

LICENCE

To possess and transport dead specimens of animal species listed on Annex IV of the Habitats Directive for scientific or educational purposes



Issued under	The Conservation of Habitats and Species Regulations 2010
Valid for the period	1 April 2010 to 31 December 2032 (inclusive)
Valid in	England (landward of the mean low water mark)
Who may use	Full members of the Guild of Taxidermists
Registration	Yes. This licence may only be used by members of the Guild of Taxidermists who have registered with Natural England (see Condition 4)
Recording & reporting	Recording required (see Condition 7)
Reference	WML / GEN L03

Overview of licence

This licence permits, for the purposes of science or education, the possession and transport of dead specimens and/or derivatives of wild animals listed on Annex IV to the EC Habitats Directive that would otherwise be an offence under regulations 41(3)(a) or (b) of the 2010 Regulations.

This licence is only intended for use by full members of the Guild of Taxidermists

THE PURPOSE(S) FOR WHICH THIS LICENCE APPLIES

1. Subject to paragraph 2 and the licence conditions, this licence authorises activities undertaken for scientific or educational purposes

WHAT THE LICENCE PERMITS

2. Subject to the terms and conditions below, and for the purposes set out in paragraph 1 above, this licence only authorises the possession and transport of dead specimens and/or derivatives of wild animals listed on Annex IV to the EC Habitats Directive that would otherwise be an offence under regulations 41(3)(a) or (b) of the 2010 Regulations that:-
 - (i) are kept and transported for the purposes of science or education only, and
 - (ii) were taken from the wild in the European Community without breaching applicable legislation of the Member State in question (see Note e).

LICENCE CONDITIONS

3. This licence may only be relied upon by full members of the Guild of Taxidermists..
4. Subject to condition 6, any organisation or person relying on this licence by virtue of being a full member of the Guild of Taxidermists or by virtue of being an employee or subcontractor of a person or organisation that is a full member must notify the Wildlife Licensing Unit at Natural England in writing by email or post, giving their contact details, including their email address, **within one month of the date of first possession** of a dead specimen or derivative of an animal or plant.
5. Where an organisation has notified Natural England pursuant to condition 4 above, those relying on this licence by virtue of being an employee or sub-contractor of that organisation do not need to separately notify Natural England.
6. No person convicted on or after 1 January 2010 of an offence to which this paragraph applies may use this licence unless, in respect of that offence they are either (1) a rehabilitated person for the purposes of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent; or (2)

in respect of such an offence, a court has made an order discharging them absolutely. This paragraph applies to offences under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats &c.) Regulations 1994, the Conservation of Habitats and Species Regulations 2010, the Protection of Badgers Act 1992, the Deer Act 1991, the Hunting Act 2004, the Wild Mammals (Protection) Act 1996, the Animal Welfare Act 2006 and the Protection of Animals Act 1911 (all as amended) (see note k)

Recording and reporting requirements

7. Specimens and derivatives must be catalogued and a register of specimens and derivatives must be kept and updated on an annual basis in accordance with the requirements of Annex A. This information is to be made available for inspection at any reasonable time by Natural England.

WARNING

Failure to act within the purpose of this licence as set out in paragraph 1 or failure to comply with the terms and conditions may mean that the licence cannot be relied upon and an offence could therefore be committed. The maximum penalty available for an offence under the Act is, at the time of the issue of **this licence, a level 5 fine (£5000) and/or a six month custodial sentence.**



Wendy Phillips

for and on behalf of Natural England

1 April 2010

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EXPLANTORY NOTES

The law

- a. Natural England has issued this licence in exercise of the powers conferred under regulation 53 of the Conservation of Habitats and Species Regulations 2010 being satisfied that as regards the purpose set out at paragraph 1:
 - i. there is no satisfactory alternative and
 - ii. that the action authorised will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.
- b. The possession and transport of dead specimens and/or derivatives of species listed on Annex IV to the EC Habitats Directive (92/43/EEC) are prohibited by regulations 41(3)(a) or (b) of the 2010 Regulations. Visit the Office of Public Sector Information website to view the full text of this legislation (www.opsi.gov.uk/legislation/about_legislation).
- c. This prohibition extends to all species listed in Annex IV and not just those found in the UK. A full list of Annex IV species is available from the European Commission website (ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm).
- d. There are certain exceptions to the prohibitions in regulations 41(3):
 - i. where the specimen was taken from the wild outside the EC or was captive bred;
 - ii. where the specimen was taken from the wild before the 'relevant date' in the member State in question without contravention of the law of that member State. In the UK the relevant date is 10 June 1994. In other member States the relevant date is 10 June 1994 or, where the State joined the EC after that date, the date it joined the EC;
 - iii. where the specimen is of an exempted species, namely those listed in Schedule 3 to the amended Habitats Regulations and certain populations of the Wild Goat, the European Mouflon and the Houting.
- e. This licence covers possession of specimens that were taken from the wild after the 'relevant date' without contravention of any applicable law of the Member State in which it was taken. In the UK for example, this would mean without contravention of relevant wildlife legislation such as the Habitats Regulations (1994), the Conservation of Habitats and Species Regulations (2010), the Wildlife and

Countryside Act (1981), the Pests Act (1954) and the Animal Welfare Act (2006).

- f. This licence authorises acts which would otherwise be an offence under the Conservation of Habitats and Species Regulations 2010. Failure to act within the purposes of this licence as set out in paragraph 1 or failure to comply with the terms and conditions as set out in paragraphs 3 to 7 may mean that the licence cannot be relied upon and an offence committed. Furthermore, under Regulation 58 of the 2010 Regulations it is an offence to contravene or fail to comply with any condition of a licence. The maximum penalty available for an offence under the Regulations is a level 5 fine (£5000) and/or a six month custodial sentence.

The limits of this licence

- g. This licence permits action only for the purposes specified in paragraph 1.
- h. To be eligible to possess and transport dead specimens under this licence you must be a full member of the Guild of Taxidermists and you must be doing so for scientific or educational purposes only. Possession and transport for other purposes or by persons who are not full members of the Guild is not covered and requires a separate licence. Application forms are available from Natural England at the address above or online at: www.naturalengland.org.uk/conservation/wildlife-management/licensing/forms.htm
- i. Information about the Guild of Taxidermists is available c/o Glasgow Museums, Resource Centre, 200 Woodhead Road, South Nitshill, Glasgow G53 7NN; Tel 0141 267 9445/9311; Fax 0141 267 9305 or online at www.taxidermy.org.uk.
- j. This licence does not permit actions prohibited under any other legislation, nor does it confer any right of entry on to land.
- k. Any person not permitted to use this General Licence on account of a relevant conviction (see Condition 6) may still apply to Natural England for a specific licence for the purpose(s) and activities covered by this licence. Any such application will be considered on its merits.
- l. This licence may be modified or revoked at any time.
- m. The provisions of this licence only apply landward of the mean low water mark in England. The Marine Management Organisation is responsible for all licensing seaward of the mean low water mark.
- n. A licence in similar terms has been issued in Wales by the Countryside Council for Wales.

ANNEX A

Register of specimens

The register of Annex IV specimens must include the information stipulated in the table below and be presented in the format shown. A copy of the register is to be kept electronically in a format that is compatible with Microsoft EXCEL.

Scientific name	Common name	Whole specimen (Yes/No)	If No, specify the part or derivative	Number	Date came into your possession
<i>Example:</i>					
Nyctalus noctula	Noctule bat	Yes		1	01/05/2009