



Jersey

ENDANGERED SPECIES (CITES) (JERSEY) LAW 2012

Official Consolidated Version

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ENDANGERED SPECIES (CITES) (JERSEY) LAW 2012

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ENDANGERED SPECIES (CITES) (JERSEY) LAW 2012

A **LAW** to regulate the trade in certain animal and plant species that are or may be in danger of extinction, and to ensure the implementation of CITES, and for connected purposes.

Commencement [[see endnotes](#)]

PART 1

INTRODUCTORY PROVISIONS

1 Interpretation

- (1) In this Law, unless the context otherwise requires –
- “Appendix 1” means Appendix I to CITES;
 - “Appendix 2” means Appendix II to CITES;
 - “Appendix 3” means Appendix III to CITES;
 - “Appendix 1 specimen” means a specimen of a species listed in Appendix 1;
 - “Appendix 2 specimen” means a specimen of a species listed in Appendix 2;
 - “Appendix 3 specimen” means a specimen of a species listed in Appendix 3;
 - “artificially propagated” has the meaning in Article 2;
 - “bred in captivity” has the meaning in Article 2;
 - “CITES” means the Convention on International Trade in Endangered Species of Wild Fauna and Flora signed at Washington, D.C. on 3 March 1973, as amended from time to time;
 - “commercial purposes” means purposes that are for obtaining economic benefit, including profit (whether in cash or in kind) and directed toward resale, exchange, the provision of a service or other form of economic use or benefit and purposes which are partly commercial and non-commercial shall be deemed to be commercial;
 - “export” means the act of taking a specimen out of Jersey, but does not include transit or transshipment or re-export;
 - “import”, in relation to a specimen, means the act of bringing a specimen into Jersey, including introduction from the sea, but does not include transit or transshipment;

“introduction from the sea” means the transport into Jersey of any specimen that was captured in, and transported into Jersey directly from, a marine environment (including the air-space above the sea, the sea-bed and the subsoil beneath the sea) that is not within the jurisdiction of any country or territory, including Jersey;

“Management Authority” means the Minister or the person or body designated under Article 6 to be the Management Authority;

“mark”, in relation to a specimen, means any indelible imprint, lead seal or other suitable means of identifying a specimen and includes any of the following –

- (a) a mark or label on a container in which a plant is kept or in which it is growing or in which an animal is kept;
- (b) a label or tag on a plant;
- (c) a device in an animal that may be scanned electronically;
- (d) a band on any part of an animal; and
- (e) a tag or ring placed on any part of an animal (whether by piercing or otherwise),

and expressions in this Law referring to a person marking a specimen shall be construed accordingly;

“Minister” means the Minister for the Environment;

“officer” has the meaning in Article 11;

“Order” means an Order made under this Law;

“population”, in relation to a species or sub-species, means a biologically or geographically distinct total number of individuals of that species or sub-species;

“pre-Convention”, in relation to a specimen, means a specimen that was taken from the wild, bred in captivity, or artificially propagated, before the species of which the specimen is a member was specified in an Appendix to CITES;

“prescribe” means prescribe by Order;

“recognized management authority” means a person or body who has been designated by a country or territory, other than Jersey, to be a management authority for the country or territory for the purposes of CITES;

“re-export” means the export from Jersey of any specimen that was imported;

“registered scientific institution” and “registered scientist” means a person or body with a scientific registration certificate granted under Article 19 or any person or body who is registered by a recognized management authority for the purposes of Article VII(6) of CITES;

“rescue centre” means the place nominated under Article 7(1)(b);

“sale” includes hire, barter and exchange and offer for sale (including advertising or causing to be advertised for sale and an invitation to treat);

“Scientific Authority” means a person or body who is designated to be a Scientific Authority in an Order made under Article 9;

“Secretariat” means the Secretariat established by CITES;

“species” means a species, sub-species or a geographically separate population of a species or sub-species;

“specimen” means –

- (a) any animal or plant, whether alive or dead of a species listed in Appendix 1, 2 or 3;

- (b) in the case of an animal –
 - (i) of a species listed in Appendix 1 or 2, any readily recognizable part or derivative thereof, and
 - (ii) of a species listed in Appendix 3, any readily recognizable part or derivative thereof specified in that Appendix in relation to that species; and
- (c) in the case of a plant –
 - (i) of a species listed in Appendix 1, any readily recognizable part or derivative thereof, and
 - (ii) of a species listed in Appendix 2 or 3, any readily recognizable part or derivative specified in that Appendix in relation to that species;

“this Law” includes any Regulations or Orders made under this Law;

“trade” means to export, re-export, import or introduce from the sea whether or not for commercial purposes;

“transshipment” has the meaning in Article 3;

“transit” has the meaning in Article 3;

“travelling exhibition” includes a travelling zoo, circus, menagerie, or plant exhibition, that is used to display any of the specimens listed in Appendix 1, 2 or 3.¹

- (2) Except where the context otherwise requires, a reference in this Law to a certificate, permit, licence or other document granted by the Management Authority under this Law or by a recognized management authority for the purposes of CITES is a reference to a document that is valid and in force for the time being.
- (3) Words and expressions used in this Law that are defined in CITES and not defined in this Law shall be construed in accordance with CITES.
- (4) The States may make Regulations amending paragraph (1) and Articles 2 and 3.
- (5) ²
- (6) ³

2 Definitions of “artificially propagated” and “bred in captivity”

- (1) In this Law, a plant shall only be taken to have been artificially propagated if –
 - (a) the plant has been grown by a person from seeds, cuttings, callus tissues, spores, or other propagules, under controlled conditions; or
 - (b) where the plant is a grafted plant, both the root stock and the graft have been grown in accordance with sub-paragraph (a).
- (2) In this Law, an animal shall only be taken to have been bred in captivity if the animal (including eggs) was born, or otherwise produced, in a controlled environment, of parents that mated or otherwise transmitted their gametes in a controlled environment.
- (3) In this Article –
 - (a) “controlled conditions” means a non-natural environment –
 - (i) that is intensively manipulated by human intervention for the purpose of producing selected species or hybrids of plants, and

- (ii) which has general characteristics that may include (but are not limited to including) tillage, fertilization, weed control, irrigation or nursery operations such as potting, bedding or protection from weather;
- (b) “controlled environment” means an environment –
 - (i) that is manipulated by human intervention for the purpose of producing animals of a particular species,
 - (ii) that has boundaries designed to prevent animals, eggs or gametes of the species from entering or leaving the environment, and
 - (iii) which has general characteristics that may include, but are not limited to including, artificial housing, waste removal, health care, protection from predators and artificially supplied food.

3 Definitions of “transit” and “transshipment”

In this Law, a specimen is in transit or being transshipped if –

- (a) it is being transported between 2 countries or territories other than Jersey;
- (b) it is being transported to a named consignee;
- (c) any interruption of the specimen’s movement between those countries or territories arises only from the arrangements necessitated by transfer or transshipment;
- (d) any transit is in accordance with the laws of Jersey in relation to customs and excise; and
- (e) while the specimen is on land, or is in a port, in Jersey it is within an area designated or approved under Article 12 of the [Customs and Excise \(Jersey\) Law 1999](#).

4 Certain Appendix 1 specimens deemed to be Appendix 2 specimens

An Appendix 1 specimen that is artificially propagated for commercial purposes or bred in captivity for commercial purposes shall be deemed to be an Appendix 2 specimen for the purpose of this Law.

5 Application of Law

- (1) This Law extends to the territorial sea adjacent to Jersey.
- (2) This Law shall apply in relation to trade in a specimen whether or not the country or territory from which the specimen originated and to which the specimen is to be traded are each a Party to CITES.

PART 2

ADMINISTRATION

Management Authority

6 Management Authority

- (1) Except as otherwise provided by this Article, the Minister for the Environment shall be the Management Authority.⁴
- (2) The Minister may, by Order, designate a body or person to exercise the function of the Management Authority.
- (3) The Minister shall not designate a body or person under paragraph (2) unless the Minister is satisfied that the body or person –
 - (a) has the appropriate governance, skills and resources to exercise the functions of the Management Authority; and
 - (b) is not prevented by its constitution (in whatever form that takes) or under any enactment (whether of Jersey or a country or territory outside Jersey) from exercising that function.
- (4) The Minister, or, if a body or person is designated under paragraph (2), that body or person, shall be the management authority in relation to Jersey for the purposes of CITES.

7 Powers and functions of the Management Authority

- (1) The Management Authority shall have the following powers and functions in addition to those provided for elsewhere in this Law –
 - (a) to co-operate with recognized management authorities in the implementation and enforcement of legislation, in Jersey and in other countries or territories, relating to species conservation;
 - (b) to nominate a place for looking after specimens that are being held under Article 43(6) or 48(2)(b); and
 - (c) to mark, or require a person to permanently mark, a specimen in such manner as the Management Authority may determine.
- (2) In addition to any other powers specified by or under this or any other enactment, a Management Authority shall have the powers necessary to perform its functions.

8 Record keeping and reporting requirements

- (1) The Management Authority shall keep in such form (including an electronic form) that it thinks fit a register of –
 - (a) specimens registered for the purposes of Article 15(1)(b)(B);
 - (b) permits and certificates granted under Article 19; and
 - (c) persons registered under Article 19.
- (2) A person may, on request to the Management Authority, view the register during normal business hours.

*Scientific Authorities***9 Scientific Authorities**

- (1) The Minister may by Order designate one or more persons or bodies to be a Scientific Authority.
- (2) A person or body may be designated to be a Scientific Authority whether or not the person or body is situated in Jersey.
- (3) Any person or body designated under paragraph (1) shall be a Scientific Authority in relation to Jersey for the purposes of CITES.

10 Powers and functions of Scientific Authorities

- (1) A Scientific Authority shall have the following powers and functions in addition to those provided for elsewhere in this Law –
 - (a) to advise the Management Authority on the effects of international trade on the survival of a species;
 - (b) to advise the Management Authority on whether the Scientific Authority is satisfied that the proposed recipient of a specimen is suitably equipped to house and care for the specimen;
 - (c) to monitor export permits granted in respect of particular specimens and the export of such specimens;
 - (d) to advise the Management Authority not to grant import permits, export permits, or re-export certificates, when the population status of a species so requires;
 - (e) to advise the Management Authority on how specimens seized or forfeited under this Law, or that otherwise come into the possession of the Management Authority, should be dealt with, including by destruction or other method of disposal;
 - (f) to advise the Management Authority on suitable standards for granting a scientific registration certificate under Article 19; and
 - (g) to advise the Management Authority on any matter the Scientific Authority considers relevant to species protection.
- (2) In addition to any other powers specified by or under this or any other Law, a Scientific Authority shall have the powers necessary to perform its functions.

*Officers***11 Officers**

- (1) The Minister may by Order appoint a person, or a member of a class of persons, to be an officer for the purposes of this Law.
- (2) A police officer shall be an officer for the purposes of this Law.
- (3) A person who is –
 - (a) an officer of the Impôts within the meaning of the [Customs and Excise \(Jersey\) Law 1999](#); or

- (b) an immigration officer for the purposes of the Immigration Act 1971 (c.77) of the United Kingdom by virtue of being appointed to be such an officer in accordance with the Immigration (Jersey) Order 1993, or an Order in Council in substitution for the Order,
- shall be an officer for the purposes of this Law.
- (4) Nothing in this Law shall be taken to restrict an officer in the exercise of a power that he or she may have under the law of Jersey.
- (5) An officer may permanently mark, or require a person to permanently mark, a specimen in such manner as the Management Authority may determine.

PART 3

CONTROL OF MOVEMENT OF SPECIMENS

12 Import of Appendix 1 or 2 specimens

- (1) A person shall not import (other than by way of introduction from the sea) an Appendix 1 specimen except in accordance with an import permit granted under Article 19 in relation to the specimen.
- (2) A person shall not import (other than by way of introduction from the sea) an Appendix 2 specimen unless the Management Authority is satisfied that there is an export permit or re-export certificate granted by a recognized management authority authorising the export of that specimen to Jersey.
- (3) A person shall not introduce by sea an Appendix 1 or Appendix 2 specimen except in accordance with an introduction from the sea certificate granted under Article 19 in relation to the specimen.
- (4) A person who contravenes paragraph (1), (2) or (3) commits an offence and shall be liable to imprisonment for a term of 7 years and to a fine.

13 Import of Appendix 3 specimens

- (1) Subject to paragraph (2), a person shall not import an Appendix 3 specimen except in accordance with –
 - (a) a certificate of origin granted by a recognized management authority relating to that specimen; and
 - (b) if it is being imported from a country or territory which listed the species in Appendix 3, an export permit granted by a recognized management authority relating to that specimen.
- (2) The requirement in paragraph (1) does not apply if the specimen is being re-exported and there is a re-export certificate granted by the recognized management authority in the country or territory from which the specimen is being re-exported or a certificate granted by that authority to the effect that the specimen was processed in that country or territory.
- (3) A person who contravenes paragraph (1) commits an offence and shall be liable to a fine of level 3 on the standard scale.⁵

14 Export or re-export of Appendix 1, 2 or 3 specimens

- (1) A person shall not export an Appendix 1, 2 or 3 specimen, except in accordance with an export permit granted under Article 19 in relation to the specimen.
- (2) A person shall not re-export an Appendix 1, 2 or 3 specimen except in accordance with a re-export certificate granted under Article 19 in relation to the specimen.
- (3) A person who contravenes paragraph (1) or (2) in relation to an Appendix 1 or Appendix 2 specimen commits an offence and shall be liable to imprisonment for a term of 7 years and to a fine.
- (4) A person who contravenes paragraph (1) or (2) in relation to an Appendix 3 specimen commits an offence and shall be liable to a fine of level 3 on the standard scale.⁶

15 Exemptions from the application of Articles 12 to 14

- (1) Articles 12 to 14 shall not apply to the import, export or re-export –
 - (a) by a registered scientific institution or registered scientist of a specimen, such specimen being an herbarium specimen or other preserved, dried or embedded museum specimen, or live plant material provided that –
 - (i) such specimen is marked in a manner approved by the Management Authority or a recognized management authority, and
 - (ii) the import, export or re-export is a non-commercial loan, donation or exchange to a registered scientific institution or a registered scientist;
 - (b) by a travelling exhibition of a live specimen, being a specimen in respect of which there is a travelling exhibition certificate and any of the following –
 - (i) a pre-Convention certificate,
 - (ii) a certificate of captive breeding, or
 - (iii) a certificate of artificial propagation,provided that –
 - (A) the Management Authority is satisfied that the specimen will be prepared and shipped in compliance with CITES guidelines for transport and preparation for shipment of live wild animals or in compliance with standards set by the International Air Transport Association, and
 - (B) the exporter or importer has registered full details of such specimen with the Management Authority;
 - (c) by any person, other than a travelling exhibition falling within sub-paragraph (b), of a specimen in respect of which there is –
 - (i) a pre-Convention certificate,
 - (ii) a certificate of captive breeding, or
 - (iii) a certificate of artificial propagation,except where such specimen is a live animal bred in captivity for commercial purposes and deemed to be an Appendix 2 specimen under Article 4;
 - (d) by any person of a specimen, such specimen being a personal or household effect, unless the specimen satisfies any of the conditions specified in paragraph (2).

- (2) The conditions specified for the purpose of paragraph (1)(d) are that –
- (a) the specimen is an Appendix 1 specimen and the owner, being an owner whose usual place of residence is in Jersey, acquired the specimen outside Jersey and is importing it into Jersey; or
 - (b) the specimen is an Appendix 2 specimen –
 - (i) the owner of which has his or her usual place of residence in Jersey and is importing it into Jersey,
 - (ii) that was removed from the wild in a country or territory where the owner acquired it, and
 - (iii) in respect of which there is a pre-Convention certificate or an export permit is required by the country or territory from which the specimen was removed from the wild.
- (3) In this Article –
- (a) “travelling exhibition certificate”, “pre-Convention certificate”, “certificate of captive breeding” and “certificate of artificial propagation” mean a certificate of that name granted under Article 19 or an equivalent document granted by a recognized management authority;
 - (b) “personal or household effect” means a dead specimen, or a part or derivative of a dead specimen, that belongs to an individual and that forms, or is intended to form, part of the individual’s normal goods and chattels.

16 Commercial producers and traders of specimens to be licensed

- (1) A person shall not, for commercial purposes –
- (a) breed in captivity;
 - (b) artificially propagate; or
 - (c) export, import or re-export any specimen,
- unless that person has a commercial licence under Article 19.
- (2) A person who contravenes paragraph (1) commits an offence and shall be liable to 2 years imprisonment and to a fine.

17 Pre-Convention specimens

- (1) A person shall not export a pre-Convention specimen unless there is a pre-Convention certificate in relation to that specimen.
- (2) A person who contravenes paragraph (1) commits an offence shall be liable to fine of level 3 on the standard scale.⁷
- (3) In this Article “pre-Convention certificate” has the same meaning as in Article 15(3)(a).

18 Obligation to produce documents and information to an officer or the Management Authority

- (1) A person who is required to have any permit, certificate, licence or other document under this Law, including any document required by a condition attached to such a permit, certificate or licence, shall, at the request of the Management Authority or

an officer, provide to that Management Authority or officer at such time and place specified in the request –

- (a) any such document; and
 - (b) any information required by the Management Authority or officer relating to that person's business in respect of any specimen.
- (2) A person who has custody of a specimen that is in transit or being transhipped shall, at the request of the Management Authority or an officer, provide to that Management Authority or officer, at such time and place specified in the request, any document required under the law of a country or territory outside Jersey for the purposes of CITES in relation to the export of that specimen from such country or territory.
- (3) In paragraph (2) –
- (a) “person” in paragraph (2) includes a person who has formerly had custody of such a specimen, and
 - (b) “document” includes a copy.
- (4) A person who contravenes paragraph (1) or (2) shall be liable to 12 months imprisonment and to a fine of level 3 on the standard scale.⁸

PART 4

PERMITS, CERTIFICATES AND LICENCES

19 Applications for, and grants of, any permit, certificate or licence

- (1) A person may apply to the Management Authority for the grant of any of the following –
- (a) an export permit;
 - (b) an import permit;
 - (c) a re-export certificate;
 - (d) an introduction from the sea certificate;
 - (e) a certificate of origin;
 - (f) a certificate of captive breeding;
 - (g) a certificate of artificial propagation;
 - (h) a pre-Convention certificate;
 - (i) a travelling exhibition certificate,
- in relation to a specimen specified in the application.
- (2) A person may apply to the Management Authority for the grant of a commercial licence or a scientific registration certificate.
- (3) An application under paragraph (1) or (2) shall be in the form determined by the Management Authority and shall be accompanied by any prescribed fee.
- (4) The Management Authority may request a person who has made an application under paragraph (1) or (2) to provide to the Management Authority any document or further information in relation to the application, including, where appropriate, any sample from a specimen referred to in the application, and may refuse to grant the

- permit or certificate to which the application relates unless and until the document, information or sample is provided.
- (5) The Management Authority may, after receiving an application under paragraph (1) from a person –
- (a) grant to the person a permit or certificate in relation to a particular specimen, or, except in the case of a travelling exhibition certificate, a consignment of specimens, identified in the permit or certificate; or
 - (b) by notice in writing to the person, refuse to grant a permit or certificate to the person giving reasons for doing so and informing that person of that person's right of appeal under Article 31.
- (6) The Management Authority may, after receiving an application under paragraph (2) from a person or body, as the case requires –
- (a) grant to that person or body a commercial licence or scientific registration certificate in relation to a particular specimen or class or description of specimens identified in the licence or certificate; or
 - (b) by notice in writing to the person or body, refuse to grant the licence or certificate giving reasons for doing so and informing that person of that person's right of appeal under Article 31.
- (7) The Management Authority shall specify such conditions as it thinks fit on a commercial licence or scientific registration certificate requiring the holder of the licence to keep such records relating to the holder's business as the Management Authority may specify and for such length of time as it may specify and to make such records or returns relating to such records available to the Management Authority at the Management Authority's request.
- (8) The Management Authority may specify such other conditions on a permit, certificate or licence as it thinks fit.
- (9) A permit, certificate or licence shall be in such form as the Minister may determine.
- (10) A permit or certificate, other than a travelling exhibition certificate in respect of live animals, may only be granted under paragraph (1) in relation to a single consignment of specimens if all the specimens are members of the same family (that is, a member of the taxonomic group above a genus and below an order).
- (11) A permit, certificate or licence granted under this Article to a person is not transferable to another person.

20 General conditions for the grant of import permits, export permits and introduction from the sea certificates

- (1) The Management Authority shall not grant an export permit or introduction from the sea certificate to a person in relation to an Appendix 1 or Appendix 2 specimen unless –
- (a) a Scientific Authority is satisfied that the grant of such a permit or certificate would not be detrimental to the survival of the species to which the specimen belongs;
 - (b) in the case of the proposed export of an Appendix 2 specimen in relation to which a Scientific Authority has determined that export of specimens of that species should be limited to maintain that species above the level at which that species might become eligible for inclusion in Appendix 1, the Management Authority has had regard to advice from that Scientific Authority; and

- (c) the additional conditions set out in Article 21 or 22 that are applicable to the application for such a permit or certificate are met.
- (2) The Management Authority shall not grant an import permit in relation to an Appendix 1 specimen unless –
 - (a) a Scientific Authority is satisfied that the grant of such a permit will be for purposes that are not detrimental to the survival of the species to which the specimen belongs;
 - (b) the Management Authority is satisfied that there is an export permit or re-export certificate granted by a recognized management authority authorising the export of that specimen to Jersey; and
 - (c) the additional conditions in Article 21 are met.
- (3) The Management Authority shall not grant a re-export certificate in relation to an Appendix 1 or Appendix 2 specimen unless the conditions set out in Article 21 or 22 that are applicable to the application for such a certificate are met.
- (4) The Management Authority shall not grant an export permit following an application in relation to an Appendix 3 specimen unless the conditions applicable to that application that are set out in Article 23 are met.

21 Conditions relating to an Appendix 1 specimen

- (1) The additional conditions for an import permit or introduction from the sea certificate relating to an Appendix 1 specimen are that –
 - (a) in the case of an import permit, a Scientific Authority, or, in the case of an introduction from the sea certificate, the Management Authority, is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
 - (b) the Management Authority is satisfied that the specimen is not to be used primarily for commercial purposes.
- (2) The additional conditions for the export of an Appendix 1 specimen are that the Management Authority is satisfied that –
 - (a) the specimen was obtained in accordance with the [Wildlife \(Jersey\) Law 2021](#);
 - (b) any living specimen will be prepared and shipped in compliance with CITES guidelines for transport and preparation for shipment of live wild animals or in compliance with standards set by the International Air Transport Association; and
 - (c) an import permit has been granted by a recognized management authority for the specimen by the importing country or territory.⁹
- (3) The conditions for the re-export of an Appendix 1 specimen are that the Management Authority is satisfied that –
 - (a) the specimen was imported into Jersey in accordance with this Law if the date of import was after the date that this Law comes into force;
 - (b) any living specimen will be prepared and shipped in compliance with CITES guidelines for transport and preparation for shipment of live wild animals and plants or in compliance with standards set by the International Air Transport Association; and

- (c) in the case of a living specimen, an import permit has been granted by a recognized management authority for that specimen by the importing country or territory.

22 Conditions relating to an Appendix 2 specimen

- (1) The additional conditions for the grant of an export permit relating to an Appendix 2 specimen are that the Management Authority is satisfied that –
 - (a) the specimen was obtained in accordance with the [Wildlife \(Jersey\) Law 2021](#); and
 - (b) any living specimen will be prepared and shipped in compliance with CITES guidelines for transport and preparation for shipment of live wild animals or in compliance with standards set by the International Air Transport Association.¹⁰
- (2) The conditions for the grant of a re-export certificate relating to an Appendix 2 specimen are that the Management Authority is satisfied that –
 - (a) the specimen was imported into Jersey in accordance with this Law if the date of import was after the date that this Law comes into force; and
 - (b) any living specimen will be prepared and shipped in compliance with CITES guidelines for transport and preparation for shipment of live wild animals or in compliance with standards set by the International Air Transport Association.
- (3) The additional condition for the grant of an introduction from the sea certificate relating to an Appendix 2 specimen is that the Management Authority is satisfied that any living specimen will be handled in compliance with CITES guidelines for transport and preparation for shipment of live wild animals and plants or in compliance with standards set by the International Air Transport Association.

23 Conditions relating to an Appendix 3 specimen¹¹

The conditions for the grant of an export permit relating to an Appendix 3 specimen from a country or territory listed in Appendix 3 immediately after the species to which that specimen belongs are that the Management Authority is satisfied that –

- (a) the specimen was obtained in accordance with the [Wildlife \(Jersey\) Law 2021](#); and
- (b) any living specimen will be prepared and shipped in compliance with CITES guidelines for transport and preparation for shipment of live wild animals or in compliance with standards set by the International Air Transport Association.

24 Management Authority may refuse or cancel invalid permits and certificates

- (1) The Management Authority may refuse to accept, or cancel and retain, any invalid permit or certificate or other document that –
 - (a) is granted by a recognized management authority;
 - (b) relates to a specimen that has been, or is intended to be, imported into Jersey; and
 - (c) was provided to the Management Authority because it was required under this Law to accompany the import of the specimen.
- (2) For the purposes of this Law, a permit, certificate or other document is invalid if –

- (a) it was granted in contravention of the law of the country or territory in which it was granted;
- (b) a condition to which its grant was subject has not been complied with; or
- (c) it contains a material error.

25 Duration of permits, certificates and licences

- (1) A permit, certificate or licence granted under this Law comes into force on the day on which it is granted.
- (2) An export permit or re-export certificate granted under Article 19 remains in force, unless it is earlier revoked or surrendered, for 6 months from the date on which it is granted.
- (3) An import permit, introduction from the sea certificate or certificate of origin granted under Article 19 remains in force, unless it is earlier revoked under Article 28 or surrendered, for 12 months from the date on which it is granted.
- (4) A certificate of captive breeding, certificate of artificial propagation, pre-Convention certificate or travelling exhibition certificate remains in force, unless it is earlier revoked under Article 28 or surrendered, for 3 years.
- (5) A commercial licence remains in force, unless it is earlier revoked or surrendered, until the date specified in the licence.

26 Alteration etc. of permits, certificates or licences

- (1) A person may apply to the Management Authority for the alteration of a permit, certificate or licence granted to the person, including the alteration or revocation of a condition specified on the permit, certificate or licence.
- (2) An application under paragraph (1) shall be in the form determined by the Management Authority and shall be accompanied by any prescribed fee.
- (3) The Management Authority may, after receiving an application under paragraph (1) –
 - (a) alter the permit, certificate or licence, including altering or revoking any condition; or
 - (b) by notice in writing to the person, refuse to alter the permit, certificate or licence giving reasons for doing so and informing that person of that person's right of appeal under Article 31.
- (4) The Management Authority may, of its own motion –
 - (a) alter a permit, certificate or licence, including a condition specified on a permit or certificate;
 - (b) specify a condition on a permit, certificate or licence; or
 - (c) suspend a permit, certificate or licence for such period as it may determine.
- (5) The Management Authority shall notify in writing the holder of a permit, certificate or licence of its decision under paragraph (4), giving reasons for its decision and informing that person of that person's right of appeal under Article 31.
- (6) The Management Authority shall not alter or revoke a condition specified on a permit, certificate or licence if a Scientific Authority is of the opinion that the alteration or revocation will adversely affect the survival or welfare of the species,

or the living specimen of the species, to which the permit, certificate or licence relates or will relate.

- (7) If the Management Authority alters a permit, certificate or licence granted to a person the Authority shall grant a new permit, certificate or licence to the person and such permit, certificate or licence shall be deemed in this Law to have been granted under Article 19.

27 Breach of conditions

- (1) A person shall not breach a condition specified on a permit, certificate or licence.
- (2) A person who contravenes paragraph (1) commits an offence and shall be liable to 2 years imprisonment and to a fine.

28 Revocation of any permit, certificate or licence

The Management Authority may revoke a permit, certificate or licence granted to a person if –

- (a) it is satisfied that a person provided false or misleading information in, or in relation to, the application for the permit, certificate or licence;
- (b) it is satisfied that the permit, certificate or licence was granted in error or contains a material error;
- (c) it is satisfied that a condition of the permit, certificate or licence has been breached;
- (d) it is satisfied that the person, an employee of the person, or a person acting on behalf of, or under the general supervision of the person, has committed an offence under this Law or under the law of Jersey, or of another country or territory, relating to the conservation or welfare of animals or plants;
- (e) it is satisfied that the person has not provided satisfactorily for the health and well-being of living specimens to which the permit, certificate or licence relates of which the person has had possession, or is not, or will not be, able to provide satisfactorily for the health and well-being of living specimens to which the permit, certificate or licence relates of which the person has or will have possession; or
- (f) it has received advice from a Scientific Authority that it is advisable to do so to assist in the survival or welfare of the species to which the permit, certificate or licence relates or of a living specimen to which the permit, certificate or licence relates and of which the person has or will have possession.

29 Replacement certificates, permits and licences

- (1) A person may apply to the Management Authority for the grant of a permit, certificate or licence in replacement of a permit, certificate or licence granted under Article 19 that has been lost, defaced or damaged.
- (2) An application under paragraph (1) shall be in the form determined by the Management Authority and shall be accompanied by any prescribed fee.
- (3) The Management Authority may grant a permit, certificate or licence in replacement of one that has been lost, defaced or damaged and such permit, certificate or licence shall be deemed to have been granted under Article 19 for the purpose of this Law.

- (4) If the Management Authority refuses to grant a permit, certificate or licence under this Article, the Authority shall notify the person who made the application under paragraph (1) and give reasons for its decision.

30 Fees

The Minister may prescribe a fee for any application under Article 19, 26 or 29.

PART 5

APPEALS AGAINST DECISIONS

31 Right of appeal to Royal Court

- (1) A person who has made an application under Article 19, 26 or 29 may appeal to the Royal Court against any decision by the Management Authority that was the subject of that application.
- (2) A person who is the holder of a permit, certificate or licence granted under this Law may appeal to the Royal Court against any decision by the Management Authority to –
- (a) alter that permit, certificate or licence of its own motion under Article 26; or
 - (b) to revoke that permit, certificate or licence under Article 28.

32 Appeals

- (1) An appeal under Article 31 shall be brought within 21 days after the appellant receives notice in writing of the decision appealed against or within such further time as the Royal Court may allow.
- (2) Unless the Royal Court so orders, the lodging of an appeal shall not operate to stay the effect of a decision pending the determination of the appeal.
- (3) On hearing the appeal, the Royal Court –
- (a) may confirm, reverse or vary the decision against which the appeal is brought; and
 - (b) may make such an order as to the costs of the appeal that it thinks fit.

PART 6

OTHER OFFENCES

33 Specimens only to enter or exit from approved places

- (1) A person shall not cause a specimen to enter or leave Jersey, whether by way of import, export, re-export, transit or transshipment, except at Jersey Airport, any harbour at St. Helier or at Gorey or at any other place that the Minister may prescribe.
- (2) A person who contravenes paragraph (1) commits an offence and shall be liable to 2 years imprisonment and to a fine.

34 Possession, sale, purchase and transport of specimens

- (1) A person shall not, without reasonable excuse –
 - (a) have in his or her possession, or under his or her control;
 - (b) sell or offer for sale;
 - (c) purchase;
 - (d) export or re-export; or
 - (e) transport within Jersey,any specimen that he or she knows, or ought reasonably be expected to know, has been imported by a person in contravention of Part 3 or unlawfully taken from the wild or exported from a country or territory in contravention of the law of that country or territory.
- (2) A person who contravenes paragraph (1) commits an offence and shall be liable to imprisonment for 2 years and to a fine.

35 Offences in relation to documents and information

- (1) A person shall not make a statement that is false or misleading in any material particular in any application or in other information given to the Management Authority or an officer under this Law.
- (2) A person shall not falsify or alter any document that is granted by the Management Authority or provide to the Management Authority or an officer a document that has been falsified or altered by the person or that the person knows to have been falsified or altered.
- (3) A person shall not produce to the Management Authority or an officer an invalid document that purports to be a valid document, if he or she knows, or ought reasonably be expected to know, that the document is invalid.
- (4) For the purposes of paragraph (3), “invalid document” has the meaning in Article 24(2).
- (5) A person who contravenes paragraph (1), (2) or (3) commits an offence and shall be liable to imprisonment for 2 years and to a fine.

36 Person shall not hinder etc. officer

- (1) A person shall not wilfully delay, wilfully hinder or wilfully obstruct an officer in the exercise of the officer’s powers under this Law.
- (2) A person who contravenes paragraph (1) commits an offence and shall be liable to imprisonment for 2 years and to a fine.

37 Offence to tamper etc. with marking

- (1) A person other than an officer shall not alter, obscure, add to, or remove, a marking in relation to an animal or plant that has been made for the purposes of this Law or CITES.
- (2) A person who, without reasonable excuse, contravenes paragraph (1) commits an offence and shall be liable to imprisonment for 2 years and to a fine.

38 Attempts to commit offences

Any person who attempts to commit an offence under this Law shall be guilty of the offence and liable in the same manner as a principal offender to the penalty provided for that offence.

39 Offences by bodies corporate etc

- (1) If an offence under this Law committed by a limited liability partnership, a separate limited partnership or a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –
 - (a) a person who is partner of the partnership, or a director, manager, secretary or other similar officer of the body corporate; or
 - (b) any person purporting to act in any such capacity,the person shall also be guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (2) If the affairs of a body corporate are managed by its members, paragraph (1) shall apply in relation to acts and defaults of a member in connection with his or her functions of management as if the member were a director of the body corporate.

PART 7**POWERS OF COURT****40 Court may order payment of expenses relating to seizure of specimens**

- (1) If a court finds a person guilty of an offence under this Law in relation to a specimen that has subsequently been seized by, or surrendered to, an officer, the court may, on the application of the Management Authority, order the person to pay to the Management Authority the costs of the Management Authority in transporting, disposing of or maintaining the specimen after its seizure or surrender and before the person was found guilty of the offence.
- (2) If a court finds a person guilty of an offence under this Law in relation to a specimen that has been seized by, or surrendered to, an officer, the court may, on the application of the Management Authority, order the person to pay to the Management Authority the anticipated reasonable costs of the Management Authority in transporting, disposing of or maintaining the specimen, including transporting the specimen back to a country or territory –
 - (a) from which it was taken from the wild or exported in contravention of the law of the country or territory; or
 - (b) from which it was imported into Jersey in contravention of this Law.

41 Disqualification of person from making applications under this Law

If a court finds a person guilty of an offence under this Law, the court may order –

- (a) that the person shall not be eligible, for a temporary period, or permanently, as specified in the order, to apply for a permit, certificate or licence of a type specified in the order; and

- (b) the cancellation of such permit, certificate or licence specified in the order.

PART 8

SEARCH, SEIZURE AND FORFEITURE BY OFFICERS

42 Powers to search, inspect and seize objects

- (1) An officer may examine and search any object that he or she suspects on reasonable grounds may provide evidence that an offence under this Law has been, is being, or is about to be committed.
- (2) For the purposes of examining and searching any object under paragraph (1) an officer may, if the object is a container or receptacle (including luggage) open, or break open, the container or receptacle.
- (3) An officer may search for and record fingerprints found on any object to which paragraph (1) relates and take a sample from an object.
- (4) An officer shall exercise due care to ensure that there is as little damage as possible to an object from which he or she takes a sample.
- (5) An officer may seize and detain any object that he or she suspects on reasonable grounds may provide evidence that an offence under this Law has been, is being, or is about to be committed.
- (6) An object may only be seized under paragraph (5) by an officer if the officer gives to the person, if any, who appears to him or her to be the owner of, or to be entitled to possession of, the object, a receipt identifying the object and indicating the date on which, and the place at which, it was seized.
- (7) In this Article, “object” does not include an animal or plant.

43 Powers to inspect and seize specimens

- (1) An officer who suspects on reasonable grounds that an offence is being, or is about to be committed under this Law in relation to any specimen, may inspect, seize and detain the specimen.
- (2) An officer may take a sample from, or require a person to take a sample from, a specimen.
- (3) An officer shall –
 - (a) only take a sample from an animal in accordance with the advice of a veterinary surgeon; and
 - (b) exercise due care to ensure that as little pain or injury as possible is caused to an animal, and as little damage as possible is caused to a plant, from which he or she takes a sample.
- (4) An officer may search for, and record, fingerprints found on any specimen.
- (5) If a specimen is seized under this Article by an officer, he or she shall give to the person, if any, who appears to be the owner of, or to be entitled to possession of, the specimen a receipt identifying the specimen and indicating the date on which, and the place at which, it was seized.
- (6) A specimen that is seized under this Article may be held at a rescue centre until –

- (a) a prosecution for an offence under this Law in relation to the specimen is abandoned or the defendant is acquitted of such an offence;
 - (b) the Management Authority gives permission to the person whom it believes to be entitled to the possession of it to take the specimen from that place; or
 - (c) a court determines that a person other than the Management Authority should have possession of the animal or plant,
- whichever occurs first.

44 Power to stop and search persons

- (1) An officer may stop and search a person if the officer suspects on reasonable grounds that the person may have on his or her person or in his or her possession evidence that an offence under this Law has been, is being, or is about to be, committed.
- (2) An officer searching a person under this Article shall not be entitled to require a person to remove any of his or her clothing other than an outer coat, jacket, headgear, gloves and footwear.
- (3) A search of a person under this Article must be carried out by someone of the same sex.
- (4) An officer may seize and retain anything which he or she discovers in the course of a search under this Article if he or she suspects on reasonable grounds that the thing may constitute evidence that an offence under this Law has been, is being, or is about to be committed.

45 Search of premises

- (1) An officer may apply to the Bailiff for the grant of a search warrant in respect of premises.
- (2) If the Bailiff is satisfied by evidence on oath supplied by an officer that –
 - (a) an offence under this Law has been, is being, or is about to be, committed; and
 - (b) evidence relating to the commission of the offence may be found on any premises specified in the application,the Bailiff may grant a search warrant in relation to the premises.
- (3) A search warrant under this Article authorizes any officer –
 - (a) to enter, with force if necessary, the premises specified in the warrant;
 - (b) to search the premises;
 - (c) to request a person on the premises to provide to the officer any assistance in the exercise of the power that the officer may reasonably require; and
 - (d) to exercise on the premises any of the powers of an officer under this Law.
- (4) Nothing in this Article shall be taken to prevent an officer entering premises with the permission of the occupier of the premises and exercising, with the consent of the occupier, any of the powers of an officer under this Law while on the premises.
- (5) In this Article, “premises” includes residential premises.

46 Power to stop, detain, board and search vehicles, vessels and aircraft

- (1) If an officer suspects on reasonable grounds that there may be on or in a vehicle, vessel, aircraft, or hovercraft, evidence that an offence under this Law has been, is being, or is about to be, committed, he or she may, at any reasonable time, take any or all of the following actions –
 - (a) stop and detain the vehicle, vessel, aircraft or hovercraft;
 - (b) with such assistance as he or she thinks necessary, board the vehicle, vessel, aircraft or hovercraft;
 - (c) search the vehicle, vessel, aircraft or hovercraft for evidence that an offence under this Law has been, is being, or is about to be, committed;
 - (d) request a person on the vehicle, vessel, aircraft or hovercraft to provide to the officer the assistance that the officer may reasonably require in the exercise of any of the powers of an officer under this Law;
 - (e) exercise on or in the vehicle, vessel, aircraft or hovercraft any of the powers of an officer under this Law.
- (2) If an officer believes on reasonable grounds that an object is to be taken on, or has been taken off, a vessel, aircraft or hovercraft that is intended to leave Jersey or that has entered Jersey with the object on board, the officer may –
 - (a) search the object; and
 - (b) if the object is luggage or a container, open and search the luggage or container,for evidence that an offence under this Law has been, is being or is about to be committed.
- (3) A person who fails to –
 - (a) comply with a request by an officer to stop a vehicle, vessel, aircraft or hovercraft; or
 - (b) permit an officer to board the vehicle, vessel, aircraft or hovercraft after such a request is made,commits an offence and shall be liable to imprisonment for 2 years and to a fine.

47 Forfeiture to the Management Authority

If an officer seizes an object, including a specimen, the owner of which cannot be identified, the object shall be forfeited to the Management Authority.

48 Dealing with forfeited specimens

- (1) If a specimen is forfeited to the Management Authority under this Law, the Management Authority shall ensure that a notice is published in a newspaper circulating in Jersey specifying the object seized and requesting the owner to contact, within 14 days after the publication of the notice, a person identified in the notice.
- (2) Whether or not the owner of a specimen is identified, the Management Authority may –
 - (a) sell or give the specimen to another person (including the owner);
 - (b) retain the animal or plant at a rescue centre;
 - (c) if the animal or plant is not alive, dispose of it;

- (d) if an animal, destroy the animal on the advice of a veterinary surgeon if it thinks it is necessary or desirable to do so to cease the animal's suffering or to remove the risk of the animal spreading disease;
 - (e) if a plant, destroy the plant if it thinks it is necessary or desirable to do so to remove the risk of the plant spreading disease;
 - (f) destroy the animal on the advice of a veterinary surgeon, or destroy the plant, if it thinks it necessary or desirable to do so to ensure the health of the species to which the animal or plant belongs; or
 - (g) transport, or ensure the transportation of, the animal or plant back to a country or territory from which the Management Authority believes it was taken from the wild or exported to Jersey.
- (3) Any expenses reasonably incurred by the Management Authority in exercise of its powers under this Article, including the cost of any veterinary treatment reasonably required in respect of any animal, shall be recoverable as a civil debt from the owner or person having, or appearing to have, care or custody of the specimen.

PART 9

CONCLUDING PROVISIONS

49 Orders and Regulations

- (1) The States may, by Regulations amend this Law –
 - (a) to the extent that is necessary in order for Jersey to comply with its obligations under CITES; or
 - (b) to give effect to any resolution of the Conference of the Parties.
- (2) For the purposes of paragraph (1), a resolution of the Conference of the Parties means a recommendation under Article XI(3)(e) of CITES, such recommendation being in the form of a resolution.
- (3) Regulations under this Law may refer to an instrument of a legislative or administrative character, as in force for the time being or as in force from time to time, that is made by another country or territory or by a person or body that is incorporated or established in another country or territory.
- (4) An Order or Regulations under this Law may contain such transitional, consequential, incidental or supplementary provisions as appear to the Minister or the States, as the case may be, to be necessary or expedient for the purposes of the Order or Regulations.

50 Citation

This Law may be cited as the Endangered Species (CITES) (Jersey) Law 2012.

SCHEDULE¹²

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Endangered Species (CITES) (Jersey) Law 2012	L.20/2012	3 August 2012
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	R&O.158/2015	1 January 2016
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	L.1/2016	20 September 2016 (R&O.98/2016)
Wildlife (Jersey) Law 2021	L.4/2021	4 June 2021
Endangered Species (CITES) (Amendment) (Jersey) Law 2023	L.9/2023	18 August 2023

Table of Renumbered Provisions

Original	Current
50(1)	50
50(2)	Spent, omitted

Table of Endnote References

¹ Article 1(1)	<i>amended by R&O.158/2015, L.9/2023</i>
² Article 1(5)	<i>editorial change, paragraph spent, deleted</i>
³ Article 1(6)	<i>editorial change, paragraph spent, deleted</i>
⁴ Article 6(1)	<i>amended by R&O.158/2015</i>
⁵ Article 13(3)	<i>amended by L.1/2016</i>
⁶ Article 14(4)	<i>amended by L.1/2016</i>
⁷ Article 17(2)	<i>amended by L.1/2016</i>
⁸ Article 18(4)	<i>amended by L.1/2016</i>
⁹ Article 21(2)	<i>amended by L.4/2021</i>
¹⁰ Article 22(1)	<i>amended by L.4/2021</i>
¹¹ Article 23	<i>amended by L.4/2021</i>
¹² Schedule	<i>deleted by L.9/2023</i>