

LICENCE

To remove abandoned or unsuccessful eggs from the nests of wild birds



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| Issued under | Wildlife and Countryside Act 1981 (as amended) ["the Act"] |
| Valid for the period | 1 January to 31 December 2010 (inclusive) |
| Valid in | England |
| Who may use | Authorised persons only (see Definitions & Condition 7) |
| Registration | Users do not need to register to use this licence |
| Recording & reporting | None required |
| Reference | WML / GEN L14 |

Overview of licence

This licence permits the removal of abandoned or unsuccessful eggs from birds' nests between 1 August and 31 January. 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 removal and immediate destruction of abandoned eggs from nest boxes before the next breeding season.

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 and destroy the egg of a wild bird or any part of such an egg.

LICENCE CONDITIONS

3. Eggs (or parts of eggs) may only be removed from nest boxes not currently in use by birds, during the period 1 August to 31 January.
4. All eggs removed from nest boxes under this licence must be destroyed at the first available opportunity.
5. Nothing in this licence permits the:
 - i. sale, hire, barter or exchange of an egg of a wild bird or any part of such an egg, or
 - ii. retention, keeping or possession of an egg of a wild bird or part of such an egg.
6. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006.
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 Welfare Act 2006 and the Protection of Animals Act 1911 (all as amended) (see note f)

Definitions used in this licence

8. "*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.



Wendy Phillips

for and on behalf of Natural England
31 December 2009

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EXPLANATORY 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. Go to www.statutelaw.gov.uk and search for 'Wildlife and Countryside Act, 1981' to see consolidated versions of the law and the associated Schedules.
- 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 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.
- 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. For example,
 - i. anyone acting under this licence is not exempt from the provisions of section 28E of the Act, as amended. This means that owners and occupiers of sites designated as Sites of Special Scientific Interest are obliged to seek the consent of Natural England if they propose to carry out an activity on the site that is listed on the protected site notification as an "operation likely

to damage”

- ii. statutory undertakers (as defined under Section 28G of the Act) are reminded that they are obliged under Section 28H of the Act to give notice to Natural England before carrying out operations likely to damage any of the special interest features of a Site of Special Scientific Interest (SSSI) and this obligation applies even where the operations are carried out on land not included in the SSSI. To identify SSSIs and the features for which they are designated, refer to www.magic.gov.uk. Consult the site notification for details of ‘operations likely to damage’, and consider whether your activity is likely to have an impact. Advice may be sought from Natural England’s regional teams (www.naturalengland.org.uk/contact/ or Telephone 0845 600 3078)
- 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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