

DRAFT CONSERVATION OF WILDLIFE (JERSEY) LAW 2000 (APPOINTED DAY) ACT 200-

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by the Planning and Environment Committee**



STATES OF JERSEY

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Report

The law protecting wildlife in Jersey is in two pieces of legislation. The Island Planning (Jersey) Law 1964 provides for habitat protection (under Article 9A) and this Law provides for protection of wild birds, animals and plants.

The Conservation of Wildlife (Jersey) Law 2000 is broadly based on the United Kingdom Wildlife and Countryside Act as far as species protection is concerned. The Law will replace existing provisions in Jersey legislation such as the Law for the protection of birds (Protection of Birds (Jersey) Law 1963) and the Law prohibiting the export of reptiles (Wild Life (Protection) (Jersey) Law 1947).

The Law will prohibit the killing, injuring or disturbing of all but five wild bird species and many rarer animals.

Selling protected birds and animals is also prohibited.

Birds which are not protected are the carrion crow, the magpie, the wood pigeon, the sparrow and the starling. The animals protected will include bats, for which special provisions are made, shrews, voles and hedgehogs, as well as dolphins and porpoises. Lizards, frogs and toads are also protected, and their sale or export is not allowed. The dens and nests of protected wild birds and animals are protected from destruction or disturbance.

People who take a bird or animal to nurse it and release it when it is better will not be committing an offence if they can show that the creature was not damaged by them. However, releasing a bird or animal which is not normally resident in the Island is an offence.

If there is no reasonable chance that the creature will recover, someone killing it will not be committing an offence if they can show that they are not responsible for the original injury. Catching protected birds or animals for ringing or marking, or for examining rings or marks, and releasing them again is exempted from the Law.

Certain methods of killing protected wild birds and specially protected wild birds are prohibited.

It will also be an offence to pick, dig up or gather seed of certain plants which are rare or threatened. Selling or advertising the sale of protected plants will be prohibited. The Planning and Environment Committee will make an order, at a later date, which will list the plants to be protected. The list will be compiled by a working group comprising officers from Planning and Environment and the Agriculture and Fisheries Departments and experts from the Société Jersiaise.

The Planning and Environment Committee will have the power to grant licences for any act which would otherwise be an offence. The Committee may charge for licences.

A licence may have conditions attached to it and it can be modified or revoked at any time.

There is also a defence for some Articles in the Law if the court can be shown that the act was the incidental result of a lawful operation and could not reasonably have been avoided. For example, someone cutting a hedge who destroys a rare plant they do not know is there will not be guilty of an offence.

Explanatory Note

The purpose of this Act is to appoint 12th June 2000 as the day for the commencement of the Conservation of Wildlife (Jersey) Law 2000 which was adopted by the States on 20th July 1999 (P.87 of 1999).

Conservation of Wildlife (Jersey) Law 2000

CONSERVATION OF WILDLIFE (JERSEY) LAW 2000
(APPOINTED DAY) ACT 2000

(Promulgated on the day of 2000)

STATES OF JERSEY

The day of 2000

THE STATES, in pursuance of Article 26(2) of the Conservation of Wildlife (Jersey) Law 2000,^[1] have made the following Act -

1. The Conservation of Wildlife (Jersey) Law 2000 shall come into force on the twelfth day of June 2000.
2. This Act may be cited as the Conservation of Wildlife (Jersey) Law 2000 (Appointed Day) Act 2000.

^[1] Recueil des Lois, Volume 2000, page 57.