

PART II

Results and recommendations from the review of Schedules and protected species under the Conservation of Wildlife (Jersey) Law 2000



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Introduction

This document summarises the results and recommendations from the review of, and consultation on, the Schedules of protected species listed in the Conservation of Wildlife (Jersey) Law 2000 during 2013-2014.

It also summarises the species proposed for inclusion (Appendix 9) on (or removal from) the Schedules resulting from the consultation process between October and December 2013.

Revision of the CWL is dependent on the allocation of law drafting time. If this is not available in 2016, any amendments to the principal legislation will be delayed. However, amendments to the current schedules can be made in 2016 onwards.

Background

The Conservation of Wildlife (Jersey) Law 2000 (CWL) delivers protection from harm to certain animals, birds and plants which are listed in the Schedules to the law. The principal legislation is fixed and can only be amended by reference to the UK and sanctioned by the Privy Council. The Schedules to the CWL serve to list the wild animals, birds and plants that qualify for protection under Parts 2 and 3 of the Law. The Schedules may be amended or varied by Order made by the Minister under Article 23 of the Law.

The Schedules are as follows:

- **Schedule 1** lists protected wild animals and protected wild birds
- **Schedule 2** lists specially protected wild birds
- **Schedule 3** lists wild animals which may not be killed or taken by certain methods
- **Schedule 4** lists wild reptiles and amphibians which may not be exported
- **Schedule of protected wild plants** established by Order in 2009

The Schedules of the CWL were developed in 2000 and have been amended several times but not reviewed in line with the changes in wildlife legislation in the UK. The aim of this project was to thoroughly review the current Schedules we have in place under the CWL, including all the mechanisms we use for scheduling species under the Law and to make recommendations for future changes.

In this report we provide a summary of the results and make recommendations gained from carrying out the following tasks:

- Task 2 - Consider and compare legal schedules and biodiversity policies of protected species elsewhere, including the EU, UK and other Crown Dependencies
- Task 3 - Ensuring that species selection criteria for listing under legal schedules are in line with international standards but also meet

Jersey's local requirements in regard to the Biodiversity Strategy and other relevant policy

- Task 4 - Implement and manage a consultation process with all appropriate stakeholders

1) Schedules for protected species

1.1) Review of Schedules

From reviewing and comparing other jurisdictions' legislation, Jersey's CWL scheduling framework follows the same principles as observed in the EU and other UK jurisdictions.

Examinations of each jurisdiction schedule framework are found in the spreadsheet:

Schedule comparison across jurisdictions.xls (See associated spreadsheet)

The spreadsheet provides a snapshot of the different Schedules in each legislation framework providing insight into any differences between Jersey's Schedules and those of other jurisdictions (an example of this spreadsheet can be seen in Appendix 1).

The main framework being,

- Wild animals which are protected
- Wild birds, nest and eggs which are protected
- Wild animals which may not be killed or taken by certain methods
- Plants which are protected.

This framework is apparently viewed as common practice across all the jurisdictions reviewed:

- England*
- Scotland*
- Wales*
- Northern Ireland*
- Ireland*
- Isle of Man

****members of the EU***

It has been identified that Jersey has fewer schedules than others, particularly with regard to protection of birds and the prevention of introduction of non-native animal and plant species.

1.2) Birds which reuse their nest

Presently Jersey's legislation only protects nests whilst they are in use or being built, with the result that the nests of birds or nest sites that are reused year after year are not protected during their absence.

1. Recommendation

To provide year round protection of the nests or nest sites of certain bird species under Jersey's CWL. This would require a **new schedule** and an **amendment to the principle legislation**. This would relate to:

'Article 6 Prohibition relating to dens and nests etc. of protected wild animals and protected wild birds'

Other jurisdictions have recognised this and strengthened their legislation in two ways:

1) By incorporating a Schedule of nests and nest sites of specific birds that reuse their nests, that are legally protected all year round:

| Jurisdiction | Section within the WACA | Schedule |
|-----------------|---|--|
| England & Wales | Part 1 – Protection of birds – Section 1(aa) - takes, damages or destroys the nest of a wild bird included in Schedule ZA1 | Schedule ZA1 - Birds which reuse their nest |
| Scotland | Part 1 - Protection of birds – Section 1(ba) - at any other time takes, damages, destroys or otherwise interferes with any nest habitually used by any wild bird included in Schedule A1 | Schedule A1 - Protected nests and nest sites: birds |

2) and by strengthening the main body of their legislation in relation to the offence of disturbing protected wild birds whilst dependent on their nest (which in turn is to meet the requirements of the EC Birds Directive 2009). For example, the Isle of Man Wildlife Act 1990 makes it an offence to disturb any specially protected wild bird 'while it is building a nest or is in, on or near a nest containing eggs or young, or disturbs any nest or egg of such a bird, or disturbs dependent young of such a bird. (Wildlife Act 1990 Part 1(5)).

The UK has also strengthened the definition of 'in use' to ensure protection of nests containing eggs or young or upon which young still dependent (1(3a) UK Act).

It is important to note this has only been afforded to:

| England & Wales | Scotland |
|--|-------------------------------|
| Eagle, Golden Eagle, White-tailed Osprey | Eagle, White-tailed Osprey |

After consultation with the bird focus group, it was recommended that the following species in Jersey be added (where relevant) and year-round protection be given to nests and nest sites of:

- Great cormorant
- Peregrine falcon
- Barn swallow
- House martin

1.3) Birds which may be killed or taken

All wild birds in Jersey, apart from carrion crow *Corvus corone*, magpie *Pica pica*, wood pigeon *Columba palumbus* and the feral pigeon *Columba livia*, are protected by the Conservation of Wildlife (Jersey) Law 2000. These four birds are hunted for food (wood pigeon) or are taken or killed regularly for public health, agriculture, forestry, fisheries or nature conservation purposes and are regarded locally as pest species (carrion crow, magpie and feral pigeon). It is legal under the CWL to shoot or take these species; however, in order to comply with our International Conventions, the CWL does protect these species from the use of certain inhumane methods of taking or capture e.g. self-locking snares and crossbows. A licence would be required to use such methods and a justification that the taking is required to meet specific purposes defined in Article 16 of the CWL. It is not known what numbers of these birds are killed each year, but it is estimated that several hundreds are killed by trapping or shooting.

2. Recommendation

Undertake research on carrion crows, magpies, wood pigeons and the feral pigeons in Jersey to determine whether their conservation status is a concern and whether they should be considered for protection based on the criteria for listing species.

If there is no conservation concern and they remain unprotected Jersey could introduce a general licence to allow unprotected birds to be killed or taken using prohibited methods without having to apply for a licence or report on the number of birds taken.

When the Animals (Trapping) (Jersey) Law 1961 is repealed, it is proposed to include some of its protections in the CWL. For example, the use of cage traps for non-protected birds will be regulated under a general licence issued under the CWL.

1.3.1) Unprotected wild Birds (Schedule 1 Article 2 (2))

The bird focus group is particularly concerned about the numbers of magpies and crows being killed and suggest they be added to Schedule 1 part 2 protected wild birds, then a licence would be required to legally kill or control their numbers. Farmers and landowners in Jersey would most likely want to be able to continue to control corvid species as they are considered to pose a threat to their crops and therefore a licence would be required to permit such an act under the CWL.

In the UK If you are a land owner, occupier or other authorised person, crows, magpies and pigeons(feral and wood) can be killed or taken under a general licence to carry out a range of otherwise prohibited activities against certain wild birds. Which are as follows;

- Wild birds: licence to take or kill to prevent damage or disease
- Wild birds: general licence to take or kill for health or safety purposes

- Wild birds: licence to take or kill for conservation purposes
<https://www.gov.uk/government/collections/general-licences-for-wildlife-management>

You don't need to apply for this general licence but you must meet its conditions and follow its instructions.

Each licence breaks down the instructions as follows:

- When you can use the licence
- Birds you can catch alive or kill with this licence
- Birds you can damage or destroy the nests of, or take or destroy the eggs
- How you can catch alive or kill wild birds
- If you use a cage trap, you can only use the following decoy birds:
 - crows
 - jackdaws
 - magpies
 - monk parakeets
 - ring-necked parakeets
 - rooks

Even though they are protected they can be killed or taken under a general licence which has no formal application or reporting requirement. This means the UK does not require any details on numbers killed or taken and suggests that the UK is not concerned regarding their current conservation status. However, it is a requirement that anyone wishing to use the licence should either be a land owner or occupier or otherwise authorised in writing by the relevant local authority or conservation body to become 'Authorised Person' under the law. This suggests in the UK that there may be a list of such authorised persons to keep track of approximate numbers of usage.

You must still follow animal welfare laws and kill birds in a quick and humane manner.

It is also a condition of this type of licence that users should be satisfied that appropriate legal methods of resolving the problem such as scaring and proofing are either ineffective or impracticable.

You can eat birds killed under these licences, but you can't sell any for human consumption other than woodpigeons.

All three licences also allow, for feral pigeons only, the use of:

- A device to illuminate a target
- Sighting devices for night shooting
- Mirrors, lighting or other dazzling devices

In Jersey even though carrion crows, magpies, wood pigeons and the feral pigeons are not protected, the CWL prohibits the use of certain inhumane methods to take all wild birds whether protected or not.

In the UK licences to use prohibited methods, for protected and unprotected birds, are provided in the form of a general licence, rather than individual licences which require a justification that taking the bird using prohibited methods is required to meet specific purposes defined in Article 16. Power to grant licence of the law and annual reporting must be made. If carrion crows, magpies, wood pigeons and the feral pigeons were to be added as protected species, the Department would have to grant licences to kill and take any species of wild bird. This is currently what happens with pheasants and gulls in Jersey. Annual licences are given to applicants to kill and take pheasants and gulls for:

- Preserving public health or public or air safety;
- Preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, fisheries or other forms of property, whether movable or immovable; or
- Preventing the spread of disease.

If these species were protected in Jersey, licence administration would be increased; with an estimated 4 extra weeks of staff time per year. However, it would provide annual figures on how many birds are killed and where they are killed on the Island.

1.3.2) Cage Traps

The Department is aware of the widespread use of certain types of traps that are prohibited under the Animals (Trapping) (Jersey) Law 1961 (due to be repealed in 2016). Once the Animals Trapping Law is repealed the use of cage traps will be legalised by licence under the CWL. It is proposed that the use of these traps will be regulated under a general licence issued under the CWL.

1.3.3) Pheasants

At present over 150 licences are issued annually by the Department of the Environment for the control of common pheasant *Phasianus colchicus*, a bird species which is considered to be a pest by many occupiers and landowners. The pheasant is currently fully protected under the CWL. The species was originally introduced to Jersey during the late 19th Century and for many years was restricted to a few individuals in the north east of the island. There has been a dramatic increase in the population over the past two decades which is believed to be due to the release of domestically reared pheasants into the wild in the 1990s. This rise in the population is of concern to the agricultural community, as pheasants are generally perceived as major agricultural pests. It is also thought that pheasants may pose a threat to the Island's native wildlife. There has been no research into the state of the pheasant population or its impacts on the Island to date. In 2015 a Masters by research (MRes) was commissioned to determine the

distribution and abundance of this non-native species which is of concern due to its environmental impacts. The research will question the reason for full protection under the CWL. It's hoped that a solution to the resource implications of administering the licencing process will also be found.

3. Recommendation

Undertake research into the current conservation status of pheasants in Jersey to determine whether they should be considered for delisting on the CWL.

The options include:

1. Remain the same;
2. To consider after further research to remove it from the protected list; or
3. To introduce a similar concept to game legislation;
4. To include a new schedule to our law (under article 23) to allow birds which may be killed or taken either outside a closed season or by an authorised person at all times.

In the UK pheasants are defined as game birds under the Wildlife and Countryside Act 1981 (as amended) (WACA). This means the birds can only be killed or taken at certain times of the year, known as the 'open season'. The open season varies for different species of bird (<http://basc.org.uk/game-and-gamekeeping/quarry-species-shooting-seasons/>). You also don't need a licence to hunt pheasants in the open season.

Closed seasons are periods where game birds cannot be taken or killed and were established in England and Wales by the Game Act 1831. For pheasants the closed season is 1 February - 1 October. It is also an offence to take or kill game on Sundays and Christmas Day in England and Wales.

In exceptional circumstances, where the birds are causing serious damage, a licence can be applied for to control them during the closed period <https://www.gov.uk/get-a-wildlife-licence>.

1.4 Introduction of new species and invasive non-native species (INNS)

Not discussed at any focus group, but highlighted as a gap in Jersey's legislation, INNS are not regulated fully in Jersey and there is no reference to invasive non-native species in the CWL.

4. Recommendation

It is recommended that further consultation with the Law Officers' Department is made on the following:

- Can article 15 1(a) control the release or escape into the wild of any animal or bird which are native or former native species? (The aim would be to stop species that are resident being introduced from an unknown provenance, but any proposal could be licensed if re-introductions were required.)
- Can article 15 1(b) be changed to refer to a schedule which could then include more species that are currently resident in Jersey but that are non-native animals and birds and should not be released and native animals and birds which we would not wish to be released.
- The Diseases of Animals (Importation of Miscellaneous Goods and Animals) (Jersey) Order 2012 could also be considered to address this issue at the point of entry into the island.
- There is provision to provide a Schedule by Order for the purposes of article 15 2 creating a list of prescribed plants that may not be planted or otherwise caused to grow in the wild in Jersey. However, this could also be achieved through an amendment of the Weeds (Jersey) Law 1961 instead: http://www.jerseylaw.je/law/display.aspx?url=lawsinforce/consolidated/01/01.900_WeedsLaw1961_RevisedEdition_1January2006.html. Further discussion with the Environmental Protection Inspectorate Team is required.
- A new schedule which could be amended by order should be provided in the CWL to enable animal and plant species to be listed, to prevent introduction to the wild.

5. Recommendation

It is recommended that Jersey should follow the UK provision when amending the CWL in regards to the sale of, and the codes of practice in connection with, invasive non-native species. Further consultation with the Law Officers' Department is required.

It is considered best to create an additional Schedule similar to the WACA Schedule 9, to control the sale and release of undesirable animals and plants.

Currently, the release or allowing the escape into the wild of imported non-native species are regulated under part 4 Miscellaneous and Supplemental of the CWL. It states in Article 15 (1) (a):

It shall be an offence for any person to release or cause to escape into the wild:

- Any animal or bird that isn't ordinarily resident in Jersey as a regular visitor in a wild state; or
- Any pheasant *Phasianus colchicus*, red-legged partridge *Alectoris rufa* or partridge *Perdix perdix*.

Other legislation which may be used to control the introduction and spread of invasive species in Jersey includes:

- The Diseases of Animals (Importation of Miscellaneous Goods and Animals) (Jersey) Order 2012 prohibits the importation into Jersey of Scheduled species unless under/in accordance with the terms of a licence. Currently the Schedule includes the following species groups: reptiles, amphibians, grey squirrel, muskrat, fox, mink, live lobsters and animals with a cloven hoof.

- The Weeds (Jersey) Law 1961 prohibits the spread of certain injurious weeds included on the Schedule to the Law. The Minister (for the Environment) also has powers under this Law to serve notice on landowners/occupiers requiring that action is taken to prevent any scheduled injurious weed from spreading.

Both of these pieces of legislation include provision for amendment by Order of the Schedules thereto, in order to add species to or remove them from the list of scheduled species.

This, however, does not control the release of other non-native invasive species to Jersey which are living freely in the wild e.g. polecat/ferrets, common frog and Turkish crayfish, although it would be desirable to stop these releases. There is also no provision in the CWL to control the release of any wild animal, bird or plant of a kind that is currently resident in a wild state e.g. preventing the introduction of a species that is already native to Jersey but could be introduced from any other countries by other means that do not include natural migration.

Regarding plants, the CWL does state it is an offence for any person to plant or otherwise cause to grow in the wild any prescribed plant (Article 15 (2)). Jersey does not currently have a list of prescribed plants relating to this article outlining which plants cannot be grown in the wild. There is a provision in the law under Article 15 (6) for the Minister to provide an order of prescribed plants that relate to this which would result in a new schedule.

This table shows what the UK has in place regarding the introduction of new species.

| England and Wales |
|---|
| <p>Section 14 (1) <u>Introduction of new species</u></p> <p>(1) Subject to the provisions of this Part, if any person releases or allows to escape into the wild any animal which:</p> <p>(a) is of a kind which is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state; or</p> <p>(b) is included in Part I of Schedule 9,</p> <p>Shall be guilty of an offence.</p> <p>(2) Subject to the provisions of this Part, if any person plants or otherwise causes to grow in the wild any plant which is included in Part II of Schedule 9, he shall be guilty of an offence.</p> |
| Scotland |
| <p>Scotland has added more provision as highlighted below.</p> <p>14 (1) Subject to the provisions of this Part, if any person releases or allows to escape from captivity any animal which is:</p> <p>(a) is of a kind which is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state; or</p> <p><u>(b) is a hybrid of any animal of that kind,</u></p> <p>He shall be guilty of an offence.</p> <p><u>(1A) Subject to the provisions of this Part, if any person releases or allows to escape from captivity any animal which is:</u></p> <p>(a) included in Part I of Schedule 9; or</p> <p>(b) a hybrid of any animal included in that Part,</p> <p>he shall be guilty of an offence.</p> <p>(2) Subject to the provisions of this Part, if any person plants or otherwise causes to grow in the wild any plant which is:</p> <p>(a) included in Part II of Schedule 9; or</p> <p><u>(b) a hybrid of any plant included in that Part,</u></p> <p>He shall be guilty of an offence.</p> |
| <p>SCHEDULE 9 of WACA lists the animals and plants to which Section 14 of the Law applies - Part I Animals which are established in the wild and Part II are plants.</p> <p>https://secure.fera.defra.gov.uk/nonnativespecies/downloadDocument.cfm?id=375)</p> |

Furthermore the CWL does not provide any provision for selling non-native invasive species and guidance around invasive non-native animal and plant species in Jersey. The UK controls the sale of invasive non-native species and provides codes of practice in connection with invasive non-native species under the "Miscellaneous" Section 14ZA and 14ZB of the WACA <http://www.legislation.gov.uk/ukpga/1981/69/section/14>.

The UK has introduced two new subsections titled:

1.4.1 14ZA - Sale etc. of invasive non-native species;

Section 14ZA of the WACA, as inserted by section 50 of the Natural Environment and Rural Communities (NERC) Act 2006, creates an offence of selling, offering or exposing for sale, or possessing or transporting for the purposes of sale, non-native species that are listed in Schedule 9 of the WACA and are specified for the purposes of this section by the Secretary of State through secondary legislation.

The WACA (prohibition on Sale, etc., of Invasive Non-native Plants) (England) Order 2014 prohibits a number of plants from sale in England due to their significant negative impacts on biodiversity and the economy. Those species prohibited from sale are (alternative names are given in brackets):

- Water Fern, *Azolla filiculoides*, (Fairy Fern)
- Parrot's Feather, *Myriophyllum aquaticum*, (Brazilian Watermilfoil, *Myriophyllum brasiliense*, *Myriophyllum Proserpinacoides*, *Enydris aquatica*)
- Floating Pennywort, *Hydrocotyle ranunculoides*
- Floating Water Primrose, *Ludwigia peploides* Primrose, Water, *Ludwigia grandiflora* Primrose, Water, *Ludwigia uruguayensis*
- Australian Swamp Stonecrop, *Crassula helmsii*, (New Zealand Pigmyweed, *Tillaea aquatica*, *Tillaea recurva*)

1.4.2 14ZB - Codes of practice in connection with invasive non-native species.

Section 14 ZB of the WACA, as inserted by Section 51 of the NERC Act allows the Secretary of State to issue or approve codes of practice on animals which are not ordinarily resident in and are not regular visitors to Great Britain in a wild state and animals or plants included in Schedule 9 to the WACA (e.g. Horticultural Code of Practice).

Section 18D of the WACA, as inserted by section 52 of the NERC Act provides that a wildlife inspector may, at any reasonable time, enter and inspect any premises (which excludes dwellings) for the purpose of, amongst other things, ascertaining whether an offence under Section 14 is being, or has been, committed on those premises. Section 18E further provides that a wildlife inspector may, for the purpose of ascertaining whether a Section 14 offence is being, or has been, committed in respect of any specimen, require any person who has the specimen in his possession or control to make it available for examination, and may require the taking of a sample from a specimen found during an inspection.

1.5) Animals which may not be taken or killed in certain methods

Certain methods of killing or taking wild animals are prohibited in Jersey and the UK including self-locking snares, bows, crossbows, explosives or decoys for the purpose of causing bodily harm, killing or taking any wild animal. A person who sets a snare of a type which is otherwise legal but calculated to cause bodily injury to any wild animal coming into contact with it, must ensure that the snare is inspected at least once a day. In Scotland, it is also an offence to sell a self-locking snare, or to possess one without reasonable excuse.

6. Recommendation

It is recommended that further research should be carried out to determine the relevance and requirement of species listed on Schedule 3.

In Jersey and the UK it is also an offence to use any trap, snare, net, electrical device, poisoned or stupefying substance to intentionally harm, kill or take any wild animal listed under the appropriate Schedule (see table below); and it is prohibited for a person to kill or take any such animal listed using automatic or semi-automatic weapons, smoke, gas, artificial lights, mirrors, sound recordings or decoys, any mechanically propelled vehicles in immediate pursuit of a protected wild animal for the purpose of driving, killing or taking the animal.

Certain methods of killing, harming or taking of wild animals, which are prohibited in the UK, are also prohibited in Northern Ireland. Not only is the use of self-locking snares prohibited, their sale is also prohibited if the person knows it is for an unlawful act. Additions to the prohibited methods of killing, harming or taking animals in Northern Ireland are the use of any spring, gin, hook and line, metal bar, axe, hatchet, cudgel, hammer or muscle-relaxing agent.

| Authority | Schedule | Website |
|---|--|---|
| The Conservation of Habitats and Species Regulations 2010 | SCHEDULE 4 ANIMALS WHICH MAY NOT BE CAPTURED OR KILLED IN CERTAIN WAYS | http://www.legislation.gov.uk/uksi/2010/490/schedule/4/made |
| WACA | SCHEDULE 6 ANIMALS WHICH MAY NOT BE KILLED OR TAKEN BY CERTAIN METHODS | http://www.legislation.gov.uk/ukpga/1981/69/schedule/6 |
| CWL | SCHEDULE 3 ANIMALS WHICH MAY NOT BE KILLED OR TAKEN BY CERTAIN METHODS | https://www.jerseylaw.je/laws/revised/pages/22.450.aspx#_Toc440977310 |

It is believed that most of the species on the schedules (see table above) relating to animals which may not be taken or killed in certain methods stems from Article 8 of the Bern Convention (<http://jncc.defra.gov.uk/page-1364>) and therefore relates to the species listed on Appendix III of this convention.

Article 8 of the BERN Convention

In respect of the capture or killing of wild fauna species specified in Appendix III and in cases where, in accordance with Article 9, exceptions are applied to species specified in Appendix II, Contracting Parties shall prohibit the use of all indiscriminate means of capture and killing and the use of all means capable of causing local disappearance of, or serious disturbance to, populations of a species, and in particular, the means specified in Appendix IV. <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/104>

The Bern Convention requirements under Article 8 prohibit the use of large scale indiscriminate means of capture. The explanatory text to Bern says that this Article 8 aims to 'ban the use of large-scale and non-selective ways and means of capture and killing of fauna which may otherwise be captured, killed or exploited'. Appendix IV lists those prohibited means and methods and Appendix III listed species the Convention recognises 'may, in varying degrees, be legitimately subject to exploitation'.

It doesn't explain why all cetacea, reptiles, amphibians, seals and marine turtles aren't listed on Schedule 3 on CWL, as these are also on Bern Appendices II and III. They are not listed on Schedule 6 in WACA either and only mammal species are listed.

Reptiles and amphibians, even though listed on Appendix II and III, do not have any prohibited methods listed for them under Bern Appendix IV, so the Bern Convention does not appear to require their listing under Schedule 6 of WACA. This then leaves only some mammal species.

This still doesn't explain the listing of different cetacea, and why some are listed and not all. However, they are all listed on Schedule 1 Part 1, so any targeted take would require a licence.

Many species are on both Schedule 3 and Schedule 1 Part 1. Bearing in mind that Schedule 1 species are protected, then Schedule 3 provision would only become relevant under a licence or for actions under one of the defences.

1.6 New Schedules

1.6.1 Invertebrate Species (terrestrial)

Invertebrates (animals without backbones) include insects like butterflies, moths, and beetles, as well as spiders, worms, crustaceans (including crabs or lobsters), and molluscs (including slugs, snails and mussels). Currently Jersey has no protected invertebrate species.

7. Recommendation

It is recommended that Jersey should follow the UK's lead and that Jersey should add invertebrates that need protection, based on local and international criteria, to the Schedule 1 Part 1 Protected Animals.

Or, if Jersey legislation does not allow invertebrates to be listed on the existing schedule, that a new schedule of protected invertebrates should be added when the CWL is revised.

In the UK specific invertebrate species are protected via European protected species (EPS) listing, Schedule 5 of the WACA and Section 41 priority invertebrate species (Natural Environment and Rural Communities Act 2006 - Species of Principal Importance in England

Invertebrate species do have international status and the Bern Convention lists them in the Bern Appendices. Currently eight of these occur in the UK.

| Scientific name | Common Name |
|------------------------------------|-------------------------|
| <i>Helix pomatia</i> | Edible snail |
| <i>Austropotamobius pallipes</i> | Freshwater crayfish |
| <i>Margaritifera margaritifera</i> | Freshwater pearl mussel |
| <i>Hirudo medicinalis</i> | Medicinal leech |
| <i>Coenagrion mercuriale</i> | Southern damselfly |
| <i>Eurodryas aurinia</i> | Marsh fritillary |
| <i>Lycaena dispar</i> | Large copper |
| <i>Lucanus cervus</i> | Stag beetle |

(Reference: <http://jncc.defra.gov.uk/page-1812>)

The EC Habitats Directive also sets out a framework of protected sites within Europe called Natura 2000. Those animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation (SAC) are listed in:

- Annex II - animal and plant species of community interest whose conservation requires the designation of special areas of conservation
- Annex IV animal and plants species of community interest in need of strict protections
- Annex V animal and plant species of the community interest whose taking in the wild and exploitation may be subject to management measures

Invertebrate species: annelids

| Scientific Name | Common Name | Designation |
|------------------------|--------------------|--------------------|
|------------------------|--------------------|--------------------|

| | | |
|---------------------------|-----------------|---------|
| <i>Hirudo medicinalis</i> | Medicinal leech | Annex V |
|---------------------------|-----------------|---------|

Invertebrate species: molluscs

| Scientific Name | Common Name | Designation |
|------------------------------------|---------------------------------|--------------------|
| <i>Vertigo geyeri</i> | Geyer's whorl snail | Annex II |
| <i>Vertigo angustior</i> | Narrow-mouthed whorl snail | Annex II |
| <i>Vertigo genesii</i> | Round-mouthed whorl snail | Annex II |
| <i>Vertigo moulinsiana</i> | Desmoulin's whorl snail | Annex II |
| <i>Helix pomatia</i> | Roman snail | Annex V |
| <i>Margaritifera margaritifera</i> | Freshwater pearl mussel | Annex II; V |
| <i>Anisus vorticulus</i> | Little ramshorn whirlpool snail | Annex II; IV |

Invertebrate species: arthropods

| Scientific Name | Common Name | Designation |
|----------------------------------|----------------------------|--------------------|
| <i>Coenagrion mercuriale</i> | Southern damselfly | Annex II |
| <i>Maculinea arion</i> | Large blue butterfly | Annex IV |
| <i>Euphydryas aurinia</i> | Marsh fritillary butterfly | Annex II |
| <i>Limoniscus violaceus</i> | Violet click beetle | Annex II |
| <i>Lucanus cervus</i> | Stag beetle | Annex II |
| <i>Austropotamobius pallipes</i> | White-clawed crayfish | Annex II; V |
| <i>Gortyna borelii lunata</i> | Fisher's estuarine moth | Annex II; IV |

(Reference: <http://jncc.defra.gov.uk/page-4063>)

All species on the Annex IV are also listed on the Conservation of Habitats and Species Regulations 2010 and Schedule 2 European Protected species of animal also lists:

| Scientific name | Common Name | Designation |
|-------------------------------|-----------------------------------|----------------------------|
| <i>Maculinea arion</i> | Large blue butterfly | European Protected Species |
| <i>Gortyna borelii lunata</i> | Fisher's estuarine moth | European Protected Species |
| <i>Anisus vorticulus</i> | Lesser whirlpool ram's-horn snail | European Protected Species |

1.6.2 Bryophytes, Fungi and Lichens

Fungi, which include moulds, yeasts and mushrooms, bryophytes which comprise the mosses, liverworts and hornworts and lichens (lichenised fungi) which are made up of a fungus with an algal symbiont. Currently Jersey has no protected bryophyte, fungi and lichen species. In the UK they are included on Schedule 8 of the WACA which includes vascular plants, bryophytes, lichens and fungi and Section 41 priority species (Natural Environment and Rural Communities Act 2006 - Species of Principal Importance in England)

8. Recommendation

It is recommended Jersey should follow the UK's lead and should add bryophytes, fungi and lichens that need protection based on local and international criteria to the Protected Plants (Jersey) Order 2009 or its replacement schedule.

The definition of plants should be defined as including bryophytes, fungi and algae within the primary legislation.

These species appear in almost no international conventions or directives. However six species of lichenised fungi are included in Annex II and V of the EC Habitats Directive. Annex V includes those animal and plant species of community interest whose taking in the wild and exploitation may be subject to management measures. This is described in Article 14 of the Directive. The UK is required to conduct surveillance of the conservation status of species included on Annex V, and to use this surveillance to inform whether extra measures are necessary. The UK is further required to report on the conservation status of Annex V species every six years.

The EC Habitats Directive also sets out a framework of protected sites within Europe called Natura 2000. Those animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation (SAC) are listed in Annex II animal and plant species of community interest whose conservation requires the designation of special areas of conservation and Annex IV animal and plants species of community interest in need of strict protections and Annex V animal and plant species of community interest whose taking in the wild and exploitation may be subject to management measures.

In addition, the lichenised fungus *Cetraria islandica* is included on Annex D of the EC CITES legislation. This requires import notifications to be provided. <http://jncc.defra.gov.uk/page-1793>

1.6.3 Marine Species

Currently Jersey has only included dolphins (all species), porpoises (all species), seals (all species) and turtles, marine (all species), on Schedule 1 Part 1 and Schedule 3. The UK protects other maritime species under Schedules 5 and 8 of the WACA, which lists the animal and plant species protected by their legislation.

9. Recommendation

It is recommended that Jersey should follow the EU directives and that Jersey should add further maritime species, based on local and international criteria, to include fish, marine invertebrates and maritime plants to the existing Schedule 1 part 1 Protected animals and to the Protected Plants (Jersey) Order 2009, or its replacement schedule.

It is suggested that more collaborative work should be carried out between the States of Jersey Marine Resources and local stakeholders and NGO's interested in protecting the marine environment.

European marine protected species are those listed on Annex IV of the Habitats Directive whose natural range includes any area in Great Britain. In UK waters, these consist of several species of cetacean (whales, dolphins and porpoises), turtles and the Atlantic Sturgeon. As discussed previously in relation to wildlife and nature conservation, two key Directives have been adopted by the European Union, namely:

The Habitats Directive is transposed into UK law under the Habitat Regulations (HR) for England and Wales (as amended) and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended). Both of which are implemented through the Wildlife & Countryside Act 1981 (as amended) (WACA). The HR and the WACA only cover waters up to 12 nautical miles, therefore the Offshore Marine Conservation (Natural Habitats, & c.) Regulations, 2007 (as amended) has been updated to reflect the UK marine area as stated in the Marine & Coastal Access Act 2009 (as amended) where created to cover waters beyond the 12 nautical miles, within the British Fishery Limits and the seabed with the UK Continental Shelf Designated Areas.

The Offshore Habitats Regulations fulfil the UK's duty to comply with European law beyond inshore waters and ensure that activities regulated by the UK that have an effect on important species and habitats in the offshore marine environment can be managed. Under the Regulations, competent authorities, i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats and Birds Directives.

The Regulations take account of the fact that the regulation of commercial fishing activities is conducted within the framework of the Common Fisheries Policy (for which the European Community has exclusive competence). Where particular types of fishing in this area

are having an unintentional adverse effect on European Protected Species (such as the common dolphin), the UK Government will put forward a case to the European Commission seeking a closure or modification to a particular fishing activity. This will allow a case by case approach to the protection of European Protected Species from fishing activities. The offences in these Regulations will not therefore apply to fishing causing bycatch, provided those responsible for it did not intend to bycatch protected species and took any reasonable steps that could be taken to comply with Community legislation regulating fishing activity and bycatch. Any fisherman purposefully killing a protected species (for example by shooting it) will still be liable to prosecution.

The EC Habitats Directive sets out a framework of protected sites within Europe called Natura 2000. Those animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation (SAC) are listed in Annex II animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation and Annex V animal and plant species of the community interest whose taking in the wild and exploitation may be subject to management measures the directive;

Vertebrate species: fish

| Scientific name | Common Name | Designation |
|-----------------------------|--------------------|------------------------|
| <i>Petromyzon marinus</i> | Sea lamprey | Bern, Annex II |
| <i>Lampetra planeri</i> | Brook lamprey | Annex II |
| <i>Lampetra fluviatilis</i> | River lamprey | Annex II; V |
| <i>Alosa alosa</i> | Allis shad | Annex II; V HR OMCR |
| <i>Alosa fallax</i> | Twaite shad | Annex II; V OMCR HR |
| <i>Salmo salar</i> | Atlantic salmon | Annex II; V |
| <i>Thymallus thymallus</i> | Grayling | Annex V |
| <i>Cobitis taenia</i> | Spined loach | Annex II |
| <i>Cottus gobio</i> | Bullhead | Annex II |
| <i>Coregonus albula</i> | Vendace | Annex V |
| <i>Coregonus lavaretus</i> | Whitefish | Annex V |
| <i>Barbus barbus</i> | Barbel | Annex V |

(Reference: <http://jncc.defra.gov.uk/page-4063>)

The Conservation of Habitats and Species Regulations 2010 (EPS) and Offshore Marine Conservation (Natural Habitats, &c.) Regulations, 2007 (as amended) (OMCR) list European Protected species of animal also specifically lists:

| Scientific name | Common Name | Designation |
|-----------------------------|--------------------|---------------------|
| <i>Acipenser sturio</i> | Sturgeon | Bern, EPS & OMCR |
| <i>Coregonus oxyrinchus</i> | Houting | EPS & OMCR |

Marine species also listed under the Wildlife and Countryside Act 1981 (as amended) (WACA) and offences and protections listed for these species are as follows:

Marine Vertebrate species:

| Scientific name | Common Name | Designation |
|--------------------------------|------------------------|------------------------------------|
| <i>Gobius cobitis</i> | Giant goby | Section 9 |
| <i>Gobius couchi</i> | Couch's goby | Section 9 |
| <i>Hippocampus hippocampus</i> | Short snouted seahorse | Bern Appendix II, WACA (section 9) |
| <i>Hippocampus histrix</i> | Spiny seahorse | OSPAR (section 9) |
| <i>Cetorhinus maximus</i> | Basking shark | Section 9 |
| <i>Squatina squatina</i> | Angel shark | Sections 9(1), 9(2) and 9(5)) |
| <i>Bathyraja spinosissima</i> | White skate | Sections 9(1), 9(2) and 9(5)) |

Marine Invertebrate species

| Scientific name | Common Name | Designation |
|-------------------------------|-------------------------|-----------------------------|
| <i>Eunicella verrucosa</i> | Pink sea fan | Section 9(1), 9(2) and 9(5) |
| <i>Nematostella vectensis</i> | Startlet sea anemone | Section 9 |
| <i>Edwardsia ivelli</i> | Ivell's sea anemone | Section 9 |
| <i>Clavopsella navis</i> | Marine hydroid | Section 9 |
| <i>Thyasira gouldi</i> | Northern hatchet shell | Section 9 |
| <i>Victorella pavida</i> | Trembling sea matt | Section 9 |
| <i>Alkmaria romijni</i> | Tentacled lagoon worm | Section 9(4)(a) |
| <i>Gammarus insensibilis</i> | Lagoon sand shrimp | Section 9(4)(a) |
| <i>Caecum armoricum</i> | De Folin's lagoon snail | Section 9 |
| <i>Tenellia adpersa</i> | Lagoon sea slug | Section 9 |
| <i>Armandia cirrhosa</i> | Lagoon sand worm | Section 9 |
| <i>Atrina fragilis</i> | Fan mussel | Section 9(1), 9(2) and 9(5) |

To find out about the different marine species and how they are protected by EU and UK wildlife legislation follow this link: <https://www.gov.uk/government/publications/protected-marine-species>.

1.7) Summary of new recommended schedules

| Taxon Group | Schedules | Why | Species |
|-------------------------------|--|--|--|
| Birds | Birds which reuse their nest E.g. <u>Schedule ZA1</u> Birds which reuse their nests | Year-round protection be given to nests for species known to return to the same nest or nest site. | Barn Swallows House Martins House Sparrows Swifts Owls Kestrel Peregrine Falcon |
| Invasive Species | Listing of a prescribed plant | To prevent the dispersal and introduction of non-native invasive species to prevent the selling, offering or exposing for sale, or possessing or transporting for the purposes of sale, non-native species that are listed under the WACA: http://www.nonnativespecies.org/index.cfm?pageid=67 http://www.netregs.org.uk/environmental-topics/land/japanese-knotweed-giant-hogweed-and-other-invasive-weeds/ | Invasive species E.g. SCHEDULE 9 of WACA Animals and plants to which section 14 applies: http://www.legislation.gov.uk/ukpga/1981/69/schedule/9 |
| | Listing of prescribed animals and bird species | To prevent introduction of non-native invasive species that are currently resident in Jersey but that are non-native animals and birds that should not be released or allowed to escape into the wild. | |
| Invertebrates | Listing of protected species | Recommended species should be added to Schedule 1 Part 1 Protected Animals, or if Jersey legislation does not allow invertebrates to be listed on this a new schedule of protected invertebrates of the CWL. | |
| Bryophytes, Fungi and Lichens | Listing of protected species | Recommended species should be added to Protected Plants (Jersey) Order 2009 or if Jersey legislation does not allow these species to be listed on this a new schedule would be needed. | |

2) Levels of Protection

Currently, all wild animals and birds included on Schedule 1 and Schedule 2 (specially protected wild birds) are afforded the same level of **protection** under the Law when it comes to killing, injuring, taking, selling and protection relation to their dens and nests.

10. Recommendation

It is recommended that Schedules defining different levels of protection for species listed on the CWL should be defined and implemented.

A hierarchical framework for varying the levels of protection afforded to listed species should be incorporated within the Law. This will require:

- a) amendments to the Law and/or Schedules to provide for the variance of levels of protection; and
- b) the definition of listing criteria which would be applied to determine the individual levels of protection afforded to both current and future listed species

Law Officer advice has indicated that this should be achievable by Order made by the Minister (secondary legislation) defining the different levels of protection within the Schedules themselves, without making changes to the principal law. If it is difficult to achieve by Order, and law draftsmen's time is required.

In regard to a person guilty of an **offence** under the Law penalties given when an offence relates to a protected wild animal or to a specially protected wild bird (see table below) are different to penalties given to protected wild birds.

| Schedule | Penalty definition |
|---|--|
| Wild birds listed under Schedule 1 Part 2 | Ordinary penalty means a fine not exceeding level 3 on the standard scale. |
| Wild animals listed under Schedule 1 Part 1 Specially protected wild birds listed under Schedule 2 | Special penalty means a fine not exceeding level 4 on the standard scale or imprisonment for a term not exceeding 3 months, or both. |

Equal protection can be difficult to justify in some situations. For example, a grass snake, locally very rare, is legally protected in the same way as the hedgehog, which is widespread island-wide. This does not reflect the differences in local status including aspects of the specie's distribution, threat and rarity. This will be discussed and rationalised further in Section 3 - Criteria for listing species.

Different legislation (and policy) has developed in the different countries of the UK based on the amendment creating numerous different acts, regulations and statutory orders. Different levels of protection apply to different species.

Through the WACA (Schedule 5 - Animals which are Protected (as amended)) and Schedule 2 European protected species of animals (The Conservation of Habitats and Species Regulations 2010) are afforded different levels of protection under Section 9 - Protection of certain wild animals of the Act <http://www.legislation.gov.uk/ukpga/1981/69/section/9> and Regulation 39 - Nature conservation policy in planning contexts of the 2010 Conservation of Habitats and Species Regulations <http://www.legislation.gov.uk/uksi/2010/490/schedule/2/made>

For example: Protection for herpetofauna in England and Wales

Widespread reptiles and amphibians

(i.e. reptiles (Adder, Grass snake, Common lizard and Slow worm) and amphibians (Common frog, Common toad, Smooth newt, Palmate newt). These are listed on Schedule 5 to the WACA (as amended) and are afforded **limited protection** under Section 9 of this Act. This makes it an offence to:

- To kill, injure or offer for sale

However, the Smooth snake, Sand lizard, Natterjack toad, Pool frog and Great crested newt and marine turtles) are protected via a combination of Regulation 41 of the Conservation of Habitats and Species Regulations 2010 (European protected species) and Sub-sections 9(4) b & c and Section 9(5) of the WACA (as amended). Meaning they are afforded **full protection** under Section 9 of the Act and Regulation 39 of the Regulations. These make it an offence to:

- Capture, kill, disturb or injure them (intentionally or recklessly)
- Damage or destroy their breeding or resting places (even accidentally)
- Obstruct access to their resting or sheltering places (intentionally or recklessly)
- Possession or control, transporting, selling or exchanging, offering for sale or exchange, any live or dead animal or part of an animal,


(Reference: For the full legislative protection for herpetofauna in England and Wales see <http://www.arc-trust.org/legislative-protection-for-the-uks-herpetofauna>)

This can be seen in the Schedule 5 to the WACA (see below) <http://www.legislation.gov.uk/ukpga/1981/69/schedule/5>

However, this is difficult to interpret directly from the law and most species have amendments changing their level of protection.

F1 SCHEDULE 5 E+W
ANIMALS WHICH ARE PROTECTED

Sections 9, 10, 22 and 24.

Annotations: **Extent Information**

E1 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Amendments (Textual)

F1 By S.I. 1988/288, art. 2(2) it is provided that all Dolphins (Cetacea) and all Porpoises (Cetacea) not already listed in Schedule 5 are added to that Schedule and by S.I. 2007/1843, reg. 7(7)(g) it is provided that said Dolphins (all species) and Porpoises (all species) are omitted (E.W.) (21.8.2007)

| <i>Common name</i> | <i>Scientific name</i> |
|--|--|
| [F2] Adder (in respect of section 9(5) only) | [F2] <i>Vipera berus</i> |
| [F3] Allis Shad (in respect of section 9(1) and (4)(a) only) | [F3] <i>Alosa alosa</i> |
| [F4] Anemone, Ivell's Sea | [F4] <i>Edwardsia ivelli</i> |
| [F4] Anemone, Startlet Sea | [F4] <i>Nematosella vectensis</i> |
| [F4] Apus | [F4] <i>Triops cancriformis</i> |
| Bats, Horseshoe (all species [F5] but in respect of section 9(4)(b) and (c) and (5) only) | Rhinolophidae |
| Bats, Typical (all species [F6] but in respect of section 9(4)(b) and (c) and (5) only) | Vespertilionidae |

Scotland goes further to interpret their levels of protection within the schedules of protected species, by providing a simplified A-Z listing of their protected species and a key to the level of the of protection afforded to each species (see below) (<http://www.snh.gov.uk/docs/B551085.pdf>).

Key

| | |
|----------|--|
| WCA 1981 | Wildlife & Countryside Act 1981 (as amended in Scotland) |
| | Schedule 1 (Part I) Birds protected by special penalties |
| | Schedule 1 (Part II) Birds protected by special penalties during the closed season |
| | Schedule 1A Birds that may not be intentionally or recklessly harassed at any time |
| | Birds whose habitually used nests may not be intentionally or recklessly damaged, destroyed or otherwise interfered with when not in use |
| | Schedule A1 Birds which may be killed or taken outside the closed season |
| | Schedule 2 Birds which may be sold at all times if ringed and kept in captivity |
| | Schedule 3 (Part I) Birds that may be sold dead at all times |
| | Schedule 3 (Part II) Birds that may be sold dead from 1 September to 28 February |
| | Schedule 3 (Part III) Birds that must be registered and ringed if kept in captivity |
| | Schedule 4 Protected animals |
| | Schedule 5 Animals protected from prohibited methods of capture |
| | Schedule 6 Protected plants |
| | Schedule 8 |
| HR 1994 | Habitats Regulations 1994 (as amended in Scotland) |
| PBA 1992 | Protection of Badgers Act 1992 |

¹ Protected against killing and injuring

² Protected against taking

³ Protected against damage to, destruction of, obstruction of access to any structure or place used for shelter or protection. Also protected against disturbance whilst occupying such structures.

⁴ Protected against selling, offering or advertising for sale, possessing or transporting for the purpose of sale

⁵ Protected against possession or control (live or dead animal, part or derivative)

^P Proposed for full protection

[#] Protected in England & Wales only (a species believed to have been introduced to Scotland)

^{*} The locations in Scotland where these species are currently known to exist are believed to be the results of introductions and therefore the provisions of the Habitats Directive are considered not to apply to them

Screen shot of the key to the protected species known to occur naturally in Scotland and their protection (link above).

2.1) Focus group results - Levels of protection

After consultation with the focus groups, most groups (plants, herpetology, mammals, birds, and marine) would prefer to list some species as specially protected, and to have some form of protection structure which defines different levels. The herpetology group were very keen that certain species should have special protection as some are rarer than others. The mammal group felt that the level of protection given to all species could be changed for those species that are more abundant so that the provisions of the Law could be more realistic and practical to regulate and enforce.

However, certain species may be very common locally but rare globally; e.g. the Jersey bank vole is the only (sub) species currently known to be endemic to the Island, and yet it is also widespread and found in most natural locations in Jersey.

What was very apparent from all the groups is that any changes in current levels of protection should be done with caution and that evidence would be required to decrease levels of protection.

2.2) Recommended framework for defining different levels of protections (Schedule 1 (part I & II) of the CWL).

Based on what the UK are doing by amending the schedules to highlight which species have either limited or full protection, Jersey could do the same.

For example, regarding birds it could be stated that full protection would be represented if the species was protected under all of the following articles:

| BIRDS | |
|--------------|--|
| Article | 5 Prohibition of killing, etc., of protected wild animals and protected wild birds |
| Article | 6 Prohibitions relating to dens and nests, etc., of protected wild animals and protected wild birds |
| Article | 7 Prohibition of sale of protected wild animals and protected wild birds |
| Article | 8 Prohibition of keeping, etc., of protected wild animals and protected wild birds |
| Article | 9 Prohibition of certain methods of killing or taking wild birds |
| Article | 12 Prohibition on showing wild birds for competition |
| Article | 12A Protection of caged birds |

Thus providing full protection as follows for birds:

| | |
|------------------------|---|
| FULL Protection | In respect to article 5(1), 6(1)(b,c,d), 7(1)(a,b), 8(1), 8(3), 9(1)(a,b,c,d), 12(1), 12A(1) |
|------------------------|---|

Full protection for animals would be represented if the species was protected under all of the following articles:

| ANIMALS | |
|----------------|--|
| Article | 5 Prohibition of killing, etc., of protected wild animals and protected wild birds |
| Article | 6 Prohibitions relating to dens and nests, etc., of protected wild animals and protected wild birds |
| Article | 7 Prohibition of sale of protected wild animals and protected wild birds |
| Article | 8 Prohibition of keeping, etc., of protected wild animals and protected wild birds |
| Article | 10 Prohibition of certain methods of killing or taking wild animals |

Thus providing full protection as follows for animals:

| | |
|------------------------|--|
| FULL Protection | In respect to article 5(1), 6(1)(a,c,d), 7(1)(a,b), 8(1), 8(3),10(1)(a,b,c,d) |
|------------------------|--|

Full protection for plants would be represented if the species was protected under all of the following articles:

| PLANTS | |
|---------------|---|
| Article | 13 Prohibition of picking, etc., of protected plants |
| Article | 14 Prohibition of sale of protected plants |

Thus providing full protection as follows for plants:

| | |
|------------------------|--|
| FULL Protection | In respect to article 13(1), 14(1)(a,b) |
|------------------------|--|

For full details of each article please go to Appendix 2 - Levels of Protection Key.xlsx (See associated link on States of Jersey website).

3) Criteria for listing species

Key objectives for this project have been to produce a rationale for listing and selecting species for protection under the Schedules to the CWL that:

- Is based on criteria for species selection that follows best practice, in line with Jersey's counterparts;
- Is compliant with Jersey's European and international obligations towards species protection;
- Is appropriate in terms of Jersey's geographical location and importance for migratory species, and in ensuring that the Island can be included within trans-boundary networks for protected species and habitats;
- Is transparent and vigorously applied, inclusive of all relevant stakeholder/interest groups.

11. Recommendation

It is recommended that Jersey has a rigorous set of rationale and criteria to list or delist or change levels of protection for species under schedule 1 (part I) Schedule 2 and the protected plants order of the CWL.

This should include a transparent, formal process based on internationally and nationally recognised criteria and established methods, which stakeholders, agencies and individuals can follow.

As discussed in Part I of this review, the UK reviews its Schedules of protected wild birds, plants and animals every 5 years using a set of criteria and rationale produced by the JNCC. They provide stakeholders, including government agencies, fishing and water industries and conservation charities an information pack and proforma (see Appendix 3) http://jncc.defra.gov.uk/pdf/QQR6_informationpack_2012.pdf that allow organisations to request recommendations for listing and delisting specific species or changes to their protection.

- The JNCC base their criteria on the revised IUCN criteria and specifically recognise a species is or may become endangered when: It is included in JNCC-approved British Red List <http://jncc.gov.uk/page-3352>, using the revised IUCN criteria, as Extinct in the Wild, Critically Endangered, Endangered or Vulnerable <http://www.iucnredlist.org/technical-documents/categories-and-criteria/2001-categories-criteria>; or
- Records indicate that the species is known locally from only a single locality or populations are severely fragmented.

3.1) Endangered under the IUCN

The IUCN Red List of Threatened Species provides taxonomic, conservation status and distribution information on plants, fungi and animals that have been globally evaluated using the IUCN Red List Categories and Criteria. This system is designed to determine the relative risk of extinction, and the main purpose of the IUCN Red List is to catalogue and highlight those plants and animals that are facing a higher risk of global extinction (i.e. those listed as Critically Endangered, Endangered and Vulnerable).

All taxa listed as Critically Endangered, Endangered and vulnerable are described as 'threatened' (see diagram below). The threatened categories form a part of the overall scheme. It should be possible to place all taxa into one of the categories outlined in the diagram. Guidelines for using the IUCN red list categories and criteria can be found here; <http://iucnredlist.org/documents/RedListGuidelines.pdf>

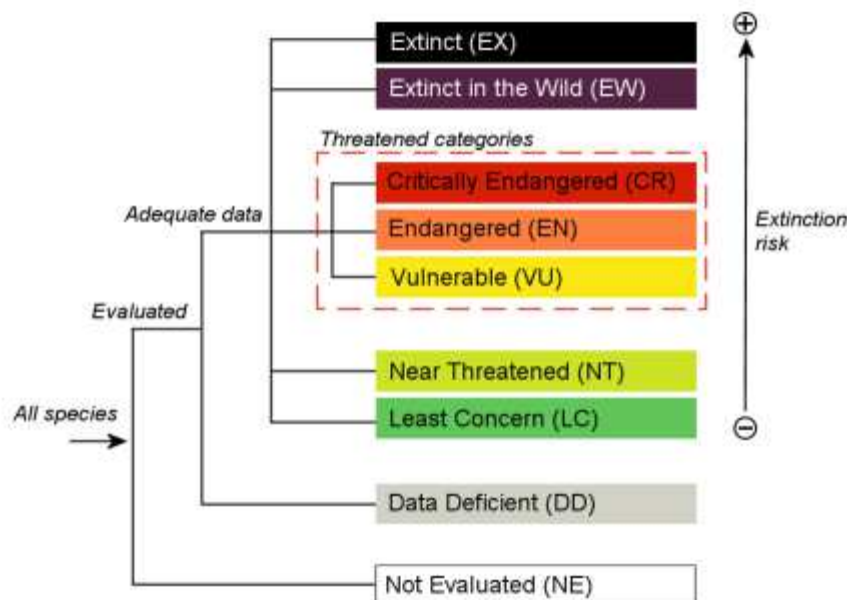


Figure 3.1.1 - Structure of the IUCN Red List Categories

For the purposes of listing species on the WACA under the JNCC criteria for selection of species, 'endangered' is interpreted as Threatened under the IUCN Red List Criteria (incorporates the categories of Critically Endangered, Endangered & Vulnerable) (IUCN, 2003). See Appendix 4 for definitions of the threatened categories.

3.2) Selection criteria for listing species onto Schedules under the CWL

Jersey also has its own set of criteria, in draft format, which has not been reviewed or updated since 1999 (see appendix 5). To establish a robust set of criteria with a clear rationale for Jersey, the following criteria comparison across jurisdictions was carried out (See "Criteria comparison across jurisdictions" spreadsheet, Appendix 6). The spreadsheet contains a summary

of each jurisdiction's main criteria which has been summarised in the table below.

| Rationale & Criteria | Jurisdiction and Law | | | | | | | | | |
|---|---|---------------------------------|--|---|---|--|------------------------------|-------------------|-------------------|--------------------|
| | Jersey - Conservation of Wildlife (Jersey) Law 2000 | Isle of Man - Wildlife Act 1990 | UK - Wildlife and Countryside Act 1981 | Northern Ireland - The Wildlife (Northern Ireland) Order 1985 | Northern Ireland - Northern Ireland Priority Species List | Scotland - Nature Conservation Act 2004 (Scottish Biodiversity List) | IUCN - Critically Endangered | IUCN - Endangered | IUCN - Vulnerable | Habitats Directive |
| Red List etc. Status | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | | ✓ |
| Native | | ✓ | ✓ | | | ✓ | | | | |
| Declining / Rare | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Geographic range / Extent of occurrence | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Population size | | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ | |
| Extinction probability / threat | ✓ | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ | |
| Established in the wild | | ✓ | ✓ | ✓ | | | | | | |
| Confusable species | | ✓ | | | | | | | | |
| Invasive species | | | | ✓ | | | | | | |
| Subspecies | | | ✓ | ✓ | ✓ | ✓ | | | | |
| Taxonomy | | | ✓ | ✓ | | | | | | |
| Exclusion | | | | | | ✓ | | | | |

3.2.1) Table – Criteria comparison

Clear gaps in Jersey's original draft criteria can be seen. The most common rationale and criteria apparent in all jurisdiction/organisation were the following:

- Declining / Rare
- Geographic range / Extent of occurrence
- Population size
- Extinction probability / threat

There is a strong need to produce an up-to-date set of rationale and criteria for Jersey.

3.3) Proposed Criteria for Scheduling species under Schedule 1 (part I & II) and 2 of the CWL

Key objectives for this project have been to produce a rationale for listing and selecting species for protection under the Schedules to the CWL.

| 12. Recommendation | |
|---|---|
| Based on the research carried out and the consultation, the rationale and criteria for listing species on schedule 1 (part I) Schedule 2 and the protected plants order of the CWL has been produced: | |
| 1 Rationale underlying scheduling | <p>Pursue scheduling before an animal or plant is close to extinction in Jersey, or is likely to become so, and legal protection is likely to improve its chances of survival or there is an international obligation to afford the species legal protection.</p> <p>Evidence is required to show that a species is in danger of extinction or likely to become so, and that this status is likely to be addressed by legislation as described in 2 & 5.</p> <p>NOTE: Proposals will be evaluated solely on the basis of the evidence contained within the proforma provided (for example, Appendix 3). Consequently it is essential that the proformae are completed in full and that full scientific justification is provided.</p> |
| 2. Listing of species | An animal or plant species meeting the eligibility criteria would only be recommended for listing on the relevant schedule 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 in the Decision Criteria (see Part 5). This benefit to help arrest a decline (the protection of which should facilitate an increase in population size, number of localities occupied or range) and hence to address the risk of its extinction or risk of it becoming so threatened. |
| 3 Range of taxa under consideration | <p>For Schedule 1 Parts 1 & 2 – invertebrates and vertebrates other than birds.</p> <p>For Protected Plant Order 2009 - vascular plants, bryophytes, lichens, fungi and algae.</p> <p>All species of the groups listed above, including species at present on the schedules (as it may be appropriate to reassess these for the purposes of changing the level of protection, or for de-scheduling).</p> <p>Taxa below species level under some circumstances (see 'Eligibility criteria' 2.1).</p> |
| 4. | Eligibility criteria |
| 4.1. Eligibility criteria for native species | For a species to be recommended for scheduling one of the eligibility criteria in each of the section A, B and C should be met and recorded on the proforma. |
| Section A - Jersey Status | <p>The species must satisfy one or more of the following:</p> <p>i. 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</p> <p>ii. Occur as a vagrant in Jersey and requires international protection; or</p> |

| | |
|---------------------------------|--|
| | <p>iii. A native that is believed extinct in Jersey as a breeding species, but be in the process of reintroduction; or</p> <p>iv. A native that is believed extinct in Jersey, but with the possibility it could become re-established naturally; or</p> <p>v. A native to Jersey and listed on Appendices I, II or III of the Bern Convention; Annexes II or V of the EC Habitats and Species Directive; Appendix I of the Bonn Convention (unless specific derogations apply);</p> <p>vi. Is threatened internationally, but Jersey provides or could provide a refuge for a wild population.</p> |
| Section B - Conservation Status | <p>The species must satisfy one or more of the following:</p> <p>i. The species must be endangered in Jersey; or</p> <p>ii. The species is likely to become endangered, unless conservation measures are taken; or</p> <p>iii. There is an international obligation to afford the species legal protection (if not protected elsewhere e.g. International or European designation);</p> <p>iv. Species or sub species can be considered that are widely recognised and accepted by the scientific (or other relevant community) that is endemic to Jersey;</p> <p>vi. Where a protected species is easily confused with other species, those other species may be considered eligible for listing as protected species.</p> <p>NOTES REGARDING ENDANGERMENT: Endangered is interpreted as Threatened under the IUCN Red list Criteria (incorporates the categories of Critically Endangered, Endangered & Vulnerable) (IUCN, 2003). A species is or may become endangered when:</p> <ul style="list-style-type: none"> • It is included in an approved Jersey Red List, using the revised IUCN criteria, as Extinct in the Wild, Critically Endangered, Endangered or Vulnerable; or • Records indicate that the species is known locally from only a single locality or severely fragmented <p>For species yet to be assessed for Red Listing, they may be added if they can be shown to meet IUCN criteria for a threatened category. For example, if a species is rapidly declining in population, number of localities occupied or range according to the IUCN criteria. The decline must transcend normal fluctuations:</p> <p>To be recommended for scheduling, the endangerment of a taxon must, at least in part, be due to one or more of the direct human pressures listed in 5 Decision Criteria.</p> |
| Section C – Nomenclature | <p>The species must satisfy the following:</p> <p>i. The taxonomic status of the species must meet recognised international standards of nomenclature (i.e. with an authenticated authority).</p> |

| | |
|--|---|
| | <p>NOTE: Further information see the International Code for Zoological Nomenclature http://www.nhm.ac.uk/hosted-sites/iczn/code/ and/or the International Code for Botanical Nomenclature http://ibot.sav.sk/icbn/main.htm</p> <p>Taxa below the species level could be considered, providing they are:</p> <ul style="list-style-type: none"> • Clearly recognisable (i.e. morphologically distinct); • Geographically or ecologically distinct. |
| <p>4.2 Eligibility criteria for non-native species</p> | <p>i. Generally, only native (including reintroduced native) taxa are to be considered (See Part 4.1 A). In exceptional circumstances, non-native taxa 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.</p> <p>If a non-native species meets criterion 4.2 (i), 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.</p> <p>NOTES REGARDING NON-NATIVE: For species yet to be assessed for Red Listing, they may be added if they can be shown to meet IUCN criteria for a threatened category. For example, if a species is rapidly declining in population, number of localities occupied or range according to the IUCN criteria. The decline must transcend normal fluctuations:</p> <p>There are different types of non-native plants:</p> <ul style="list-style-type: none"> • Non-native species brought into Jersey by man, intentionally or unintentionally, even if native to the source area or one which has 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 natives (see Cheffings and Farrell 2005). • Archaeophytes: (naturalised before AD 1500) and can be included in the selection process (see 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, for example, <i>Gastridium ventricosum</i> (see Cheffings and Farrell 2005). |
| <p>5 Decision Criteria</p> | <p>An animal or plant species meeting the eligibility criteria would be recommended for listing on the relevant Schedule 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:</p> <p>i. By killing or injuring, picking or uprooting or reckless disturbance; or</p> <p>ii. 'Collection' including possession, dead or alive, in full or part thereof; or</p> |

| | |
|--------------|--|
| | <p>iii. Intentional 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</p> <p>iv. A currently or potentially damaging trade, or other forms of exploitation or pressure;</p> <p>v. Incidental pressure from land use or other activity affecting the population or its habitat.</p> |
| 6 References | <p>Cheffings, C. and Farrell, L. (2005) (Editors). The Vascular Plant Red Data List for Great Britain. <i>Species Status</i>, 7: 1-116. JNCC, Peterborough.</p> <p>IUCN (2003). <i>IUCN Red List Categories and Criteria: Version 3.1</i>. IUCN SSC. IUCN, Gland, Switzerland.</p> <p>Preston, C.D., Pearman, D.A. & Dines, T.D. (2002). <i>New Atlas of the British and Irish Flora</i>. Oxford University Press, Oxford.</p> |

3.4) Species listing

To suggest species for protection onto the law, most taxon specialist groups have some form of assessment that is carried out on the status of their species which is used to create the level of conservation listing for individual species. The outcome usually produces Red Data Books or Species of Concern reports.

13. Recommendation

It is recommended that Jersey creates Red Lists for each taxon group. This will require all stakeholders, agencies and individuals working together with the Department of the Environment and the JNCC.

This should include a defined process and guidelines to assist stakeholders, agencies and individuals in creating species status assessments for local species.

3.4.1) Jersey listings

Currently in Jersey there is only one group who has a published conservation listing process. This is for Jersey birds. Their lists can be found here:

Working List of Birds of the Channel Islands 2014

<http://www.jerseybirds.co.uk/news/files/articles/working-list-of-ci-birds-to-december-2014.pdf>

Conservation Status of Jersey's Birds 2011 Jersey's bird populations in the 21st Century

http://www.durrell.org/library/document/conservation_status_of_jerseys_birds_2011_web.pdf

Their listing is based on their own criteria categories used to describe individual status. Details can be found in each report.

During the consultation process each group came up with the following summary of criteria they would like to use for listing the status of their taxon groups see Table 3.3.2 – Focus Group summaries of criteria needed for listing species for protection.

The common threads which came up in each group regarding criteria were threats, rarity, declining numbers, and local and international status. Protection under the law needs to provide a real benefit to the species. The fact that a species has a Biodiversity Action Plan (BAP) or that it is on a Local Red List could, in itself, be a criterion.

Table 3.4.2 – Focus Group summaries of criteria needed for listing species for protection

| Marine | Herps | Mammals | Higher plants | Invertebrates | Non-vascular plant |
|---|---|---|---|---|--|
| <p>Has the species been recorded from Jersey? Is the species subject to protection or relation in other European countries? Is the species listed as declining or threatened internationally? Is the species locally iconic, declining or threatened? What are the threats and will protection help mitigate these? Will local regulation affect or restrict the activities of the commercial or amateur fishing community? Does the species live in a key habitat? Can the protection of a species be sensibly and effectively enforced?</p> | <p>Criteria for protection should rely heavily on local evidence and that international criteria should be irrelevant in Jersey. It was suggested that a noted decline “in living memory” could be a criterion, i.e. extent of local decline. A second criterion that was suggested is how important the species is as a whole, e.g. is Jersey the edge of their range (possibility of evolution of species in Jersey overtime e.g. wall lizard).</p> | <p>Issue of native species and how to define native? E.g. red squirrel. Not originally native. Rarity was brought up with most groups feeling that any rare species need protection. However the definition of rarity can prove difficult. Increased monitoring would be required to conclusively point to a species being rare in many circumstances. Suggested using geographical range. Going by the number of 1km squares on the Island that the species is found in or the area or occupancy of the species. This would mean that population estimates would not be necessary.</p> | <p>Species which are in need of protection internationally should be protected in Jersey and then secondly, look at local responsibility. It was also felt, because of political ties, that species found elsewhere in the world but <u>not</u> in the UK, should be protected. Another view presented is that it is important to protect the biodiversity of Jersey regardless of other jurisdictions.</p> | <p>Local species in Jersey which are of interest could be protected even if their global population is doing ok.</p> <p>Should protect local species even if their population is stable internationally. Many species are migratory like birds.</p> <p>Very data deficient.</p> | <p>Rarity in Jersey should be the first consideration, then decline rate if any, and then look at the UK. It was also felt that species found at a few sites only should be protected, then look at national (UK) importance and then look at other jurisdictions.</p> |

3.4.3) Red listing

As discussed earlier (3.1) the assessment of the conservation status of species, subspecies, varieties and even selected subpopulation on a global scale is carried out by the IUCN Red List of Threatened species <http://www.iucnredlist.org/about>. All international and national red listing are based on their categories and criteria (see Appendix 7).

In the UK, JNCC run a Species Status project which provide an up-to-date assessment of the threat status of various taxa using the international accepted Red List guidelines developed by IUCN. Species status assessments are a globally recognised way of identifying conservation priorities. The Species Status project is to enable the UK's statutory nature conservation agencies to initiate resources and publish Red Lists and other status reviews of selected taxonomic groups for Great Britain which are then sent to the JNCC for accreditations. For more information see here <http://jncc.defra.gov.uk/page-1773>. The Red List or taxon status reviews explain the rational for the assessment made on individual species. The approved listings are then entered into the JNCC database of species conservation designations as described in Part 1, Task 1, Section 1 of this review.

Current publications for the project can be found here <http://jncc.defra.gov.uk/default.aspx?page=3352>.

In the UK there are also numerous 'Red Lists' not based on IUCN Criteria and have been produced by different organisations see Appendix 8.

These Red Lists are not recognised as designations when determining individual species status (see Part 1, TASK 1 Section 1.1). However, those involved in conservation practice covering a specific area of GB/UK may wish to use these local lists in determining conservation priorities locally.

In the UK, draft Red Lists are submitted to the JNCC for quality assurance. JNCC will carry out a robust assessment to ensure that draft Red Lists meet the strict scientific standards of the IUCN. This includes ensuring the correct application of the IUCN Red List criteria and checking scientific rigour (see below) but does not include assessing the quality of the data used. Authors submitting draft Red Lists to the JNCC should ensure that the data used have been gathered and treated according to scientific principles and following good practice, are appropriate, and that these methods are regularly reviewed and fully documented (see for example NBN Data Quality <https://nbn.org.uk/national-biodiversity-network/archive-information/9957-2/>).

When these standards are met, the JNCC will offer endorsement of the work and publication on the JNCC website including listing in the JNCC designations spreadsheet.

Below are examples of the issues that are examined by JNCC when quality assuring draft Red Lists:

- Version - That the 2001 IUCN version 3.1 was used (see the Red List website and note that this publications has a 2nd version);
- Terminology - That the correct IUCN terminology was used – mainly refers to definitions which may differ slightly but importantly from ordinary biological use;
- Documentation - Correct referencing e.g. CR A2c+3c; B1ab(iii) – which helps check that all appropriate sub-criteria have been applied properly;
- Data - A clear explanation of how data were used to meet the criteria - includes data analysis/treatment and any deviations from the process listed in IUCN version 3.1 (2001);
- That the evidence used supports the criteria;
- Classification - That categories were assigned correctly – i.e. a check of the interpretation and use of the data.

The JNCC will also provide guidance for those wishing to develop or revise such lists.

4) Reporting, monitoring and review

One of the aims of this review was to establish a regime for the long term monitoring and periodic review of Schedules of protected species under the CWL and for it to be integrated into Jersey's Biodiversity Monitoring Framework.

The most important reason for periodic reporting is to assess how the implementation of the MEAs, Directives, Strategies and policies affects species and habitats. The results of Reporting assist policy makers and site managers to evaluate whether current action and regulatory processes need to be changed or not

14. Recommendation

Adapt the reporting methodology from EU policies in relation to wildlife and nature conservation to ensure that Jersey can report comprehensively on its international commitments in relation to the Bern Convention and the two key Directives which have been issued by the European Union, namely:

- Directive 2009/147/EC on the Conservation of Wild Birds (Birds Directive)
- Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive).

This should include a process and guidelines to assist stakeholders, agencies and individuals in creating species status assessments for local species.

One of the aims of this review was to establish a regime for the long term monitoring of species listed under the Schedules in the CWL. The monitoring schemes will be integrated into Jersey's Biodiversity Monitoring Framework

15. Recommendation

Engage with local NGOs and volunteers, many of whom act as data gatherers to carry out monitoring on all taxon groups and in particular groups which are data deficient to allow for some form of conservation listing or red listing for individual species (see recommendation 13).

One of the aims of this review was to establish a regime for periodic review of Schedules of protected species under the CWL and for it to be into the legislation

16. Recommendation

It is recommended that Department of the Environment provide a Jersey information pack based on the JNCC's Quinquennial Review (QQR) information pack and proforma (see, for example, Appendix 3).

This should include a description of the process and guidelines to assist stakeholders, agencies and individuals in suggesting specific species for listing and delisting or changes to their levels of protection.

17. Recommendation

It is recommended that Department of the Environment include a review period for the schedules of protected wild animals, birds and plants and amend the CWL to represent this. For example, make it part of the CWL as seen with Section 24 (<http://www.legislation.gov.uk/ukpga/1981/69/section/24>) of the WACA that requires Great Britain's statutory nature conservation agencies to review Schedules 5 and 8 every five years to recommend any changes to the Schedules.

It is recommended reviewing CWL Schedules every 5 years (e.g. associated to the monitoring period) as The State of Jersey Report is based on 5 year cycle. It would be sensible to allow for the opportunity to review species on the CWL to coincide with the reporting requirements for this report which is made on the sixth year. This does not replace any urgent need for listing or delisting species at any time depending on the need or the availability of data.

18. Recommendation

Once recommendations 12 and 16 have been completed contact each taxon specialist group and/or individuals to carry out a completed assessment for the existing species and those proposed for listing under Schedule 1 (part I & II) and 2 of the CWL.

4.1) Reporting

4.1.1 Jersey's relationship with the United Kingdom

Jersey is recognised as a Crown Dependency of the UK. Being a Crown Dependency means Jersey is not part of the UK but is a self-governing dependency of the Crown. This means Jersey has its own directly elected legislative assemblies, administrative, fiscal and legal systems and its own courts of law. The Crown Dependencies (CDs) are not represented in the UK Parliament. The constitutional relationship of Jersey with the UK is through the Crown and is not enshrined in a formal constitutional document. HM Government is responsible for the defence and international relations of Jersey. The Crown, acting through the Privy Council, is ultimately responsible for ensuring Jersey's good governance.

4.1.2 Jersey and the European Union

Jersey has a special relationship with the European Union (EU). In simple terms, the Island is treated as part of the European Community for the purposes of free trade in goods, but otherwise is not a part of the EU.

However, the Channel Islands' Brussels Office (CIBO) ensures that Jersey's interests are promoted in Europe. As well as representing Jersey to EU institutions, CIBO also advises the States of Jersey on EU policy issues.

4.1.3 International Agreements

The Crown Dependencies are not recognised internationally as sovereign States in their own right but as “territories for which the United Kingdom is responsible”. As such Jersey cannot sign up to international agreements under their own aegis but can have the UK’s ratification of such instruments extended to them.

(Reference: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/361537/crown-dependencies.pdf).

Jersey is included in the ratification of a number of international agreements and conventions. The Department of the Environment are responsible for the international environmental agreements also called Multilateral Environmental Agreements (MEAs). MEAs are agreements between more than two parties which aim to provide an integrated approach to resolving environmental issues in the protection of the environment. They can take a variety of forms - Conventions, Agreements, Treaties and Protocols.

The Department of the Environment has a reporting obligation under the MEAs (international treaties). Table 4.1.4 provides a summary of the treaties the Natural Environment Team of the Department has to respond and the frequency reporting has to be made. Jersey’s reporting is carried out via the UK as Jersey is grouped with other Crown Dependencies (Guernsey and Isle of Man) and overseas territories. Together - and individually - the 17 UK Overseas Territories (UKOTs) and CDs make a significant contribution to global biodiversity and geological diversity. Many of the species found in the UKOTs and CDs are endemic and so are found nowhere else in the world.

| Treaty/Convention | Type of Report | Reporting Frequency |
|---|---|------------------------------------|
| Convention of Biological Diversity (CBD) Article 26 of the Convention states that the objective of national reporting is to provide information on measures taken for the implementation of the Convention and the effectiveness of these measures | National Report (5th National Report) Annual/Other Report for European Regional Report (Annual) | |
| Convention on the Conservation of Migratory Species of Wild Animals (Bonn) | National Annual/Other Report for European Regional Report (Annual) | Every 3 years Update Every year |
| African-Eurasian Waterbird Agreement (AEWA) | National | Every 4 years |
| Agreement on the Conservation of European Bats (EUROBATS) Report on the implementation of the Agreement in the United Kingdom | National Annual | Every 4 years Update Every year |
| Memorandum of Migratory Birds of Prey in Africa and Eurasia | (No Reports as yet) | Unknown |
| Convention on the Conservation of European Wildlife and Natural Habitats (Bern) The convention states that where a protected species is killed under licence the location and method used must be specified (Article 16(5) (Bern requirements) | National | Every 2 years |

Table 4.1.4 MEA reporting requirements

The information we have to provide is largely based on the species protected under the CWL and they require data concerning our licencing procedures under the law. Therefore the effective administration of the CWL and schedules is a vital component of complying with the law as well as enabling Jersey to successfully meet the reporting requirements that the States of Jersey are obligated to do.

4.1.5 EMRE - Plant Health, Jersey

For the purposes of Plant Health, Jersey has its own Plant Health Law and Order, broadly modelled on the Plant Health (England) Order. Jersey is also a Crown Dependency of the UK and so in the eyes of the EU under Protocol 3 for agricultural matters, is an annex of the UK and must comply with relevant EU regulations. Our Statutory Plant Health reporting is made to Brussels via DEFRA UK and is included in the UK return. If the jurisdictions of Jersey or Guernsey were non-compliant with EU Plant Health Policy, it would be DEFRA that would bear the brunt of the EU Government complaints, then hand those down to the Islands.

4.1.6 EMRE – Marine Resources, Jersey

For the purposes of Jersey's Marine Resources, EU obligations come from the requirements under Protocol 3 of the UK Treaty of Accession. Interpretation is a bit difficult but essentially in this context Crown Dependencies are treated as EU members if they have the same rules. Therefore the States of Jersey has taken this to mean for fish and aquaculture products to be landed into France and the UK, must ensure that they adopt the parts of the Common Fisheries Policy that are applicable. Jersey's relationship with the UK is defined in the Fisheries Management Agreement (FMA), which sets out the requirements, particularly on quota, reporting and technical measures. Aquaculture is not included in the FMA but the same policy applies.

Through Jersey's relationship with France in the Granville Bay Agreement, we are also obliged to jointly manage the common area and harmonise regulations where possible. This provides another means in implementation of EU regulations.

4.1.7 EU Reporting

The EU has a role in global biodiversity conservation as a member of international MEAs and makes response to them on a European level. If Jersey is to follow EU guidelines in complying with the Habitat and Bird Directives, both of which are implemented in the UK through the Wildlife & Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010, this would add a 6 yearly reporting cycle to the European Commission to show progress towards meeting the objectives for both Directives. The most important reason for periodic reporting is to assess how the implementation of the Directives affects species and habitats. The UK considers that

reporting should focus on outcomes and be used as part of a feedback loop to manage our natural resources – the results of reports should help policy makers and site managers evaluate whether current action and regulatory processes need to be changed or not.

4.1.8 Habitat Directive Reporting

Article 17 requires Member States to report every six years about the progress made with the implementation of the Habitats Directive. As the main focus of the directive is on maintaining and/or restoring a favourable conservation status for habitat types and species of community interest, monitoring and reporting under the directive is focusing on that.

Monitoring of conservation status is an obligation arising from Article 11 of the Habitats Directive for all habitats (as listed in Annex I) and species (as listed in Annex II, IV and V) of Community interest. Consequently this provision is not restricted to Natura 2000 sites and data need to be collected both in and outside the Natura 2000 network to achieve a full appreciation of conservation status. The main results of this monitoring have to be reported to the Commission every 6 years according to Article 17 of the directive.

Regarding species, the reporting format set by the European Commission requires assessment of the conservation status of each species on Annexes II, IV and V of the Directive:

- Annex II: Animal and plant species of Community interest whose conservation requires the designation of Special Areas of Conservation
- Annex IV: Animal and plant species of Community interest in need of strict protection
- Annex V: Animal and plant species of Community interest whose taking in the wild and exploitation may be the subject of management measures

The UK approach provides information for each species as submitted to the European Commission. All listed species under the above annexes in the UK can be found here <http://jncc.defra.gov.uk/page-6391> and a table can be seen that provides a list of individual species reporting forms that have to be submitted to the European Commission. The next report is due in 2019 for the Habitats Directive.

4.1.9 Bird Directive Reporting

Article 12 deals with the general reporting obligations of the Member States and Commission. It requires Member States to report about the progress made with the implementation of the Birds Directive.

In 2011, the Commission in agreement with Member States has revised the reporting procedure and frequency in order to focus the reporting obligations on data that inform about the status and trend of bird populations, thereby streamlining the reporting under Article 12 of

the Birds Directive with the reporting on conservation status under Article 17 of the Habitats Directive. This will allow simultaneous analysis of the results of both directive reports at both national and EU levels.

Therefore it makes sense if the EU is reporting on a 6 yearly cycle in carrying out species assessments as seen in Appendix 9, then their status under the CWL should be aligned and reviewed concurrently.

4.2) Surveillance, survey and Monitoring

4.2.1) Focus group results

Monitoring of species and gaining a greater understanding of species and their populations was mentioned at all focus groups. It is agreed that most species would benefit from greater research especially to help inform legal decisions.

Using the law as a promoter or educational tool was also mentioned during most meetings. Education about species in need of protection was highlighted as a key issue especially in the case of smaller, lesser known species. One group raised the issue of the message that legal protection gives the public educational value of the law and alternatively there is a risk raised if a species was to be removed from the law.

Some taxon groups (e.g. invertebrates) have no species which are currently protected under the law but it appears, to some, that these groups and the species have healthy populations without legal protection, and so question whether legal protection of some species can truly help with regard to conservation.

Nearly all the groups emphasised the need for greater habitat protection and that the monitoring and management of habitats are vital, if not more important, than the monitoring of individual species.

Another consideration to be made is that the monitoring and research currently undertaken is largely carried out by several local NGOs. Volunteers also play a key role, many of whom act as data gatherers. Without such groups and individuals, the Island could be very data deficient in a majority of taxon groups.

In regard to monitoring the marine environment, the Marine Resources Section relies heavily on data collected by the Société Jersiaise and Jersey Seasearch. Without their contribution, adding marine species to the CWL would be limited as a large proportion of the data gathering and analysis of marine species is undertaken by them.

4.2.2) Department of the Environment Monitoring

In 2000 the States of Jersey produced a Biodiversity Strategy which identified major issues affecting the island, and outlined policies and responsibilities for monitoring, conserving and enhancing biodiversity

on the island. Jersey has long-term monitoring projects covering butterflies, birds, bats, amphibians, reptiles and plants. Most of these are linked to national and European schemes (e.g. UKBMS, iBats, NARRS); plus Jersey carries out some key species and habitat monitoring as part of an integrated monitoring strategy that is reported on every 5 years through *The State of Jersey Report*.

The CWL needs to be strengthened on a number of fronts. As previously mentioned the primary legislation has not been revisited since coming into force and needs to be updated to ensure compliance with international and EU obligations and environmental best practice. In addition, it has to have an established, robust criteria process based on evidence in the form of survey/monitoring data. Without this, recommendations for protection or delisting on the law would be data limited.

This works along the premise that Jersey has a species listing process for taxon groups in Jersey, as discussed in Section 3.4 - Species listing. A red listing process or some form of conservation listing for individual species would highlight the monitoring and survey required for threatened species (IUCN criteria - Critically endangered, Endangered and vulnerable), which would form part of Jersey biodiversity monitoring framework (see Recommendation 13).

4.3 Review

4.3.1) UK process

As discussed previously in Part I of this review, the UK (England, Wales, Scotland and Northern Ireland) reviews its Schedules of protected plants and animals every 5 years using a set of criteria and rationale produced by the JNCC. Through the WACA Section 24 – supplemental:

- ‘GB conservation bodies, acting through the JNCC in accordance with Part 2 of the Natural Environment and Rural Communities Act 2006 may at any time and shall five years after and every five years thereafter, review Schedules 5 and 8 and advise the Secretary of State whether, in their opinion:.
- (a) any animal should be added to, or removed from, Schedule 5;
- (b) any plant should be added to, or removed from, Schedule 8.’

<http://www.legislation.gov.uk/ukpga/1981/69/section/24>

A process called the Quinquennial Review (QQR). This is coordinated by JNCC who then submits a report with recommendations to the Department of Environment Food and Rural Affairs (Defra) and the Welsh Government (WG). The Scottish government consults its consultees separately. Defra then prepare a public summary of their decision to which species are added to the schedules 5 and 8 of the WACA http://jncc.defra.gov.uk/pdf/QQR5_wildlife-countryside-act-gov-response110805.pdf

Defra follow a code of practice on consultation for the review of schedules which is the six consultation criteria:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out an Impact Assessment if appropriate.

5) Proposed Species for listing on the Schedule framework for the Conservation of the Wildlife Law 2000

This Section summarises the legal process for adding or delisting species on the CWL. It also discusses the responses to the consultation for species that have been proposed for adding to the CWL.

5.1 The Legislative Process

Article 23 *Power to amend Schedules* of the CWL provides for the current Schedules to be amended by Order by the Minister. Schedules may be amended so that they have effect either generally or with respect to particular provisions of the Law, a particular area of Jersey or particular times of the year.

The legislative process required to introduce an amendment by Order is simpler and quicker than amending principal legislation because the amendment does not require approval by the Privy Council on behalf of the Queen (see below). The process is as follows:

1. A written report outlining the proposed legal amendments and seeking approval for submission of law drafting instructions is approved by the Minister and the resulting Ministerial Decision is published.
2. The relevant law drafting instructions are submitted to the Law Draftsman's Office.
3. Once a draft has been produced and approved, the Order is issued and signed by the Minister.
4. The new provisions/amendments come into the force on the date referred to in the Order, and as required by law, a notice to this effect is placed in the Jersey Evening Post and on the government website.

In general, the time taken to complete the process described above is less than a year. By way of comparison, the legislative process required to amend principal legislation can take up to 3 years and is as follows:

1. On completion of steps 1 and 2, the draft new legislation must be 'lodged' with the States Greffe for 6 weeks prior to being debated at a States sitting.
2. Once approved by the States the new legislation must then be submitted for approval by the Privy Council.
3. Once sanctioned by the Privy Council the new law is registered in the Royal Court and comes into force on the date provided therein.

5.2 Adding species to the CWL

In this report there are a number of proposed new Schedules and changes to the principal legislation. Amendments to the principle legislation must be referenced to the UK and sanctioned by the Privy Council. These changes need to be carried out with the entire CWL review and will be part of the law

drafting instructions sent to the law officers. An outline of all the amendments and new desired framework of schedules under the law are being created for this purpose for potential law drafting time in 2016.

The existing Schedules to the CWL may be amended or varied by Order made by the Minister under Article 23 of the Law. In this case adding species to the existing Schedules is a minor change to the law and can be done by order.

Based on this review, focus groups and research, the following lists outlines the new species proposed to be listed and delisted under the current Schedules of the CWL (see Appendix 9). Each species requires some form of assessment in the form of Appendix 3. Some groups and individuals have already done this to some extent and individual species need to be assessed against the 'Proposed Criteria for scheduling species under Schedule 1 (Part I & II) and 2 of the CWL (Section 3.3)'.

5.3 General rationale for the States of Jersey decision

In the future, following each review of the CWL, submissions of species proposed for protection or delisting, once each species has the appropriate information associated with it, the States of Jersey can make a response approved by the Minister for the Environment, with the decision made regarding each proposed species for listing or delisting.

Based on the responses for each individual species, the decision and the rationale behind it will assist the Department of the Environment in reaching a decision for protection. However, the following overarching considerations must be applied when considering protecting species:

1. Marine species – fisheries in European Union waters are managed under the Common Fisheries Policy (CFP) (includes Channel Islands), meaning decisions relating to the management of fish stocks are generally taken at an EU level. Only where a protection under the CWL offers additional safeguards that cannot be provided by the Marine Resources Legislation (e.g. Sea Fisheries (Jersey) Law 1994). In the case of some marine species existing by-laws may offer the most effective protection. In other cases, other legislation such as the CWL may offer more appropriate conservation measures.

2. Effective use of legislation – in all cases consideration has been given as to whether: a) legislation is the best approach; and b) whether the CWL is the most effective means of legislating.

3. Evidence vs the precautionary principle – where species face a particular threat, decisions to provide legislative protection sometimes need to be taken on a precautionary basis – i.e. without all evidence of the status of the species being available. But where research is planned or is underway and its findings will help in determining the most appropriate form of protection it may be appropriate to await those findings.

4. Commercial impacts – in all cases where there is a potential impact on commercial interests thorough consideration has been given as to whether the impacts on business are justified by the need for species protection.

5.4 Progression

In summary the aim of the CWL schedule review was to:

- 1) Identify and make recommendations for effective species protection.
- 2) Resolve the issues on the lack of statutory protection for key species groups such as invertebrates and marine species.
- 3) Determine procedures and processes for the selection of species for protection using robust criteria.
- 4) Provide a means to ensure appropriate levels of protection depending upon levels of threat to populations of species.

As mentioned previously this project is part of a wider review of the CWL which is examining other issues that need resolving such as:

- Remove loopholes and loose definitions preventing effective enforcement.
- Lack of clarity of statutory protection for nests/dens and other habitats upon which species depend.
- To consider how to best to afford habitat protection.
- Licensing:
 - Review past and current licenses
 - Select best template to follow
 - Define conditions for licenses
 - Define criteria for licence type and application
- Prioritisation of species protection (hierarchy).
- Incorporation of redundant legislation, e.g. Animal Trappings Law.
- Scale of fines.

The recommendations in the report will assist reviewing and amending the current CWL.

APPENDICES

Appendix 1

A spreadsheet has been produced comparing Schedules across jurisdictions. Below is an example of Schedule comparisons across jurisdictions. [Schedule comparison across jurisdictions.xls](#)

| Jersey | Comments | Isle of Man | Comments | Northern Ireland | Comments | UK | Comments |
|---|------------------------------------|---|--|---|--|--|-----------------------------|
| Conservation of Wildlife (Jersey) Law 2000 | | Wildlife Act 1990 | | The Wildlife (Northern Ireland) Order 1985 | | Wildlife and Countryside Act 1981 | |
| Schedule 1 - Protected wild animals and protected wild birds (Article 2) Part 1 - Protected wild animals (Article 2(1)) Part 2 - Protected wild birds (Article 2(2)) | Covers all animals including birds | Schedule 1 - Birds which are protected by special penalties Part 1 - at all times Part 2 - during the close season | All birds are protected - provisions made (below) for certain species. | Schedule 1 - Birds which are protected by special penalties Part 1 - at all times Part 2 - during the close season | All birds are protected - provisions made (below) for certain species. | Schedule ZA1 - Birds which re-use their nest | 1 bird - white tailed eagle |
| Schedule 2 - Specially protected wild birds (Article 2(3)) | | Schedule 2 - Birds which may be killed or taken Part 1 - outside the close season Part 2 - By authorised persons at all times | | Schedule 2 - Birds which may be killed or taken Part 1 - outside the close season | | Schedule 2 - Birds which may be killed or taken Part 1 - outside the close season | |
| Schedule 3 - Animals which may not be killed or taken by certain methods (Article 10) | | Schedule 3 - Birds which may be sold Part 1 - Alive at all times if ringed and bred in captivity Part 2 - Dead at all times Part 3 - Dead from 1st Sept. to 28th Feb. | | Schedule 3 - Birds which may be sold dead at all times | 1 bird - wood pigeon | Schedule 1A - Birds which are protected from harrassment | |
| Schedule 4 - Reptiles and amphibians which may not be exported (Article 11(1)) | | Schedule 4 - Captive birds which may be possessed by registered persons only | | Schedule 4 - Birds which may be shown for competitive purposes | | Schedule 2 - Birds which may be killed or taken Part 1 - outside the close season Part 2 - By authorised persons at all times | |
| Protected Plant Order 2009 | | Schedule 5 - Animals which are protected | | Schedule 5 - Animals which are protected at all times | incs Mammals insects etc | Schedule 3 - Birds which may be sold | |
| | | Schedule 6 - Animals which may not be killed or taken by certain methods | | Schedule 6 - Animals which may not be killed or taken by certain methods | | Schedule 4 - Birds which must be registered and ringed if kept in captivity | |
| | | Schedule 7 - Plants which are protected | | Schedule 7 - Animals which may be sold alive or dead at any time | incs. Mammals, insects etc | Schedule 5 - Animals which are protected | |
| | | Schedule 8 - Animals and plants to which section 14 applies | | Schedule 8 - Plants which are protected | | Schedule 6 - Animals which may not be killed or taken by certain methods | |
| | | | | | | Schedule 7 - Protection of certain mammals | |
| | | | | | | Schedule 8 - Plants which are protected | |

Appendix 2

A spreadsheet has been produced to define each article animals, birds and plants are protected under in the CWL. Below is an example of the key for full protection of animals, birds and plants. Levels of Protection Key.PDF

| ANIMALS | | BIRDS | | PLANTS | |
|----------|---|----------|---|----------|--|
| Article | 5 Prohibition of killing etc. of protected wild animals and protected wild birds | Article | 5 Prohibition of killing etc. of protected wild animals and protected wild birds | Article | 13 Prohibition of picking etc. of protected plants |
| Article | 6 Prohibitions relating to dens and nests etc. of protected wild animals and protected wild birds | Article | 6 Prohibitions relating to dens and nests etc. of protected wild animals and protected wild birds | Article | 14 Prohibition of sale of protected plants |
| Article | 7 Prohibition of sale of protected wild animals and protected wild birds | Article | 7 Prohibition of sale of protected wild animals and protected wild birds | | |
| Article | 8 Prohibition of keeping etc. of protected wild animals and protected wild birds | Article | 8 Prohibition of keeping etc. of protected wild animals and protected wild birds | | |
| Article | 10 Prohibition of certain methods of killing or taking wild animals | Article | 9 Prohibition of certain methods of killing or taking wild birds | | |
| | | Article | 12 Prohibition on showing wild birds for competition | | |
| | | Article | 12A Protection of caged birds | | |
| 5 (1) | Protected against Killing, injuring and taking | 5 (1) | Protected against Killing, injuring and taking or destroy or take the egg of a protected wild bird | 13(1) | Protection against picking, uprooting, collecting the seed of or destroying any protected plant |
| 6 (1)(a) | Protected against damage or destroying of the den of any protected wild animal while the den is in use | 6 (1)(b) | Protection against taking damage or destroying the nest of any protected wild bird while the nest is in use or being built | 14(1)(a) | Protection against selling, offering or exposing for sale, or possessing or transporting, for the purposes of sale any protected plant, any part of such a plant, or anything made wholly or partly from such a plant; |
| 6 (1)(c) | Protected against obstruction of access to the den of any protected wild animal, or the nest of any protected wild bird will in use | 6 (1)(c) | Protection against obstruction of access to the den of any protected wild animal, or the nest of any protected wild bird will in use | 14(1)(b) | Protected against publishing or causing to be published any advertisement likely to be understood as conveying that the person buys or sells, or intends to buy or sell, any of those things. |
| 6(1)(d) | Protected against disturbance of any protected wild animal occupying a den or any protected wild bird occupying a nest. | 6(1)(d) | Protection against disturbance of any protected wild animal occupying a den or any protected wild bird occupying a nest. | FULL | In respect to article 13(1), 14(1)(a,b) |
| 7(1)(a) | Protected against selling, offering or exposing for sale, possessing or transporting for the purposes of sale any protected wild animal or protected wild bird, whether living or dead or any part of or anything derived from such an animal or bird, including a blown egg of such a bird | 7(1)(a) | Protected against selling, offering or exposing for sale, possessing or transporting for the purposes of sale any protected wild animal or protected wild bird, whether living or dead or any part of or anything derived from such an animal or bird, including a blown egg of such a bird | | |
| 7(1)(b) | Protected against publishing or causing to be published any advertisement likely to be understood as conveying that the person buys or sells, or intends to buy or sell, any of those things. | 7(1)(b) | Protection against publishing or causing to be published any advertisement likely to be understood as conveying that the person buys or sells, or intends to buy or sell, any of those things. | | |
| 8(1) | Protected against possession or control of any living protected wild animal or bird | 8(1) | Protected against possession or control of any living protected wild animal or bird | | |
| 8(3) | Protected against possession or control of any dead protected wild animal or dead protected wild bird or any part of or anything derived from a protected wild animal or protected wild bird unlawfully killed or taken | 8(3) | Protected against possession or control of any dead protected wild animal or dead protected wild bird or any part of or anything derived from a protected wild animal or protected wild bird unlawfully killed or taken | | |
| 10(1)(a) | offence to set any self-locking snare set in positions which is of such a | 9(1)(a) | Protected against any of the following articles, set in position, being an article which | | |

Appendix 3

Copy of JNCC's 6th quinquennial review proforma for recommendation for amendment to Schedule 5 or Schedule 8 of the WACA.
http://jncc.defra.gov.uk/pdf/QQR6_informationpack_2012.pdf

4. Proforma

Recommendation for amendment to Schedule 5 or Schedule 8 of the Wildlife and Countryside Act, 1981

(To be completed in full for each species proposal)

Type of organism: List broad group as in Part 3.3.

| |
|--|
| |
|--|

Scientific name: Part 3.4.1. Section C.

| |
|--|
| |
|--|

Authority: Part 3.4.1. Section C.

| |
|--|
| |
|--|

English name:

| |
|--|
| |
|--|

Using the Schedule number, indicate below if you are suggesting this species for addition to a schedule (new species) or removal from a schedule?

| | |
|-----------------------|--|
| Addition to Schedule | |
| Removal from Schedule | |

Summary:

Indicate with an X in the boxes below which parts of the eligibility criteria the species meets (see Part 3.4.1).

Species native to Great Britain Eligibility criteria

Section A - UK Status Part 3.4.1 Section A (i) - (v)

| | |
|--|--|
| I. native in the wild in Great Britain; or | |
| II. vagrant in Great Britain; or | |
| III. extinct native in Great Britain in the process of reintroduction; or | |
| IV. extinct native in Great Britain with possibility of natural re-establishment; or | |
| V. native in Great Britain and on international agreements (state which) | |

Section B - Conservation Status Part 3.4.1 Section B (i) - (iii)

| | |
|--|--|
| I. the species must be endangered ¹ in Great Britain; or | |
| II. the species is likely to become endangered; or | |
| III. there is an international obligation to protect the species (state which) | |

Section C - Nomenclature Part 3.4.1 Section C (i)

| | |
|--|--|
| I. taxonomic status meets recognised international standards | |
| II. taxa below species level are either: | |
| • clearly recognisable (i.e. morphologically distinct). | |
| • geographically or ecologically distinct. | |

¹ Endangered is interpreted as Threatened under the IUCN Red list Criteria (incorporates the categories of Critically Endangered, Endangered & Vulnerable) (IUCN, 2003).

Status in Great Britain (all taxa)

See 3.4.1 Sections A (i) - (v) and B (i) (ii). Provide more detail to support your choices above. For example, for Section B (i) and (ii) provide the IUCN Global or Regional Red Listing Status or for species yet to be assessed, provide a new assessment using the IUCN criteria (IUCN 2003¹).

| |
|--|
| |
|--|

Global distribution (all taxa)

Specify the currently known global range of the species. If possible, provide information to indicate whether or not the distribution of the species is continuous and, if it is not, indicate to what degree it is fragmented.

| |
|--|
| |
|--|

Distribution in Great Britain (all taxa)

Specify the currently known range of the species within Great Britain. If possible, provide information to indicate whether or not the distribution of the species is continuous and, if it is not, indicate to what degree it is fragmented. Include where possible, details of what the native range and what is not within Great Britain, e.g. species native to south England and introduced and established as far north as southern Scotland.

| |
|--|
| |
|--|

For proposals of Non-native Species only (see definitions in Part 3.4.2 Criteria)

Non-native species Eligibility criteria

Indicate with an X in the boxes below how a non-native species qualifies for inclusion (i.e. Part 3.4.2)

| | |
|--|--|
| I. species is endangered or extinct in native range; and | |
| II. the species is unlikely to have an adverse impact on UK native species or ecosystems (provide evidence below). | |

Give an estimate of the current total population or number of individuals, or other indices of population abundance, based on the most recently available data. Where appropriate provide the number of subpopulations, and their estimated sizes. Population size may be estimated by reference to population density, having due regard to habitat type and other methodological considerations.

Where available, provide data on current and past trends in the species' abundance. If the species naturally undergoes marked fluctuations in population size, information should be provided to demonstrate that the trend transcends natural fluctuations.

Provide the global population status and IUCN Red List rating (non-native)

Habitat (all taxa)

Specify the types of habitats occupied by the species and, when relevant, the degree of habitat specificity and the extent of each habitat type over the range of the species.

Threats (all taxa)

- (I) Specify the nature, intensity and if possible, the relative importance of human induced threats (e.g. taking/catching/possession/commercial use of a species)
- (II) Specify the nature, intensity and if possible, the relative importance of the threat to a species' place of shelter (e.g. damage, disturbance, obstruction)
- (III) Specify how inclusion of this species / taxon on the Schedule will benefit the species / taxon

International legal obligations (all taxa)

Provide details of International Instruments relating to the species in question.

Existing legal protection in GB (all taxa)

Provide details of legislation relating to the conservation of the species, including its habitat.

Recommendation (all taxa)

Specify in the table below which of the legislative measures need to be applied (see Part 3.5 Decision Criteria)

| WCA (1981) Section | Text | Qualify |
|--------------------|---|---------|
| 9. (1) | Intentionally kills, injures or takes any wild animal included in Schedule 5 | |
| 9. (2) | Has in his possession or control any live or dead wild animal included in Schedule 5 | |
| 9. (4) | a) damages or destroys any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection; | |
| | b) disturbs any such animal while it is occupying a structure or place which it uses for shelter or protection; or | |
| | c) obstructs access to any structure or place which any such animal uses for shelter or protection | |
| 9. (4A) | Intentionally or recklessly disturbs any wild animal included in Schedule 5 as- | |
| | a) a dolphin or whale (cetacean), or b) a basking shark (<i>Cetorhinus maximus</i>) | |
| 9. (5) | a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead wild animal included in Schedule 5; or | |
| | b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things | |
| 13. (1) | a) intentionally picks, uproots or destroys any wild plant included in Schedule 8; or | |
| | b) not being an authorised person, intentionally uproots any wild plant not included in that Schedule | |

Justification for the recommendation

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

Benefits to accrue from acceptance of the recommendation

Outline how the measures are expected to benefit the species.

Appendix 4

Definitions of the threatened categories - Critically Endangered, Endangered & Vulnerable (IUCN, 2003).

CRITICALLY ENDANGERED (CR) A taxon is Critically Endangered when the best available evidence indicates that it meets any of the criteria A to E for Critically Endangered, and it is therefore considered to be facing an extremely high risk of extinction in the wild.

ENDANGERED (EN) A taxon is Endangered when the best available evidence indicates that it meets any of the criteria A to E for Endangered, and it is therefore considered to be facing a very high risk of extinction in the wild.

VULNERABLE (VU) A taxon is Vulnerable when the best available evidence indicates that it meets any of the criteria A to E for Vulnerable, and it is therefore considered to be facing a high risk of extinction in the wild.

The five A-E criteria are:

- A. Declining population (past, present and/or projected)
- B. Geographic range size, and fragmentation, decline or fluctuations
- C. Small population size and fragmentation, decline, or fluctuations
- D. Very small population or very restricted distribution
- E. Quantitative analysis of extinction risk (e.g., Population Viability Analysis)

The different criteria (A-E) are derived from a wide review aimed at detecting risk factors across the broad range of organisms and the diverse life histories they exhibit. The criteria are aimed at detecting symptoms of endangerment rather than causes. Consequently the criteria are applicable to any threatening process that results in symptoms such as past and future population decline, small population sizes, and small geographic distributions.

Appendix 5

Jersey criteria for listing species on the CWL

REPORT TO THE PLANNING AND ENVIRONMENT COMMITTEE

THE SELECTION OF SPECIES FOR SCHEDULING UNDER THE CONSERVATION OF WILDLIFE (JERSEY) LAW 199-

Background: The draft Conservation of Wildlife (Jersey) Law 199- includes two schedules for species that are intended to be protected . The methods for selecting species , especially plant species for inclusion are the subject of discussion between the Environmental Services Unit and The Agriculture and Fisheries Committee

Reasons for scheduling.

The primary means of preserving or improving the status of rare species is by positive conservation measures. This includes preservation and enhancement of habitat, site protection, by SSI designation and action plans for the preservation of species. However it is also accepted that scheduling of species should be pursued when

- There is an international obligation to protect a species in this way.
- An animal or plant is in danger of extinction in the area in question or is likely to become so endangered unless conservation measures are undertaken and legal protection is likely to improve its chances of survival.

Rationale

The Conservation of Wildlife (Jersey) Law 199- is based on the U.K. Wildlife and Countryside Act 1981 and it therefore seems appropriate to base the rationale of the scheduling of species on the procedures followed by the working group set up to carry out five-yearly reviews of the species included in schedules 5 and 8 of the Wildlife and Countryside Act 1981 . This working group published a consultation document which has been used in developing a local policy for scheduling.

Scheduling is considered particularly appropriate when there is a need to protect elements of habitat essential for survival. Scheduling also has the effect of raising awareness of the threats to a species and thus the need for their protection. A species should be nominated only if scheduling has the potential to afford significant benefit to it, thus helping to arrest a decline or to facilitate an increase in population size, number of localities occupied or range.

The Local Context

Although the basic rationale for scheduling of species can be applied locally, the detailed local criteria for scheduling must be appropriate to the unique conditions in Jersey and the difficulties of recording and monitoring the local flora and fauna. The compilation of schedules has used the best available data, but there are shortcomings in this data

1. The only documented information on the status of plant species is Le Sueur (1984). The data for inclusion in this flora were collected between 1960 and 1983 so some of the information may be nearly 40 years old. We have to rely on the observations and experience of the Botany section of the Société Jersiaise for plant information.
2. The limited amount of data to estimate rates of change. Again the experience of the Société is our only guide.
3. Data on threats to individual species are also largely non-existent. Re-mapping has been carried out for a limited number of species but the results should be interpreted with caution due to the difference in timescale (10 years in 1960s compared with 1 year in the 1990s).
4. The use of presence /absence within a 1km square takes no account of species that are declining or rare within each square.

5. The grid squares used in the le Sueur *Flora* are 1.15 Km squares because in the 1960s no map existed with a 1km. grid

It has therefore been decided to use the precautionary principle to ensure that if there is any doubt, we err on the side of caution and provide protection. If later evidence shows there is no problem, then a species can be removed. If however, a species is not afforded protection and it disappears, then we will have failed in our duty to provide what protection we can.

Staff at the Agriculture and Fisheries Committee are apparently reluctant to form a review group which could discuss the species, as is done in the U.K. and arrive at a list which is mutually acceptable. This reluctance may be in part due to their reservations about the capabilities of the Société Jersiaise to provide accurate data. However, without the involvement of the Société, we would be failing in our duty to consult fully with available experts. I therefore feel it is essential for all interested parties to meet and make final decisions about the schedules and their content.

Criteria

The following set of criteria has been developed which attempts to take into account the U.K. criteria and to make provision for local conditions. These criteria can only be guidelines and the tables produced are the result of applying the criteria to a list of species produced in consultation with the Société. It is still unclear whether the Agriculture and Fisheries Committee staff accepts these criteria.

Except where inapplicable to Jersey, the criteria follow those suggested by UK Local Issues Advisory Group (1997).

- World status - species listed by the IUCN or other sources as globally threatened.
- Local decline rate -
Rapidly declining >50% decline in range / numbers in last 25 years
Declining 25-50% decline in range / numbers in last 25 years
- Local threat
- UK status - species listed in the British red data book or Biodiversity Steering Group short, middle and long lists.
- France status - species listed in the French red data book.
- Local rarity -
Rare - currently occurs in 1-5 squares.
Scarce - currently occurs in 6-15 squares.
Common - currently occurs in 16 squares or more.

Note that the UK Local Issues Advisory Group definitions of local rarity, which rely on presence in a proportion of tetrads, have been substantially altered as Jersey covers only 50 tetrads or part tetrads. The squares referred to (approx. 1.15km²) follow LeSueur (1984), this being the only form in which data on the distribution of plant species in Jersey are available.

Note also the addition of a French status criterion, considered to be of equal importance to UK status as Jersey is much closer biogeographically to France than the UK. Additionally, the UK Local Issues Advisory Group "position in geographical range" criterion is omitted because as an island *all* Jersey plant species are effectively isolated from other populations and thus carry equal weighting under this criterion.

Methods

A long list compiled in consultation with the Société Jersiaise was subjected to the set of criteria. The short list was produced from this. After further consultation with the Société 37 plants were added. The total number of plants to be scheduled is

There has been a suggestion by Deputy Hacquoil that the list is not sufficient justification for scheduling a species. Instead it has been suggested that a full justification be prepared for each species to be scheduled, which will then be approved by officers of the Agriculture and Fisheries Committee. Although this is the method used by the J.N.C.C. in England there is a considerable difference in staff numbers engaged on this task.

Recommendations

Report prepared by: M.Freeman Ecologist Environmental Services Unit

Appendix 6

Criteria comparison of all jurisdictions for listing species on their legislative and biodiversity policy framework.
See "Criteria comparison across jurisdictions PDF."

| Jurisdiction and Law | Jersey - Conservation of Wildlife (Jersey) Law 2000 | Isle of Man - Wildlife Act 1990 | UK - Wildlife and Countryside Act 1981 | Northern Ireland- The Wildlife (Northern Ireland) Order 1985 |
|--|--|---|--|--|
| Source of criteria - summary | This description and criteria has been taken from paragraph titled Criteria in the linked word document. | The criterion list was sourced from emails to Isle of Man Government - Richard Selman, Senior Biodiversity Officer attached the list in an email. | The criteria listed below come from the Fifth Quinquennial Review of Schedules 5 & 8 of the Wildlife and Countryside Act 1981 - Annex 1 | The criteria list used for the purpose of this spreadsheet came from a review of the Wildlife (NI) Order 1985 carried out in 2008. The criteria that are listed are broken down into the schedules e.g. Schedule 1 - Birds which are specially protected at all times. It deals with different criteria under each animal grouping - birds, plants and "animals" |
| Link to list of criteria | Jersey C:\REPORT scheduling species 1999.doc | Isle of Man\Isle of Man - Wildlife Act Criteria WLA.doc | Criteria\WACA - JNCC 5th review of shcedules 5 & 8.pdf | Criteria\NI review - the wildlife order - criteria included 2008.pdf |
| Description of criteria - exact wording from linked document | The following set of criteria has been developed which attempts to take into account the U.K. criteria and to make provision for local conditions. These criteria can only be guidelines and the tables produced are the result of applying the criteria to a list of species produced in consultation with the Société. | The following eligibility criteria may be used for terrestrial speices. Marine species selection will require different and separate criteria. Eligibility of terrestrial species under these criteria does not assure a recommendation for listing. Decisions to include on schedules will be made from the eligible species, on the basis of the criteria which follow. | JNCC staff have reviewed all species currently listed on Schedules 5 & 8 to check that they are still taxonomically valid and endangered or likely to become endangered. JNCC staff have also checked currently available UK BAP priority actions to identify those containing proposed legal protection measures and have assessed these against the criteria for listing on the Schedules, given at ANNEX 1 (approved by the Joint Committee in 2005). | (From link above pg 10) Revisions to Schedules 31. The Department has also recognised the need to ensure that decisions about adding or deleting species from the Schedules have an underlying rationale that is scientifically and logically robust. Annex 1 gives detail of the Department's proposals for updating the schedules and also provides the rationale behind the decisions to include each species on the various Schedules. |
| Red List etc Status | World status - species listed by the IUCN or other sources as globally threatened. UK status - species listed in the British red data book or Biodiversity Steering Group short, middle or long lists. France status - species listed in the French red data book. | 3(b) INTERNATIONAL OBLIGATIONS International obligations apply to a taxon: i) which is naturally resident and listed on Appendices I, II or III of the Bern Convention, Annexes II, IV or V of the EC Habitats and Species Directive; Annex 1 of the EC Birds Directive, or Appendix I of the Bonn Convention (unless derogations are in force); or ii) endemic to the British Isles and included in a British or Irish Red List or a Red List drawn up under the revised IUCN criteria 1 b) (ii) occurring as a vagrant in Manx territory and internationally recognised as requiring protection through being listed in a schedule of a Convention | 1.1(i) There is an international obligation to afford to the species legal protection. 2B(ii) occur as a vagrant in GB and require international protection. 2D (i) It is included in a JNCC approved British Red Data Book as <i>Extinct, Endangered, or Vulnerable</i> (or in Red Lists drawn up using the recently revised IUCN criteria, as <i>Extinct in the Wild, Critically Endangered, Endangered or Vulnerable</i> . 2D International obligations apply to a taxon which is: (vi) naturally resident and listed on Appendices I, II, III of the Bern Convention; Annexes II, IV or V of the EC Habitats and Species Directive; Appendix I of the Bonn Convention (unless derogations are in force); and / or (vii) endemic to GB and included in a JNCC approved British Red List. | Schedule 2 - birds which may be killed or taken outside the close season. This list includes birds which are traditionally hunted outside the close season in Northern Ireland, whose conservation status is not endangered by the numbers killed as a result of being hunted and are listed on Annex 2 of the European Wild Birds Directive. Schedule 8 - Plants which are protected. 4. A UK priority species. |
| Native | | 1 (a) <i>Generally, only native (including re-established) taxa to be considered for inclusion on protected schedules. Taxa introduced or thought to be introduced to the Isle of Man by man could be considered exceptionally</i> | 2. Guidelines for recommending species for scheduling Eligibility criteria. A. Generally, only native (including re-established) taxa are to be considered. | |

Appendix 7

SUMMARY OF THE FIVE CRITERIA (A-E) USED TO EVALUATE IF A TAXON BELONGS IN AN IUCN RED LIST THREATENED CATEGORY (CRITICALLY ENDANGERED, ENDANGERED OR VULNERABLE).¹

| A. Population size reduction. Population reduction (measured over the longer of 10 years or 3 generations) based on any of A1 to A4 | | | |
|--|--|---|--|
| | Critically Endangered | Endangered | Vulnerable |
| A1 | ≥ 90% | ≥ 70% | ≥ 50% |
| A2, A3 & A4 | ≥ 80% | ≥ 50% | ≥ 30% |
| A1 Population reduction observed, estimated, inferred, or suspected in the past where the causes of the reduction are clearly reversible AND understood AND have ceased. | } based on any of the following: | (a) direct observation [except A3] | |
| A2 Population reduction observed, estimated, inferred, or suspected in the past where the causes of reduction may not have ceased OR may not be understood OR may not be reversible. | | (b) an index of abundance appropriate to the taxon | |
| A3 Population reduction projected, inferred or suspected to be met in the future (up to a maximum of 100 years) [(a) cannot be used for A3]. | | (c) a decline in area of occupancy (AOO), extent of occurrence (EOO) and/or habitat quality | |
| A4 An observed, estimated, inferred, projected or suspected population reduction where the time period must include both the past and the future (up to a max. of 100 years in future), and where the causes of reduction may not have ceased OR may not be understood OR may not be reversible. | | (d) actual or potential levels of exploitation | |
| | | (e) effects of introduced taxa, hybridization, pathogens, pollutants, competitors or parasites. | |
| B. Geographic range in the form of either B1 (extent of occurrence) AND/OR B2 (area of occupancy) | | | |
| | Critically Endangered | Endangered | Vulnerable |
| B1. Extent of occurrence (EOO) | < 100 km ² | < 5,000 km ² | < 20,000 km ² |
| B2. Area of occupancy (AOO) | < 10 km ² | < 500 km ² | < 2,000 km ² |
| AND at least 2 of the following 3 conditions: | | | |
| (a) Severely fragmented OR Number of locations | = 1 | ≤ 5 | ≤ 10 |
| (b) Continuing decline observed, estimated, inferred or projected in any of: (i) extent of occurrence; (ii) area of occupancy; (iii) area, extent and/or quality of habitat; (iv) number of locations or subpopulations; (v) number of mature individuals | | | |
| (c) Extreme fluctuations in any of: (i) extent of occurrence; (ii) area of occupancy; (iii) number of locations or subpopulations; (iv) number of mature individuals | | | |
| C. Small population size and decline | | | |
| | Critically Endangered | Endangered | Vulnerable |
| Number of mature individuals | < 250 | < 2,500 | < 10,000 |
| AND at least one of C1 or C2 | | | |
| C1. An observed, estimated or projected continuing decline of at least (up to a max. of 100 years in future): | 25% in 3 years or 1 generation (whichever is longer) | 20% in 5 years or 2 generations (whichever is longer) | 10% in 10 years or 3 generations (whichever is longer) |
| C2. An observed, estimated, projected or inferred continuing decline AND at least 1 of the following 3 conditions: | | | |
| (a) (i) Number of mature individuals in each subpopulation | ≤ 50 | ≤ 250 | ≤ 1,000 |
| (ii) % of mature individuals in one subpopulation = | 90–100% | 95–100% | 100% |
| (b) Extreme fluctuations in the number of mature individuals | | | |
| D. Very small or restricted population | | | |
| | Critically Endangered | Endangered | Vulnerable |
| D. Number of mature individuals | < 50 | < 250 | D1. < 1,000 |
| D2. Only applies to the VU category Restricted area of occupancy or number of locations with a plausible future threat that could drive the taxon to CR or EX in a very short time. | | | D2. typically: AOO < 20 km ² or number of locations ≤ 5 |
| E. Quantitative Analysis | | | |
| | Critically Endangered | Endangered | Vulnerable |
| Indicating the probability of extinction in the wild to be: | ≥ 50% in 10 years or 3 generations, whichever is longer (100 years max.) | ≥ 20% in 20 years or 5 generations, whichever is longer (100 years max.) | ≥ 10% in 100 years |

¹ Use of this summary sheet requires full understanding of the IUCN Red List Categories and Criteria and Guidelines for Using the IUCN Red List Categories and Criteria. Please refer to both documents for explanations of terms and concepts used here.

Box 2.1. The IUCN Red List Categories

EXTINCT (EX)

A taxon is Extinct when there is no reasonable doubt that the last individual has died. A taxon is presumed Extinct when exhaustive surveys in known and/or expected habitat, at appropriate times (diurnal, seasonal, annual), throughout its historic range have failed to record an individual. Surveys should be over a time frame appropriate to the taxon's life cycles and life form.

EXTINCT IN THE WILD (EW)

A taxon is Extinct in the Wild when it is known only to survive in cultivation, in captivity or as a naturalized population (or populations) well outside the past range. A taxon is presumed Extinct in the Wild when exhaustive surveys in known and/or expected habitat, at appropriate times (diurnal, seasonal, annual), throughout its historic range have failed to record an individual. Surveys should be over a time frame appropriate to the taxon's life cycle and life form.

CRITICALLY ENDANGERED (CR)

A taxon is Critically Endangered when the best available evidence indicates that it meets any of the criteria A to E for Critically Endangered, and it is therefore considered to be facing an extremely high risk of extinction in the wild.

ENDANGERED (EN)

A taxon is Endangered when the best available evidence indicates that it meets any of the criteria A to E for Endangered, and it is therefore considered to be facing a very high risk of extinction in the wild.

VULNERABLE (VU)

A taxon is Vulnerable when the best available evidence indicates that it meets any of the criteria A to E for Vulnerable, and it is therefore considered to be facing a high risk of extinction in the wild.

NEAR THREATENED (NT)

A taxon is Near Threatened when it has been evaluated against the criteria but does not qualify for Critically Endangered, Endangered or Vulnerable now, but is close to qualifying for or is likely to qualify for a threatened category in the near future.

LEAST CONCERN (LC)

A taxon is Least Concern when it has been evaluated against the criteria and does not qualify for Critically Endangered, Endangered, Vulnerable or Near Threatened. Widespread and abundant taxa are included in this category.

DATA DEFICIENT (DD)

A taxon is Data Deficient when there is inadequate information to make a direct, or indirect, assessment of its risk of extinction based on its distribution and/or population status. A taxon in this category may be well studied, and its biology well known, but appropriate data on abundance and/or distribution are lacking. Data Deficient is therefore not a category of threat. Listing of taxa in this category indicates that more information is required and acknowledges the possibility that future research will show that threatened classification is appropriate. It is important to make positive use of whatever data are available. In many cases great care should be exercised in choosing between DD and a threatened status. If the range of a taxon is suspected to be relatively circumscribed, if a considerable period of time has elapsed since the last record of the taxon, threatened status may well be justified.

NOT EVALUATED (NE)

A taxon is Not Evaluated when it has not yet been evaluated against the criteria.

Appendix 8

Red listed and rare species - not based on IUCN Criteria

| | |
|---|--|
| Nationally rare without IUCN designation | Occurring in 15 or fewer hectads in Great Britain. Excludes rare species qualifying under the main IUCN criteria. |
| Nationally scarce species without an IUCN designation | Occurring in 16-100 hectads in Great Britain. Excludes rare species qualifying under the main IUCN criteria. |
| Bird Population Status: red | Red list species are those that are Globally Threatened according to IUCN criteria; those whose population or range has declined rapidly in recent years; and those that have declined historically and not shown a substantial recent recovery. |
| Bird Population Status: amber | Amber list species are those with an unfavourable conservation status in Europe; those whose population or range has declined moderately in recent years; those whose population has declined historically but made a substantial recent recovery; rare breeders; and those with internationally important or localised populations. |
| Nationally rare | Occurring in 15 or fewer hectads in Great Britain |
| Nationally rare marine species | Species which occur in 8 or fewer 10km X 10km grid squares containing sea (or water of marine saline influence) within the three mile territorial limit |
| Nationally scarce | Taxa which are recorded in 16-100 hectads (10km squares) but not included in one of the Red List Categories |
| Nationally scarce marine species | Species which occur in 9 to 55 10km X 10km grid squares containing sea (or water of marine saline influence) within the three mile territorial limit |

UK Biodiversity Action Plan Priority Species list

| | |
|------------------|---|
| Priority Species | Taxa identified as priorities for conservation action under the UK BAP process. |
|------------------|---|

Appendix 9

List of all current protected species and suggested changes and additions to existing CWL schedules.

SCHEDULE 1

(Article 2)

PROTECTED WILD ANIMALS AND PROTECTED WILD BIRDS**PART 1**

(Article 2(1))

PROTECTED WILD ANIMALS**CURRENT**

| <i>Common Name</i> | <i>Scientific Name</i> |
|-------------------------------|--|
| Bats, horseshoe (all species) | Rhinolophidae |
| Bats, typical (all species) | Vespertilionidae |
| Dolphins (all species) | Cetacea |
| Frog, agile | <i>Rana dalmatina</i> |
| Hedgehog | <i>Erinaceus europaeus</i> |
| Lizard, green | <i>Lacerta viridis</i> , or <i>Lacerta bilineata</i> |
| Lizard, wall | <i>Podarcis muralis</i> |
| Newt, palmate | <i>Lissotriton helveticus</i> , also known as <i>Triturus helveticus</i> |
| Porpoises (all species) | Cetacea |
| Seals (all species) | Pennipedia |
| Shrew, common or French | <i>Sorex coronatus</i> |
| Shrew, lesser white-toothed | <i>Crocidura suaveolens</i> |
| Slow worm | <i>Anguis fragilis</i> |
| Snake, grass | <i>Natrix natrix</i> |
| Squirrel, red | <i>Sciurus vulgaris</i> |
| Toad, common | <i>Bufo bufo</i> and <i>Bufo spinosus</i> |
| Turtles, marine (all species) | Cheloniidae and Dermochelyidae |
| Vole, Jersey bank | <i>Clethrionomys glareolus ssp. caesarius</i> |
| Whales (all species) | Cetacea |
| Five Shilling Shell | <i>Mactra glauca</i> |

PROPOSED ADDITIONS

| Common Name | Scientific Name | Proforma Completed? (Y/N) |
|--|---|--------------------------------------|
| Marine Group | | |
| Pink Sea Fan | <i>Eunicella verrucosa</i> | Y |
| Sunset cup-coral | <i>Leptopsammia pruvoti</i> | Y |
| Shark (all species except houndsharks and catsharks) | Selachimorpha (All species except Triakidae and Scyliorhinidae) | Y |
| Short-snouted seahorse | <i>Hippocampus hippocampus</i> | Y |
| Long-snouted seahorse | <i>Hippocampus guttulatus</i> | Y |
| Sunfish | <i>Mola mola</i> | Y |
| DoE | | |
| Sturgeon | <i>Acipenser sturio</i> | N |
| Sea lamprey | <i>Petromyzon marinus</i> | N |
| Allis shad | <i>Alosa alosa</i> | N |
| Twaite shad | <i>Alosa fallax</i> | |
| Giant Goby | <i>Gobius cobitus</i> | N |
| Fan mussel | <i>Atrina fragilis</i> | N |
| Invertebrates | | |
| Unprotected BAP Species | | |
| Heath Grasshopper | <i>Chorthippus vagans</i> | Y |
| Beautiful Demoiselle | <i>Calopteryx virgo</i> | Y |
| Jersey Grasshopper | <i>Euchorthippus pulvinatus</i> subsp. <i>elegantulus</i> | Y |
| Ant-lion | <i>Euroleon nostras</i> | Y |
| Field Cricket | <i>Gryllus campestris</i> | Y |
| Southern Emerald Damselfly | <i>Lestes barbarus</i> | Y |
| DoE | | |
| Swallowtail | <i>Papilio machaon</i> | N |
| White-letter Hairstreak | <i>Satyrium w-album</i> | N |
| Entomology Group | | |
| Solitary Bee | <i>Andrena proxima</i> | Y |
| Dark Guest Ant | <i>Anergates atratulus</i> | Y |
| Planthopper | <i>Asiraca clavicornis</i> | Y |
| Wasp | <i>Bembix rostrata</i> | Y |
| Hoverfly | <i>Chrysotoxum vernale</i> | Y |
| Down Shieldbug | <i>Canthophorus impressus</i> | Y |
| The Vernal Colletes Bee | <i>Colletes cunicularius</i> | Y |
| A Digger Wasp | <i>Dinetus pictus</i> | Y |

| Common Name | Scientific Name | Proforma Completed? (Y/N) |
|------------------------------|------------------------------|--------------------------------------|
| Black-backed Meadow Wood Ant | <i>Formica pratensis</i> | Y |
| Weevil | <i>Limobius mixtus</i> | Y |
| Black Oil Beetle | <i>Meloe proscarabaeus</i> | Y |
| Cleptoparasitic bee | <i>Nomada zonata</i> | Y |
| Blue-winged Grasshopper | <i>Oedipoda caerulescens</i> | Y |
| Jumping Spider | <i>Phlegra fasciata</i> | Y |
| Mottled Shieldbug | <i>Rhaphigaster nebulosa</i> | Y |
| The Cinnabar Moth | <i>Tyria jacobaeae</i> | Y |
| Flat Bark Beetle | <i>Uleiota planata</i> | Y |

SCHEDULE 2

(Article 2(3))

SPECIALLY PROTECTED WILD BIRDS

CURRENT

| Common Name | Scientific Name |
|--------------------|--------------------------------|
| Bunting, ciril | <i>Emberiza cirilus</i> |
| Kingfisher | <i>Alcedo atthis</i> |
| Owl, barn | <i>Tyto alba</i> |
| Peregrine | <i>Falco peregrinus</i> |
| Plover, Kentish | <i>Charadrius alexandrinus</i> |
| Serin | <i>Serinus serinus</i> |
| Sparrowhawk | <i>Accipiter nisus</i> |
| Tit, bearded | <i>Panurus biarmicus</i> |
| Warbler, Cetti's | <i>Cettia cetti</i> |
| Warbler, Dartford | <i>Sylvia undata</i> |

PROPOSED ADDITIONS

| Common Name | Scientific Name | Proforma Completed? (Y/N) |
|---------------------------|---|--------------------------------------|
| Light-bellied brent goose | <i>Branta bernicla</i> subsp. <i>hrota</i> | N |
| Dark-bellied brent goose | <i>Branta bernicla</i> subsp. <i>bernicla</i> | N |
| Common shelduck | <i>Tadorna tadorna</i> | N |
| Northern Shoveler | <i>Anas clypeata</i> | N |
| Great northern diver | <i>Gavia immer</i> | N |
| Balearic shearwater | <i>Puffinus mauretanicus</i> | N |

| | | |
|------------------------|-----------------------------------|---|
| Great cormorant | <i>Phalacrocorax carbo</i> | N |
| Eurasian shag | <i>Phalacrocorax aristotelis</i> | N |
| Little egret | <i>Egretta garzetta</i> | N |
| Great bittern | <i>Botaurus stellaris</i> | N |
| Eurasian marsh harrier | <i>Circus aeruginosus</i> | N |
| Hen harrier | <i>Circus cyaneus</i> | N |
| Common buzzard | <i>Buteo buteo</i> | N |
| Common kestrel | <i>Falco tinnunculus</i> | N |
| Water rail | <i>Rallus aquaticus</i> | N |
| Oystercatcher | <i>Haematopus ostralegus</i> | N |
| Ringed plover | <i>Charadrius hiaticula</i> | N |
| Eurasian dotterel | <i>Charadrius morinellus</i> | N |
| Northern lapwing | <i>Vanellus vanellus</i> | N |
| Eurasian curlew | <i>Numenius arquata</i> | N |
| Eurasian woodcock | <i>Scolopax rusticola</i> | N |
| Common tern | <i>Sterna hirundo</i> | N |
| Razorbill | <i>Alca torda</i> | N |
| Atlantic puffin | <i>Fratercula arctica</i> | N |
| Long-eared owl | <i>Asio otus</i> | N |
| Turtle dove | <i>Streptopelia turtur</i> | N |
| Common cuckoo | <i>Cuculus canorus</i> | N |
| Skylark | <i>Alauda arvensis</i> | N |
| Sedge warbler | <i>Acrocephalus schoenobaenus</i> | N |
| Garden warbler | <i>Sylvia borin</i> | N |
| Firecrest | <i>Regulus ignicapillus</i> | N |
| Common starling | <i>Sturnus vulgaris</i> | N |
| Mistle thrush | <i>Turdus viscivorus</i> | N |
| Spotted flycatcher | <i>Muscicapa striata</i> | N |
| Common stonechat | <i>Saxicola torquatus</i> | N |
| Northern wheatear | <i>Oenanthe oenanthe</i> | N |
| Bullfinch | <i>Pyrrhula pyrrhula</i> | N |
| Yellowhammer | <i>Emberiza citrinella</i> | N |
| Reed bunting | <i>Emberiza schoeniclus</i> | N |

PROPOSED DE-LISTING

| Common Name | Scientific Name | Proforma Completed? (Y/N) |
|--------------------|--------------------------------|--------------------------------------|
| Plover, Kentish | <i>Charadrius alexandrinus</i> | N |
| Warbler, Cetti's | <i>Cettia cetti</i> | N |

Conservation of Wildlife (Protected Plants) (Jersey) Order 2009

SCHEDULE

(Article 1)

PROTECTED PLANTS

CURRENT

| Common Name | Scientific Name |
|--------------------------------|---|
| 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 | <i>Anacamptis pyramidalis</i> |
| Chaffweed | <i>Anagallis minima</i> |
| Jersey Fern | <i>Anogramma leptophylla</i> |
| Wild Celery | <i>Apium graveolens</i> |
| Wild Asparagus | <i>Asparagus officinalis</i> var. <i>prostratus</i> |
| Lesser Water-plantain | <i>Baldellia ranunculoides</i> |
| Green-ribbed Sedge | <i>Carex binervis</i> |
| Grey Sedge | <i>Carex divulsa</i> ssp. <i>divulsa</i> |
| Star Sedge | <i>Carex echinata</i> |
| Cyperus Sedge | <i>Carex pseudocyperus</i> |
| Whorled Caraway | <i>Carum verticillatum</i> |
| Yellow Centaury | <i>Cicendia filiformis</i> |
| Brown Galingale | <i>Cyperus fuscus</i> |
| Common Spotted-orchid | <i>Dactylorhiza fuchsia</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> |
| Common Cottongrass | <i>Eriophorum angustifolium</i> |
| Sea Spurge | <i>Euphorbia paralias</i> |
| Longleaf | <i>Falcaria vulgaris</i> |
| Jersey Cudweed | <i>Gnaphalium luteo-album</i> |

| | |
|--------------------------------|---|
| Lizard Orchid | <i>Himantoglossum hircinum</i> |
| Toadflax-leaved St John's-wort | <i>Hypericum linariifolium</i> |
| Spotted Cat's-ear | <i>Hypochaeris maculata</i> |
| Sharp-leaved Fluellen | <i>Kickxia elatine</i> |
| Motherwort | <i>Leonurus cardiaca</i> |
| Alderney Sea-lavender | <i>Limonium normannicum</i> |
| Common Sea-lavender | <i>Limonium vulgare</i> |
| Heath Wood-rush | <i>Luzula multiflora</i> |
| Great Wood-rush | <i>Luzula sylvatica</i> |
| Yellow Pimpernel | <i>Lysimachia nemorum</i> |
| Grass-poly | <i>Lythrum hyssopifolium</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> |
| Cowslip | <i>Primula veris</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> |
| 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</i> subsp. <i>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> |

PROPOSED ADDITIONS

| Common Name | Scientific Name | |
|---------------------------------------|--------------------------------------|---|
| Unprotected BAP Species | | |
| Common Toadflax | <i>Linaria vulgaris</i> | N |
| Wild Strawberry | <i>Fragaria vesca</i> | N |
| Pale Flax | <i>Linum bienne</i> | N |
| Marsh St. John's Wort | <i>Hypericum eloides</i> | N |
| Yellow-horned Poppy | <i>Glaucium flavum</i> | N |
| Ivy-leaved Crowfoot | <i>Ranunculus hederaceus</i> | N |
| Lesser Skullcap | <i>Scutellaria minor</i> | N |
| Eelgrass | <i>Zostera</i> spp. | N |
| Unprotected but Rare in Jersey | | |
| Lesser Marshwort | <i>Apium inundatum</i> | N |
| Flea Sedge | <i>Carex pulicaris</i> | N |
| Dotted Sedge | <i>Carex punctata</i> | N |
| Soft Hornwort | <i>Ceratophyllum submersum</i> | N |
| Saltmarsh goosefoot | <i>Chenopodium chenopodioides</i> | N |
| Blue Fleabane | <i>Erigeron acris</i> | N |
| Floating Club-rush | <i>Eleogiton fluitans</i> | N |
| Breton Fescue | <i>Festuca armoricana</i> | N |
| Houn's fescue | <i>Festuca huonii</i> | N |
| Blue Fescue | <i>Festuca longifolia</i> | N |
| Little Robin | <i>Geranium purpureum</i> | N |
| Hutchinsia | <i>Hornungia petraea</i> | N |
| Broad-leaved Sea-lavender | <i>Limonium auriculae-ursifolium</i> | N |
| Smaller Tree-mallow. | <i>Malva pseudolavatera</i> | N |
| Tubular Water-dropwort | <i>Oenanthe fistulosa</i> | N |
| Early Spider-orchid | <i>Ophrys sphegodes</i> | N |
| Yarrow Broomrape | <i>Orobanche purpurea</i> | N |
| Greater Broomrape | <i>Orobanche rapum-genistae</i> | N |
| Hard-grass | <i>Parapholis strigosa</i> | N |
| Curved Hard-grass | <i>Parapholis incurva</i> | N |
| Childing Pink | <i>Petrorhagia nanteuilli</i> | N |
| Allseed | <i>Radiola linoides</i> | N |
| Sand Catchfly | <i>Silene conica</i> | N |
| Nottingham Catchfly | <i>Silene nutans</i> | N |
| Greek Sea-spurrey | <i>Spergularia bocconeii</i> | N |
| Bastard Toadflax | <i>Thesium humifusum</i> | N |
| Other suggestions | | N |

| | | |
|-------------------|--|---|
| Bluebell | <i>Hyacinthoides non-scripta</i> | N |
| | <i>Hypericum humifusum</i> x <i>H. linariifolium</i> | N |
| Sea kale | <i>Cakile maritima</i> | N |
| Wood-sorrel | <i>Oxalis acetosella</i> | N |
| Sea-milkwort | <i>Glaux maritima</i> | N |
| Weasel's Snout | <i>Misopates orontium</i> | N |
| Field Penny-cress | <i>Thlaspi arvense</i> | N |
| Jersey Dandelion | <i>Taraxicum sarniense</i> | N |
| Fungi | | N |
| Sandy Stiltball | <i>Battarraea phalloides</i> | N |
| | <i>Mycenastrum corium</i> | N |
| | <i>Tulostoma melanocyclum</i> | N |
| | <i>Cortinarius acetosus</i> | N |
| | <i>Cortinarius balteatocumatilis</i> | N |
| | <i>Cortinarius bolaris</i> | N |
| | <i>Cortinarius semisanguineus</i> | N |
| | <i>Inocybe heimii</i> | N |
| | <i>Xerula xeruloides</i> | N |
| Pink Waxcap | <i>Hygrocybe calyptriformis</i> | N |
| | <i>Hygrophorus persoonii</i> | N |
| | <i>Dendrocollybia racemosa</i> | N |
| | <i>Geastrum campestre</i> | N |
| | <i>Geastrum elegans</i> | N |
| | <i>Geastrum minimum</i> | N |
| Pepperpot | <i>Myriostoma coliforme</i> | N |