



# **A Guide for Section 9 Licence Applications**

**FIG Environment Department**

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## 1. Introduction

This guide is for applicants seeking a licence under Section 9 of the COWNO to conduct certain activities which contravene the Conservation of Wildlife and Nature Ordinance 1999 (COWNO) in the Falkland Islands (commonly known as a Section 9 licence). The COWNO is the Ordinance that protects wild birds, animals and plants from harm. It is our chief law for conserving and protecting the wildlife that makes the Falkland Islands special. There are sometimes legitimate reasons for activities to occur that would ordinarily be illegal to carry out and there is a process for licencing these activities. Section 9 in the COWNO deals with these licences, hence the name 'Section 9 Licence'. This guide explains what a Section 9 licence is and the purposes and activities it covers. It also outlines the process for applying for a section 9 licence.

A standard timeline for processing is not available for Section 9 Licences and the process can take anywhere between 3 to 8 months. Therefore, it is advised to contact the Environment Department as early as possible and please allow sufficient time for your application to be processed.

In this guide you will find information about the types of activities a Section 9 licence is required for, the application process, what you need to submit and how the nature of your activity will impact the licencing process.

## 2. What is a 9 Licence?

A Section 9 Licence is a permit for activities which contravene the COWNO but do not fall under scientific research or educational purposes. A Licence granted under Section 9 may be general or specific and may be subject to compliance with any specified conditions. A licence can be issued for multiple years, however if it is for killing wild birds or animals it can only be granted for a maximum of two years.

Examples of activities that would require a Section 9 licence are:

- Capturing or killing a protected wild bird or animal.
- Disturbance to a wild bird while it is building a nest or is in, on or near a nest containing eggs and young, this may be for health and safety or operation reasons.
- Collection of eggs or spawn from a protected wild animal.
- Collection, transporting or selling of protected plants for non-research purposes.
- Eradication activities using poison bait where there is a risk of primary or secondary poisoning to protected species.

*\*Note this is not an exhaustive list. please contact the FIG Environment Department if you believe your activity may require a Section 9 Licence.*

There are a lot of activities that could require a Section 9 Licence because it gives permission to do anything that would otherwise be illegal under the CWNO. Therefore Section 9 licences are managed on a case-by-case basis following the process outlined below.

### 3. Application Process

All forms and this guide can be found on the website of the FIG Environment Department:

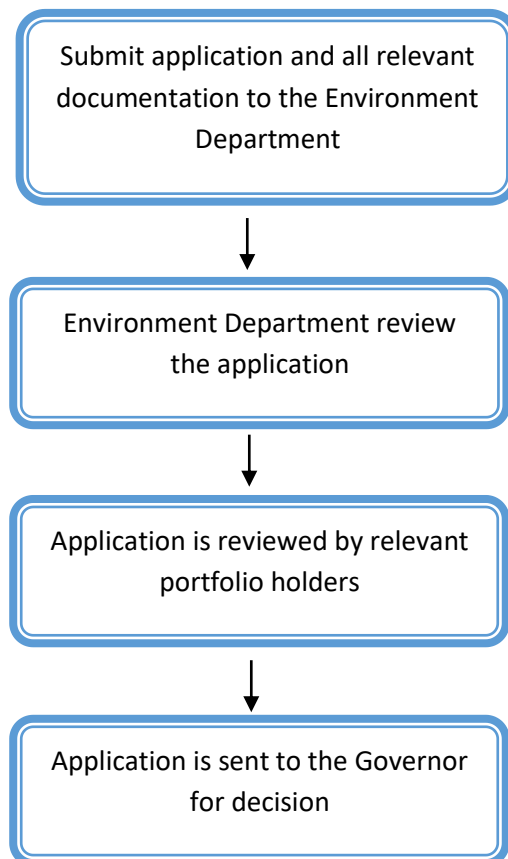
FIG: <https://fig.gov.fk/policy/environment/licenses-permits>

The Environment Department is responsible for receiving and processing your Section 9 licence application, the final decision on the granting of a licence lies with the Governor. Please submit applications and all relevant supporting documentation to [environment@sec.gov.fk](mailto:environment@sec.gov.fk)

Once the Environment Department have received your application, it will be reviewed by the department and applicants may be asked to provide additional information in support of their applications.

The application will then be passed on to the relevant MLA portfolio holders for consultation and endorsement of the application. Additional information may be requested.

The application is sent to the Governor for decision. The Governor can then make the following decisions in relation to the licence; approve the licence, refuse it or require it to go to Executive Council for decision.



**Due to the unique nature of each Section 9 licence applied for, a definitive timeline for the processing and issuing of a licence cannot be provided for applicants.**

If you do have any questions or queries during the application process please do not hesitate to contact the Environment Department, at [environment@sec.gov.fk](mailto:environment@sec.gov.fk)

For a Section 9 licence you will need to complete the Section 9 licence application form. Once this is signed and dated, please submit this along with an up-to-date CV, and any supporting documents such as previous studies or letters of support to the FIG Environment Department. Electronic submission is preferred. If you are submitting the application by post, please allow at least 4 weeks for the application to be received. You will receive a confirmation of your permit application once this has been received.

#### **4. Guidance notes for completing the form:**

##### **Section 9 Application Form:**

The Section 9 Application form must be completed, in English, by the activity lead. Please provide a title for the activity that you are planning on undertaking on the front of the form in the field requested.

##### **Section 1-2: Applicant details**

The application should be in the name of the activity lead. Affiliation, position, postal address, phone number and e-mail address are required and should be provided. Where necessary please provide your address at your institution and phone number at your institution. Assistant's details are requested in Section 2. Please provide their name/s, affiliation, role in the activity and country.

This information is required and your permit will not be processed without it.

##### **Section 3: Organisation/partner point of reference in the Falkland Islands**

Please provide the detail of the local partner(s) that are involved during the activity. Though it is not compulsory, this can be beneficial and we would always recommend that you get in touch with a local organisation.

##### **Section 4: Purpose of work proposed**

Please provide a statement of the purpose of your activity in a non-technical format. The below should be provided in this section:

what the overall aims, objectives and outcomes of the activity are,

where the activity will take place,

why this activity is valuable to the Falkland Islands and/or,

why the activity is necessary for you or your organisation to undertake.

##### **Section 5: Procedure of Work Proposed**

Please describe the methodology that will be used in non-technical terms so that they are easy to follow. Where multiple methods are used these should be outlined separately. Misleading statements about proposed methods may result in future applications being rejected. Where an existing established protocol is followed this may be referenced.

Your procedures should make reference to any mitigation measures you plan to put in place to minimise any adverse impacts of your work on the local environment.

#### **Section 6: Date of Proposed Work**

Please provide the dates of your planned activity in the Falkland Islands. Please note that a Section 9 licence can be issued for multiple years where the methodology remains in line with the original application, i.e. once licence is approved, methods cannot change across years. Where the aim and methodology of the activity change, a new Section 9 licence will be required.

#### **Section 7 & 8: Location of Proposed Work**

Applicants should provide a full list of locations where they intend to work. Access to land for the intended work should be checked with the relevant landowners prior to the application of the licence. Evidence of landowner permission should be provided with your application.

The FIG Environment Department can provide assistance in the identification of the relevant landowners.

#### **Section 9: Precautions and mitigations**

Applicants must provide evidence of any precautions and mitigations they are employing to ensure that all reasonable precautions to minimise disturbance, harm or suffering to protected species have been taken in the activity design, both at an individual and population level.

### **5. Protected Animals and Plants**

The following list is correct as of May 2024 and includes all protected plant and animal species in accordance with Falkland Islands law.

Protected Animals:

- All wild birds including seabirds and penguins.
- All marine mammals, including cetaceans and pinnipeds.
- All species of butterfly
- Trout (*Salmo trutta*)
- Falkland Islands Trout (*Aplochiton zebra*)

Protected Plants:

- Adders Tongue (*Ophioglossum crotalophoroides*)
- Dusen's Moonwort (*Botrychium dusenii*)
- Chilean Maidenhair Fern (*Adiantum chilense*)
- Feltons Flower (*Calandrinia feltonii*)
- Shrubby Seablite (*Suaeda argentinensis*)
- Falkland Rock Cress (*Phlebotobium maclovianum*)
- Fuegian Saxifrage (*Saxifraga magellanica*)
- Native Yellow Violet (*Viola maculata*)
- Yellow Lady's Slipper (*Calceolaria dichotoma*)
- Falklands False Plantain (*Nastanthus falklandicus*)

- Hairy Daisy (*Erigeron incertus*)
- Falkland Pondweed (*Potamogeton linguatus*)
- Yellow Pale Maiden (*Sisyrinchium chilense*)
- Pale Yellow Orchid (*Gavilea australis*)
- Yellow Orchid (*Gavilea littoralis*)
- Gaudichaud's Orchid (*Chlorae gaudichaudii*)
- Fir Clubmoss (*Huperzia selago*)
- Comb Fern (*Schizaea fistulosa*)
- Leathery Shield Fern (*Rumohra adiantiformis*)

## 6. Contacts

The principal point of contact over Section 9 licencing is:

FIG Environment Department

Stanley

Falkland Islands

FIQQ 1ZZ

Tel.: + 500 28449

E-mail: [environment@sec.gov.fk](mailto:environment@sec.gov.fk)