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Wildlife (Jersey) Law 2021

General Licence GL01: to use wild bird traps of a permitted design for the prevention of serious damage

OVERVIEW

This general licence permits the use of a wild bird trap of a permitted design, in order to take certain species of wild bird for the purposes of preventing serious damage.

The licence may only be relied upon to prevent serious damage¹ to livestock, foodstuffs for livestock, crops, vegetables and fruit, growing timber or any other form of property, or fisheries, and only in situations where there is no other satisfactory solution to the problem. This licence does not permit the use of any other prohibited methods of capture nor does it permit the deliberate taking of any species that are protected under the Law.

Users must comply with the licence terms and conditions, which include a requirement to register traps in advance with the licensing authority and to display the registration number on the trap when in use. Traps may only be used on premises owned or occupied by the registered user.

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Registration Users are required to register and obtain a trap identification number in order to be able to use this licence.

Recording There are recording requirements (see condition 7 below)

LICENCE TERMS AND CONDITIONS

Legislation This licence is granted by the Minister for the Environment in accordance with Articles 36 and 37 of the Wildlife (Jersey) Law 2021 ('the Wildlife Law')

Valid for the period 1st April 2023 to 31st March 2024 (inclusive)

Area valid within Jersey (landward of the mean low water mark) except for Sites of Special ecological Interest (designated under the Planning and Building (Jersey)

¹*Serious damage* means damage that exceeds mere nuisance, minor damage or normal business risk. Serious damage does not include problems relating to noise or odour nuisance.

Law 2002) or Areas of Special Protection (designated under the Wildlife (Jersey) Law 2021) where permission has not been granted.

Purpose(s) for which this licence can be used

To prevent serious damage to livestock, foodstuffs for livestock, crops, vegetables and fruit, growing timber or any other form of property, or fisheries.

What this licence Permits

Subject to the terms and conditions of this licence and solely for the purpose(s) stated above, this licence permits:

- the use of a wild bird trap of permitted design, listed in Table 1 and further described in Annex A to this licence, in order to take the permitted target species listed in Table 2;
- the use of the decoy species listed in Table 3;
- the release permanently into the wild, of any wild bird species captured under this licence

Table 1. Wild bird traps of permitted design

Walk in multi-catch cage trap
Larsen Trap
Larsen mate trap – also known as a clam trap
Larsen pod trap
Pigeon trap

Table 2. Permitted target species

Carrion crow <i>Corvus corone</i>
Magpie <i>Pica pica</i>
Feral pigeon <i>Columba livia</i>
Wood Pigeon <i>Columba palumbus</i>

Table 3. Permitted decoy species

Carrion crow <i>Corvus corone</i>

Magpie <i>Pica pica</i>
Feral pigeon <i>Columba livia</i>
Wood Pigeon <i>Columba palumbus</i>

Who can use This licence may only be used by Registered Persons, except those convicted of a wildlife related or animal welfare related offence.

Definitions A '*Registered Person*' is the named owner or occupier of the premises on which the licensed activity is to be carried out, who has successfully registered to use the licence.

When this licence can be used

This licence can only be relied on in circumstances where:

- i. licensed action is necessary to prevent serious damage
- ii. before using the licence reasonable endeavours have been made to resolve the problem using any lawful methods that may be appropriate in the circumstances and
- iii. reasonable endeavours continue to be made to resolve the problem using such appropriate lawful methods alongside use of the licence

Licence Conditions

1. Except as specifically permitted under 'What this Licence permits' above, this licence does not authorise the use of any method of taking which is otherwise prohibited by the Wildlife Law, nor does this licence permit the deliberate taking of any species other than the permitted target species. Care must be taken to avoid disturbance of other species when acting under this licence.
2. At all times when in use under this licence traps must display in plain sight a tag or sign that shows the individual trap registration number which is given to the Registered Person upon successful registration. The tag or sign must be securely attached in a manner that cannot be easily removed as a result of weather, animal or human activity.
3. The Registered Person is responsible for all activities carried out under this licence, including the welfare of any bird or other animal under their control and for ensuring compliance with all wildlife and animal welfare related legislation.
4. When using this licence the Standard Conditions and Advice given in Annex A to this Licence must be adhered at all times.

5. The Registered Person shall permit an authorised officer under the Wildlife (Jersey) Law 2021, on production of his/her identification on demand, to inspect premises registered to use this licence and to be present during any operations carried out under the authority of this licence for the purpose of ascertaining whether the conditions of this licence are being, or have been, complied with. The Registered Person shall give all reasonable assistance to the authorised officer.

Recording Requirements

7. A record of each activity undertaken under this Licence must be kept for a minimum of two years from the date of the activity. The record shall contain details of:
 - a) the date and location of the activity;
 - b) the reasons why the user concluded there was no satisfactory alternative to the use of the trap (including details of alternative lawful methods tried)
 - c) the type and number of trap(s) used;
 - d) the species for which action was taken (including decoy species); and
 - e) details of all birds taken.

The Registered Person must, on being given reasonable notice in writing, produce the record to the Licensing Authority.

Licence renewal

Once registered, a person is entitled to use this licence so long as they satisfy the licence's terms and conditions; annual re-registration for this licence once issued is not required.

The Registered Person must inform the Licensing Authority in writing of any permanent change of address or of a desire to cancel the registration.

Ordinarily, licences will be reissued on 1 April each year. Please note, that this licence can be modified or revoked at any time by the Licensing Authority, but this will not be done unless there are good reasons for doing so. You are advised to check the terms and conditions of a licence prior to your first use of it each year in case of amendments.

Important

This licence authorises acts that would otherwise be offences under the Wildlife (Jersey) Law 2021. Failure to comply with its terms and conditions:

- i. may mean that the licence cannot be relied upon and an offence could therefore be committed.
- ii. may result in your permission/registration to use this licence being withdrawn/revoked/ and/or the refusal to allow you to be registered on future licences. The Licensing Authority will inform any person or organisation whose permission to use this licence is withdrawn in writing. This sanction may be applied to other similar licences, and

- iii. may mean that you are not able to rely on this licence as a defence in respect to the within the Animal Welfare (Jersey) Law 2004.

The Licensing Authority will check compliance with licences and the attached conditions. Where breaches are identified, these may be subject to enforcement action.

If the activity that you wish to undertake is not covered by this licence, or if you are unable to comply with any of the terms and conditions which apply to the use of this licence, then you will need to contact the Licensing Authority concerning an alternative licence.

This licence does not permit actions prohibited under any other legislation, nor does it confer any right of entry upon land.

Annex A

Permitted Wild Bird Traps – Standard Conditions and Advice

Condition A – Types of Wild Bird Trap

Traps must be

- of a permitted design and constructed using suitable materials to minimise the risk of birds held within the trap injuring themselves;
- to a specification that minimises the likelihood of trapping or harming non-target species;
- identified by their unique registration number

Only the following permitted designs may be used:

- walk in multi-catch cage trap
- Larsen trap
- Larsen mate trap - also known as a clam trap
- Larsen pod trap
- pigeon trap

Walk in multi-catch cage trap

A cage trap large enough for the operator to walk into. The trap is covered in mesh, and birds enter by a roof funnel, ground funnel, or ladder or letterbox entry point.



Walk in multi-catch cage trap

Larsen trap

A portable cage trap. It has a closed compartment for a live decoy bird. It has at least one capture compartment, with spring or gravity activated trap doors, which are either top or side mounted. This definition excludes traps with one or more capture compartments mounted directly above the decoy compartment.



Larsen trap

Larsen mate trap

Also known as a clam trap. A portable, single-compartment, spring-operated cage trap. It comprises 2 shell sections hinged along one edge connected by one or more springs and kept open by a split-rod or trip-perch.

When open (set) the minimum distance between any 2 corners of the trap must be 39cm but not exceed the size required to humanely capture the largest target species.

The trap must not shut tightly along the majority of the length of the meeting edges, to avoid injuring the animal when it closes.



Larsen mate trap

Larsen pod trap

A portable, single compartment, spring or gravity-operated cage trap. It has either one or 2 side or top-mounted, spring-activated trap doors, which can be set independently.



Larsen pod trap

Pigeon trap

A portable or semi-portable multi-catch trap that is covered in mesh. The birds enter the trap by walking through 'bob wires' (a one-way entrance) to access food that has been placed inside.



Pigeon trap

Condition B – where to set the trap

You must locate your trap in a location that reduces the risk of:

- a) Capturing non-target species
- b) An unauthorised person interfering with the trap
- c) Non-target species damaging the trap
- d) Non-target species harming themselves or trapped animals
- e) The target species being harmed when held in the trap

Traps should not be set during extreme hot or cold weather, and should be positioned with shelter from the elements. Traps should not be set in areas at risk of flooding.

Condition C – Decoy Birds

- a) A decoy bird is a species permitted by the licence to be placed in the trap and is used to attract other birds of the same species
- b) If decoy birds are used, the Animal Welfare (Jersey) Law 2004 requires you to ensure the welfare of the bird. This includes protecting it from pain, suffering, injury and disease.

You must provide decoys with:

- a) Adequate and suitable food for the decoy species

- b) Clean and drinkable water at all times
- c) Appropriate shelter
- d) A suitable perch
- e) The wings of the decoy bird must not be clipped, as if they escape or are released the clipped wings would make the decoy bird highly susceptible to predators or attack.

Condition D – Inspection of Traps

- a) When in use, traps must be physically inspected at least every 12 hours.
- b) Traps must only be set if confident they will be inspected within the required period.
- c) Where a trap is not in use, it must be rendered incapable of holding or catching birds or other animals. Any bait, food or water must also be removed

'Physically inspected' means an inspection whereby it is checked that:

- a) Any bird or animal has been trapped - including the identification to species and physical condition of the trapped bird or animal
- b) That any decoy bird held within the trap is in good health
- c) That there is food and water in sufficient quantity and condition
- d) That the trap is operating correctly
- e) To make a 'sufficient' physical inspection it is necessary to be able to clearly view of all parts of the trap and its contents. This would normally require you to be close enough to touch the trap; checking from a distance is not acceptable

At each inspection, you must without unnecessary delay:

- a) Humanely dispatch trapped target species, unless you keep them as decoys
- b) Release non-target species at the site of capture. Note however that invasive non native species listed in Schedule 13 to the Wildlife (Jersey) Law 2021 must not be released and must either be dispatched quickly and humanely or reported to the licensing authority.
- c) Remove any dead birds or animals caught in the trap (these must be reported in the CL05a reporting form) - other than food supplied for a decoy bird
- d) Ensure that any caught bird that remains in a trap as a decoy bird has access to the facilities required for a decoy bird
- e) You must ensure the welfare of birds or animals caught in your trap
- f) If you cause a bird or animal to suffer, then you may have committed an under the Animal Welfare (Jersey) Law 2004

If any wild bird or animal is seriously injured, or in a condition that it would be inhumane to release, you must humanely kill it or take it for veterinary treatment.

Meeting these Conditions

If these standard licence conditions cannot be met, the trap should not be set and the licensing authority should be contacted to apply for an appropriate individual licence.