

# LICENCE [DRAFT]



## To permit the sale of certain captive bred species of live bird

Issued under	Wildlife and Countryside Act 1981 (as amended) ["the Act"]
Valid for the period	1 January to 31 December [year] (inclusive)
Valid in	England
Who may use	Anyone (see Condition 7)
Registration	Users do not need to register to use this licence
Recording & reporting	None required
Reference	WML / GEN L24

### Overview of licence

*This licence permits the sale of captive bred live wild birds (see Definition), with certain exceptions. Exceptions include:*

- *Species that are already permitted to be sold under the legislation (i.e. Schedule 3 part 1 birds)*
- *Specimens on Annex A (of European Council Regulation (EC) no 338/97) unless an Article 10 certificate (under CITES) has been obtained.*
- *Birds listed on Appendix 1 of this licence: for these species an individual licence must be sought*

*Most captive birds sold under the terms of this licence are required to be ringed. Appendix 2 contains a list of birds that do not require rings. 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 certain captive-bred species of live wild bird.

### 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 any captive bred (as defined in Condition 3 below) live wild bird of a species NOT listed in:

- (a) Appendix 1 of this licence; or
- (b) Annex A of Council Regulation (EC) No. 338/97, unless an Article 10 certificate has already been obtained, or
- (c) Schedule 3 Part I to the Act (see note d).

### LICENCE CONDITIONS

3. Any bird sold under this licence must have been bred in captivity. A bird shall not be treated as 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, hire, barter or exchange (see note i).
4. With the exception of the birds listed in Appendix 2 of this licence (which may be sold without a ring),

any bird sold under this licence must be ringed with a legible individually numbered metal close ring, which is a ring or band in a continuous circle (without any break, join, or any signs of tampering since it was manufactured) and which cannot be removed from the bird when its leg is fully grown. The ring must meet the ringing requirements of the country in which the bird was bred. For any bird sold under this licence which is on Schedule 4 to the Act, the close ring must meet the marking requirements of CITES (see Note c).

5. The owner or keeper of any bird to be sold under this licence will, if requested by an Official of the Department for Environment, Food and Rural Affairs or Natural England, or a Police Officer, make the bird available for a sample of blood, tissue or feather to be taken. Blood samples will be taken by a qualified veterinary surgeon. Such a sample may be used to establish the ancestry of the bird.
6. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006. (see note k)
7. 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 g)

### 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.

[signature]

for and on behalf of Natural England  
[insert date]

Wildlife Licensing Unit  
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### 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.
- 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. This licence permits the sale of live birds that would otherwise be an offence under Section 6(1) of the Act.
- c) Section 7 of the Act (and regulations made under that section) provides for the registration and ringing of captive birds included in Schedule 4 to the Act. Statutory Instrument 2008/2357 has most recently amended the regulations to allow the Secretary of State to accept a marking of a bird in accordance with CITES as an alternative to a ring provided by the Secretary of State.

- d) Birds listed on Schedule 3 Part 1 of the Act are already permitted to be sold under the Act, providing the ringing requirements of SI 1982/1220 are met.

### **The limits of this licence**

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

### **Guidance on documentary evidence of captive breeding**

- j) Natural England's guidance on documentary evidence is as follows:

Persons intending to rely on the general licence must be able to demonstrate that birds are legally held and captive-bred, and are advised: to only purchase birds from breeders who are able to satisfactorily demonstrate that they are complying with the relevant regulations; to confirm, insofar as they are able, the bird's identification and age are correct; to check that the bird is correctly ringed, and to always obtain signed and dated written documentary evidence of captive-breeding from the breeder. Documentation should cite the bird's species, ring number and any other identification mark (e.g. microchips), hatch date, along with similar details for the parent birds, and the breeder's contact details.

The breeding of captive Mallard for release into the wild to supplement wild stocks and provide additional quarry, is an established practice and requires breeders to register on the Great Britain Poultry Register (GBPR). Therefore, in most circumstances, the provision of an invoice, documenting the sale of Mallard at all ages and including the number of birds sold and the breeder's Poultry Register number should provide sufficient documentary evidence.

### **Non-native species**

- k) Under section 14 of the Act it is an offence to release into the wild any animal included in Part 1 of Schedule 9 to the Act.

### **General welfare considerations**

- l) 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).

## **Appendix 1: Birds that cannot be sold under this licence**

Birds of the following species may only be sold under an individual licence issued by Natural England.

### A. Sales restricted for conservation reasons

Mute Swan

*Cygnus olor*

### B. Sales restricted in order to prevent establishment/spread

Ruddy Duck

*Oxyura jamaicensis*

Egyptian Goose

*Alopochen aegyptiacus*

## Appendix 2: Birds that do not need a ring to be sold under this licence

Pintail	<i>Anas acuta</i>
American Wigeon	<i>Anas americana</i>
Shoveler	<i>Anas clypeata</i>
Teal	<i>Anas crecca</i>
Blue-winged Teal	<i>Anas discors</i>
Wigeon	<i>Anas penelope</i>
Mallard	<i>Anas platyrhynchos</i>
Garganey	<i>Anas querquedula</i>
Black Duck	<i>Anas rubripes</i>
Gadwall	<i>Anas strepera</i>
White-fronted Goose	<i>Anser albifrons</i>
Greylag Goose	<i>Anser anser</i>
Pink-footed Goose	<i>Anser brachyrhynchus</i>
Snow Goose	<i>Anser caerulescens</i>
Lesser White-fronted Goose	<i>Anser erythropus</i>
Bean Goose	<i>Anser fabalis</i>
Ring-necked Duck	<i>Aythya collaris</i>
Pochard	<i>Aythya ferina</i>
Tufted Duck	<i>Aythya fuligula</i>
Scaup	<i>Aythya marila</i>
Brent Goose	<i>Branta bernicla</i>
Goldeneye	<i>Bucephala clangula</i>
Long-tailed Duck	<i>Clangula hyemalis</i>
Berwick's Swan	<i>Cygnus bewickii</i>
Whooper Swan	<i>Cygnus cygnus</i>
Harlequin Duck	<i>Histrionicus histrionicus</i>
Velvet Scoter	<i>Melanitta fusca</i>
Common Scoter	<i>Melanitta nigra</i>
Surf Scoter	<i>Melanitta perspicillata</i>
Smew	<i>Mergus albellus</i>
Hooded Merganser	<i>Mergus cucullatus</i>
Goosander	<i>Mergus merganser</i>
Red-breasted Merganser	<i>Mergus serrator</i>
Red-crested Pochard	<i>Netta rufina</i>
Stellers Eider	<i>Polysticta stelleri</i>
Eider Duck	<i>Somateria mollissima</i>
King Eider	<i>Somateria spectabilis</i>
Shelduck	<i>Tadorna tadorna</i>