

Natural England General Licence Consultation,  
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**BASC response to Natural England consultation 'General licences under wildlife legislation in England'**

[www.naturalengland.org.uk/ourwork/policy/consultations/generallicence.aspx](http://www.naturalengland.org.uk/ourwork/policy/consultations/generallicence.aspx)

**Context:**

BASC was founded in 1908 as the Wildfowlers' Association of Great Britain and Ireland (WAGBI) and is the UK's largest shooting association. BASC is constituted as an Industrial and Provident Society with approximately 130,000 members. BASC is the largest representative body for sporting shooting in the UK. It aims to promote and protect sporting shooting and the well being of the countryside throughout the UK and overseas. It actively promotes good firearms licensing practice, training, education, scientific research and practical habitat conservation. BASC believes that all who shoot should conduct themselves according to the highest standards of safety, sportsmanship and courtesy, with full respect for their quarry and a practical interest in wildlife conservation.

BASC's expertise in shooting matters is widely recognised and it is routinely consulted by a variety of government departments and agencies and other statutory and non-statutory bodies.

Many bird species have long been accepted as capable of causing damage to economic and wildlife interests and thus being considered to be pests by various government bodies. This was reflected in their inclusion in Schedule 2 of the Protection of Birds Act 1954 and then in Part II, Schedule 2 of the Wildlife and Countryside Act 1981 (and the Wildlife (Northern Ireland) Order 1985). This classification allowed authorised persons to kill or take the listed species at any time of the year and by any method other than where prohibited elsewhere in the Act or Order.

Pressure from the European Union to make the UK conform to the 1979 Directive on the Conservation of Wild Birds led to the removal of these "pest" species from Part II, Schedule 2 of the Wildlife and Countryside Act 1981 and Wildlife (NI) Order 1985.

In order to allow the control of these birds by individuals at any time of the year and particularly through the summer period, from January 1993 a system of annual renewable general licences has operated. These licences are based on derogation from the 1979 Directive under Article 9. General licences to control pest birds were granted for different purposes, including the protection of crops, livestock and

foodstuffs, preservation of public health or air safety, conservation of wild birds, protection of any collection of wild birds and the prevention of the spread of disease.

General licences are issued to permit people to carry out a diverse range of activities involving species of birds, mammals and amphibians without the need to apply for a specific licence to do so. General licences are now issued separately by the relevant statutory agencies in England, Wales, Scotland and Northern Ireland and are renewed on a regular basis. BASC provides an online guide to general licences on a Pest and Predator Control webpage on its website at [www.basc.org.uk](http://www.basc.org.uk)

**BASC's response to the consultation questions are as follows:**

Question 1: Do you agree with Natural England's proposal to address this concern by drawing attention to the existing obligations on Statutory Undertakers?

Yes, but only for WML Gen-L07 and specifically for gulls and statutory undertakers. BASC recommends that if NE has concern in relation to gulls and the use of a general licence by statutory undertakers for the large scale control of gulls for reasons of public health and safety; then NE should only draw specific attention to statutory undertakers in WML Gen-L07 for the control of gull species.

Question 2: Do you agree with our proposal to use regulatory measures to facilitate the control or invasive non-native species?

Yes.

Question 3.1: Do you agree with our proposal to add Ring-necked and Monk Parakeets to the general licence issued for the purpose of conserving wild birds (s.16(1)(c) of the Wildlife and Countryside Act 1981)?

Yes.

Question 3.2: Do you agree with our proposal to add Canada Geese and Egyptian Geese to the general licence issued for the purpose of conserving wild birds (s.16(1)(c) of the Wildlife and Countryside Act 1981)?

Yes.

Question 4.1: Do you agree with our proposal to permit the killing/taking of Ring-necked and Monk Parakeet species for the purpose of preventing serious damage to crops and disease (s.16(1)(k) of the Wildlife and Countryside Act 1981)?

Yes.

Question 4.2: Do you agree with our proposal to issue a separate licence for this purpose for invasive non-native species?

Yes.

Question 5.1: Do you agree with our proposal to permit the killing/taking of Monk Parakeet species under a general licence for the purpose of preserving public health or public safety (s.16(1)(i) of the Wildlife and Countryside Act 1981)?

Yes.

Question 5.2: Do you agree with our proposal to issue a separate licence for this purpose for invasive, non-native species?

Yes.

Question 6.1: Do you agree that Great Black-backed Gull should only be listed on the general licence permitting take/kill birds for the purpose of preserving air safety? Please provide evidence in support of your view.

Great Black-backed Gulls can cause site specific problems for vulnerable local populations of ground nesting birds through predation of eggs and young. Species that can be affected include grey partridge, red grouse and vulnerable species of waders and waterfowl. Authorised users currently utilise the general licence to conserve wild birds (WML Gen-L08) to prevent Great Black-backed Gulls targeting such vulnerable breeding populations. This consultation may provide a catalyst for the submission by consultees of widespread evidence of the problems being caused by this species for other wild birds, in which case the species should be retained on WML Gen-L08. The removal of Great Black-backed Gulls from WML Gen-L08 should only take place on the understanding that applications for specific control licences to protect other wild birds will be processed pragmatically and efficiently so that wildlife managers can proactively tackle a local problem before the breeding success of a vulnerable population is significantly affected.

Question 6.2: Do you agree that the Herring Gull should only be listed on the general licences permitting the killing/taking of birds for the purpose of preserving air safety; and the destruction of eggs and nests for the purpose of preserving public health and public safety?

The general licence for the purpose of preserving public health and public safety (WML Gen-L07) currently permits authorised users to kill or take Herring Gull, and permitted methods include the use of cage traps and “semi-automatic weapons” (in this context meaning any weapon which is not prohibited by section 5 of the Firearms Act 1968 as amended and which has a magazine capable of holding more than two rounds of ammunition, where the depression of the trigger ejects a single shot, each subsequent shot requiring a further depression of the trigger). The consultation does not explain why WML Gen-L07 should no longer contain these provisions. These options remain a valuable tool. BASC recommends the retention of the provisions to kill or take Herring Gulls and all permitted methods of doing so in WML Gen-L07.

Herring Gulls can cause site specific problems for vulnerable local populations of ground nesting birds through predation of eggs and young. This is particularly the case in the vicinity of Herring Gull colonies in urban areas and for garbage dumps and reservoirs in rural lowland and upland areas. Species that can be affected include grey partridge, red grouse and vulnerable species of waders and waterfowl. Authorised users currently utilise the general licence to conserve wild birds (WML Gen-L08) to prevent Herring Gulls targeting such vulnerable breeding populations. This consultation may provide a catalyst for the submission by consultees of widespread evidence of the problems being caused by this species for other wild birds, in which case the species should be retained on WML Gen-L08. The removal of Herring Gulls from WML Gen-L08 should only take place on the understanding that applications for specific control licences to protect other wild birds will be processed pragmatically and efficiently so that wildlife managers can proactively tackle a local problem before the breeding success of a vulnerable population is significantly affected.

Question 7.1 Do you agree with our proposal to issue a limited general licence permitting the taking/killing of House sparrow, Starling, Robin and Blackbird in food production/handling premises for the purpose of preserving public health or public safety (s.16(1)(i) of the Wildlife and Countryside Act 1981)?

BASC's position is that the grant of this general licence is a pragmatic approach but only in the absence of a reporting requirement – see 7.2.

Question 7.2 If such a licence is issued, do you agree that it is appropriate to require users of the licence to register their first use of the licence with Natural England and to submit written records of action taken under the licence?

BASC's does not support the implementation of reporting requirements for a general licence. If reporting is needed by NE, this should be by the current system of issuing specific licences on application.

Question 8.1: Do you agree with the proposal to consolidate the sales licences?

BASC supports the consolidation of sales licences into one for live birds and one for dead birds.

Question 8.2: Do you agree with the proposal to continue to allow the birds listed on the appendix (and their eggs) to be sold without a ring?

No comment.

Question 8.3: Is the list of species that are exempt from ringing correct (see draft licence for list)? If you disagree, please state why and provide evidence.

No comment.

Question 9.1: Do you agree with our proposal that no species be excluded from sale under the general licence on the grounds of risks to their conservation status from illegal take from the wild? If you disagree, please provide grounds and evidence for your position.

BASC supports the proposal in relation to captive live bird sales licences, that no species be excluded from sale under the general licence on the grounds of there being no risks to their conservation status from illegal take from the wild.

Question 9.2: Do you agree that Ruddy Duck and Egyptian Goose should continue to be excluded from the general licence permitting sales on the grounds of potential risks to native species, and that Canada Goose should be added to the list of exclusions?

BASC supports the proposal in relation to captive live bird sales to continue to exclude Ruddy Duck and Egyptian Goose, and to add Canada Goose to the list of exclusions.

Question 9.3: Do you agree that sales of Eagle Owls under the general licence should be subject to a registration scheme on the grounds of potential risks to native species?

No comment.

Question 9.4: Do you believe that other bird species should be added to the list of exclusions on the grounds of potential risks to native species? Please consider the possible candidates suggested above; you may suggest other species and explain why, providing evidence.

No comment.

Question 10: Do you agree with our proposal that sales of dead Barnacle Goose and White-fronted Goose (Greenland race) be permitted under the general licence?

BASC's position is that dead Barnacle Goose and dead White-fronted Goose (Greenland race) should continue to be excluded from sales of dead birds under general licence. For example, Scottish Government General Licence No. 14/2009 for the sale of dead birds excludes sales of dead Barnacle Goose and dead White-fronted Goose (Greenland race). Barnacle goose may be shot under specific licence in Scotland. White-fronted Goose (Greenland race) may be shot in England and Wales as a quarry species. To ensure that no incentives are provided for killing birds for subsequent sale between countries, BASC advises that all general licences in existence in the UK that allow the sales of dead birds continue to exclude these two goose species.

Question 11.1: Do you agree that Natural England should provide guidance on what might constitute suitable documentary evidence?

As a representative body for shooting in the UK, BASC has a specific interest in this proposal as it affects the sales of captive bred mallard. BASC does not agree that Natural England should provide guidance on what might constitute documentary evidence, for persons relying on general licences relating to the sale of captive bred birds. In the event of a legal challenge on an individual relying on the licence it is the primacy of the court to decide this matter of law on a case by case basis.

Question 11.2: Do you agree that the wording we propose is appropriate? If not, please provide alternative wording.

As a representative body for shooting in the UK, BASC has a specific interest in this proposal as it affects the sales of captive bred mallard. The proposed wording places an unreasonable burden on persons relying on general licences relating to the sale of captive bred birds. In the event of a legal challenge on an individual relying on the licence it is the primacy of the court to decide this matter of law on a case by case basis. BASC does not propose alternative wording, as BASC does not agree that Natural England should provide guidance on what might constitute documentary evidence, for persons relying on general licences relating to the sale of captive bred birds.

Question 12.1 Do you believe that there is sufficient widespread understanding of the General Licences, the circumstances in which they may be used and the conditions that apply? Please provide evidence in support of your answer where possible.

BASC has close day-to-day connections with the shooting community and those who use general licences. BASC is in a position to speak authoritatively on the subject. BASC can report that while much discussion takes place about the circumstances and conditions of use, there is no evidence either in the form of complaints or anecdotally, that those who use the licences are inhibited from doing so, or inhibited from doing so in an appropriate fashion. While we recognise that some users may be confused if put on the spot, and if some users were asked to explain the

circumstances and conditions of general licences their replies might be homespun, BASC states with absolute confidence that any non-compliance is the exception and that such misuse or abuse such as reported – or occasionally brought to prosecution - does not result in adverse impact on the welfare or conservation status of native and protected species.

BASC regularly provides articles on general licences in England, Scotland, Wales and Northern Ireland in its publications (paper and electronic), through its press releases to the sporting press and on its website. BASC's codes of practice make reference to general licences in relation to the use of firearms and cage traps for the relevant species listed.

Question 12.2 Do you have any suggestions as to how we could raise the level of awareness?
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BASC, amongst other stakeholders for users of general licences, fosters widespread awareness and understanding of the circumstances in which they may be used and the conditions that apply. BASC recommends that a minimum period of 6 months is needed to raise sufficient awareness of any changes in the terms and conditions of the current general licences. This time period will facilitate sufficient time in which all potential users can be made aware of such changes by NE and other stakeholders.

BASC welcomes the fact that NE has launched a consultation 12 months ahead of the expiry of the current general licences. With the consultation ending in March BASC recommends that a final decision on changes to any of the general licences is announced by NE in June 2009. If this cannot be achieved BASC recommends that the general licences due for renewal on 1<sup>st</sup> January 2010 are renewed for a further 6 months without change, on a rolling basis of 6 months, until such an announcement of changes is made. This will ensure sufficient widespread understanding of the changes to be communicated by NE and stakeholders.

BASC provides information on general licences to its members as outlined in 12.1. The availability of all general licences on the NE website to download at any time of the year, and the availability of renewed licences on 1<sup>st</sup> January of any year is a fundamental facility for the administration of general licences.

The very few cases that have been brought to court have involved actions by people who have little or no connection with the mainstream organised shooting community where the main and continuing communication focus must be directed. General licences for most people are a sophisticated solution to a distant framework of European legislation and jurisprudence. Trying to 'raise awareness' risks causing more confusion than enlightenment. BASC recommends that the current consultation document, which provides the current rationale and approach with admirable clarity, could usefully be summarised to produce a general information brochure that could be made available electronically.

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If you require any further clarification on any of the matters raised in BASC's response to this consultation these can be addressed through me.

Yours sincerely,

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