

**Conservation (Natural Habitats, &c.) Regulations 1994
(as amended)**

**Licence to temporarily possess and transport dead bats
so that they may be submitted for testing as part of the
Passive Surveillance for Bat Rabies project**



***This licence is intended for use by any person wishing to submit
dead bats to the Veterinary Laboratories Agency (VLA) for testing
under the passive surveillance scheme for bat rabies***


Natural England in exercise of the powers conferred under regulation 44 of the Conservation (Natural Habitats, &c.) Regulations 1994 (Habitats Regulations), as amended, and being satisfied that as regards the purpose set out at paragraph 1, there is no satisfactory alternative and 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, hereby grants the following licence:

LICENCE

- 1) This licence authorises activities undertaken for the purpose of preventing the spread of disease.
- 2) Subject to the terms and conditions below, and for the purposes set out in paragraph 1 above, this licence permits the possession and transport of dead specimens and/or derivatives of wild bats listed on Annex IV(a) to the EC Habitats Directive that would otherwise be an offence under regulations 39(2)(a) or (b) of the Habitats Regulations (as amended).

TERMS AND CONDITIONS

- 3) This licence only authorises the possession and transport of dead specimens and/or derivatives of wild bats listed on Annex IV(a) to the EC Habitats Directive that:-
 - a) are kept and transported for the purpose of submission to the Veterinary Laboratories Agency, to assist that Agency's surveillance activities to prevent the spread of disease; and
 - b) were taken from the wild in the European Community without breaching applicable legislation of the member State in question (see Note f).
- 4) Any person relying on this licence must send the dead bat(s) to the Chief Diagnostician, Veterinary Laboratories Agency, Woodham Lane, New Haw, Addlestone, Surrey, KT15 3NB (tel: 01932 341 111) within five (5) days of the dead bat(s) coming into their possession.
- 5) This licence is valid in England, unless previously revoked, for the period from **21 August 2007 to 31 December 2032.**


Wendy Phillips
for and on behalf of Natural England
7 August 2007

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NOTES

These notes do not form part of the licence.

- (a) Information on rabies virus and European bat lyssavirus can be obtained on the Health Protection Agency website (www.hpa.org.uk/infections/topics_az/rabies/ebi.htm) and from the Defra website (www.defra.gov.uk/animalh/diseases/notifiable/rabies/q&a.htm).
- (b) If you find a dead bat, before attempting to handle it, please contact the Bat Conservation Trust (BCT) Helpline on 0845 130 0228 or your local Animal Health Office for advice (www.defra.gov.uk/animalhealth/about-us/contact-us/animal-health-offices.htm). If you are able to send the bat to the Veterinary Laboratories Agency (VLA) for testing under the passive surveillance scheme you will help to increase knowledge of bat rabies in the UK. The BCT can provide copies of form BAT 1 for you to complete and enclose with the bat as well as appropriate packaging to send it to the VLA. The form is also available online at: www.defra.gov.uk/corporate/regulat/forms/vla/bat1.pdf
- (c) The possession and transport of dead specimens and/or derivatives of bat species listed on Annex IV(a) to the EC Habitats Directive (92/43/EEC) are prohibited by regulation 39(2)(a) and (b) of the Habitats Regulations (as amended). The Habitats Regulations have most recently been amended by The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007. The original Regulations may be found at www.opsi.gov.uk/si/si1994/Uksi_19942716_en_1.htm and the recent amendments at www.opsi.gov.uk/si/si2007/uksi_20071843_en.pdf.
- (d) A full list of Annex IV species is available online at: ec.europa.eu/environment/nature/nature_conservation/eu_enlargement/2004/habitats/annexiv_en.pdf

In practice, all bats encountered in the UK are fully protected.
- (e) There are certain exceptions to the prohibitions in regulations 39(2):
 - (i) where the specimen was taken from the wild outside the EC or was captive bred;
 - (ii) where the species 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;
- (f) 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 Wildlife and Countryside Act (1981), the Pests Act (1954) and the Animal Welfare Act (2007).
- (g) This licence authorises acts which would otherwise be an offence under the Habitats Regulations. 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 5 may mean that the licence cannot be relied upon and an offence committed. Furthermore, under regulation 46A of the Habitats Regulations it is an offence to contravene or fail to comply with any condition of a licence issued after 21 August 2007. This new offence will come into force on 21 November 2007. The maximum penalty available for an offence under the Regulations is a level 5 fine (£5000) and/or a six month custodial sentence.
- (h) The possession and/or transportation of bat species listed on Annex IV of the Habitats Directive for personal purposes is not covered by this licence.
- (i) This licence does not permit actions prohibited under any other legislation, nor does it confer any right of entry on to land.
- (j) This licence may be modified or revoked at any time by Natural England.
- (k) A licence in similar terms has been issued in Wales by the Countryside Council for Wales.