

LICENCE

To permit the sale of dead wild birds



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| Issued under | Wildlife and Countryside Act 1981 (as amended) ["the Act"] |
| Valid for the period | 1 April to 31 December 2010 (inclusive) |
| Valid in | England (landward of the mean low water mark) |
| Who may use | Anyone (see Condition 5) |
| Registration | Users do not need to register to use this licence |
| Recording & reporting | Yes (see Conditions 6 and 7) |
| Reference | WML / GEN L22 |

Overview of licence

This licence permits the sale of dead wild birds (and parts of dead birds). The following exclusions apply:

- The sale of species which are already permitted under the Act;
- For Schedule 3 Part III birds, this licence is only valid for part of the year.

Users must comply with licence terms and conditions.

THE PURPOSE(S) FOR WHICH THIS LICENCE APPLIES

1. Subject to paragraph 2 and the licence conditions, this licence is granted to permit the sale of any bird or derivative of any bird except those excluded in paragraph 2(iii)

WHAT THE LICENCE PERMITS

2. For the purposes set out in paragraph 1 above, and subject to the terms and conditions, below, this licence permits:

- (i) the sale (which in this licence includes hire, barter or exchange), offer or exposure for sale, possession or transport for the purpose of sale; or
- (ii) the publication or the causing to be published of any advertisement likely to be understood as conveying the buying or selling, or the intention of buying or selling;

of dead wild birds (or part of a dead wild bird) as specified in 2(iii) and 2(iv), below

- (iii) **At all times:** any wild bird **except**

a) birds listed on Part I of Schedule 2 or on Parts II or III of Schedule 3 to the Act, and

b) **Barnacle Goose** *Branta leucopsis* and **White-fronted Goose** (Greenland race) *Anser albifrons flavirostris*

- (iv) **Between 1 March and 31 August** – any bird listed on Schedule 3 Part III of the Act (listed below) (see note c)

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| Capercaillie | <i>Tetrao urogallus</i> |
| Coot | <i>Fulica atra</i> |
| Duck, Tufted | <i>Aythya fuligula</i> |
| Mallard | <i>Anas platyrhynchos</i> |
| Pintail | <i>Anas acuta</i> |
| Plover, Golden | <i>Pluvialis apricaria</i> |
| Pochard | <i>Aythya ferina</i> |

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| Shoveler | <i>Anas clypeata</i> |
| Snipe, Common | <i>Gallinago gallinago</i> |
| Teal | <i>Anas crecca</i> |
| Wigeon | <i>Anas penelope</i> |
| Woodcock | <i>Scolopax rusticola</i> |

LICENCE CONDITIONS

3. This licence does not permit the sale of birds for human consumption.
4. This licence only applies to the sale of small numbers of dead wild birds, or any part or product of such dead birds that:
 - a. were bred in captivity. A bird shall not be treated as being bred in captivity unless its parents were lawfully in captivity when the egg from which it hatched was laid. Documentary evidence of captive breeding must accompany any sale, or;
 - b. were removed from the natural state within the United Kingdom under legal provisions in force in the United Kingdom. Documentary evidence that the bird was legally removed from the natural state must accompany any sale.
 - c. are listed on Annex A of Council Regulation (EC) No. 338/97, and, where appropriate, an Article 10 certificate has first been obtained.
5. 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 f)

Recording and reporting requirements

6. Any person who sells a dead wild bird, or part or product of such a dead wild bird, under this licence (“the seller”) shall keep a record (“the record”), for a minimum of two years from such sale.
 - a. This record shall contain details of:
 - i. the person from whom the seller acquired the bird (or part or derivative);
 - ii. the person to whom the bird (or part or derivative) was sold; and
 - iii. the species, age and the cause of death (if known) of the bird.
 - b. The seller must certify the record as accurate.
 - c. The seller shall, on being given reasonable notice in writing by Natural England produce the record to a person authorised in writing by the Secretary of State and the seller shall also permit such authorised person to inspect the record.
7. The seller shall submit to Natural England (wildlife@naturalengland.org.uk), by **31 December** of each year a report giving details of any sale by him/her in that year of any dead wild bird (or part or derivative), which has not previously been sold. The report shall also:
 - a. state how the seller acquired each bird or part or product of such a bird; and
 - b. list the type and number of each species sold.

Definitions used in this licence

8. In this licence, “*Wild bird*” has the same meaning as in section 27 of the Act. At the time of issue of this licence, “*wild bird*” is defined in section 27(1) of the Act as “*any bird of a species which is ordinarily resident in or is a visitor to the European territory of any member State in a wild state but does not include poultry, or except in sections 5 and 16, any game bird*”.

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

Wildlife Licensing Unit
Natural England
Burghill Road, Westbury-on-Trym
Bristol BS10 6NJ

T 0845 601 4523 F 0845 601 3438
Email wildlife@naturalengland.org.uk

EXPLANATORY NOTES

The law

- a) Natural England has issued this licence in exercise of the powers conferred by Section 16(4)(a) and section 16(5) of the Act, being satisfied that as regards the purpose set out at paragraph 1 there is no other satisfactory solution. Visit the Office of Public Sector Information website to view the full text of this legislation (www.opsi.gov.uk/legislation/about_legislation).
- b) Section 16 of the Act provides that section 6 shall not apply to anything done under and in accordance with the terms of a licence granted by the appropriate authority, which is, in England, Natural England.
- c) This licence permits the sale of dead birds that would otherwise be an offence under Section 6(2) of the Act. The sale of dead Schedule 3 Part II birds is already permitted by the Act. The sale of dead Schedule 3 Part III birds is permitted by the Act between 1 September and 28 February, so this licence only permits their sale at other times.

The limits of this licence

- d) This licence permits action only for the purposes specified in paragraph 1.
- e) Please note that except as provided under section 16(7) of the Act, this licence does not permit actions prohibited under any other legislation.
- f) Any person not permitted to use this General Licence on account of a relevant conviction (see Condition 5) 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.
- g) A licence in similar terms has been issued by the Scottish Executive in respect of Scotland and the National Assembly for Wales in respect of Wales.
- h) 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.
- i) This licence may be modified or revoked at any time.