

CLASS LICENCE

To sell dead specimens, which were taken from the wild prior to 30 October 1981 and are listed on Schedule 2 of The Conservation of Habitats and Species Regulations 2017 or Schedule 5 of the Wildlife and Countryside Act 1981 (as amended)



OVERVIEW

This licence permits the sale, and offering for sale, of dead specimens and/or derivatives of wild animals listed on Schedule 2 of the Conservation of Habitats and Species Regulations 2017 and those listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) which have been legally taken from the wild prior to 30 October 1981.

The sale of dead specimens of species listed on Schedule 2 of the 2017 Regulations is permitted for the purposes of science and education only. The sale of specimens of species listed on Schedule 5 of the 1981 Act is permitted for any purpose.

Sale would otherwise be an offence under regulation 43(3)(c) or (d) of the Conservation of Habitats and Species Regulations 2017 or under Section 9(5) of the Wildlife and Countryside Act 1981.

Registration	Anyone wishing to use this licence must first apply to Natural England.
Recording & reporting	There is a data recording requirement.
Reference	WML – CL07

LICENCE TERMS and CONDITIONS

Legislation	The Conservation of Habitats and Species Regulations 2017 (the “2017 Regulations”) and The Wildlife and Countryside Act 1981 (as amended) (the “1981 Act”)
Relevant section(s)	Regulations 55 and 57 of the 2017 Regulations and section 16(4)(b) of the 1981 Act.
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	The sale of dead specimens and/or derivatives of wild animals listed in: i. Schedule 2 of the 2017 Regulations – only for scientific or educational purposes, and ii. Schedule 5 of the 1981 Act (but not also Schedule 2 of the 2017 Regulations) for any purpose.
What this licence permits	Subject to the terms and conditions below, and for the purposes set out above, this licence authorises the sale or offering for sale of dead specimens and/or derivatives of wild animals that are listed on Schedule 2 of the 2017 Regulations that would otherwise be an offence under regulations 43(3)(c) or (d). It also permits the sale, possession or transport for the purposes of sale and advertising for sale of specimens and/or derivatives listed on Schedule 5 of the 1981 Act that would be an offence under section 9(5)(a) or (b), and that that they: i. were legally taken from the wild, and ii. were taken from the wild prior to 30 October 1981.
Who can use this licence	Persons registered to use this licence (Registered Person), and Accredited Agents of the Registered Person, except those with a recent conviction (see Condition 1 and Information and Advice note n).
Definitions used in this	A “Registered Person” is a person who has successfully registered to

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use this licence in accordance with Condition 1 and Information and Advice note b - d.

An “*Accredited Agent*” is a suitably trained and experienced person who is able to carry out work under a licence without the personal supervision of the Registered Person in accordance with Condition 2.

LICENCE CONDITIONS

1. To use this licence you must either:
 - i. be a Registered Person (see Information and Advice notes b – d);
 - ii. be authorised as an Accredited Agent (see Definitions) by a Registered Person, in which case you are only permitted to act under the authority of this licence if you are in possession of a letter signed by the Registered Person appointing you by name as a duly Accredited Agent for the purpose of this licence. Agents shall carry a copy of the said letter when acting under the licence and shall produce it to any police or Natural England officer on request
2. The Registered Person is responsible for all activities carried out under this licence. All persons registered to act under this licence are by virtue of that grant of authority *the holder of a licence* for the purposes of the offence in regulation 60(1) of the 2017 Regulations.
3. A copy of this licence shall be displayed, where practicable, at all educational events. Where this is not possible, a verbal explanation of licensing requirements shall be given.

Recording and reporting requirements

4. Any person who sells a dead specimen and/or derivative under this licence (“the seller”) must keep a written record (“the record”) for a minimum of two years from the date of each sale. The record must contain details of:
 - i. The person from whom the seller acquired the specimen and/or derivative; and
 - ii. The person to whom the specimen and/or derivative was sold; and
 - iii. The species of the specimen and/or derivative, the cause of death (if known) and the date and location the specimen was taken from the wild; and
 - iv. The seller’s confirmation that, to the best of their knowledge and belief, the specimen sold was legally taken from the wild (see Information and Advice note i).
5. The seller must certify the record as accurate.
6. The seller must, 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.

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 2017 Regulations or 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 2017 Regulations or 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. This licence only covers sale of specimens that were legally taken from the wild before 30 October 1981.

Registering to use this licence

- b. Before relying on this licence it is necessary to submit in writing (preferably by email) the following details to Natural England Wildlife Licensing (contact details below):
- your name;
 - contact address, telephone number and email address (if available).
 - the information specified within Annex A for each specimen which to wish to keep.
- c. Once registered, you must inform Natural England of any permanent change of address.
- d. Once registered, a person is entitled to use this licence so long as they satisfy the licence's terms and conditions; annual re-registration is not required.
- e. Any person authorised to use this licence must have sufficient experience to be able to identify the specimen and also must exercise all reasonable due diligence with regard to the provenance of that specimen.
- f. Anyone seeking to confirm whether a person is registered to use this licence should contact Natural England Wildlife Licensing (contact details below).
- g. A person's registration may be revoked by Natural England, for example, if that person breaches the conditions of this licence. In these circumstances Natural England will normally give 28 days' notice of our intention to revoke a person's registration.

The law

- h. Natural England has issued this licence in exercise of the powers conferred under regulation 55 of the 2017 Regulations being satisfied that as regards the purpose set out above:
- there is no satisfactory alternative, and
 - that the action authorised will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.
- i. The sale of species listed on Annex IV, other than those listed on Schedule 2 of the 2017 Regulations or the species *Lacerta vivipara pannonica* (viviparous lizard) or *Lycaena dispar* (the large copper butterfly), which have been legally taken from the wild do not require a licence and therefore have not been included in this licence. However, such an animal, or part of an animal, is only treated as having been lawfully taken from the wild if:
- It was taken from the wild in the European territory of a member State, being territory to which the EC Treat applies, without contravention of the law of that member State and before the implementation date (In the UK the implementation date is the 10 June 1994 or, where the State joined the EC after that date, the date it joined the EC.); or
 - It was taken from the wild elsewhere.
- j. The sale of specimens and/or derivatives which originate from captive bred species are exempt from the provisions of regulation 43(3)(c) or (d) of the 2017 Regulations and section 9(5) of the 1981 Act.
- k. Buyers and sellers are advised to check, so far as this is reasonably possible, that specimens and/or derivatives were legally taken from the wild. Particular regard should be given to the origin of specimens. Legal constraints may apply to the collection of specimens from certain sites, such as National Nature Reserves or Sites of Special Scientific Interest, and it is important that the appropriate consents were obtained.

INFORMATION AND ADVICE for all Class and General Licences

General Information

- l. Natural England checks compliance with licences and the attached conditions. Where breaches are identified, these may be subject to enforcement action.
- m. 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.
- n. 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:
- 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.

The limits of licences

- o. This licence permits action only for the purposes specified above.

- p. This licence does not permit actions prohibited under any other legislation, nor does it confer any right of entry on to land.
- q. The provisions of this licence 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.

Using and Sharing Your Information

- r. There is significant public interest in wildlife licensing and in those who benefit from receiving a wildlife licence. We may make information publicly available, for more information, please see our [Privacy Notice](#).

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>

ANNEX A

Register of specimens

The register of Annex IV specimens must include the information stipulated in the table below and be presented in the format shown.

Scientific name	Common name	Whole specimen (Yes/No)	If No, specify the part or derivative	Number	Date came into your possession
<i>Example:</i>					
Nyctalus noctula	Noctule bat	Yes		1	01/05/2011