



1st Quinquennial Review (QQR) of Schedules of the Wildlife (Jersey) Law 2021 (WL)

Assessment form for adding, removing or changing the level of protection for a species in Schedules 1-8 inclusive of the WL

Date: February 2024

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Appendix 1 Rationale, Eligibility and Decision Criteria

Personal / Contact details

1. Organisation Name (if applicable)

Title: Mr Ms Mrs Miss Dr *Please mark as appropriate*

Surname

Forename

2. Contact details - Address

Phone number

Email address

3. Permissions

We may wish to contact you again in the future, but we require your permission to do so. Are you content for Land Resource Management to contact you again in relation to this consultation? Yes
No

I am responding as an ...

(Please mark as appropriate)

Individual / Organisation

Do you agree to your proposal being made available to the public? Yes No

Where confidentiality is not requested, we will make your responses available to the public on the following basis.

Please mark one of the following boxes

Yes, make my response, name and address available.

Yes, make my response available, but not my name and address.

Yes, make my response and name available but not my address.

The name and address of your organisation will be made available to the public.

Are you content for your proposal to be made public? Yes No

Data protection

All contact details will be securely stored in our electronic filing system. We will use this information to contact an individual/organisation where necessary. We manage personal information in accordance with the Data Protection (Jersey) Law 2018.

Each subsequent part of this form refers to the relevant numbered section in the Information Pack document. Fill in Parts 1, 2, 3, 4 and 5 in the boxes provided. Any extra information can be continued on a new sheet indicating the relevant section or attached as a separate document.

Part 1 Species proposed

a) **Taxa for consideration:** See *Information Pack: Completing the Form Part 1, a*).

Kingdom, Order and Family:

Scientific name:

English name:

Species authority:

b) **Proposed amendment:** See *Information Pack: Completing the Form Part 1, b*).

Please indicate below the amendment that you are proposing with reference to the appropriate Schedules to the WL. Further justification can be provided in Part 5 of the assessment form.

Action	Mark box	Name the Schedule concerned
Addition to Schedule	<input type="checkbox"/>	
Removal from Schedule	<input type="checkbox"/>	
Change level of protection	<input type="checkbox"/>	

Part 2 Species Eligibility Criteria (Summary Sheet)

To be completed for all species (native and non-native)

For a species to be recommended for scheduling one of the Eligibility Criteria in each of the sections A, B and C should be met and recorded on the proforma as detailed below.

**Mark
box(es)
which apply**

Section A - Nomenclature – See *Information Pack: Completing the Form Part 2, Section A.*

1. Taxonomic status of the species meets recognised international standards of nomenclature (i.e., with an authenticated authority ¹).	<input type="checkbox"/>
2. Taxa below the species level may be considered, providing they are:	<input type="checkbox"/>
i. clearly recognisable (i.e., morphologically distinct); or	<input type="checkbox"/>
ii. geographically or ecologically distinct	<input type="checkbox"/>

Section B - Jersey Status - See *Information Pack: Completing the Form Part 2, Section B*

The species must satisfy one or more of the following:

i. The species is native in the wild in Jersey i.e., arrived in Jersey without intervention by man, whether intentional or unintentional, having come from an area in which it is native or a species which has arisen de novo in Jersey ² ; or	<input type="checkbox"/>
ii. The species occurs as a vagrant in Jersey and requires intentional protection; or	<input type="checkbox"/>
iii. The species is a native that is believed extinct in Jersey as a breeding species but is in the process of being reintroduced to the Island; or	<input type="checkbox"/>
iv. The species is a native that is believed to be extinct in Jersey, but with the possibility it could become re-established naturally; or	<input type="checkbox"/>
v. The species is native to Jersey and listed on Appendices I, II or III of the Bern Convention ³ ; Appendices I and II of the Bonn Convention ⁴ (unless specific derogations apply); or	<input type="checkbox"/>
vi. The species is threatened internationally, but Jersey provides or could provide a refuge for a wild population.	<input type="checkbox"/>

Section C - Conservation Status (local and global) - See *Information Pack: Completing the Form Part 2, Section C*

The species must satisfy one or more of the following:

i. The species is considered Threatened ⁵ in Jersey; or	<input type="checkbox"/>
ii. The species is likely to become Threatened in Jersey, unless conservation measures are taken; or	<input type="checkbox"/>

¹e.g., [International Commission on Zoological Nomenclature \(iczn.org\)](http://www.iczn.org)

² Preston, C.D., Pearman, D.A. & Dines, T.D. (2002). *New Atlas of the British and Irish Flora*. Oxford University Press, Oxford

³ [Convention on the Conservation of European Wildlife and Natural Habitats \(Bern Convention\)](http://www.biodiversity.org/convention)

⁴ [CMS | Convention on the Conservation of Migratory Species of Wild Animals \(Bonn Convention\)](http://www.cms.int)

⁵ [IUCN Red List of Threatened Species](http://www.iucn.org)

iii. There is an international obligation to afford the species legal protection (if not protected elsewhere e.g., International or European designation); or	<input type="checkbox"/>
iv. The species or sub species is widely recognised and accepted by the scientific (or other relevant community) as endemic to Jersey; or	<input type="checkbox"/>
v. Where a protected species is easily confused with another species or sub species	<input type="checkbox"/>

If the species you are proposing is non-native please complete Part 3. If the species is native to Jersey then go directly to Part 4.

Part 3 Non-native Species Eligibility Criteria

Indicate (tick box) which elements of the Eligibility Criteria the species meets. Criteria (a) below must be met in all cases by a non-native species, along with criteria (b) and/or (c) - *See Information Pack: Completing the Form Part 3.*

a. The species is unlikely to have an adverse impact on Jersey native species or ecosystems in Jersey; and	<input type="checkbox"/>
b. The species is endangered or extinct in its native range; and/or	<input type="checkbox"/>
c. Jersey provides or could provide a refuge for a wild population.	<input type="checkbox"/>

For each criteria chosen please provide evidence in the box below and attach as separate documents if necessary.

Part 4 Status, distribution, habitats and threats

To be completed for all species (native and non-native).

a) Jersey Status - See *Information Pack: Completing the Form Part 4, Section A*.

In this section you are asked to provide more detail in support of the proposed amendment. Please attach any additional information in a separate document.

- i. Give an estimate of the current total population **in Jersey**, including population size, or other indices of abundance. Please provide information on its range and attach a map where possible.

- ii. Please provide more details as to the species' legal protection in Jersey and/or Europe, and /or the UK.

b) Conservation status - See *Information Pack: Completing the Form Part 4, Section B*.

- i. If you ticked either of the two statements 'the species is Threatened in Jersey' or 'the species is likely to become Threatened in Jersey, unless conservation measures are taken' in Part 2 Section C then please provide details of where you found the information to back either of these statements.

- ii. Provide the global population status and distribution. Please include a map where possible.

- iii. Please provide details of all current designations locally and globally, used to help conserve the proposed species. E.g. any IUCN Red Listing Status, convention listings (BERN, BONN etc.), Biodiversity Action Plans etc.

iv. Please provide more detail if the species or sub species is endemic to Jersey **or** where the protected species is easily confused with other species or sub species.

c) Habitat/s - See *Information Pack: Completing the Form Part 4, Section C*.

Specify the types of habitats occupied by the species and, where relevant, the degree of habitat specialism.

d) Threats - See *Information Pack: Completing the Form Part 4, Section D.*

Please provide details of all known threats to the survival of the species.

e) Justification for the proposed amendment - See *Information Pack: Completing the Form Part 4, Section E.*

Part 5 Recommendation and justification for levels of protection

Only complete if proposing to **add a new species** for scheduling or proposing to **change the level of protection** (native and non-native species).

a) Levels of protection

Please indicate which measures of protection should be applied to the proposed species in the table below. See *Information Pack Appendix 1 for further information on the Schedules to the Law*.

Animals and Birds

Mark box(es)
which apply

Schedule 1 – protected wild animals (Article 5)	<input type="checkbox"/>
Schedule 2 – protected wild birds (Article 5)	<input type="checkbox"/>
Schedule 3 Part 1 – protected wild animals which re-use their dens (Articles 5, 9 and 10)	<input type="checkbox"/>
Schedule 3 Part 2 – protected wild birds which re-use their nests (Articles 5, 9 and 10)	<input type="checkbox"/>
Schedule 4 Part 1 – wild animals whose breeding sites and resting sites are protected at any time (Articles 5 and 11)	<input type="checkbox"/>
Schedule 4 Part 1 – wild animals whose breeding sites and resting sites are protected when in use (Articles 5 and 11)	<input type="checkbox"/>
Schedule 5 Part 1 – wild birds whose breeding sites and resting sites are protected at any time (Articles 5 and 12)	<input type="checkbox"/>
Schedule 5 Part 2 – wild birds whose breeding sites and resting sites are protected when in use (Articles 5 and 12)	<input type="checkbox"/>
Schedule 6 Part 1 – wild birds which are protected from disturbance (Articles 5 and 13)	<input type="checkbox"/>
Schedule 6 Part 2 – wild animals which are protected from disturbance (Articles 5 and 13)	<input type="checkbox"/>
Schedule 7 Part 1 – wild birds which may not be held for longer than 48 hours (Articles 5, 7 and 15)	<input type="checkbox"/>
Schedule 7 Part 2 – wild animals which may not be held for longer than 48 hours (Articles 5, 7 and 15)	<input type="checkbox"/>

Plants

Schedule 8 – protected wild plants (Article 5 and Part 3)	<input type="checkbox"/>
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b) Reasons for levels of protection - See *Information Pack: Completing the Form Part 5, Section B.*

Provide an explanation as to why each measure ticked in the above tables needs to be applied, including, where applicable, an explanation of why some of the measures may not be required.

Part 6 Devices, substances and methods prohibited for taking wild animals or wild birds

Schedules 9, 10 and 11 to the Law list devices, substances and methods that are prohibited for taking, killing or injuring wild animals or wild birds. The content of these Schedules is transposed from Appendix IV of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979)⁶ to which Jersey has subscribed.

The devices etc. prohibited in relation to wild animals are specified in Schedule 9, and those in relation to wild birds in Schedule 10. Schedule 11 lists those devices and substances that are capable of being used to commit an offence and of which the possession is prohibited. The use and possession of those devices, substances and methods listed in Schedules 9, 10 and 11 may be authorised by way of a licence issued under the Law.

Please use the section below to provide any comments in respect of Schedules 9, 10 and 11 in so far as they apply to the species concerned.

⁶ [Appendices of the Convention and Amendments to the Appendices - Convention on the Conservation of European Wildlife and Natural Habitats \(coe.int\)](http://coe.int)

Part 7 Comments on the Species Selection Process

Do you agree with the Rationale, Eligibility Criteria and Decision Criteria used in this form for the process of adding, removing or changing the level of protection for a species in the Schedules to the WL? (See Appendix 1).

Please use the section below to provide any comments, which will be considered as part of the final report and recommendations. Feedback from this section will be considered in the second QQR.

Appendix 1 Rationale, Eligibility and Decision Criteria

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

Updated January 2024

Introduction

The Wildlife (Jersey) Law 2021⁷ is the main legislation for nature conservation in Jersey. The purpose of this Law is the conservation of wildlife and the promotion of biodiversity conservation in Jersey.

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

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

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

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

Rationale for listing

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

Eligibility Criteria

Eligibility criteria for native species

⁷ [Wildlife \(Jersey\) Law 2021 \(jerseylaw.je\)](http://jerseylaw.je)

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

Section A - Nomenclature

The species must satisfy the following:

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

Section B – Jersey Status

The species must satisfy one or more of the following:

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

Section C – Conservation Status

The species must satisfy one or more of the following:

- i. The species is considered Threatened in Jersey; or
- ii. The species is likely to become Threatened, unless conservation measures are taken; or
- iii. There is an international obligation to afford the species legal protection (if not protected elsewhere e.g., International or European designation); or

- iv. The species or sub species is widely recognised and accepted by the scientific community (or other relevant community) as being endemic to Jersey; or
- v. Where a protected species is easily confused with another species or sub species.

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

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

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

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

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

Eligibility criteria for non-native species

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

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

There are different types of non-native plants:

- Non-native species brought into Jersey by man, intentionally or unintentionally, even if native to the source area or which have come into Jersey without man's intervention, but from an area in which it is present as a non-native (Preston *et al* 2002)

- Neophytes: (naturalised after AD 1500). Where there is clear evidence that a species is a neophyte it will be excluded from listing except where new evidence shows these neophytes to be considered native (Cheffings and Farrell 2005)⁸
- Archaeophytes: (naturalised before AD 1500) can be included in the selection process (Cheffings and Farrell 2005)
- “Native or Alien”: evidence for and against native status is too finely balanced to decide the status. These species will be eligible for the selection process under the precautionary principle unless new evidence is available to decide the status one way or the other (Cheffings and Farrell 2005)

Decision Criteria

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

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

Removing species and changing the protection status

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

⁸ Cheffings, C. and Farrell, L. (2005) (Editors). The Vascular Plant Red Data List for Great Britain. Species Status 7: 1-116. JNCC, Peterborough.