

# GENERAL LICENCE

To permit the sale of dead wild birds



## OVERVIEW

This licence permits the sale of dead wild birds (and parts of dead wild birds). The following exclusions apply:

- The sale of species which are already permitted under the Wildlife and Countryside Act 1981 (as amended); and
- For Schedule 3 Part III birds, this licence is only valid for part of the year.

Users must comply with licence terms and conditions.

Registration	Users do not need to register to use this licence
Recording & reporting	Recording and reporting required (see Conditions 4 and 5)
Reference	WML – GL17

## LICENCE CONDITIONS

Legislation	Wildlife and Countryside Act 1981 (as amended) ('the 1981 Act')																								
Relevant section(s)	Section 16(4)(a) and section 16(5)																								
Valid for the period	1 January 2019 to 31 December 2019 (inclusive)																								
Area valid in	All counties of England (landward of the mean low water mark)																								
Purpose(s) for which this licence is issued	To permit the sale of any dead wild bird or derivative of any dead wild bird, except those excluded in 'What this licence permits' (iii).																								
What this licence permits	<p>Subject to all the terms and conditions of this licence and solely for the purpose stated above, this licence permits:</p> <ol style="list-style-type: none"><li>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</li><li>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 dead wild birds (or part of a dead wild bird) as specified in (iii) and (iv), below:</li><li><b>At all times:</b> any wild bird <b>except</b><ol style="list-style-type: none"><li>birds listed on Part I of Schedule 2 or on Parts II or III of Schedule 3 to the 1981 Act, and</li><li><b>Barnacle Goose</b> <i>Branta leucopsis</i> and <b>White-fronted Goose</b> (Greenland race) <i>Anser albifrons flavirostris</i>.</li></ol></li><li><b>Between 1 March and 31 August</b> – any bird listed on Schedule 3 Part III of the 1981 Act (listed below) (see Information and Advice note c).<table><tr><td><b>Capercaillie</b></td><td><b><i>Tetrao urogallus</i></b></td></tr><tr><td><b>Coot</b></td><td><b><i>Fulica atra</i></b></td></tr><tr><td><b>Duck, Tufted</b></td><td><b><i>Aythya fuligula</i></b></td></tr><tr><td><b>Mallard</b></td><td><b><i>Anas platyrhynchos</i></b></td></tr><tr><td><b>Pintail</b></td><td><b><i>Anas acuta</i></b></td></tr><tr><td><b>Plover, Golden</b></td><td><b><i>Pluvialis apricaria</i></b></td></tr><tr><td><b>Pochard</b></td><td><b><i>Aythya ferina</i></b></td></tr><tr><td><b>Shoveler</b></td><td><b><i>Anas clypeata</i></b></td></tr><tr><td><b>Snipe, Common</b></td><td><b><i>Gallinago gallinago</i></b></td></tr><tr><td><b>Teal</b></td><td><b><i>Anas crecca</i></b></td></tr><tr><td><b>Wigeon</b></td><td><b><i>Anas penelope</i></b></td></tr><tr><td><b>Woodcock</b></td><td><b><i>Scolopax rusticola</i></b></td></tr></table></li></ol>	<b>Capercaillie</b>	<b><i>Tetrao urogallus</i></b>	<b>Coot</b>	<b><i>Fulica atra</i></b>	<b>Duck, Tufted</b>	<b><i>Aythya fuligula</i></b>	<b>Mallard</b>	<b><i>Anas platyrhynchos</i></b>	<b>Pintail</b>	<b><i>Anas acuta</i></b>	<b>Plover, Golden</b>	<b><i>Pluvialis apricaria</i></b>	<b>Pochard</b>	<b><i>Aythya ferina</i></b>	<b>Shoveler</b>	<b><i>Anas clypeata</i></b>	<b>Snipe, Common</b>	<b><i>Gallinago gallinago</i></b>	<b>Teal</b>	<b><i>Anas crecca</i></b>	<b>Wigeon</b>	<b><i>Anas penelope</i></b>	<b>Woodcock</b>	<b><i>Scolopax rusticola</i></b>
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Who can use this licence	This licence can be used by Anyone, except those with a recent conviction (see Information and Advice note h).
Definitions used in this licence	" <i>Wild bird</i> " has the same meaning as in <a href="#">section 27 of the 1981 Act</a> " <i>Small numbers of dead wild birds</i> " is defined as an annual maximum of 25 specimens of 'General Licence species' and ten specimens of all other species (see Information and Advice note e).

## LICENCE CONDITIONS

1. This licence does not permit the sale of birds for human consumption.
2. This licence only applies to the sale of small numbers of dead wild birds, or any part or product of such dead wild birds that:
  - a) were bred in captivity. A bird shall not be treated as being 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;
  - b) were removed from the natural state within the United Kingdom under legal provisions in force in the United Kingdom. Documentary evidence that the bird was legally removed from the natural state must accompany any sale; or
  - c) are listed on Annex A of Council Regulation (EC) No. 338/97, and, where appropriate, an Article 10 certificate has first been obtained.
3. Before using this General Licence for mute swans, the licence user must first seek permission from Her Majesty's Swan Marker ([info@royalswan.co.uk](mailto:info@royalswan.co.uk)) (see Information and Advice note d).

## Recording and reporting requirements

4. Any person who sells a dead wild bird, or part or product of such a dead wild bird, under this licence ("the seller") must keep a record ("the record"), for a minimum of two years from such sale.
  - a) This record must contain details of:
    - i. the person from whom the seller acquired the bird (or part or derivative);
    - ii. the person to whom the bird (or part or derivative) was sold; and
    - iii. the species, age and the cause of death (if known) of the bird.
  - b) The seller must certify the record as accurate.
  - c) The seller shall, on being given reasonable notice in writing by Natural England produce the record to a person authorised in writing by the Secretary of State and the seller shall also permit such authorised person to inspect the record.
5. The seller must submit to Natural England ([wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)), by **31 December** of each year a report giving details of any sale by him/her in that year of any dead wild bird (or part or derivative), which has not previously been sold. The report must also:
  - a) state how the seller acquired each bird or part or product of such a bird; and
  - b) list the type and number of each species sold.

## 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 1 January 2019

## INFORMATION AND ADVICE specific to this licence

### The Law

- a. Natural England has issued this licence in exercise of the powers conferred by the 1981 Act. Visit [Legislation.gov.uk](http://legislation.gov.uk) to view the full text of this legislation.
- b. 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.
- c. This licence permits the sale of dead birds that would otherwise be an offence under Section 6(2) of the 1981 Act. The sale of dead Schedule 3 Part II birds is already permitted by the 1981 Act. The sale of dead Schedule 3 Part III birds is permitted by the 1981 Act between 1 September and 28 February, so this licence only permits their sale at other times.
- d. Under the Royal Prerogative the Crown has the right to claim ownership of all mute swans in the United Kingdom that are unmarked and swimming in open waters; this applies to dead as well as live birds and to any parts thereof. Permission may be granted via The Queen's Swan Marker for a dead mute swan or mute swan parts to be used for educational purposes; however, under the terms of such a permission it/they may not be sold for profit but an educational establishment or museum may be permitted to pay a taxidermist for their work. Furthermore, any appropriate documentation should be retained as evidence of the existence and terms of any permission.
- e. 'General Licence species' are any species permitted to be killed or taken under General Licences WML-GL04, WML-GL05 or WML-GL06 (see <https://www.gov.uk/government/collections/general-licences-for-wildlife-management>). Sale of higher numbers may be permitted under individual licence. For further information on applying or registering for individual licences, please see <http://www.naturalengland.org.uk/ourwork/regulation/wildlife/licences/default.aspx>.

### General Information

- f. 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.
- g. The common name of the species given in a licence is included by way of guidance only; in the event of any dispute or proceedings, it is the scientific name of a species only that will be taken into account.
- h. No person convicted on or after 1 January 2010 of an offence under the Conservation of Habitats and Species Regulations 2017, 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.

### The limits of licences

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

### Contact details for Natural England

For licensing enquiries:

**Telephone** 020 802 61089

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