

# GENERAL LICENCE

To permit the release of **native** bird species listed on Schedule 9



## OVERVIEW

This licence permits the re-release into the wild of certain animals listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) (specified in Annex A of this licence) which are considered to be native to Great Britain, where they have been:

- taken for the purpose of tending and returning to the wild once rehabilitated, or
- accidentally caught in a trap or net lawfully set for another species, or
- taken temporarily from the wild under the authority of a Natural England licence (eg, to ring or mark the animal).

This activity is otherwise prohibited by Section 14 of the Wildlife and Countryside Act 1981 (as amended) (prohibition on releasing or allowing to escape into the wild).

Registration	Users do not need to register to use this licence
Recording & reporting	None required
Reference	WML – GL22

## LICENCE TERMS and CONDITIONS

Legislation	Wildlife and Countryside Act 1981 (as amended) ('the 1981 Act')
Relevant section(s)	Section 16(4)(c) 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"><li>• Conserving wild birds.</li></ul>
What this licence permits	Subject to all the terms and conditions of this licence and solely for the purpose(s) stated above, this licence permits Anyone to: <ul style="list-style-type: none"><li>• re-release, into the wild, individuals of the species listed at Annex A of this licence. Individuals released under this licence must have been taken from the wild originally and have been possessed or controlled temporarily.</li></ul>
Who can use this licence	This licence can be used by Anyone, except persons with a recent conviction (see Information and Advice note k).

## LICENCE CONDITIONS

1. This licence may only be relied upon so long as the animal released was not taken by that person's unlawful act.
2. This licence only applies to species listed in Annex A, and then only where the individual animal (including bird and egg) was:
  - i. taken from the wild or restrained solely for the purpose of tending it and releasing it when no longer disabled; or
  - ii. accidentally taken from the wild or restrained during the conduct of a lawful act (for example, if the animal was caught in a trap lawfully set for another species); or
  - iii. taken from the wild or restrained by a person(s) acting under the authority of a valid Natural England licence.

3. Animals 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.
4. The prior permission or authority of the landowner of the release location is required for the release, unless the animal is released immediately after taking and at the same location as it was taken.
5. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006 (see Information and Advice note r).

### **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 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**

- 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.

#### **Non-native species**

- d. 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.
- e. Anyone wishing to release individuals of a species listed on Schedule 9 but **not** listed at Annex A, should apply to Natural England for a licence.

#### **The law**

- f. Section 14 of the 1981 Act prohibits the release of species listed on Schedule 9 of the 1981 Act. The species listed in Annex A are considered to be native species and have been included on Schedule 9 to prevent irresponsible releases.
- g. 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.
- h. 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**

- i. 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.
- j. 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.

- k. 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

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

- o. 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.
- p. 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.
- q. 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>.

### Relevant legislation and good practice

- r. 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 carcase(s) 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 1981 Act](#). Please note that although Canada goose is listed on Part 1 of Schedule 2, relevant licences may still be used to take or kill this species 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).

#### 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>

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#### ANNEX A

Species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) to which this licence applies.

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