

LICENCE [DRAFT]

To take eggs of Mallard Duck (*Anas Platyrhynchos*)

NATURAL
ENGLAND

Issued under	Wildlife and Countryside Act 1981 (as amended) ["the Act"]
Valid for the period	1 January to 31 December XXXX (inclusive)
Valid in	England
Who may use	Authorised persons only (see Definitions & Condition 9)
Registration	Users do not need to register to use this licence
Recording & reporting	None required
Reference	WML / GEN L15

Overview of licence

This licence permits authorised persons to take mallard eggs for incubation and rearing in captivity prior to release later in the same year. Licence 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 conserve wild birds by allowing the captive rearing of birds which otherwise would have been unlikely to withstand adverse weather conditions.

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 any authorised person to take eggs of the **Mallard Duck (*Anas platyrhynchos*)**, and for any such person to have in his possession such an egg and any bird hatched from such an egg.

LICENCE CONDITIONS

3. Eggs may only be taken by hand.
4. No egg shall be taken after 31 March in any year.
5. Any live bird hatched from an egg taken under this licence, unless it is disabled or has died, shall be released to the wild not later than 31 July in the year in which the egg was taken.
6. Any unhatched egg must be destroyed by no later than 31 July.
7. Neither the eggs, nor any birds hatched from eggs, taken under the provisions of this licence, may be sold.
8. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006.
9. 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 Protection of Badgers Act 1992, the Deer Act 1991, the Hunting Act 2004, the Wild Mammals (Protection) Act 1996, the Animal Health and Welfare Act 2006 and the Protection of Animals Act 1911 (all as amended) (see note f)

Definitions used in this licence

10. “*authorised person*” At the time of issue of this licence, “authorised person” is defined in section 27(1) of the Wildlife and Countryside Act 1981 as:
- i. the owner or occupier, or any person authorised by the owner or occupier, of the land on which the action authorised is taken;
 - ii. any person authorised in writing by the local authority for the area within which the action authorised is taken; and
 - iii. as respects anything done in relation to wild birds, any person authorised in writing by any of the following bodies, that is to say, any of the GB conservation bodies [*this includes Natural England*], a district board for a fishery district within the meaning of the Salmon Fisheries (Scotland) Act 1862 or a local fisheries committee constituted under the Sea Fisheries Regulation Act 1966;
 - iv. any person authorised in writing by the [Environment Agency], a water undertaker or a sewerage undertaker,
so, however, that the authorisation of any person for the purposes of this definition shall not confer any right of entry upon any land.

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.

[signature]

for and on behalf of Natural England
[insert date]

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

The law

- a) Natural England has issued this licence in exercise of the powers conferred by Section 16(1)(c) 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.
- b) Under section 1 of the Act it is an offence for any person to kill, injure or take any wild bird; to take, damage or destroy the nest of any wild bird while the nest is in use or being built; or to take or destroy an egg of any wild bird.
- c) Section 16(1) of the Act provides that section 1 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.

The limits of this licence

- d) This licence permits action only for the purposes specified in paragraph 1.
- e) This licence does not confer any right of entry upon land.
- f) Any person not permitted to use this General Licence on account of a relevant conviction (see Condition 9) 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) Please note that except as provided under section 16(7) of the Act, this licence does not permit actions prohibited under any other legislation
- h) 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.

- i) This licence may be modified or revoked at any time.

General welfare considerations

- j) Under the Animal Welfare Act 2006 it is an offence to cause any unnecessary suffering to an animal (including birds) under the control of man (section 4 of the 2006 Act).
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