

DRAFT CONSERVATION OF WILDLIFE (AMENDMENT) (JERSEY) LAW 200-

**Lodged au Greffe on 27th November 2001
by the Planning and Environment Committee**



STATES OF JERSEY

STATES GREFFE

180

2001

P.187

Price code: B

European Convention on Human Rights

The President of the Planning and Environment Committee has made the following statement -

In the view of the Planning and Environment Committee the provisions of the Draft Conservation of Wildlife (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator N.L. Querée**

REPORT

Following the adoption of the Conservation of Wildlife (Jersey) Law by the States in July 1999 it was sent to the Home Office for sanction by the Privy Council. The Law was sanctioned by her Majesty in Council on 8th February 2000 and was registered in the Royal Court on 3rd March 2000.

In April 2000 the Department of the Environment, Trade and the Regions (DETR) raised queries regarding the licensing provisions in Article 16 of the Law, which they considered did not strictly conform to the provisions of Article 9 of the Bern Convention. They also raised a concern that Article 5(2)(b) was inconsistent with Article 16. This was a change to the advice the Committee had received before the debate on the Law.

Following a considerable exchange of correspondence a response was made to the Home Office by the International Relations and Policy Officer (Policy and Resources Department) in line with suggestions made by the Legal Advisor.

While expressing the hope that it could be accepted by DETR that the Law does in fact enable compliance with the Convention, the Island authorities acknowledged that "some improvements to the law are necessary and must be made at an early date".

The draft Conservation of Wildlife (Amendment) (Jersey) Law 200- was prepared and, following advice from the Legal Advisor, was sent to the United Kingdom authorities for a pre-audit review.

On 15th October the Law Officers' Department received a letter from the Lord Chancellor's Department confirming that "DEFRA's [*the department now responsible for these matters*] concern about the adequacy of Jersey's law in meeting the obligations of the Bern Convention have been overcome".

The Planning and Environment Committee is now satisfied that the United Kingdom authorities accept that these minor amendments will enable full compliance with the Bern Convention and, therefore, recommends that these amendments be accepted.

This draft Law has no implications for the financial or manpower resources of the States.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Committee in charge of a *Projet de Loi* to make a statement about the compatibility of the provisions of the *Projet* with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 8th November 2001 the Planning and Environment Committee made the following statement before Second Reading of this *projet* in the States Assembly -

In the view of the Planning and Environment Committee the provisions of the Draft Conservation of Wildlife (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

The purpose of this draft Law is to amend the Conservation of Wildlife (Jersey) Law 2000.

Article 1 is the interpretation provision.

Article 2 revokes the provision which enables a person to ring or mark a protected wild animal or protected wild bird or to examine such a ring or mark without the authority of a licence issued by the Planning and Environment Committee (“the Committee”).

Article 3 -

- (a) makes it clear that ringing or marking may be authorized by a licence of the Committee; and
- (b) imposes a restriction on the Committee’s power to grant a licence, with the effect that the power may not be exercised unless the Committee is satisfied that, as regards the purpose for which the licence is to be granted, there is no other satisfactory solution and that the activity authorized by the licence will not be detrimental to the survival of the population concerned.

Article 4 is the short title of the draft Law and provides for it to come into force on the seventh day following its registration in the Royal Court.

CONSERVATION OF WILDLIFE (AMENDMENT) (JERSEY) LAW 200-

A LAW to amend the Conservation of Wildlife (Jersey) Law 2000; sanctioned by Order of Her Majesty in Council of the

(Registered on the _____ day of _____ 200-)

STATES OF JERSEY

The _____ day of _____ 200-

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

ARTICLE 1

In this Law, “principal Law” means the Conservation of Wildlife (Jersey) Law 2000.^[1]

ARTICLE 2

In Article 5 of the principal Law,^[2] paragraph (2)(b) shall be revoked.

ARTICLE 3

In Article 16 of the principal Law^[3] -

(a) in paragraph (1), after the words “paragraphs (2)” there shall be inserted the word “, (2A)”;

(b) for paragraph (2)(b) there shall be substituted the following sub-paragraph -

“(b) for the purpose of ringing or marking or attaching any other identifying or tracking device to any wild bird or wild animal, or examining any ring, mark or device;”;

(c) after paragraph (2) there shall be inserted the following paragraph -

“(2A) The Planning and Environment Committee shall not grant a licence for any purpose mentioned in paragraph (2) unless it is satisfied that, as regards that purpose, there is no other satisfactory solution and that anything authorized by the licence will not be detrimental to the survival of the population concerned.”.

ARTICLE 3

This Law may be cited as Conservation of Wildlife (Amendment) (Jersey) Law 200- and shall come into force on the seventh day following its registration.

^[1] Volume 2000, page 31.

^[2] Volume 2000, page 37.

^[3] Volume 2000, page 50.