

# GENERAL LICENCE

## To kill or take Ruddy Ducks (*Oxyura jamaicensis*)



### OVERVIEW

This licence permits Authorised Persons to kill or take Ruddy Ducks and to damage/destroy their nests and eggs. This licence can only be relied upon where activities are carried out for the purpose of conserving flora and fauna.

Registration	Users do not need to register to use this licence
Recording & reporting	There are data recording and reporting requirements
Reference	WML – GL21

### LICENCE TERMS and CONDITIONS

Legislation	Wildlife and Countryside Act 1981 (as amended) ('the 1981 Act')
Relevant section(s)	Section 16(1)(cb), and sections 16(5) and (5A)
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"><li>To conserve flora and fauna.</li></ul>
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: <ol style="list-style-type: none"><li>kill or take Ruddy Duck (<i>Oxyura jamaicensis</i>), to take, damage or destroy their nests or to take or destroy their eggs; and</li><li>acting under 'i' above<ol style="list-style-type: none"><li>to use a semi-automatic weapon;</li><li>to use a cage trap, the dimensions of which do not satisfy the requirements of section 8(1) of the 1981 Act, and</li><li>to use any hand held or hand propelled net to take birds whilst not in flight.</li></ol></li></ol>
Who can use this licence	This licence can only be used by Authorised Persons (see Definitions), except persons with a recent conviction (see Information and Advice note f).
Definitions used in this licence	"Authorised Person" is as defined in <a href="#">section 27(1) of the 1981 Act</a> "To kill" includes accidentally to wound whilst attempting to kill in accordance with this licence. "Humane" means taking all reasonable precautions to ensure that any killing of birds under this licence is carried out by a single, swift action. "Semi-automatic weapon" means any weapon which is not prohibited by section 5 of the Firearms Act 1968 as amended and which has a magazine capable of holding more than two rounds of ammunition, where the depression of the trigger discharges a single shot and reloads the next, each subsequent shot requiring a further depression of the trigger. "Wild bird" has the same meaning as in <a href="#">section 27 of the 1981 Act</a> .

## LICENCE CONDITIONS

1. This licence does not authorise the use of any method of killing or taking which is prohibited by section 5 or section 8 of the 1981 Act, except as specifically permitted under “what this licence permits” ii above.
2. Any birds killed in accordance with this licence must be killed in a quick and humane manner.
3. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006.
4. When in use, every cage trap used pursuant to this licence must be inspected at least once every day at intervals of no more than 24 hours except where this is not possible because of severe weather conditions. In such cases, every effort must be made to inspect the cage trap as soon as possible. Such an inspection must be sufficient to determine whether there are any live or dead birds or other animals in the trap (see Information and Advice note m).
5. At each inspection any dead animal, including any dead bird, caught in the trap should be removed from it (see Information and Advice note n).
6. Where a cage trap is not in use, it must be rendered incapable of holding or catching birds or other animals. Any bait, food, or water must also be removed (see Information and Advice note a).
7. Where any live animal, other than Ruddy Duck (*Oxyura jamaicensis*), or an animal of a species listed on Schedule 9 of the 1981 Act, has become confined in a cage trap, if fit to be released, it must be released immediately upon discovery at the point of capture (or as close as it is safe to do so). See Information and Advice note m regarding any animals that are listed on Schedule 9.
8. Before exercising this licence on a Site of Special Scientific Interest (SSSI) you must ensure that Natural England has issued an appropriate consent where necessary (see Information and Advice note j).

### Recording and reporting requirements

9. Authorised Persons shall maintain a record of the following details: number of birds/nests/eggs killed or taken; the dates and locations (including approximate grid reference) where control was carried out. Where possible, the record shall include details of the gender and age of birds (ie adult or immature). A report summarising this information by month must be sent to Natural England Wildlife Licensing (contact details below) as soon as possible after the control occurred, but certainly no later than one month.

### 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

### Use of traps

- a. Cage traps should be used in accordance with appropriate good practice, including:
  - Where cage traps used under the terms of a licence consistently capture birds or other animals not included in the licence, the trap should be moved to a different location in order to minimise the risk of non-target species being caught again.
  - Cage traps should not be used during severe hot or cold weather conditions, or when such conditions are reasonably anticipated.
  - It is necessary to either secure the door in a fully open or closed position or to remove the door completely in order to render any cage trap incapable of holding or catching birds or other animals.
- b. Where a decoy bird is used, under Section 9 of the Animal Welfare Act 2006 the person setting and operating a trap is responsible for the welfare of the decoy bird, ensuring that it has sufficient food, water and shelter, and protection from pain, suffering, injury and disease.
  - *Adequate food*: means sufficient, palatable food, which is of a type suitable for the decoy species, to meet the needs of the bird(s). Food provision will not be considered “adequate” if the decoy bird(s) cannot readily access it, or if other birds or mammals could deprive the bird of its food.
  - *Water at all times*: water must always be available to decoy birds and drinkable; it should be free from chemical additives and changed regularly to ensure that it is clean. The water needs to be kept ice-free during day-light hours. If this is not possible, then the conditions are not suitable for using a decoy bird in a trap.
  - *Appropriate shelter*: decoy birds are to be provided with shelter that provides effective protection from rain and direct sunlight under the prevailing and anticipated weather conditions. The perch should be sheltered. Such provision will be influenced by the location of the trap and its exposure to the elements.



MALE



FEMALE

### Schedule 1 birds

- c. This licence does not derogate protection afforded to Schedule 1 species. Care must be taken to avoid disturbance to Schedule 1 species during the breeding season.

## 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. 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.
- f. 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

- 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.

#### Protected sites

- j. With the exception of WML-CL25 (*To permit the diversionary feeding of hen harrier (Circus cyaneus) on grouse moors in northern England*), a licence is not permission from Natural England for an activity that could damage a Site of Special Scientific Interest (SSSI). The notification documents for each SSSI contain a list of operations that could damage its special features and for which prior permission from Natural England is required. Owners and occupiers of sites notified as SSSIs are required to give written notice to Natural England before beginning any of these operations, or allowing someone else to carry out these activities. A similar process applies for public bodies and statutory undertakers (as defined under Section 28G of the Wildlife and Countryside Act 1981 (as amended)) and this obligation applies even where the operations are carried out on land outside of the SSSI. See [Gov.uk](http://www.gov.uk) for further information.
- k. In considering whether to issue consent or assent for activities on a SSSI that is a European Site, in other words a Special Protection Area (SPA) or Special Area of Conservation (SAC), Natural England will consider whether there is likely to be a significant effect on features of European importance (alone or in combination) and carry out a Habitats Regulations Assessment, as required.
- l. To identify SSSIs, European Sites and the features for which they are designated, refer to [www.magic.gov.uk](http://www.magic.gov.uk). Consult the SSSI citation for details of 'operations likely to damage', and consider whether your activity is likely to have an impact. Advice may be sought from the local adviser for the SSSI: <https://www.gov.uk/government/organisations/natural-england>.

#### Non-native species

- m. 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. Any animals of species listed on Schedule 9 accidentally caught by licensed trapping should be treated as follows:

- i. Animals of the following species, which are considered native to Great Britain, must be released immediately upon discovery. This is permitted under General Licence WML- GL22.

<b>Barn Owl</b>	<b><i>Tyto alba</i></b>
<b>Capercaillie</b>	<b><i>Tetrao urogallus</i></b>
<b>Corncrake</b>	<b><i>Crex crex</i></b>
<b>Common crane</b>	<b><i>Grus grus</i></b>
<b>Northern goshawk</b>	<b><i>Accipiter gentilis</i></b>
<b>Red-billed chough</b>	<b><i>Pyrrhocorax pyrrhocorax</i></b>
<b>Red kite</b>	<b><i>Milvus milvus</i></b>
<b>White-tailed eagle</b>	<b><i>Haliaeetus albicilla</i></b> (also known as <i>Haliaeetus albicilla</i> )

- ii. Animals of other species listed on Schedule 9 (this includes: the Canada Goose *Branta canadensis*, Monk parakeet *Myiopsitta monachus*, Ring-necked Parakeet *Psittacula krameri*, Grey Squirrel *Sciurus carolinensis*, Edible Dormouse *Glis glis*; also known as *Myoxus glis*, and North American Mink *Neovison vison*; also known as *Mustela vison*) must not be released or allowed to escape into the wild. It is preferable that these animals are killed in a quick and humane manner as soon as reasonably practicable after discovery. These animals may only be released under an individual licence obtained from Natural England.

#### Relevant legislation and good practice

- n. Persons acting under a licence should have regard to legislation and good practice relevant to the action(s) undertaken including:
  - i. Animal welfare, including 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).
  - ii. The disposal of the carcass(es) of any animal killed in accordance with a licence.
  - iii. The use of cage traps and the use of decoy birds.
  - iv. The use of licences during prolonged periods of severe weather. Users of this licence are requested to exercise restraint when undertaking shooting or scaring activities during periods of prolonged severe weather and to extend the requirements of voluntary restraint and statutory suspension of wildfowling to

activities undertaken under this licence. For more information on these requirements please see the [JNCC website](#). This website and that of the British Association for Shooting and Conservation will indicate when periods of voluntary restraint and statutory suspension apply. A statutory suspension temporarily prohibits the shooting of any bird on [Schedule 2 Part 1 of the Wildlife and Countryside Act 1981](#). **Please note that this licence may still be used to take or kill Ruddy Duck during periods subject to a statutory suspension of shooting.** However licence users are expected to only take action that is absolutely necessary, and to ensure that activities do not disturb other species of wildfowl.

- v. The use of lead shot. Users of this licence must comply with the [Environmental Protection \(Restriction on Use of Lead Shot\) \(England\) Regulations 1999 \(SI 1999/2170\)](#). These Regulations prohibit the use of lead shot for the purpose of shooting species of wildfowl (as defined in Schedule 2 of the 1999 Regulations) with a shot gun anywhere in the country and all use of lead shot for shotgun shooting on most wetlands important for waterbirds (Sites of Special Scientific Interest included in Schedule 1 of the 1999 Regulations).

#### The law

- o. Natural England has issued this licence in exercise of the powers conferred by the 1981 Act. Visit [Legislation.gov.uk](#) to view the full text of this legislation.
- p. 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@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>