

## INVERTEBRATE LINK (JCCBI)

**Statement on the appropriate role of legislation in controlling activities likely to harm specified taxa of terrestrial and freshwater invertebrates, with particular reference to taking and killing**

### 1. Purpose and scope of this statement

This statement is intended as guidance for everyone with an interest in laws intended to protect specified taxa of terrestrial and freshwater invertebrates in the wild. It sets out basic principles and emphasises the need for legislation to be based on *reliable evidence*. Paragraphs 2 and 3 refer to the principles that should be taken into account when considering legal measures to protect particular invertebrates, whether by safeguarding their habitats or by any other means. Paragraph 4 sets out criteria for deciding whether particular invertebrate species should be scheduled for protection in relation to *taking or killing*. Additional control over these activities should be promoted through voluntary individual restraint, so as to fulfil a proper degree of personal responsibility towards invertebrates in the wild (for example, as represented by this Committee's publication "*A Code of Conduct for Collecting Insects and Other Invertebrates*"<sup>1</sup>).

### 2. Potential reasons for enacting legal controls<sup>2</sup>

Arguments for legal protection of particular invertebrate taxa in the wild could be advanced for various reasons, including:

- The occurrence of activities likely to result in extinctions of the species concerned
- The need to protect habitats and ecosystems where those species occur
- Support of conservation management objectives at particular sites
- Regulation of the use of natural resources (e.g. for commercial exploitation)
- The upholding of moral values in human utilisation of wildlife

### 3. Practical reasons for ensuring that legislation is kept within bounds defined by reliable evidence

- For the conservation of invertebrates, the *protection of habitats* is generally more important than that of specified taxa. This is even more the case than for vertebrates, whose populations generally can be harmed more by the killing or taking of individuals. Legislation needs to reflect this balance proportionately.
- Invertebrate conservation depends on *knowledge* gathered by naturalists and scientists, who may need to take specimens for identification and study. There is a need to foster a climate in which this work can be done and be taken up by new generations without needless discouragement or impediment.
- Inappropriate laws may impede not only the study of invertebrates in general but also the conduct of particular studies, which are essential for conservation (e.g. the recording of species covered by the *UK Biodiversity Action Plan*) or environmental monitoring.
- The implementation of laws is costly for government agencies, and imposes a frequently unfulfilled need to apply the law correctly and consistently. There is a cost also to voluntary organisations which are, for example, effectively required

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<sup>1</sup> Invertebrate Link (JCCBI) (2002). *A Code of Conduct for Collecting Insects and Other Invertebrates*. *British Journal of Entomology and Natural History* **15**(1), 1–6.

<sup>2</sup> In addition to the reasons listed here, there are international obligations whereby nations must provide legal protection for various listed taxa, irrespective of the national or regional conservation status of those taxa.

to ensure legal compliance by people using their facilities. Bad laws can unnecessarily *divert resources* away from worthwhile work, which could help to conserve invertebrates.

#### **4. Criteria for deciding whether any particular species should be scheduled for legal protection with respect to taking or killing in the wild**

The central criterion is as follows: that, *according to all reliable evidence, these activities would significantly increase the risk of any of the regionally, nationally or internationally important populations of the species becoming extinct.* In this context, the scale and purpose of the activity should be taken into account, so as to decide the exact nature of the legal protection (if any) that is judged to be appropriate. For example, taking large numbers of specimens for trade or killing numerous individuals as an incidental result of site development is likely to be far more harmful than the removal of small numbers of specimens for study or for the development of personal collections. Each of the following questions should be addressed, where relevant, and according to the best available information:

##### **Current status and geographic distribution of the species**

- *Is the species known to exist only in very few, small populations within the country or region concerned?*
- *Are its populations in serious decline on a regional, national or international scale?*
- *Do its populations within the country concerned represent a highly significant part of its international distribution?*

##### **Resilience/vulnerability/viability of populations**

- *What is the likely minimum size from which the population could permanently recover following a low point?*
- *How quickly might a population recover from a low point (e.g. on the basis of fecundity, generation time and survivorship)?*
- *What is the inherent ability of the species to found new colonies (re-establishment potential)?*
- *If a local population were to become extinct, what effect would this probably have on the viability of any wider metapopulation?*

##### **Ease of collection, attractiveness to collectors and side-effects of collecting**

- *Is the species easily collected?*
- *Is it likely to be collected?*
- *Is collecting pressure likely to contribute a significant risk to population viability?*
- *How vulnerable is its habitat to damage in the course of collecting?*

If the above questions cannot be answered on the basis of reliable evidence, such evidence should in principle be sought before proposing any legal protection for the species concerned. If, however, this is impracticable and if there are strong circumstantial indications that the activities under consideration are placing the species at serious risk (or would soon do so), *there may be a case for invoking the precautionary principle.*

#### **5. Consultation**

Detailed consultation with all appropriate organisations should begin at the preparatory stages of any legislation. In the UK, these include all the national organisations concerned with the study or conservation of invertebrates and the forum to which they belong, namely Invertebrate Link (JCCBI).

This statement has been endorsed by the following Invertebrate Link (JCCBI) member organisations: Amateur Entomologists' Society; Ancient Tree Forum, Bees, Wasps & Ants Recording Society; British Dragonfly Society; British Entomological & Natural History Society; British & Irish Association of Zoos & Aquariums (Terrestrial Invertebrate Working Group); British Myriapod & Isopod Group; Buglife – The Invertebrate Conservation Trust; Conchological Society of Great Britain & Ireland; Dipterists' Forum; Field Studies Council; Freshwater Biological Association; Linnean Society; National Trust; Natural History Museum; Royal Entomological Society; Royal Horticultural Society.

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