

# GENERAL LICENCE

## To keep birds of species listed on Schedule 4 for the purposes of rehabilitation



### OVERVIEW

This licence permits Authorised Persons to keep any disabled bird listed on Schedule 4 of the Wildlife and Countryside Act 1981 (as amended) for up to 15 days without needing to register it for the purposes of rehabilitation with a view to releasing it when it is no longer disabled. Users must comply with the terms and conditions.

**Note:** A separate licence (WML - GL08) permits veterinary surgeons and practitioners to keep any disabled bird listed on Schedule 4 of the Wildlife and Countryside Act 1981 (as amended) for up to six weeks without needing to register it.

Registration	Users do not need to register to use this licence
Recording & reporting	There is a data recording requirement.
Reference	WML – GL07

### LICENCE TERMS and CONDITIONS

Legislation	Wildlife and Countryside Act 1981 (as amended) ('the 1981 Act')
Relevant section(s)	Section 16(1)(c) and section 16(5)
Valid for the period	1 January 2018 to 31 December 2018 (inclusive)
Area valid in	All counties of England (landward of the mean low water mark)
Purpose(s) for which this licence is issued	Conserving wild birds.
What this licence permits	Subject to all the terms and conditions of this licence and solely for the purpose stated above, this licence permits Authorised Persons to keep or have in their possession or under their control a disabled wild-bred Schedule 4 bird solely for the purpose of tending it and releasing it when it is no longer disabled. This licence only has effect in respect of the period of <b>15 days</b> commencing with the day on which the Authorised Person takes into his possession or controls the disabled wild-bred Schedule 4 bird.
Who can use this licence	This licence can only be used by Authorised Persons (see Definitions), except those with a recent conviction (see Information and Advice note e).
Definitions used in this licence	<p>"<i>Wild bird</i>" has the same meaning as in <a href="#">section 27 of the 1981 Act</a></p> <p>"<i>A wild-bred Schedule 4 bird</i>" means a wild bird included in Schedule 4 to the 1981 Act other than a bird treated as bred in captivity within the meaning of section 27(2) of the 1981 Act.</p> <p>An "<i>Authorised Person</i>" is any person who:</p> <ol style="list-style-type: none"><li>at the date of this licence was a holder of a licence to keep birds issued under Section 16(1)(c) to disapply section 7(1)-(2) of the 1981 Act with an expiry date of <b>31 January 1996</b>;</li><li>has been a registered keeper of three disabled wild-bred Schedule 4 birds pursuant to section 7(1)-(2) of the 1981 Act and the regulations made under it, and who has subsequently notified the Secretary of State that such birds have been released into the wild;</li></ol>

- c. is an Inspector of the Royal Society for the Prevention of Cruelty to Animals; or
- d. is an official of the Royal Society for the Protection of Birds.

## LICENCE CONDITIONS

1. This licence shall not apply to any person who would be guilty of an offence under section 7(3) by having in his possession or control any bird on Schedule 4.
2. The Authorised Person shall, within 4 days commencing with the day on which he takes into his possession or control a disabled wild-bred Schedule 4 bird, notify that fact in writing to the Centre for International Trade – Bristol, Animal and Plant Health Agency, Horizon House, Deanery Road, Bristol, BS1 5AH; Email: [wildlife.licensing@apha.gsi.gov.uk](mailto:wildlife.licensing@apha.gsi.gov.uk).
3. Within **15 days** of a person first keeping, or having in his possession or control, any disabled wild-bred Schedule 4 bird, that person shall, unless it was necessary humanely to kill the bird within the circumstances set out in Section 4(2)(b) of the 1981 Act, either
  - i. release that bird into the wild, or
  - ii. pass that bird to a veterinary surgeon or veterinary practitioner, who may keep the bird for a period of six weeks under licence WML GL - 08 without the requirement to ring or register the bird, provided that the bird is receiving professional veterinary treatment, or
  - iii. register the bird in accordance with Section 7(1)-(2) of the 1981 Act and the regulations made under it. In such a case, the Secretary of State may require, with the application for registration, a certificate by a qualified veterinary surgeon or veterinary practitioner that it is not possible to return the bird to the wild within the 15 days because of its injuries or illness.
4. The Authorised Person shall keep a record of each such disabled wild-bred Schedule 4 bird coming into in his possession or control. That record shall contain the following information:
  - i. the species of bird, and the date it was taken into possession or control by the Authorised Person;
  - ii. the name and address of the person from whom the bird was received (if applicable), and the time and place the bird was taken from;
  - iii. the injuries sustained by the bird at the time the Authorised Person took it into possession or control;
  - iv. the cause of those injuries (if known);
  - v. the date and place that the bird was released back into the wild (if applicable) or disposed by whatever means; and
  - vi. the name of the person to whom the bird has been passed to (if applicable).
5. The record shall be retained for a period of two years from the date the bird came into the possession or control of the Authorised Person.
6. If the bird is transferred to another person, detailed in Condition 3, a copy of the record shall be transferred with the bird.
7. On being given reasonable notice in writing by the Secretary of State, the licensed person shall produce the record mentioned in Condition 4 to a person authorised in writing by the Secretary of State.

## Welfare and releasing

8. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006 (see Information and Advice note f).
9. Every effort must be made to ensure that any disabled wild-bred Schedule 4 bird falling within the terms of this licence does not become imprinted or otherwise rendered unfit, as a consequence of being in captivity, for subsequent release back into the wild.
10. Birds must be released or replaced at or as close as possible to the location from which they were

taken or restrained, but may be released up to one kilometre from this place if releasing at the source location is not possible or would not be safe.

11. The prior permission or authority of the landowner of the release location is required for the release.

### **IMPORTANT**

This licence authorises acts that would otherwise be offences under the legislation referred to above. Failure to comply with its terms and conditions:

- i. may be an offence against the 1981 Act or mean that the licence cannot be relied upon and an offence could therefore be committed. The maximum penalty available for an offence under the 1981 Act is, at the time of the issue of this licence, an unlimited fine and/or a six month custodial sentence; and
- ii. may result in your permission to use this licence being withdrawn. Natural England will inform any person or organisation whose permission to use this licence is withdrawn in writing. This sanction may be applied to other similar licences

If the activity that you wish to undertake is not covered by this licence, or if you are unable to comply with any of the terms and conditions which apply to the use of this licence, then you will need to apply to Natural England for an individual licence.

Issued by and on behalf of Natural England on 31 December 2017

### **INFORMATION AND ADVICE specific to this licence**

- a. Animals should be released at a location and a time where the risk of injury to themselves, other animals or people is minimised.
- b. Disabled animals taken for the purpose of tending (rehabilitation) should be kept in accordance with recognised good practice to ensure, as far as possible, that they are released in a healthy and disease-free state.
- c. Prior to release, the licensee must be satisfied that the animal is fit for release into the wild.

### **INFORMATION AND ADVICE for all Class and General Licences**

#### **General Information**

- d. Ordinarily, licences will be reissued on 1 January each year (*NB you do not need to re-register for those with registration requirements*). Please note, however, that they can be modified or revoked at any time by Natural England or the Secretary of State, but this will not be done unless there are good reasons for doing so. You are advised to check the terms and conditions of a licence prior to your first use of it each year in case of amendments.
- e. No person convicted on or after 1 January 2010 of an offence under the Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981, 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 or the Protection of Animals Act 1911 (all as amended) may use this licence without the permission of Natural England unless, in respect of that offence, either:
  - i. they are a rehabilitated person for the purposes of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent; or
  - ii. a court has made an order discharging them absolutely.

Any request to use the licence by a person to whom this note applies will be considered on its merits.

- f. Persons acting under a licence should have regard to legislation and good practice relevant to the action(s) undertaken, including animal welfare and 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). This applies to the humane despatch of captured animals and the treatment of animals held in traps or nets, including decoy birds and non-target animals. For advice on the relevance of the 2006 Act to wildlife management please refer to the Natural England leaflet '[The Animal Welfare Act 2006: what it means for wildlife](#)' (TIN072).

#### **The limits of licences**

- g. Licences permit action only for the purposes specified on that licence.
- h. Licences do not permit actions prohibited under any other legislation, nor do they confer any right of entry upon land.

- i. Unless otherwise stated the provisions of Natural England licences only apply landward of the mean low water mark in England. The Marine Management Organisation is responsible for all licensing seaward of the mean low water mark.

#### **The law**

- j. Natural England has issued this licence in exercise of the powers conferred by the 1981 Act. Visit [www.legislation.gov.uk](http://www.legislation.gov.uk) to view the full text of this legislation.

Section 16 of the 1981 Act provides that the offences in Part 1 of the 1981 Act 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.

#### **Contact details for Natural England**

*For licensing enquiries:*

**Telephone** 020 802 61089

**Email** [wildlife.scicons@naturalengland.org.uk](mailto:wildlife.scicons@naturalengland.org.uk)

**Postal address** Wildlife Licensing, Operations Delivery,  
Natural England, Horizon House, Deanery Road, Bristol,  
BS1 5AH

*For other enquiries use the Enquiry Service:*

**Telephone** 0300 060 3900

**Email** [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk)

**Web** <https://www.gov.uk/government/organisations/natural-england>