, without the requirement for a nest to be in use or being built, in relation to protected birds who re-use their nests.

Under *Article 12(2)* it is an offence for a person deliberately to take, damage or destroy any part of a breeding site of a Schedule 4 animal while that site is in use or being built; or to take from a breeding site, or disturb in a breeding or resting site, the eggs or dependent offspring of such an animal at any time. Under *Article 12(5)* it is an offence for a person deliberately to do an act or carry out an activity which causes the deterioration of the breeding site or resting site of such an animal.

Article 13 creates an offence of deliberately disturbing a protected wild animal or protected wild bird of a species listed in Schedule 6. This offence also carries the standard penalty. *Article 13(4)* confers power on the Minister to issue guidance as to the application of the definition of “disturb” (which, under *Article 1(1)*, means doing any act or carrying out any activity which does in fact, or might reasonably be foreseen to, impair the ability of a species to survive, breed, reproduce, rear offspring, hibernate or migrate, or does in fact or might reasonably be foreseen to affect the distribution or abundance of a species) whether generally or in particular cases.

Article 14(1) makes it an offence to sell, offer to sell, or possess or transport for the purpose of selling, any protected wild animal or protected wild bird or any part (including a blown egg) of such an animal or bird. By *Article 14(2)* it is also an offence to advertise buying or selling anything prohibited to be sold under *Article 14(1)*.

Article 15(1) creates offences of deliberately possessing a protected wild animal or protected wild bird, whether alive or dead, or the blown egg of such an animal or bird. *Article 15(2)(b)* makes an exception for a dead protected wild animal or dead protected wild bird or part of such an animal or bird, which was killed otherwise than in contravention of the Law or was lawfully imported.

Article 16 prohibits the use of certain devices, substances and methods to kill, injure or take wild animals or wild birds. The devices etc. prohibited in relation to wild animals are specified in Schedule 8, and those in relation to wild birds in Schedule 9. They may be generally specified (in Part 1 of those Schedules) or, under *Article 16(3)*, specified in relation to particular species (in Part 2 of those Schedules). An exception is made by *Article 16(5)* where the taking is for the purposes of education or conservation and uses devices or methods specified by the Minister as being lawful. The Minister has power to issue guidance (so that for example, ‘pond dipping’ by school children using nets



might not be treated as an offence under this Article). *Article 17* makes it an offence to sell a device or substance prohibited under Article 16 and specified in Schedule 8 or 9.

Article 18 makes it an offence to export protected wild animals or protected wild birds, whether alive or dead, and including any part of such an animal or bird which is dead.

Article 19 creates an offence of showing wild birds for the purposes of competition or in premises in which a competition is being held. Under *Article 20* it is an offence to keep a bird in a cage or other receptacle which is too small to permit the bird to stretch its wings freely. Exceptions are provided for where the bird is lawfully being kept for the purpose of competition and is not kept for more than 72 hours in total; or where it is undergoing treatment by a vet. This offence carries a lower penalty of [imprisonment for a maximum term of 12 months and a fine of level 2 on the standard scale.]

Article 21(1) makes it an offence for a person deliberately to release, or recklessly to allow to escape into the wild, an animal or bird of an INN species. “INN species” means an invasive non-native species, as further defined by *Article 26*, and listed in Schedule 10. It is also an offence, under *Article 21(2)*, deliberately to release or allow the escape into the wild of an animal or bird which is not of an INN species, but this does not apply to the release of animals or birds listed in Schedule 10, in the circumstances provided in that Schedule in relation to each animal or bird.

Part 3 deals with the protection of wild plants.

Offences of cutting, picking or gathering the whole or a substantial part of a protected plant; uprooting or destroying a protected plant; collecting propagules of a protected plant; and disturbing a protected plant or its habitat, are created by *Article 22*.

Article 23(1) makes it an offence to sell, offer to sell, or possess or transport for the purpose of selling, any protected plant or any part of such a plant. By *Article 23(2)* it is also an offence to advertise buying or selling anything prohibited to be sold under Article 22(1).

Article 24(1) makes it an offence for a person deliberately to release, or recklessly to allow to escape into the wild, an animal or bird of an INN species. It is also an offence, under *Article 24(2)*, deliberately to plant or to permit to grow in the wild any protected wild plant, and this offence [like those in *Articles 22 and 23*] carries a lower penalty of [a fine of up to £10,000] and does not apply to plants of species listed in Schedule 7 and planted in circumstances described in that Schedule.

Article 24 makes it an offence to export protected wild plants, whether alive or dead, and including any part of such a plant which is dead. This offence carries the standard penalty.

Part 4 deals with protection of the environment, and biodiversity.

Article 26 gives effect to Schedule 10 which lists invasive non-native species of animals, birds and plants. *Article 27* empowers the Minister for the Environment to appoint authorized officers to carry out functions under Part 4. The powers of authorized officers for the purposes of investigating whether INN species are present, or of enforcing species control orders (including powers of entry and the circumstances under which these may be exercised) are set out in *Article 28*. Supplementary powers of inspection, seizure, recording and taking samples are conferred by *Article 29*.

Article 30 gives an authorized officer the power to enter into an agreement (a “species control agreement”) for control of an INN species, with the owner of any premises on which the officer considers that the species is present. *Article 30(3)* sets out the provisions which must be specified in a species control agreement, and under *Article 30(4)* such an agreement may in particular include provision as to how “species control operations” (defined in *Article 30(5)*) are to be carried out. Article 30(7) limits

the liability of an authorized officer for anything done pursuant to a species control agreement.

Article 31 provides that if an owner of premises on which an INN species is considered to be present fails to comply with a species control agreement and, on being given notice of the failure, fails to remedy it; or if such an owner refuses to enter into such an agreement, the Minister for the Environment may make a “species control order” under *Article 31(3)*. *Article 32* sets out the provisions which must be contained in a species control order, including provision stating that an appeal may be made (as provided by *Article 35*) against the order within 14 days of its service. *Article 33* imposes a duty on the Minister and authorized officers to minimise the impact of species control operations and to ensure that they are proportionate.

Article 34 makes provision for risk assessments to be carried out by authorized officers for the purpose of considering whether any exceptional measures are necessary to reduce the risk of the spread of an INN species, and *Article 34(2)* sets out the powers of an authorized officer where he or she considers that such measures are necessary. *Article 36(1)* makes it an offence to sell, offer to sell, or possess or transport for the purpose of selling, any animal, bird or plant (including anything derived from an animal, bird or plant) of an INN species.

Article 37(1) imposes a duty on every public [body] in Jersey, in exercising its statutory functions and so far as consistent with those functions, to further the conservation of biodiversity. *Article 37(3)* requires the Minister for the Environment to designate and publish strategies for the conservation of biodiversity, and within a year of publishing such a strategy the Minister must further, by *Article 37(4)*, publish lists of species and habitats considered by the Minister to be of principal importance in furthering conservation of biodiversity. Within 3 years of publishing a strategy, the Minister is required by *Article 37(6)* to lay before the States a report as to the implementation of the strategy.

Article 38 enables the Minister to make Orders designating Areas of Special Protection and making further provision for protection within such Areas of specified wild animals, wild birds or wild plants, including provision restricting access and prohibiting particular acts or activities. Before making such an Order the Minister must give notice in writing of the proposed designation to owners and occupiers of land falling within the proposed Area. Such notice must invite representations to the Minister, and an Order may not be made unless the owners have consented or have failed to raise objections within 3 months from the date of the notice.

Part 5 deals with licensing of acts and activities to prevent them from being treated as criminal offences under the Law.

Article 39 confers power on the Minister to grant licences only for specified purposes and if satisfied that the course of action authorized by the licence is the only satisfactory one and will not be detrimental to the survival of the population concerned. *Article 39(3)(c)* provides that a licence may be granted subject to compliance with conditions specified in the licence. Under *Article 39(4)* the minister may charge a prescribed fee in connection with the grant of a licence.

Article 40 sets out the purposes for which licences may be granted, including scientific or educational purposes, conservation, and protecting any zoological or biological collection. The list of purposes may be amended by Order.

Article 41 provides that breach of any condition specified in a licence is an offence. *Article 42* makes it an offence to make a false statement or representation for the purpose of obtaining a licence. Each of these offences carries the lower penalty of [a fine of up to £10,000.]

Part 6 contains general and miscellaneous provisions for the operation of the Law.

Article 43 confers general powers of search and entry on a police officer or authorized officer who suspects with reasonable cause that an offence under the Law is or has been committed, subject to obtaining a warrant from the Bailiff in the case where the powers are to be exercised in relation to a private dwelling. *Article 44* confers supplementary powers, where the powers under *Article 43* are exercised, relating to inspection and seizure of the premises and things found upon them. *Article 45* makes it an offence, punishable by a fine, to obstruct any officer exercising powers under *Articles 28, 29, 43 or 44*.

Article 46 provides for separate calculation of penalties where an offence under Part 2, 3 or 4 has been committed in respect of more than one animal, bird, nest, egg, plant or other thing to which the offence relates, and *Article 47* requires the court by which a person is convicted of such an offence to order the forfeiture of any such thing, and also enables the court to order forfeiture of ancillary items.

Article 48 sets out what is to be regarded as a proper address for service under the Law.

Article 49 confers power on the Minister to amend the Schedules by Order. *Article 50* applies the Subordinate Legislation (Jersey) Law 1960 to Orders made under the Law.

Article 51 repeals the Conservation of Wildlife (Jersey) Law 2000 and the Animals (Trapping) (Jersey) Law 1961. *Article 52* provides for consequential amendment of references to those Laws in other enactments. *Article 53* gives the title by which this Law may be cited, and provides for it to come into force [.....].



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Arrangement

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Jersey

WILDLIFE (JERSEY) LAW 201-

A LAW to make provision relating to the conservation and protection of wild animals, birds and plants, and the promotion of biodiversity in Jersey, and for connected purposes

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

PART 1

INTERPRETATION AND APPLICATION

1 Interpretation: general

(1) In this Law –

“animal”, unless otherwise indicated or required by the context, includes an invertebrate animal;

“breeding site” has the meaning given by Article 9(1);

“captive bred” has the meaning given by Article 2(2);

“deliberately” is to be construed in accordance with paragraph (3);

“den” includes any roost, lair or burrow or other place used by a wild animal as a place of refuge or shelter;

“disturb” means do any act, or carry out any activity, which in fact does, or might reasonably be foreseen to –

(a) impair the ability of the species in question –

(i) to survive, to breed or reproduce, to rear or nurture offspring, or

(ii) in the case of a hibernating or migratory species, to hibernate or migrate; or

- (b) affect significantly the local distribution or abundance of the species;

“INN species” means an invasive non-native species as further defined by Article 26;

“licence” means a licence granted by the Minister under Part 5;

“Minister” means the Minister for the Environment;

“plant”, unless otherwise indicated or required by the context, includes –

- (a) any algae, fungus or lichen, and
- (b) any material from which a plant may be propagated at any stage of its biological cycle, including (but not limited to) bulbs, corms, rhizomes, seeds and spores;

“prescribed” means prescribed by the Minister by Order;

“protected” means protected under this Law;

“protected wild plant” means a plant listed in Schedule 7;

“protected wild animal” and “protected wild bird” are to be construed in accordance with Article 5;

“resting site” has the meaning given by Article 9(2);

“species” may include a subspecies or lower taxon of animal, bird or plant;

“standard penalty” means [imprisonment for a term of [5] years and a fine;]

“wild animal” has the meaning given by Article 2;

“wild bird” has the meaning given by Article 3;

“wild plant” has the meaning given by Article 4.

- (2) In this Law –

- (a) a reference –

- (i) to an animal or bird of any kind includes, unless otherwise indicated or required by the context, reference to an egg, larva, pupa, or other immature stage of an animal or bird of that kind, and
- (ii) to an egg includes, unless otherwise indicated or required by the context, reference to an egg of any oviparous species; and

- (b) where a scientific name and a common name are given for any animal, bird or plant, the common name is included by way of guidance only and, in the event of any dispute or proceedings, the common name is to be disregarded.

- (3) For the purposes of this Law a person acts deliberately if –

- (a) he or she intended his or her act to have a result which in fact occurred and is prohibited by this Law;
- (b) he or she was aware that, unless reasonable precautions were taken –
- (i) his or her act presented a serious risk to wild animals, wild birds or plants of the species in question, and
- (ii) being so aware, failed to take such precautions; or

- (c) he or she was aware that his or her act presented a serious risk to such animals, birds or plants, whether or not reasonable precautions were taken,

and in this paragraph “reasonable precautions” means steps that were reasonable, in the circumstances known to the person, for the person to take to reduce the risk of his or her actions resulting in the death, injury or taking of wild animals, wild birds or plants of the species in question.

- (4) In this Law, a reference to advertisement or publication includes reference to advertisement or publication by means of the internet or other electronic means.

2 Interpretation: "wild animal"

- (1) A wild animal for the purposes of this Law is an animal, other than a bird, which –
- (a) is of a species naturally occurring in the wild in Jersey;
 - (b) is, or before being killed or taken was, living wild; and
 - (c) is not captive bred.
- (2) Subject to paragraph (3), an animal is captive bred if it is bred in captivity using animals which are themselves lawfully in captivity.
- (3) Where an animal which fulfils the description in paragraph (2) is living wild in Jersey as a result of being lawfully released from captivity, the animal (and any of its offspring living wild) is to be regarded as a wild animal for the purposes of this Law.
- (4) In paragraph (3), “lawfully released” means –
- (a) released for the purpose of re-population or re-introduction into Jersey of animals of that species; or
 - (b) otherwise released under and in accordance with a licence.

3 Interpretation: "wild bird"

- (1) A wild bird for the purposes of this Law is a bird which –
- (a) is of a species naturally occurring in the wild in Jersey;
 - (b) is, or before being killed or taken was, living wild in Jersey; and
 - (c) is not captive bred.
- (2) A bird is captive bred if it is bred in captivity using birds which are themselves lawfully in captivity.
- (3) Where a bird which fulfils the description in paragraph (2) is living wild in Jersey as a result of being lawfully released from captivity, the bird (and any of its offspring living wild) is to be regarded as a wild bird for the purposes of this Law.
- (4) In paragraph (3), “lawfully released” means –
- (a) released, under and in accordance with a licence, for the purpose of re-population or re-introduction into Jersey of birds of that species; or

- (b) otherwise released under and in accordance with a licence.

4 Interpretation: “wild plant”

- (1) A wild plant for the purposes of this Law is a plant which –
 - (a) is of a species naturally occurring in the wild in Jersey;
 - (b) is growing or has at any time grown wild in Jersey.
- (2) In proceedings for an offence under this Law relating to a wild plant, the plant in question is presumed to be a wild plant unless the contrary is shown.

5 Protected wild animals, protected wild birds and protected wild plants

- (1) The Schedules to this Law have effect to list, respectively –
 - (a) in Schedule 1, wild animals which are protected wild animals;
 - (b) in Schedule 2, wild birds which are protected wild birds;
 - (c) in Schedule 3, wild birds which are protected wild birds which re-use their nest;
 - (d) in Schedule 4, wild animals whose breeding sites and nesting sites are protected;
 - (e) in Schedule 5, wild birds whose breeding sites and nesting sites are protected;
 - (f) in Schedule 6, wild animals and birds which are protected from disturbance;
 - (g) in Schedule 7, wild plants which are protected wild plants;
 - (h) in Schedule 8, prohibited devices, substances and methods for killing or taking wild animals and protected wild animals;
 - (i) in Schedule 9, prohibited devices, substances and methods for killing or taking wild birds and protected wild birds;
 - (j) in Schedule 10, wild animals and birds which are permitted to be released under Article 21(3); and
 - (k) in Schedule 11, wild animals, birds or plants of INN species.
- (2) An animal or bird which is –
 - (a) by virtue of this Article, a protected wild animal or a protected wild bird; and
 - (b) found to be in the possession of any person,is presumed, for the purposes of this Law, to be a wild animal or wild bird unless the person proves that the animal or bird is captive bred and is lawfully in his or her possession.
- (3) Where a species of animal, bird or plant is listed in a Schedule, that species enjoys the level of protection conferred by such listing either to an unqualified extent or to such extent as may be further specified in relation to the listing of that species in that Schedule.

- (4) Without prejudice to the Minister's general power under Article 49 to amend any Schedule, the Minister may by Order further prescribe animals, birds or plants which are protected in any of the ways for which this Law provides, and such an Order may, for this purpose, amend this Article.
- (5) A provision of an Order made under paragraph (5) may be expressed to have effect either generally or in relation to particular provisions of this Law, particular areas of Jersey or particular times of year.

6 Application

- (1) This Law extends to the territorial sea adjacent to Jersey.
- (2) This Law applies on and in relation to Crown land in Jersey but nothing in it renders the Crown liable to prosecution for an offence under this Law.

PART 2

PROTECTION OF WILD ANIMALS AND WILD BIRDS

7 Prohibition of killing or harming protected wild animals and protected wild birds

- (1) It is an offence for any person –
 - (a) deliberately or recklessly to kill, injure or take a protected wild animal or protected wild bird; or
 - (b) deliberately to cause or permit another person to kill, injure or take a protected wild animal or protected wild bird,unless the case is one described in paragraphs (2) to (7).
- (2) A person does not commit an offence under paragraph (1) if –
 - (a) the act in question is carried out under and in accordance with a licence; or
 - (b) the person is otherwise authorized or directed to destroy a protected wild animal or protected wild bird under this Law or any other enactment.
- (3) No offence is committed under paragraph (1) if a person takes a protected wild animal or protected wild bird which is disabled or injured, for the purpose of tending that animal or bird and releasing it upon its recovery, provided that –
 - (a) the animal or bird was not disabled or injured by the person's unlawful act; and
 - (b) subject to paragraph (7), the person releases the animal or bird before the end of the period of 28 days beginning with the date on which the animal or bird was taken.
- (4) No offence is committed under paragraph (1) if a person humanely kills a protected wild animal or protected wild bird which is disabled, provided that –
 - (a) the animal or bird was not disabled by the person's unlawful act; and

- (b) there was no reasonable prospect that the animal or bird would recover.
- (5) [A person does not commit an offence under paragraph (1) by reason of any act by that person which was the incidental result of a lawful operation or activity, if the person –
 - (a) took reasonable precautions to avoid that result; or
 - (b) did not foresee, and could not reasonably have foreseen, that the act would be an incidental result of the lawful operation or activity,and, immediately upon the result becoming apparent, took such steps as were reasonably practicable to minimise the harm caused by the result.]
- (6) No offence is committed under paragraph (1) by reason of any act in relation to a protected wild bird other than a specially protected wild bird, if a person's purpose in carrying out the act was –
 - (a) to defend himself, herself or another person against actual or imminent injury; or
 - (b) to prevent or stop serious damage to any land –
 - (i) of which the person is the owner, or
 - (ii) in relation to which the person acts as the owner's authorized agent,and in this paragraph "owner" includes the usufructuary owner and the occupier of the land.
- (7) No offence is committed under paragraph (1) by reason of any act in relation to a bat –
 - (a) if such an act in the living area of a dwelling-house was the incidental result of a lawful operation and could not reasonably have been avoided; or
 - (b) if an act in any place other than in the living area of a dwelling-house was carried out with the prior approval of the Minister and in accordance with any directions given by the Minister.
- (8) A person guilty of an offence under paragraph (1) is liable to the standard penalty.

8 Prohibitions relating to dens and nests of protected wild animals and protected wild birds

- (1) It is an offence for any person deliberately or recklessly to –
 - (a) take, damage or destroy the den of a protected wild animal while the den is in use;
 - (b) take, damage or destroy the nest of a protected wild bird while the nest is in use or being built;
 - (c) obstruct access to the den of a protected wild animal, or to the nest of a protected wild bird, while that den or nest is in use; or
 - (d) disturb a protected wild animal occupying a den or a protected wild bird occupying a nest.

- (2) The prohibitions in paragraph (1)(a), (c) and (d) do not apply to anything done, in relation to a protected wild animal or its den, within the living area of a dwelling-house.
- (3) A person does not commit an offence under paragraph (1) if –
 - (a) the person acts under and in accordance with a licence; or
 - (b) the person is authorized or directed, under any enactment other than this Law, to destroy or to disturb a protected wild animal or protected wild bird.
- [(4) A person does not commit an offence under paragraph (1) by reason of any act by that person which was the incidental result of a lawful operation or activity, if the person –
 - (a) took reasonable precautions to avoid that result; or
 - (b) did not foresee, and could not reasonably have foreseen, that the act would be an incidental result of the lawful operation or activity,and, immediately upon the result becoming apparent, took such steps as were reasonably practicable to minimise the harm caused by the result.]
- (5) A person guilty of an offence under paragraph (1) is liable to the standard penalty.
- (6) For the purposes of this Article, a den or nest may be in use notwithstanding that, at the time of an act described in paragraph (1), it is unoccupied, and in particular a nest is in use if –
 - (a) the nest contains eggs or offspring of a parent bird; or
 - (b) although the nest does not contain eggs or offspring, such offspring remain dependent on the nest.

9 Breeding sites and resting sites: definition

- (1) In this Part, a “breeding site” is –
 - (a) in the case of a species of wild animal reproducing asexually, the territory needed for production of offspring; or
 - (b) in the case of any other wild animal or of any wild bird, the territory needed for mating, parturition and the rearing of young, including any den, nest or other structure –
 - (i) within the area, or
 - (ii) associated with the area for the purpose of territorial definition or defence.
- (2) In this Part, a “resting site” means an area essential to sustain any wild animal or wild bird, whether individually or in a group, when that animal or bird is not active, and –
 - (a) includes any den or nest; and
 - (b) may include one or more other structures or habitat features essential for the animal’s, or bird’s –
 - (i) thermoregulatory behaviour,
 - (ii) rest, sleep or recuperation,

- (iii) concealment, protection, or refuge from predation, or
 - (iv) hibernation.
- (3) For the purpose of the application of a definition in this Article, unless otherwise indicated it does not matter whether or not a particular breeding site or resting site, or any part of such a site, is occupied by a wild animal or wild bird of the relevant species, at the time when the definition is required to apply.
- (4) The Minister may from time to time issue guidance as to the application of a definition in this Article, whether generally or in relation to particular wild animals or wild birds or species of wild animals or wild birds, and –
 - (a) where it appears to the court, when conducting any civil or criminal proceedings, that such guidance is relevant to a question arising in those proceedings, the guidance must be taken into account in determining the question; but
 - (b) a failure to comply with such guidance does not of itself make a person liable to any civil or criminal proceedings.

10 Breeding sites and resting sites of certain protected wild birds: general protection

- (1) This Article applies in relation to protected wild birds of species listed in Schedule 5 (“Schedule 5 birds”).
- (2) It is an offence for any person deliberately to –
 - (a) take, damage or destroy any part of the breeding site of a Schedule 5 bird; or
 - (b) obstruct access by a Schedule 5 bird to its breeding site, while a nest on that site is in use or is being built.
- (3) It is an offence for any person deliberately to –
 - (a) take from a breeding site; or
 - (b) disturb, in a breeding or resting site, the eggs or dependent offspring of a Schedule 5 bird, at any time.
- (4) For the purposes of paragraph (2) a nest is “in use” if a Schedule 5 bird is incubating eggs in the nest, or if –
 - (a) the nest contains eggs or offspring of such a bird; or
 - (b) although the nest does not contain offspring of such a bird, such offspring remain dependent on the nest as a resting site,regardless of whether, at the time of any act described in paragraph (2), the Schedule 5 bird is in the nest.
- (5) It is an offence for any person, at any time, deliberately to do any act, or carry out any activity, which has the effect of causing deterioration of a breeding site or resting site of a Schedule 5 bird.
- (6) A person does not commit an offence under this Article if –
 - (a) the person acts under and in accordance with a licence; or

- (b) the person is authorized or directed, under any enactment other than this Law, to destroy or to disturb a protected wild animal or protected wild bird.
- (7) [A person does not commit an offence under this Article by reason of any act by that person which was the incidental result of a lawful operation or activity, if the person –
 - (a) took reasonable precautions to avoid that result; or
 - (b) did not foresee, and could not reasonably have foreseen, that the act would be an incidental result of the lawful operation or activity,and, immediately upon the result becoming apparent, took such steps as were reasonably practicable to minimise the harm caused by the result.]
- (8) A person guilty of an offence under this Article is liable to the standard penalty.

11 Additional protection for nests of certain protected wild birds

- (1) It is an offence for any person, at any time, deliberately or recklessly to do any act or carry out any activity prohibited by Article 10, on or in relation to the nest of a protected wild bird of a species listed in Schedule 3, and for this purpose –
 - (a) Article 10(2)(a) and (b) apply as though unqualified by a requirement for a nest on the breeding site in question to be in use or being built; and
 - (b) the defences given by Article 10(5) and (6) apply for the purposes of this Article as they do for the purposes of that Article.
- (2) A person guilty of an offence under this Article is liable to the [standard] penalty.

12 Breeding sites and resting sites of protected wild animals: general protection

- (1) This Article applies in relation to protected wild animals of species listed in Schedule 4 (“Schedule 4 animals”).
- (2) It is an offence for any person deliberately or recklessly to –
 - (a) take, damage or destroy any part of the breeding site of a Schedule 4 animal; or
 - (b) obstruct access by a Schedule 4 animal to its breeding site or resting site,while that site is in use or is being built.
- (3) It is an offence for any person deliberately or recklessly to –
 - (a) take from a breeding site; or
 - (b) disturb, in a breeding or resting site,the eggs or dependent offspring of a Schedule 4 animal, at any time.
- (4) For the purposes of paragraph (2) a site is “in use” if a Schedule 4 animal is occupying the site, or if –

- (a) the site contains dependent offspring of such an animal; or
 - (b) although the site does not contain offspring of such an animal, such offspring remain dependent on the site as a resting site,
regardless of whether, at the time of any act described in paragraph (2), the Schedule 4 animal is at the site.
- (5) It is an offence for any person, at any time, deliberately or recklessly to do any act, or carry out any activity, which has the effect of causing deterioration of a breeding site or resting site of a Schedule 4 animal.
- (6) A person does not commit an offence under this Article if –
- (a) the person acts under and in accordance with a licence; or
 - (b) the person is authorized or directed, under any enactment other than this Law, to destroy or to disturb a protected wild animal or protected wild bird.
- (7) [A person does not commit an offence under this Article by reason of any act by that person which was the incidental result of a lawful operation or activity, if the person –
- (a) took reasonable precautions to avoid that result; or
 - (b) did not foresee, and could not reasonably have foreseen, that the act would be an incidental result of the lawful operation or activity,
and, immediately upon the result becoming apparent, took such steps as were reasonably practicable to minimise the harm caused by the result.]
- (8) Paragraph (2) does not apply to any act done within the living area of a dwelling-house in relation to the breeding site of a Schedule 4 animal.
- (9) A person guilty of an offence under this Article is liable to the standard penalty.

13 Prohibition of disturbance of certain protected wild animals and protected wild birds

- (1) It is an offence for any person, at any time, deliberately to disturb a protected wild animal or a protected wild bird of a species listed in Schedule 6.
- (2) A person does not commit an offence under paragraph (1) if –
- (a) the person acts under and in accordance with a licence; or
 - (b) the person is authorized or directed, under any enactment other than this Law, to destroy or to disturb a protected wild animal or protected wild bird.
- (3) A person guilty of an offence under this Article is liable to the [standard] penalty.
- (4) The Minister may from time to time issue guidance as to the application of the definition “disturb” for the purposes of this Article, whether generally or in relation to particular wild animals or wild birds or species of wild animals or wild birds, and –

- (a) where it appears to the court, when conducting any civil or criminal proceedings, that such guidance is relevant to a question arising in those proceedings, such guidance must be taken into account in determining the question; but
- (b) a failure to comply with such guidance does not of itself make a person liable to any civil or criminal proceedings.

14 Prohibition of sale of protected wild animals and protected wild birds

- (1) It is an offence for any person –
 - (a) to sell, offer or expose for sale; or
 - (b) to have in his or her possession, or to transport, for the purposes of sale, or of offer or exposure for sale, any protected wild animal or protected wild bird, or any part of or anything derived from such an animal or bird (including the blown egg of such an animal or bird).
- (2) It is an offence for any person to publish any advertisement likely to be understood as conveying that the person buys or sells, or intends to buy or sell, any such thing of which the sale is prohibited under paragraph (1).
- (3) A person does not commit an offence under paragraph (1) –
 - (a) if the person acts under and in accordance with a licence; or
 - (b) where an act which would otherwise constitute an offence under that paragraph relates to a dead protected wild animal or dead protected wild bird or any part of or anything derived from such an animal or bird which –
 - (i) is shown to have been killed otherwise than in contravention of this Law, or
 - (ii) was lawfully imported.
- (4) A person guilty of an offence under this Article is liable to the standard penalty.

15 Prohibition of keeping etc. of protected wild animals and protected wild birds

- (1) It is an offence for a person deliberately to keep or have in his or her control a protected wild animal or protected wild bird (whether alive or dead) or the blown egg of such a bird.
- (2) A person does not commit an offence under paragraph (1) –
 - (a) if the person acts under the authority of, and in accordance with, a licence; or
 - (b) where an act which would otherwise constitute an offence under that paragraph relates to a dead protected wild animal or dead protected wild bird or any part of or anything derived from such an animal or bird which –
 - (i) is shown to have been killed otherwise than in contravention of this Law, or

- (ii) was lawfully imported.
- (3) A person guilty of an offence under this Article is liable to the standard penalty.

16 Prohibition of certain methods of killing or taking wild animals and wild birds

- (1) It is an offence for any person to use any device, substance or method specified –
 - (a) in relation to any wild animal, in Schedule 8;
 - (b) in relation to any wild bird, in Schedule 9,for or in connection with the killing, injuring or taking of any such wild animal or (as the case may be) wild bird.
- (2) It is an offence for any person to use any device, substance or method to which paragraph (3) applies, for or in connection with the killing, injuring or taking of one or more wild animals, wild birds or protected wild birds of the kind in relation to which that paragraph is specified to apply.
- (3) This paragraph applies to a device, substance or method specified in relation to a protected wild animal of a type listed in the first column of the table in Part 2 of Schedule 8, in the second column of that table.
- (4) It is an offence for a person deliberately to cause or permit another person to do an act mentioned in paragraph (1) or (2).
- (5) No offence is committed under paragraph (1) or (3) if the act in question is done under and in accordance with a licence.
- (6) Paragraphs (1) and (2) do not apply to the taking of wild animals or wild birds for the purposes of education or of conservation of wildlife or of the environment, where the taking is carried out to such extent and using such devices, substances or methods as may be specified by the Minister.
- (7) In this Article reference to a “device” includes any part of a device and to a device whether or not it is assembled.
- (8) A person guilty of an offence under this Article is liable to the [standard] penalty.
- (9) The Minister may from time to time issue and publish guidance (whether generally or in relation to particular wild animals or wild birds or types of wild animals or wild birds) –
 - (a) specifying devices, substances or methods which may lawfully be used for taking wild animals and wild birds for the purposes mentioned in paragraph (6);
 - (b) as to the definition or description of any such devices, substances and methods; and
 - (c) as to the lawful extent (which may be unlimited) of such taking.
- (10) Where it appears, to a court conducting any civil or criminal proceedings, that guidance under paragraph (9) is relevant to a question arising in those proceedings, the guidance must be taken into account in determining the



question, but a failure to comply with such guidance does not of itself make a person liable to any civil or criminal proceedings.

17 Prohibition of sale etc. of regulated devices, substances and methods

- (1) It is an offence for a person to sell, or to expose or offer for sale, a device or substance of a kind prohibited under Article 16 and specified in Schedule 8 or Schedule 9.
- (2) A person does not commit an offence under paragraph (1) if the person acts under and in accordance with a licence.
- (3) A person guilty of an offence under this Article is liable to the [standard] penalty.

18 Prohibition of export of protected wild animals and protected wild birds

- (1) It is an offence for a person to export from Jersey any protected wild animal or protected wild bird, whether alive or dead, or any part of such an animal or bird which is dead.
- (2) A person does not commit an offence under paragraph (1) if the person acts under and in accordance with a licence.
- (3) A person guilty of an offence under paragraph (1) is liable to the [standard] penalty.

19 Prohibition of showing wild birds for competition

- (1) It is an offence for a person to show any wild bird for the purposes of competition, or in any premises in which a competition is being held.
- (2) A person does not commit an offence under paragraph (1) if the person acts under the authority of, and in accordance with, a licence.
- (3) A person guilty of an offence under paragraph (1) is liable to the standard penalty.

20 Protection of caged birds

- (1) It is an offence for a person to keep a bird in a cage or any other receptacle which is not sufficient in its dimensions to permit that bird to stretch its wings freely.
- (2) Paragraph (1) does not apply whilst the bird –
 - (a) is in the course of conveyance for the purpose in Article 7(3) or otherwise under the authority of, and in accordance with, a licence;
 - (b) is lawfully being shown for the purpose of any public exhibition or competition, if the time during which it is so kept does not, in the aggregate for that purpose, exceed 72 hours; or
 - (c) is undergoing treatment by a veterinary surgeon.

- (3) A person guilty of an offence under paragraph (1) is liable to [imprisonment for a term of 12 months and to a fine of level 2 on the standard scale].

21 Prohibition of release of certain species of animals and birds

- (1) It is an offence for a person –
- (a) deliberately to release; or
 - (b) recklessly to allow to escape,
- into the wild, any animal or bird of an INN species.
- (2) It is an offence for a person –
- (a) deliberately to release; or
 - (b) recklessly to allow to escape,
- into the wild, any animal or bird which is not of an INN species.
- (3) It is an offence for a person deliberately to cause or permit another person to do an act mentioned in paragraph (1) or (2).
- (4) A person does not commit an offence under paragraph (2) if the animal or bird is –
- (a) of a species listed in Schedule 10; and
 - (b) released in circumstances for which provision is made in relation to an animal or bird of a species which is so listed.
- (5) A person does not commit an offence under paragraph (1) or (2) if the person acts under and in accordance with a licence.
- (6) A person does not commit an offence under paragraph (2) if the person releases or allows to escape an animal or bird inadvertently captured as a result of a lawful act or in the course of a lawful activity carried out by the person.
- (7) A person guilty of an offence under this Article is liable to the standard penalty.

PART 3

PROTECTION OF WILD PLANTS

22 Prohibition of certain acts in relation to protected wild plants

- (1) It is an offence for a person deliberately or recklessly to –
- (a) cut, pick or otherwise gather the whole, or any substantial part of, a protected wild plant;
 - (b) uproot a protected wild plant;
 - (c) collect the propagule of a protected wild plant;
 - (d) destroy a protected wild plant; or
 - (e) disturb a protected wild plant or the habitat of a protected wild plant.

- (2) It is an offence for a person deliberately to cause or permit another person to do an act mentioned in paragraph (1).
- (3) A person does not commit an offence under paragraph (1) if the person acts under and in accordance with a licence.
- (4) A person guilty of an offence under this Article is liable to [imprisonment for a term of 12 months and to a fine of level 2 on the standard scale].
- (5) For the purposes of paragraph (1) –
“propagule” means such part of a plant as is capable of reproducing, and includes a bulb, corm or seed; and
to “uproot” means to dig up a plant or otherwise remove it from the land on which it is growing.

23 Prohibition of sale etc. of protected wild plants

- (1) It is an offence for a person –
 - (a) to sell, offer or expose for sale; or
 - (b) to have in his or her possession, or to transport, for the purposes of sale, or of offer or exposure for sale,
any protected wild plant, or any part of or anything derived from a protected plant.
- (2) It is an offence for a person to publish any advertisement likely to be understood as conveying that the person buys or sells, or intends to buy or sell, any such thing of which the sale is prohibited under paragraph (1).
- (3) A person does not commit an offence under paragraph (1) if the person acts under the authority of, and in accordance with, a licence.
- (4) A person guilty of an offence under this Article is liable to [imprisonment for a term of 12 months and to a fine of level 2 on the standard scale].

24 Prohibition of release of non-native species of plants

- (1) It is an offence for a person –
 - (a) deliberately to plant in the wild; or
 - (b) recklessly to allow to escape into the wild
any plant of an INN species.
- (2) It is an offence for a person deliberately to plant or otherwise permit to grow in the wild any protected wild plant.
- (3) A person does not commit an offence under paragraph (1) or (2) if the person acts under and in accordance with a licence.
- (4) A person guilty of an offence under this Article is liable to the standard penalty.

25 Prohibition of export of protected wild plants

- (1) It is an offence for a person to export from Jersey any protected wild plant, whether alive or dead.
- (2) A person does not commit an offence under paragraph (1) if the person acts under and in accordance with a licence.
- (3) A person guilty of an offence under paragraph (1) is liable to the standard penalty.

PART 4**PROTECTION OF ENVIRONMENT AND BIODIVERSITY****26 Invasive non-native species**

- (1) For the purposes of this Part, invasive non-native (“INN”) species of animals, birds and plants are those species listed in Schedule 11, being species which –
 - (a) do not –
 - (i) naturally occur in the wild in Jersey, nor
 - (ii) regularly visit Jersey, at any point in the life cycle of the species in question, in a wild state; and
 - (b) upon introduction into or spread within Jersey, may adversely affect, or threaten to adversely affect, the biodiversity of Jersey.
- (2) In paragraph (1)(b), “introduction” refers to movement as a result of human intervention.

27 Appointment of authorized officers

- (1) The Minister may appoint persons to carry out the functions of authorized officers under this Part.
- (2) An appointment under paragraph (1) may be made subject to such terms and conditions as the Minister considers appropriate.

28 Powers of authorized officers to search and enter premises, etc.

- (1) An authorized officer may exercise the powers conferred by this Article and Article 29 for the purposes of –
 - (a) investigating whether an INN species is present on any premises or in any vehicle; or
 - (b) enforcing a species control order.
- (2) For the purposes mentioned in paragraph (1), an authorized officer may, at any reasonable hour –
 - (a) enter and search any premises, other than premises used wholly or mainly as a private dwelling;
 - (b) stop, enter and search any vehicle; and

- (c) seize and detain any property found within the premises or vehicle.
- (3) The Bailiff or a Jurat, if satisfied on sworn information that –
 - (a) there are reasonable grounds for entry into any premises for a purpose mentioned in paragraph (1); and
 - (b) either –
 - (i) the premises are used wholly or mainly as a private dwelling, or
 - (ii) any of the circumstances in paragraph (4) applies,may grant a warrant authorizing an inspector, together with a police officer, to enter the premises and to use such force as is reasonably necessary to do so.
- (4) The circumstances mentioned in paragraph (3)(b)(ii) are that –
 - (a) admission has been refused, or a refusal is expected, and (in either case) notice of the application for a warrant has been given to the occupier;
 - (b) asking for admission, or the giving of notice of an application for a warrant, would defeat the object of the entry;
 - (c) the case is one of urgency; or
 - (d) the premises are unoccupied or the occupier is absent.
- (5) A warrant granted under this Article is valid for one month.
- (6) An authorized officer who exercises power to enter premises which are unoccupied or whose occupier is absent must (so far as reasonably practicable) leave the premises secured as effectively as he or she found them.

29 Supplementary powers of authorized officers

- (1) An authorized officer entering any premises or vehicle under Article 28 may further, for the purposes mentioned in Article 28(1), do all such things and take all such steps as are reasonably necessary including (but not limited to) the actions listed in paragraph (2) and the exercise of the powers conferred by paragraph (3).
- (2) The actions mentioned in paragraph (1) are –
 - (a) inspecting, examining and seizing anything on or in the premises or vehicle, including (but not limited to) live animals and live birds, and documents and computer records;
 - (b) transcribing, copying and detaining any documents and records;
 - (c) recording, measuring or photographing anything on or in the premises or vehicle;
 - (d) detaining, isolating or requiring the movement of any animal, bird, plant or inanimate thing;
 - (e) taking samples from any animal, bird or plant or of any other thing;

-
- (f) undertaking such cleansing and disinfection, disinfestation, treatment or destruction (including if appropriate by fire) of any bird, animal or thing as is suitable in the circumstances.
 - (3) An authorized officer may, by notice served on a person who is the occupier of premises or owner of any vehicle, require that person –
 - (a) to undertake any action (including any such action as might amount to species control operations); and
 - (b) to take such reasonable steps as the officer may specify to collect or restrain any animal or bird of which the person has charge.
 - (4) An authorized officer exercising powers under this Article or Article 28 may –
 - (a) be accompanied by such other persons; and
 - (b) take with him or her onto any premises such equipment (including vehicles),as he or she considers necessary.
 - (5) Where an authorized officer seizes or detains any property under this Article or Article 28, the officer must give, to any person who appears to the officer to be the person owning or otherwise having possession or control of that property, a receipt for the property in writing and stating the date on which, and the powers under which, it has been so seized or detained.
 - (6) An authorized officer is not personally liable for anything that he or she does when acting in the execution or purported execution of powers under this Part, but nothing in this paragraph is to be taken to exclude liability of a public authority under Article 7(1) of the Human Rights (Jersey) Law 2000.

30 Species control agreements

- (1) Where an authorized officer considers that an animal, bird or plant of an INN species, or of any other species of animal not naturally occurring in Jersey, is present on any premises, the officer may, subject to paragraph (2), enter into an agreement for control of that species (a “species control agreement”) with the owner of the premises.
- (2) Before entering into a species control agreement the officer must be satisfied –
 - (a) that the provisions of the agreement are proportionate to the objective to be achieved; and
 - (b) in a case where there is more than one owner, that the person who is party to the agreement is the most appropriate person.
- (3) A species control agreement must specify –
 - (a) the species, and the premises, to which the agreement relates;
 - (b) the operations (“species control operations”, as further defined by paragraph (5)) which are to be carried out under the agreement; and
 - (c) the party by whom, and (if appropriate) the time by which, the species control operations are to be carried out.

- (4) A species control agreement may contain such supplementary provision as the parties consider appropriate, which may include (but need not be limited to) provision as to –
 - (a) how species control operations are to be carried out;
 - (b) payment to be made by one party to the other, or to another person, in respect of such operations; and
 - (c) any species control operations which must not be carried out.
- (5) “Species control operations” means operations to do one or more of the following things, namely –
 - (a) eradicating a species from premises;
 - (b) controlling a species on premises;
 - (c) preventing the return of a species to premises.
- (6) Where the authorized officer considers that an owner of premises has complied with all the requirements of a species control agreement to which that owner is a party, the officer must give the owner notice to such effect.
- (7) An authorized officer is not liable to a person with an interest in the premises, other than the owner who is a party to a species control agreement, for anything done by the officer pursuant to the agreement, but nothing in this paragraph is to be taken to exclude liability of a public authority under Article 7(1) of the Human Rights (Jersey) Law 2000.
- (8) An owner of premises is not liable to any other person for doing anything by way of species control operations pursuant to a species control agreement.

31 Species control orders

- (1) This Article applies where –
 - (a) an authorized officer considers that an animal, bird or plant of an INN species, or any other species of animal not naturally occurring in Jersey, is present on any premises; and
 - (b) any of the circumstances listed in paragraph (2) apply.
- (2) The circumstances mentioned in paragraph (1) are that –
 - (a) the Minister considers that an owner of the premises –
 - (i) has failed to comply in whole or in part with a species control agreement, and
 - (ii) having been given notice of the failure and a reasonable opportunity to remedy it, has not remedied the failure;
 - (b) an authorized officer has offered to enter into a species control agreement with an owner of the premises, but either –
 - (i) the owner has refused to enter into any such agreement, or
 - (ii) by the end of the period of 42 days beginning with the day following the day on which the offer was made, no such agreement has been entered into and [the Minister] considers it unlikely that the owner will enter into any such agreement;

- (c) the Minister considers that the making of a species control order is urgently necessary;
- (d) the Minister is satisfied that, although –
 - (i) an authorized officer placed on the premises, in a conspicuous position, a notice requesting the owner to enter into a species control agreement, and
 - (ii) a period of at least 5 days has elapsed since the notice was so placed,
no owner of the premises has been or can reasonably be identified.
- (3) Where this Article applies, and subject to paragraph (4), the Minister may make an Order (a “species control order”) in accordance with Article 32.
- (4) In making a species control order the Minister must be satisfied that the provisions of the draft Order are proportionate to the objective to be achieved.
- (5) The Minister or an authorized officer is not liable to a person with an interest in the premises, other than the owner who is a party to a species control agreement, for anything done by the officer pursuant to a species control order, but nothing in this paragraph is to be taken to exclude liability of a public authority under Article 7(1) of the Human Rights (Jersey) Law 2000.
- (6) An owner of premises is not liable to any other person for doing anything by way of species control operations pursuant to a species control order.

32 Provisions to be included in species control order

- (1) Every species control order must contain provision specifying –
 - (a) the species to which the order relates;
 - (b) the species control operations which are required by the order to be carried out;
 - (c) the person by whom the species control operations are to be carried out, being –
 - (i) in the case of an order made on the grounds set out in Article 31(2)(a), (b), or (c), either such an owner as is specified in the order or the Minister, or both, or
 - (ii) in the case of an order made on the ground set out in Article 31(2)(d), the Minister; and
 - (d) subject to paragraph (3), the date by which the species control operations must be carried out or (as the case may be) by which the species control operations are proposed to be carried out by the Minister.
- (2) A species control order made on the grounds set out in Article 31(2)(a), (b) or (d) may not require an owner of premises to carry out species control operations, nor provide for the Minister to do so, before the expiry of the period (further described in paragraph (3)) within which an appeal against the order may be made.



- (3) Except in the case of an order made on the ground set out in Article 31(2)(c), a species control order must also contain provision stating that –
 - (a) an appeal may be made against the order within the period of 14 days beginning with the date of service of the order; and
 - (b) if an appeal under Article 35 is made within that period, no species control operations are to be carried out before the appeal is withdrawn, or finally determined.
- (4) If appropriate, a species control order may contain a map or plan of the premises to which it relates.

33 [Duty to limit impact of species control operations]

In carrying out species control operations, or requiring such operations to be carried out, the Minister and (except where Article 34(2) applies) any authorized officer must ensure that –

- (a) the operations, and any impact of the operations on the immediate environment in which they are to be carried out or on the wider environment of Jersey, are proportionate to the objective to be achieved; and
- (b) the operations are carried out –
 - (i) using all necessary measures to spare avoidable pain, distress and suffering of animals as a result of or during the operations, and
 - (ii) taking into account as far as possible best practices in animal welfare.

34 Powers of authorized officers in exceptional circumstances

- (1) An authorized officer may carry out risk assessments for the purpose of considering whether any exceptional measures are necessary to reduce the risk of the spread of an INN species.
- (2) If an authorized officer, having undertaken a risk assessment under paragraph (1), considers that such exceptional measures are necessary, he or she may –
 - (a) license a person to carry out any action otherwise prohibited under this Law [or any enactment];
 - (b) exempt a person, by notice, from any requirement of this Law [or any enactment]; or
 - (c) ban a person, by notice, from carrying out an action that would otherwise be permitted, or not prohibited, by this Law [or any enactment].
- (3) An authorized officer is not liable to a person with an interest in the premises, other than the owner who is a party to a species control agreement, for anything done by the officer pursuant to the exercise of powers under this Article, but nothing in this paragraph is to be taken to exclude liability of a public authority under Article 7(1) of the Human Rights (Jersey) Law 2000.

- (4) An owner of premises is not liable to any other person for doing anything by way of exceptional measures under this Article.

35 Appeals against species control orders

- (1) An owner of premises named in a species control order may, within 14 days of the date of the order, appeal to the Royal Court against the making of the order or any provision of the order.
- (2) On determination of an appeal under this Article, the Royal Court may affirm, revoke, vary or suspend the order or any provision of the order, and may substitute any such other order or provision as the Court may think fit.

36 Prohibition of possession and sale etc. of INNs

- (1) It is an offence for a person –
 - (a) to sell, offer or expose for sale;
 - (b) to have in his or her possession, or to transport, for the purposes of sale, offer or exposure for sale,
any animal, bird or plant of an EU INN species or (in the case of a plant) of a hybrid of such a species, or any part of or anything derived from an animal, bird or plant of such a species.
- (2) A person guilty of an offence under this Article is liable to the standard penalty.
- (3) In paragraph (1), an EU INN species means an invasive alien species of European Union concern as listed in [Part 2 of] Schedule 11.

37 Duty to promote the conservation of biodiversity

- (1) It is the duty of every public body, in exercising any public function conferred by a Jersey enactment, to promote the conservation of biodiversity so far as is consistent with the proper exercise of the function.
- (2) In complying with the duty imposed by paragraph (1), a public body [or office-holder] must have regard to –
 - (a) any strategy designated under paragraph (3); and
 - (b) the United Nations Environmental Programme Convention on Biological Diversity of 5 June 1992 as amended from time to time (or any United Nations Convention replacing that Convention).
- (3) The Minister must –
 - (a) designate; and
 - (b) publish, in such manner as the Minister may see fit,
one or more strategies for the conservation of biodiversity (whether prepared by the Minister or by one or more other persons).
- (4) Within the period of one year beginning with the date of designation of a strategy under paragraph (3), the Minister must further –

-
- (a) publish, in the same manner as that adopted for publication under paragraph (3)(b), lists of –
 - (i) species of animals, birds and plants, and
 - (ii) habitats,
 considered by the Minister to be of principal importance for the furtherance of the conservation of biodiversity; and
 - (b) issue guidance for the assistance of public bodies in complying with the duty imposed by paragraph (1).
- (5) The Minister may at any time review and, if the Minister considers it necessary to do so, revise the guidance issued under paragraph (4)(b).
- (6) Within the period of 3 years beginning with either –
- (a) the date on which a strategy is designated under paragraph (3)(a); or
 - (b) the date on which a report was last laid under this paragraph,
- the Minister must lay a report before the States as to the implementation of the strategy.
- (7) Within the period of 3 years beginning with either –
- (a) the base date; or
 - (b) the date on which a report was last published under this paragraph,
- a public body must publish a report on the actions taken by the body in pursuance of the duty imposed upon it by paragraph (1) during the period to which the report relates.
- (8) A report for the purposes of paragraph (7) may be published in such form and manner as the public body thinks fit, including by incorporation within another report published by the body, and in paragraph (7)(a) the “base date” means –
- (a) the date on which this Law comes into force; or
 - (b) if later, the date on which the body is established.
- (9) In this Article –
- “public body” means any person certain of whose functions are functions of a public nature,
- [but does not include the States Assembly or a person exercising functions in connection with proceedings in the States Assembly.]
- [whatever expression is used here, the question arises as to which bodies should cover, and this is another way of asking the wider question, i.e. on whom should the biodiversity duty be imposed...?]*
- and
- “conservation of biodiversity” includes, but without limitation –
- (a) in relation to any animal, bird or plant species, restoring or enhancing a population of that species; and
 - (b) in relation to any habitat [of any such species], restoring or enhancing the habitat.

38 Designation of Areas of Special Protection

- (1) Subject to paragraphs (2) to (5), the Minister may by Order make provision designating, as an Area of Special Protection, such an area as may be specified in the Order, and making further provision for the protection within that area of such wild animals, wild birds or plants as may also be specified, including (but not limited to) provision –
 - (a) as to the physical delineation of the Area and any associated signage or fencing;
 - (b) specifying any time period for application of the Order;
 - (c) restricting access to the Area, whether entirely or in part and whether or not at specified times or for specified periods;
 - (d) specifying persons who may enter the Area, and the purposes for which they may enter;
 - (e) prohibiting specified acts or activities within the Area, whether or not at specified times or for specified periods; and
 - (f) creating sanctions for breach of any restriction or prohibition.
- (2) Before making an Order under paragraph (1), the Minister must give notice in writing of the proposed designation of an Area of Special Protection, and of the intended provisions of the Order, to every owner and occupier of land falling within the Area proposed to be designated.
- (3) The notice required by paragraph (2) must include provision giving the persons to whom it is addressed sufficient opportunity to make representations to the Minister in relation to the proposed designation and Order.
- (4) If in the Minister's reasonable opinion it is impracticable to give notice as required by paragraph (2), the Minister must publish the same particulars as described in that paragraph by such means as are necessary to bring the proposed designation to the attention of those affected by it.
- (5) The Minister may not make an Order under this Article before the expiration of a period of 90 days from the date of the giving of the notice under paragraph (2), and after the expiration of that period may do only if –
 - (a) the owners and occupier to whom the notice was given have consented to its being made; or
 - (b) no representations objecting to the proposed Order have been received by the Minister from any such owner or occupier (or any such objections have been withdrawn).
- (6) Nothing in this Article makes unlawful anything lawfully done, within an Area of Special Protection, under any other provision of this Part.

PART 5

LICENCES

39 Minister's power to grant licences

- (1) The Minister may grant, in accordance with this Part, a licence authorizing a person to do anything which would otherwise constitute an offence under Parts 2 to 4.
- (2) The Minister may grant a licence only –
 - (a) for one or more of the purposes listed in Article 40, which must be specified in the licence; and
 - (b) if the Minister is satisfied that, as regards the particular purpose so specified –
 - (i) there is no satisfactory course of action other than that authorized by the licence, and
 - (ii) anything authorized by the licence will not be detrimental to the survival of the population concerned.
- (3) A licence granted under the power conferred by this Article is valid only for the period, if any, specified in the licence, and may –
 - (a) authorize action which is general or specific;
 - (b) be granted to persons generally, to a class of persons or to a particular person;
 - (c) be granted subject to compliance with such conditions as may be specified; and
 - (d) be modified or revoked by the Minister at any time.
- (4) The Minister may charge, in connection with the grant of a licence, such a fee as may be prescribed.
- (5) A licence which is granted to a particular person must be in writing and sent to the person.
- (6) A licence which is granted to a class of persons or is otherwise of general application must be publicized in such manner as the Minister considers appropriate to bring the licence to the notice of the persons to whom it is granted or applies, including publicizing –
 - (a) the purpose of the licence and any specified conditions; and
 - (b) the date on which the licence becomes operative and, if applicable, is amended, suspended or revoked.
- (7) A person aggrieved by –
 - (a) the grant of, or refusal to grant, a licence [to him or her];
 - (b) a condition specified in a licence or the lack of such a condition; or
 - (c) the amendment, suspension or revocation of a licencemay in writing request the Minister to reconsider the decision in question.
- (8) Where a person makes a request in writing under paragraph (7), the Minister may give the person reasonable opportunity to make further

representations in relation to the matter by which the person is aggrieved, and must either –

- (a) decline to reconsider the decision, and in that case the Minister must notify the person, in writing, that the Minister declines to do so and stating the reasons for declining; or
- (b) reconsider the decision, and in that case the Minister must notify the person, in writing, of the result of such reconsideration and the reasons for it.

40 Purposes for which licences may be granted

- (1) The following purposes are those for which a licence may be granted as mentioned in Article 39(2)(a), namely –
 - (a) scientific or educational purposes;
 - (b) ringing or marking, or attaching any other identifying or tracking device to, any wild animal or wild bird, or examining any ring, mark or device;
 - (c) preserving public health or public safety, or for other imperative reasons including those of a social or economic nature and beneficial consequences of primary importance for the environment;
 - (d) repopulation of an area with, or introduction or re-introduction into an area of, wild animals, wild birds or plants, including any breeding necessary for that purpose;
 - (e) conserving wild animals, wild birds, or plants;
 - (f) preventing the spread of disease;
 - (g) protecting any zoological or biological collection;
 - (h) preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property, or fisheries;
 - (i) photography;
 - (j) falconry;
 - (k) public exhibition or competition; and
 - (l) the keeping of pets, including protected wild animals or protected wild birds taken for the purpose of tending and release under Article 7(3).
- (2) The Minister may by Order amend the list of purposes in paragraph (1).

41 Offence: breach of licence conditions

- (1) It is an offence for a person to whom a licence is granted to contravene, or fail to comply with, any condition specified in the licence in accordance with Article 39(3)(c).
- (2) But a person does not commit an offence under paragraph (1) if –
 - (a) he or she took all reasonable precautions and exercised all due diligence to avoid commission of the offence; or

- (b) the commission of the offence was otherwise due to matters beyond his or her control.
- (3) A person guilty of an offence under paragraph (1) is liable to [imprisonment for a term of 12 months and to a fine of level 2 on the standard scale].

42 Offence: false statements

A person who, for the purpose of obtaining the grant of a licence –

- (a) makes a statement or representation, or furnishes a document or information which the person knows to be false in a material particular; or
- (b) recklessly makes a statement or representation, or furnishes a document or information, which is false in a material particular,

is guilty of an offence and liable to [imprisonment for a term of 12 months and to a fine of level 2 on the standard scale].

PART 6

GENERAL AND MISCELLANEOUS PROVISIONS

43 Enforcement: general powers

- (1) If a police officer or any other officer authorized by the Minister for this purpose (an “authorized officer” for the purposes of this Part) suspects with reasonable cause that any person is committing or has committed an offence under this Law, the officer may, at any reasonable hour –
 - (a) enter and search any premises, other than premises used wholly or mainly as a private dwelling;
 - (b) stop, enter and search any vehicle; and
 - (c) seize and detain any property found within the premises or vehicle.
- (2) The Bailiff or a Jurat, if satisfied on sworn information that –
 - (a) there are reasonable grounds for entry into any premises as mentioned in paragraph (1) ; and
 - (b) either –
 - (i) the premises are used wholly or mainly as a private dwelling, or
 - (ii) any of the circumstances in paragraph (3) applies,

may grant a warrant authorizing a police officer or an authorized officer to enter the premises and to use such force as is reasonably necessary to do so.
- (3) The circumstances mentioned in paragraph (2)(b)(ii) are that –
 - (a) admission has been refused, or a refusal is expected, and (in either case) notice of the application for a warrant has been given to the occupier;

- (b) asking for admission, or the giving of notice of an application for a warrant, would defeat the object of the entry;
 - (c) the case is one of urgency; or
 - (d) the premises are unoccupied or the occupier is absent.
- (4) A warrant granted under this Article is valid for one month.
- (5) A police officer or an authorized officer who exercises power to enter premises which are unoccupied or whose occupier is absent must (so far as reasonably practicable) leave the premises secured as effectively as he or she found them.

44 Enforcement: supplementary powers

- (1) A police officer or an authorized officer entering any premises or vehicle under Article 43 may further, for the purpose of investigating whether or not an offence under this Law has been committed, do all such things and take all such steps as are reasonably necessary including (but not limited to) the actions listed in paragraph (2) and the exercise of the powers conferred by paragraph (3).
- (2) The actions mentioned in paragraph (1) are –
- (a) inspecting, examining and seizing anything on or in the premises or vehicle, including (but not limited to) live animals and live birds, and documents and computer records;
 - (b) transcribing, copying and detaining any documents and records;
 - (c) recording, measuring or photographing anything on or in the premises or vehicle;
 - (d) detaining, isolating or requiring the movement of any animal, bird, plant or inanimate thing;
 - (e) taking samples from any animal or bird or of any plant or of any other thing.
- (3) A police officer or authorized officer may, by notice served on a person who is the occupier of premises or owner of any vehicle, require that person to take such reasonable steps as the officer may specify to collect or restrain any animal or bird of which the person has charge.
- (4) An authorized officer exercising powers under this Article may –
- (a) be accompanied by such other persons; and
 - (b) take with him or her onto any premises such equipment (including vehicles),
- as he or she considers necessary.
- (5) Where an authorized officer seizes or detains any property under this Article or Article 43, the officer must give, to any person who appears to the officer to be the person owning or otherwise having possession or control of that property, a receipt for the property in writing and stating the date on which, and the powers under which, it has been so seized or detained.

- (6) An authorized officer is not personally liable for anything that he or she does when acting in the execution or purported execution of powers under this Part, but nothing in this paragraph is to be taken to exclude liability of a public authority under Article 7(1) of the Human Rights (Jersey) Law 2000.

45 Offence: obstruction

A person who intentionally obstructs an authorized officer or a police officer in the exercise of any of the officer's powers under Article 28, 29, 43 or 44 commits an offence and is liable to [a fine].

46 Calculation of penalty

Where any offence under this Law is committed in respect of more than one animal, bird, nest, egg, plant or other thing to which the offence relates, the maximum penalty which may be imposed in respect of the offence is to be determined as if the offender had been convicted of a separate offence in respect of each of them.

47 Forfeiture

The court by which any person is convicted of an offence under this Law –

- (a) must order the forfeiture of any animal, bird, nest, egg, plant or other thing in respect of which the offence is committed;
- (b) may order the forfeiture of any vehicle, animal, weapon or other thing used to commit the offence; and
- (c) in the case of an offence under Article 21 or 24, may order the forfeiture of any animal, bird or plant which is of the same kind as that in respect of which the offence is committed and which is found in the offender's possession.

48 Service of notices

- (1) This Article has effect in relation to any notice or other document required or authorized by or under this Law to be given to or served on any person.
- (2) Any such document may be given to or served on the person in question –
 - (a) by delivering it to the person;
 - (b) by leaving at the person's proper address; or
 - (c) by sending it by post to the person at that address.
- (3) Any such document may –
 - (a) in the case of a company, be given to or served on the secretary, clerk or other similar officer of the company or any person who purports to act in any such capacity, by whatever name called; or
 - (b) in the case of a partnership, be given to or served on a partner or a person having the control or management of the partnership business.

- (4) For the purposes of this Article and Article 7 of the Interpretation (Jersey) Law 1954 in its application to this Article, the proper address of any person to or on whom a document is to be given or served is the person's last known address, except that –
- (a) in the case of a company or its secretary, clerk or other officer or person referred to in paragraph (3)(a), the proper address is the address of the registered or principal office of the company; or
 - (b) in the case of a partnership or a person having the control or management of the partnership business, the proper address is the address of the principal office of the partnership,
- and for the purposes of this paragraph, the principal office of a company registered outside Jersey or of a partnership carrying on business outside Jersey is their principal office within Jersey.
- (5) If the person to be given or served with any document mentioned in paragraph (1) has specified an address within Jersey other than the person's proper address within the meaning of paragraph (4) as the one at which the person or someone on the person's behalf will accept documents of the same description as that document, that address is also to be treated for the purposes of this Article and Article 7 of the Interpretation (Jersey) Law 1954 as the person's proper address.

49 Power to amend Schedules

- (1) The Minister may by Order amend any Schedule to this Law.
- (2) A provision of an Order made under paragraph (1) (or a provision of a Schedule as in force after amendment by such an Order) may be expressed to have effect either generally or with respect to particular provisions of this Law, a particular area of Jersey or particular times of the year.

50 Orders

The Subordinate Legislation (Jersey) Law 1960 applies to Orders made under this Law.

51 Repeals

The Conservation of Wildlife (Jersey) Law 2000 and the Animals (Trapping) Jersey Law 1961 are repealed.

52 Consequential amendment of other enactments

- (1) In the Endangered Species (CITES) (Jersey) Law 2012, in Articles 21(2)(a), 22(1)(a), and 23(a) for the reference in each place to the Conservation of Wildlife (Jersey) Law 2000 there is substituted a reference to this Law.
- (2) In Regulation 2(6) of the EU Legislation (Aquatic Animal Health) (Jersey) Regulations, for sub-paragraph (a) there is substituted –

- “(a) Article 21 of the Wildlife (Jersey) Law 201- and any Order under Articles [31 or 38] of that Law; and”.
- (3) In Article 45(8)(a) of the Firearms (Jersey) Law 2000, for the words “for the purposes of Article 5(2)(b) of the Conservation of Wildlife (Jersey) Law 2000” there are substituted the words “for the purposes of Article 7(2)(b) of the Wildlife (Jersey) Law 201-”.
- (4) In the table in Schedule 3 to the Police Procedures and Criminal Evidence (Jersey) Law 2003, for the item and entry –

“Conservation of Wildlife (Jersey) Law 2000 Article 18”

there is substituted –

“Wildlife (Jersey) Law 201- Article [43]”.

- (5) For Article 4(5)(d) of the Slaughter of Animals (Jersey) Law 1962, there is substituted –
- “(d) the Wildlife (Jersey) Law 201-.”.

53 Citation and commencement

This Law may be cited as the Wildlife (Jersey) Law 201- [and comes into force [on such day as the States may by Act appoint/7 days after the day on which it is registered]].

SCHEDULE 1

(Article 5)

PROTECTED WILD ANIMALS

<i>Common name</i>	<i>Species name</i>	<i>Provisions conferring protection*</i>
Ant, European red wood	<i>Formica pratensis</i>	
Allis shad	<i>Alosa alosa</i>	Articles 15 and 18
Bats, horseshoe (all species)	<i>Rhinodophidae</i>	
Bats, typical (all species)	<i>Vespertilionidae</i>	
Damselfly, southern emerald	<i>Lestes barbarous</i>	Articles 7, 15 and 18
Dolphins (all species)	<i>Cetacea</i>	
Fan mussel	<i>Atrina fragilis</i>	
Five-shilling shell	<i>Maetra glauca</i>	Articles 15 and 18
Frog, agile	<i>Rana damaltina</i>	
Grasshopper, heath	<i>Chorthippus vagans</i>	Articles 7, 15 and 18
Grasshopper, Jersey	<i>Euchorthippus pulvinatus</i> <i>subs. elegantulus</i>	Articles 7, 15 and 18
Hedgehog	<i>Erinaceus europaeus</i>	Articles 7, 15 and 18
Hoverfly	<i>Chrysotoxom vernale</i>	Articles 7, 15 and 18
Lizard, green	<i>Lacerta viridis</i> or <i>Lacerta</i> <i>bilineata</i>	Articles 7, 15 and 18
Lizard, wall	<i>Podarcis muralis</i>	
Lumpsucker	<i>Cyclopterus lumpus</i>	
Newt, palmate	<i>Lissotriton helveticus</i> or <i>Triturus helveticus</i>	Articles 7, 15 and 18
Pink sea fan	<i>Eunicella verrucosa</i>	
Porpoises (all species)	<i>Cetacea</i>	
Seahorse, long-snouted	<i>Hippocampus guttulatus</i>	
Seahorse, short-snouted	<i>Hippocampus hippocampus</i>	
Seals (all species)	<i>Pennipedia</i>	



Sharks, pelagic (all species except houndsharks and catsharks)	<i>Selachimorpha</i> (except <i>Triakidae</i> and <i>Scyliorhinidae</i>)	
Shrew, common or French	<i>Sorex coronatus ssp fretalis</i>	Articles 7, 15 and 18
Shrew, lesser white-toothed	<i>Crocidura suaveolens</i>	Articles 7, 15 and 18
Slow-worm	<i>Anguis fragilis</i>	Articles 7, 15 and 18
Snake, grass	<i>Natrix natrix</i> and <i>Natrix helvetica</i>	
Squirrel, red	<i>Sciurus vulgaris</i>	
Sturgeon	<i>Acipenser sturio</i>	
Sunfish	<i>Mola mola</i>	Articles 7, 15 and 18
Sunset cup-coral	<i>Leptopsammia pruvoti</i>	
Swallowtail	<i>Papilla machaon</i>	Articles 7, 15 and 18
Twaite shad	<i>Allosa fallax</i>	Articles 15 and 18
Toad, common	<i>Bufo bufo</i> and <i>Bufo spinosus</i>	
Turtle, marine (all species)	<i>Chelonidae</i> and <i>Dermochelyidae</i>	
Vernal colletes bee	<i>Colletes cunicularius</i>	Articles 7, 15 and 18
Vole, Jersey bank	<i>Clethrionomys glareolus ssp. caesarius</i>	Articles 7, 15 and 18
White-letter hairstreak	<i>Satyrium w-album</i>	Articles 7, 15 and 18
Whales (all species)	<i>Cetacea</i>	

* If no provision is specified in this column, all the prohibitions applicable under the Law in relation to a protected wild animal apply in relation to the species in question.

SCHEDULE 2

(Article 5)

PROTECTED WILD BIRDS

All wild birds except the following species –

<i>Common name</i>	<i>Species name</i>
Crow, carrion	<i>Corvus Corone</i>
Magpie	<i>Pica pica</i>
Pigeon, feral	<i>Columba livia</i>
Pigeon, wood	<i>Columba palumbus</i>
Pheasant, common	<i>Phasianus colchicus</i>

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SCHEDULE 3

(Article 5)

PROTECTED WILD BIRDS WHICH RE-USE THEIR NESTS

<i>Common Name</i>	<i>Species Name</i>
Barn owl	<i>Tyto alba</i>
Barn swallow	<i>Hirundo rustica</i>
Common house martin	<i>Delichon urbicum</i>
Common swift	<i>Apus apus</i>
Cormorant, great	<i>Phalacrocorax carbo</i>
Falcon, peregrine	<i>Falco peregrinus</i>

SCHEDULE 4

(Article 5)

WILD ANIMALS WHOSE BREEDING SITES AND RESTING SITES ARE PROTECTED

<i>Common name</i>	<i>Species name</i>
Bats, horsehoe (all species)	<i>Rhinolophidae</i>
Bats, typical (all species)	<i>Vespertilionidae</i>
Dolphins (all species)	<i>Delphinidae</i>
Frog, agile	<i>Rana dalmatina</i>
Lizard, green	<i>Lacerta viridis</i> , or <i>Lacerta bilineata</i>
Lizard, wall	<i>Podarcis muralis</i>
Seahorse, long-snouted	<i>Hippocampus guttulatus</i>
Seahorse, short-snouted	<i>Hippocampus hippocampus</i>
Seals (all species)	<i>Pennipedia</i>
Snake, grass	<i>Natrix natrix</i> and <i>Natrix Helvetica</i>
Squirrel, red	<i>Sciurus vulgaris</i>
Toad, common	<i>Bufo bufo</i> and <i>Bufo spinose</i>
Turtles, marine (all species)	<i>Cheloniidae</i> and <i>Dermochelyidae</i>

SCHEDULE 5

(Article 5)

WILD BIRDS WHOSE BREEDING SITES AND RESTING SITES ARE PROTECTED

<i>Common name</i>	<i>Species name</i>
Bittern, great	<i>Botaurus stellaris</i>
Bunting, ciril	<i>Emberiza cirlus</i>
Bunting, reed	<i>Emberiza schoeniclus</i>
Buzzard, common	<i>Buteo buteo</i>
Brent goose	<i>Branta bernicla</i> (including all subspecies)
Chough, red-billed	<i>Pyrhacorax pyrrhacorax</i>
Cormorant, great	<i>Phalacrocorax carbo</i>
Curlew, eurasian	<i>Numenius arquata</i>
Dove, European turtle	<i>Streptopelia turtur</i>
Diver, great northern	<i>Gavia immer</i>
Kingfisher, Common	<i>Alcedo atthis</i>
Egret, little	<i>Egretta garzetta</i>
Falcon, peregrine	<i>Falco peregrinus</i>
Firecrest	<i>Regulus ignicapillus</i>
Flycatcher, spotted	<i>Muscicapa striata</i>
Kestrel, common	<i>Falco tinnunculus</i>
Lapwing, northern	<i>Vanellus vanellus</i>
Marsh harrier, eurasian	<i>Circus aeruginosus</i>
Linnet, common	<i>Carduelis cannabina</i>
Martin, sand	<i>Riparia riparia</i>
Owl, barn	<i>Tyto alba</i>
Owl, long-eared	<i>Asio otus</i>
Plover, ringed	<i>Charadrius hiaticula</i>
Puffin, atlantic	<i>Fratercula arctica</i>
Razorbill	<i>Alca torda</i>

<i>Common name</i>	<i>Species name</i>
Serin, european	<i>Serinus serinus</i>
Shag, European	<i>Phalacrocorax aristotelis</i>
Shearwater, balearic	<i>Puffinus mauretanicus</i>
Shelduck, common	<i>Tadorna tadorna</i>
Skylark	<i>Alauda arvensis</i>
Sparrowhawk	<i>Accipiter nisus</i>
Stonechat, common	<i>Saxicola torquatus</i>
Swallow, barn	<i>Hirunda rustica</i>
Tern, common	<i>Sterna hirundo</i>
Tit, bearded	<i>Panurus biarmicus</i>
Warbler, cetti's	<i>Cettia cetti</i>
Warbler, Dartford	<i>Sylvia undata</i>
Wheatear, northern	<i>Oenanthe oenanthe</i>
Woodcock, eurasian	<i>Scolopax rusticola</i>
Yellowhammer	<i>Emberiza citrinella</i>

SCHEDULE 6

(Article 5)

**WILD ANIMALS AND BIRDS WHICH ARE PROTECTED FROM
DISTURBANCE**

<i>Common Name</i>	<i>Species / family Name</i>
PART 1	
ANIMALS	
Bats, horseshoe (all species)	<i>Rhinolophidae</i>
Bats, typical (all species)	<i>Vespertilionidae</i>
Dolphins (all species)	<i>Delphinidae</i>
Porpoises (all species)	<i>Cetacea</i>
Sharks, pelagic (all species except houndsharks and catsharks)	<i>Selachimorpha</i> (except <i>Triakidae</i> and <i>Scyliorhinidae</i>)
Seahorse, long-snouted	<i>Hippocampus guttulatus</i>
Seahorse, short-snouted	<i>Hippocampus hippocampus</i>
Seals (all species)	<i>Pennipedia</i>
Sunfish	<i>Mola mola</i>
Turtles, marine (all species)	<i>Cheloniidae</i> and <i>Dermochelyidae</i>
Whales (all species)	<i>Cetacea</i>
PART 2	
BIRDS	
All wild birds except the following species –	
Crow, carrion	<i>Corvus corone</i>
Magpie	<i>Pica pica</i>
Pigeon, feral	<i>Columba livia</i>
Pigeon, wood	<i>Columba palumbus</i>
Pheasant, common	<i>Phasianus colchicus</i>

SCHEDULE 7

(Article 5 and Part 3)

PROTECTED WILD PLANTS ETC.

<i>Common Name</i>	<i>Species Name</i>
Maidenhair fern	<i>Adiantum capillus-veneris</i>
Agrimony	<i>Agrimonia eupatoria</i>
Fragrant agrimony	<i>Agrimonia procera</i>
Round-headed leek	<i>Allium sphaerocephalon</i>
Jersey (Loose-flowered) orchid	<i>Anacamptis laxiflora</i>
Green-winged orchid	<i>Anacamptis morio</i>
Pyramidal orchid (protection conferred by Article 23 and Article 25 only)	<i>Anacamptis pyramidalis</i>
Jersey fern	<i>Anogramma leptophylla</i>
Wild celery	<i>Apium graveolens</i>
Wild asparagus	<i>Asparagus officinalis var. prostratus</i>
Lesser water-plantain	<i>Baldellia ranunculoides</i>
Green-ribbed sedge	<i>Carex binervis</i>
Grey sedge	<i>Carex divulsa</i>
Star sedge	<i>Carex echinata</i>
Cyperus sedge	<i>Carex pseudocyperus</i>
Whorled caraway	<i>Carum verticillatum</i>
Chaffweed	<i>Centunculus minimus</i>
Yellow centaury	<i>Cicendia filiformis</i>
Brown galingale	<i>Cyperus fuscus</i>
Common spotted-orchid	<i>Dactylorhiza fuschia</i>
Early marsh-orchid	<i>Dactylorhiza incarnata</i>
Heath spotted-orchid	<i>Dactylorhiza maculata</i>
Southern marsh-orchid	<i>Dactylorhiza praetermissa</i>
Jersey pink	<i>Dianthus gallicus</i>
Round-leaved sundew	<i>Drosera rotundifolia</i>
Six-stamened waterwort	<i>Elatine hexandra</i>



<i>Common Name</i>	<i>Species Name</i>
Common cottongrass	<i>Eriophorum angustifolium</i>
Sea spurge	<i>Euphorbia paralias</i>
Longleaf	<i>Falcaria vulgaris</i>
Wild strawberry (protection conferred by Article 23 and Article 25 only)	<i>Fragaria vesca</i>
Yellow horned-poppy (protection conferred by Article 23 and Article 25 only)	<i>Glaucium flavum</i>
Jersey cudweed	<i>Gnaphalium luteo-album</i>
Lizard orchid	<i>Himantoglossum hircinum</i>
Marsh St. John's-wort	<i>Hypericum elodes</i>
Toadflax-leaved St. John's-wort	<i>Hypericum linariifolium</i>
Spotted cat's-ear	<i>Hypochaeris maculata</i>
Sharp-leaved fluellin	<i>Kickxia elatine</i>
Alderney sea-lavender	<i>Limonium normannicum</i>
Common sea-lavender	<i>Limonium vulgare</i>
Common toadflax (protection conferred by Article 23 and Article 25 only)	<i>Linaria vulgaris</i>
Pale flax	<i>Linum bienne</i>
Great wood-rush	<i>Luzula sylvatica</i>
Yellow pimpernel	<i>Lysimachia nemorum</i>
Grass-poly	<i>Lythrum hyssopifolia</i>
Sea stock	<i>Matthiola sinuata</i>
Fine-leaved sandwort	<i>Minuartia hybrida</i>
Jersey forget-me-not	<i>Myosotis sicula</i>
Mat-grass	<i>Nardus stricta</i>
Bee orchid	<i>Ophrys apifera</i>
Early spider orchid	<i>Ophrys sphegodes</i>
Early-purple orchid	<i>Orchis mascula</i>
Orange bird's-foot	<i>Ornithopus pinnatus</i>
Greater broomrape	<i>Orobanche rapum-genistae</i>
Hoary plantain	<i>Plantago media</i>

<i>Common Name</i>	<i>Species Name</i>
Cowslip	<i>Primula veris</i>
Ivy-leaved crowfoot	<i>Ranunculus hederaceus</i>
Jersey buttercup	<i>Ranunculus paludosus</i>
Thread-leaved water-crowfoot	<i>Ranunculus trichophyllus</i>
Wild mignonette	<i>Reseda lutea</i>
Yellow-rattle	<i>Rhinanthus minor</i>
Shore dock	<i>Rumex rupestris</i>
Glasswort	<i>Salicornia europaea</i>
Lesser skullcap	<i>Scutellaria minor</i>
Autumn lady's-tresses	<i>Spiranthes spiralis</i>
Devil's-bit scabious	<i>Succisa pratensis</i>
Strawberry clover	<i>Trifolium fragiferum</i>
Long-headed clover	<i>Trifolium incarnatum subsp. molinerii</i>
Blue water-speedwell	<i>Veronica anagallis-aquatica</i>
Marsh speedwell	<i>Veronica scutellata</i>
Yellow-vetch	<i>Vicia lutea</i>
Heath dog-violet	<i>Viola canina</i>
Horned pondweed	<i>Zannichellia palustris</i>
FUNGI	
Sandy stiltball	<i>Battarraea phalloides</i>
Pepperpot	<i>Myriostoma coliforme</i>
LICHEN	
Scrambled-egg lichen	<i>Fulgensia fulgens</i>
Lichen	<i>Umbilicaria grisea</i>

SCHEDULE 8

(Articles 5, 16, 17)

DEVICES, SUBSTANCES AND METHODS PROHIBITED FOR KILLING OR TAKING WILD ANIMALS**PART 1****DEVICES ETC. PROHIBITED GENERALLY**

Bows and crossbows

Explosives

Live animals or birds used as decoys

Poisonous substances including poisoned or anaesthetic bait

Snares, except those which –

- (a) are not self-locking;
- (b) are inspected at least once in every 24 hour period of use;
- (c) comply with such further specifications as may be included in guidance issued from time to time by the Minister under Article 16(8); and
- (d) are operated in accordance with, and by a person who satisfies, any further conditions as may be included in such guidance.

Spring traps, except those which –

- (a) are of a type used for the purpose of killing rats, mice and other small ground vermin (other than animals of species listed in Schedule 1);
- (b) are inspected at least once in every 24 hour period of use;
- (c) comply with such further specifications as may be included in guidance issued from time to time by the Minister under Article 16(8); and
- (d) are operated in accordance with, and by a person who satisfies, any further conditions as may be included in such guidance.

PART 2**DEVICES ETC. OF WHICH USE IS PROHIBITED IN RELATION TO PARTICULAR TYPES OF ANIMAL**

<i>Type of animal</i>	<i>Prohibited device, etc.</i>
Amphibians, reptiles	Nets if applied for large-scale or non-selective taking or killing
Mammals	Anaesthetic or stupefying substances Snares Artificial lighting, mirrors or other dazzling devices

	Automatic or semi-automatic weapons Devices for illuminating a target or other devices for night shooting Electrical devices capable of killing or stunning an animal Gassing or smoking out Nets or traps if applied for large-scale or non-selective taking or killing Sound recordings used as decoys [Motor vehicles in motion]
Fish	Anaesthetic or stupefying substances Artificial lighting Electricity with alternating current Firearms

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SCHEDULE 9

(Articles 5, 16, 17)

DEVICES, SUBSTANCES AND METHODS PROHIBITED FOR KILLING OR TAKING WILD BIRDS

Anaesthetic or stupefying substances
Artificial lighting, mirrors or other dazzling devices
Automatic or semi-automatic weapons
Baited boards
Bird lime and any similar substance
Bows and crossbows
Chemical wetting agents
Devices for illuminating a target or other sighting devices for night shooting
Electrical devices that are capable of killing or stunning a bird
Explosives
Gassing or smoking out
Hooks
Nets if applied for large scale or non-selective capture or killing
Poison and poisoned or anaesthetic bait
Shot guns of which the barrel has an internal diameter at the muzzle of more than 4.45 centimetres (1.75 inches)
Snares
Traps
Using as a decoy a live bird or other animal which is tethered, or secured by means of braces or similar appliances, or which is blind, maimed or injured
Using a sound recording as a decoy

SCHEDULE 10

(Article 5)

**WILD ANIMALS AND BIRDS WHICH ARE PERMITTED TO BE
RELEASED UNDER ARTICLE 21(3)**

<i>Common Name</i>	<i>Species Name</i>
Common or European mole	<i>Talpa europaea</i>

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SCHEDULE 11

(Article 5)

WILD ANIMALS, BIRDS OR PLANTS OF INN SPECIES**PART 1****JERSEY**

<i>Common name</i>	<i>Species name</i>
Ferret, feral	<i>Mustela fero</i>
Fig, Hottentot	<i>Carpobrotus edulis</i>
Grass, pampas	<i>Cortaderia selloana</i>
Hornet, Asian	<i>Vespa velutina</i>
Knotweed, Japanese	<i>Fallopia japonica</i>
Pigmyweed, New Zealand	<i>Crassula helmsii</i>

PART 2**EU**

<i>Common name</i>	<i>Species name</i>
Alligator weed	<i>Alternanthera philoxeroides</i>
Baccharis, eastern	<i>Baccharis halimifolia</i>
Fanwort	<i>Cabomba caroliniana</i>
Hyacinth, water	<i>Eichhornia crassipes</i>
Milkweed, common	<i>Asclepias syriaca</i>

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