

GENERAL LICENCE

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



OVERVIEW

This licence permits the sale of certain captive bred species of live birds (see Condition 1), with certain exceptions. Exceptions include:

- Species that are already permitted to be sold under the legislation (ie 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 close rung. Appendix 2 contains a list of birds that do not require rings. Users must comply with licence terms and conditions.

Registration	Users do not need to register to use this licence
Recording & reporting	None required
Reference	WML – GL18

LICENCE TERMS and 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	<ul style="list-style-type: none">• To permit the sale of certain captive-bred species of live wild bird.
What this licence permits	<p>Subject to all the terms and conditions of this licence and solely for the purpose(s) stated above, this licence permits:</p> <ul style="list-style-type: none">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; orii 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; <p>of any captive bred (as defined in Condition 1) live wild bird of a species NOT listed in:</p> <ul style="list-style-type: none">a. Appendix 1 of this licence; orb. Annex A of Council Regulation (EC) No. 338/97, unless an Article 10 certificate has already been obtained; orc. Schedule 3 Part I to the 1981 Act (see Information and Advice note d).
Who can use this licence	This licence can be used by anyone, except those with a recent conviction (see Information and Advice note i).
Definitions used in this licence	"Wild bird" has the same meaning as in section 27 of the 1981 Act

LICENCE CONDITIONS

1. 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 of birds bred in England or Wales. There is no requirement for documentary evidence of captive breeding for imported birds.
2. 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 have at least one leg fitted with a ring by means of which the bird may be identified. This ring must:
 - a. Have no break or join;
 - b. Have been commercially manufactured for the purpose of being fitted onto birds; and
 - c. Not be removable from the bird's leg when it is fully grown.The ring must meet the ringing requirements of the country in which the bird was hatched. For any bird sold under this licence which is on Schedule 4 to the 1981 Act, the close ring must meet the marking requirements of CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) (see Information and Advice note c).
3. 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.
4. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006 (see Information and Advice note j).

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

Guidance on documentary evidence of captive breeding

- a. 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, that the bird's identification and age are correct and to check that the bird is correctly ringed. Written documentary evidence of birds captive-bred in England and Wales should always be obtained from the breeder. Documentation should be signed and dated, 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 for sporting and conservation interests is an established practice in England. Therefore, in most circumstances, the provision

of an invoice documenting the sale of Mallard at all ages, including the number of birds sold and providing contact details of the breeder, should provide sufficient documentary evidence for Mallard captive-bred in England or Wales.

Non-native species

- b. Under section 14 of the 1981 Act it is an offence to release into the wild any animal included in Part 1 of Schedule 9 to the 1981 Act.

The law

- c. Section 7 of the 1981 Act (and regulations made under that section) provides for the registration and ringing of captive birds included in Schedule 4 to the 1981 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 1981 Act are already permitted to be sold under the 1981 Act, providing the ringing requirements of SI 2017/1213 are met.
- e. 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.
- f. 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.

INFORMATION AND ADVICE for all Class and General Licences

General Information

- g. 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.
- h. 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.
- i. 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:
- they are a rehabilitated person for the purposes of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent; or
 - 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.
- j. 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

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

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

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

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

Egyptian Goose

Alopochen aegyptiacus

Ruddy Duck

Oxyura jamaicensis

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

Mandarin duck	<i>Aix galericulata</i>
Carolina duck	<i>Aix sponsa</i>
Pintail	<i>Anas acuta</i>
American Wigeon	<i>Anas americana</i>
Green-winged Teal	<i>Anas carolinensis</i>
Shoveler	<i>Anas clypeata</i>
Common 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>
Canada Goose	<i>Branta canadensis</i>
Barnacle Goose	<i>Branta leucopsis</i>
Red breasted Goose	<i>Branta ruficolis</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>
Ruddy shelduck	<i>Tadorna ferruginea</i>
Shelduck	<i>Tadorna tadorna</i>