

# CLASS LICENCE

To permit the emergency release of non-native subspecies of bumblebee (*Bombus terrestris*) in commercial glass-houses or poly-tunnels for crop pollination and research when native bumblebees are not available



## OVERVIEW

This licence permits growers and researchers in England to release commercially supplied non-native bumblebee colonies of *Bombus terrestris terrestris* and *Bombus terrestris dalmatinus* (and hybrids between these two subspecies) in the glass-houses or poly-tunnels of commercial horticultural businesses and research establishments for crop pollination and research. This licence can only be used in emergency situations when commercial native bumblebees are not available.

This licence does not permit the use of these bumblebees in non-commercial situations (eg domestic gardens or allotments) or orchards.

This licence does not place any conditions, restrictions or reporting requirements on the use of the hives containing commercial native British bumblebee *Bombus terrestris audax*. To safeguard against the potential threats to bees and other wild pollinators, recently identified in a government risk assessment, Natural England strongly recommends that growers should use the native British bumblebee *Bombus terrestris audax* which is now widely available for commercial use. Growers who are only using *Bombus terrestris audax* do not need to register under this class licence and are not required to submit annual reports. These British bumblebees should also be screened **for diseases and pathogens to the same level as the licensed non-native bumblebees.**

Registration	Anyone wishing to use this licence must first apply to Natural England
Recording & reporting	There are data recording and annual reporting requirements.
Reference	WML – CL28

## 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) 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	For crop pollination and/or research
What this licence permits	Subject to all the terms and conditions of this licence and solely for the purposes stated above, this licence permits owners and managers of commercial horticultural businesses and research establishments to:  Release non-native bumblebees of the sub-species <b>Bumblebee</b> ( <i>Bombus terrestris</i> ) into commercial glass-houses or poly-tunnels at <b>Registered Premises</b> in England in emergency situations where native bumblebees are not available.
Who can use this licence	Persons registered to use this licence (Registered Person), eg owners and managers of commercial horticultural businesses and research establishments, having registered their premises (Registered Premises), and Accredited Agents and Assistants of the Registered Person (see 'Definitions used in this licence'), except those with a recent conviction (see Information and Advice note m).
Definitions used in this licence	A " <i>Registered Person</i> " is a person who has successfully registered to use this licence in accordance with Condition 1.

An “*Accredited Agent*” is a suitably trained and experienced person who is able to carry out work under licence without the personal supervision of the Registered Person. A Registered Person should only authorise an Accredited Agent if they can personally assure that the individual is appropriately experienced, skilled and competent to undertake activities under this licence.

An “*Assistant*” is a person assisting a Registered Person or Accredited Agent. Assistants are only authorised to act under this licence whilst they are under the direct supervision of either the Registered Person or an Accredited Agent. They cannot work alone or unsupervised.

A “*Registered Premises*” are commercial horticultural businesses and research establishments that have been registered with Natural England.

## LICENCE CONDITIONS

1. To use this licence you must either:
  - a. Be a Registered Person (see Information and Advice notes f - j and Definitions);
  - b. 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. Accredited 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; or
  - c. Be authorised by a Registered Person or their Accredited Agent to act as an Assistant (see Definitions), in which case you may act under the authority of this licence so long as you are doing so under the direct supervision of a Registered Person or their Accredited Agent. Assistants cannot work alone or unsupervised.
2. The Registered Person is responsible for ensuring that persons carrying out operations under the authority of this licence are aware of all terms and conditions of the licence.
3. This licence only applies to the release of commercially reared non-native bumblebee colonies that are free of the following viable diseases and pathogens: *Nosema bombi*, *Nosema apis*, *Nosema ceranae*, *Apicystis bombi*, *Crithidia bombi*, Deformed Wing Virus, *Locustacaris buchneri* (tracheal mite), *Melissococcus plutonius*, *Ascosphaera*, *Melittobia acasta*, *Aethinia tumida*, American foulbrood (caused by *Paenibacillus larvae*) and Tropilaelaps mites. The latter three are all notifiable diseases and their presence needs to be reported to the National Bee Unit. Pollen supplied with any non-native bumblebee must also be free of the same viable pathogens and diseases.
4. Bumblebees must be housed in the original hive box as supplied and must not be re-housed in other containers.
5. This licence is only to be used by commercial horticulture businesses or research establishments at premises that have been registered with Natural England (“Registered Premises”). There must be a named person (the “Registered Person”) for each Registered Premise who may authorise other persons to use the licence (“Accredited Agents” and/or “Assistants”) and who is responsible for the conduct of all activities carried out under this licence whether by themselves or by these other authorised persons (see Information and Advice notes f - j for advice on registration).
6. The Registered Person or Accredited Agent and/or their Assistant shall only place non-native bumblebee colonies inside glass-house(s) and/or poly-tunnels during the period, and in appropriate numbers, required for crop pollination or research activities, and shall comply with good-practice and take all reasonable steps to prevent the escape of non-native bumblebees beyond the confines of such structures.
7. When introduced to the crop non-native hives can only be used if they have been supplied with the following information printed on the outside of the hive:

**“WARNING: THIS PRODUCT CAN ONLY BE USED IN ACCORDANCE WITH THE 2018 NATURAL ENGLAND GROWERS EMERGENCY CLASS LICENCE.** It must not be used in open fields and must only be used in greenhouses and poly-tunnels to pollinate crops growing within these structures. ANY UNLICENSED USE OF THIS PRODUCT IS A CRIMINAL OFFENCE AND MAY RESULT IN AN UNLIMITED FINE AND/OR A SIX MONTH CUSTODIAL SENTENCE.

*This hive must be closed and removed from the crop by the 70th day after introduction, the bumblebees killed within 2 days and the hive disposed of as soon as possible.*

*Bumblebees are to be killed either by freezing for at least 2 days at -18°C or by the application of an approved bee / wasp nest treatment insecticide.*

*After use, this box and its contents must be disposed of in accordance with the Animal By-Products Regulations”.*

8. When introduced to the crop all hives must have a queen lock or similar device to prevent the queens leaving the hive and at all times this lock must be set to the position intended to prevent the escape of queens. If growers receive colony hives from suppliers where this lock is lacking, damaged or can set in such a position which permit queens to leave the hive, the hive is not be used and Natural England must be informed.
9. Individual hives must be closed and removed from the crop by the 70th day after introduction, the bumblebees killed within two days and the hives disposed of as soon as possible. Bumblebees are to be killed either by freezing for at least two days at -18°C or by the application of an approved bee / wasp nest treatment insecticide.
10. After use, the non-native bumblebee hives and their contents must be disposed of in accordance with the Animal By-Products Regulations (see Information and Advice note c).
11. If the Registered Person their Accredited Agents and/or Assistants becomes aware of evidence that non-native bumblebees supplied under licence for crop pollination or research have become established in the environment, he/she shall notify Natural England, in writing, as soon as possible.
12. If the Registered Person their Accredited Agents and/or Assistants become aware of disease outbreaks, parasite infestations or high levels of unexplained mortality among commercial or native bumblebees in or adjacent to their premises Natural England must be informed.
13. The Registered Person their Accredited Agents and/or Assistants shall permit an officer of Natural England, accompanied by such individuals as he/she considers necessary for the purpose, on production of his/her identification on demand, to inspect premises registered to use this licence and to be present during any operations carried out under the authority of this licence for the purpose of ascertaining whether the conditions of this licence are being, or have been, complied with. The Registered Person and authorised persons shall give all reasonable assistance to an officer of Natural England and any individuals accompanying him/her.
14. As part of any product stewardship disease surveillance regime being operated by the commercial the bumblebee industry, Defra or Natural England, samples of bumblebees may be taken for testing when the hives first arrive on the farm. Therefore the Registered Person, their Accredited Agents and/or Assistants shall give all reasonable assistance to individuals working on behalf of the producers, Defra or Natural England to take samples of bumblebees for disease testing.

#### **Recording and reporting requirements**

15. The Registered Person must maintain a record, which must be kept for at least five years beyond the expiry date of this licence, in accordance with the requirements of the Record and Report Form for this licence (reference WML-LR-C28). Records are to be made available for inspection at any reasonable time by Natural England.
16. The Registered Person must submit a completed copy of the Record and Report Form (reference

WML-LR-C28) detailing use of this licence for each calendar year (1 January to 31 December) by no later than 31 January of the year which follows the calendar year to which the report relates.

17. If Conditions 15 and 16 are not met then the Registered Person and Registered Premise(s) will, by default, no longer be considered registered to act under this licence.

### IMPORTANT

This licence authorises acts that would otherwise be offences under the legislation referred to above. Failure to comply with its terms and conditions:

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 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

#### Bumblebee information

- a. Persons relying on this licence should obtain a copy of the latest version of the IBMA "*Advice to growers; the use of bumble bees for pollination of crops in the UK*" from their supplier and confirmation that the bumblebees are free of viable pathogens listed in Condition 3.
- b. This licence does **not** permit:
  - i. the use of non-native bumblebee colonies in open field situations or orchards, or
  - ii. the release of non-native bumblebees in parts of the UK outside England, even if the supplier of the bumblebees is licensed for the release of bumblebees in these areas.
- c. One of the ways to prevent the spread of bee and bumblebee diseases is to effectively dispose of the hives and carcasses of bumblebees. Current methods of killing the bumblebees, freezing or poisoning with insecticide, may not destroy the bacteria and viruses that cause the diseases. The effective destruction of bumblebee carcasses and their hives is covered in the Animal By-Products Regulations (ABPR). Dead bumblebees are classed as a Category 3 animal by-product. This is the least risky category of ABP. The regulations allow bumblebees and bombiculture by-products (which includes the cardboard hives) to be destroyed on site by burning or burial. If the bumblebees and their hives have to be taken off site they must be destroyed in accordance with the regulations. There are various options but the most common are destruction by rendering or incineration at an ABP approved incinerator or rendering plant. A list of such plants can be found at: - <http://www.defra.gov.uk/ahvla-en/disease-control/abp/premises>. Each consignment must be accompanied by a commercial document which has to contain certain information, such as the date, haulier and place of disposal. Further information can be found at: - <http://www.defra.gov.uk/ahvla-en/disease-control/abp/reg-trans-hand-storage/trans-docs-recs>. Failure to comply with the correct destruction of bumblebees and bombiculture by-products may be an offence under the regulations, which are enforced by the Local Authority.

#### General information

- d. Under section 14 of the 1981 Act it is an offence to release or allow to escape into the wild any animal which is of a kind which is not ordinarily resident in, and is not a regular visitor to, Great Britain in a wild state; this includes non-native subspecies of the bumblebee (*Bombus terrestris*). This offence shall not apply to anything done under and in accordance with the terms of this licence.

#### Recording and Reporting

- e. Electronic copies of the Record and Report Form (reference WML-LR-C28) are available [online](#), or they may be requested directly from Natural England Wildlife Licensing.

#### Registering to use this licence

- f. Only Registered Persons, or persons authorised or supervised by a Registered Person (see Condition 1), may act under this licence. Anyone seeking to become a Registered Person must apply to Natural England.

You can [register online](#) to use this licence. Alternatively applications can be submitted by email or post (contact details below). Applications require supporting evidence (including references) indicating appropriate knowledge and experience of the species covered by this licence and the management techniques permitted (see '[Reference guidance](#)').

- g. 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. Failure to comply by the terms and conditions, including the recording and reporting requirements, will, by default, render registration null and void. The annual reporting process is used to verify a person's desire to remain registered.
- h. It is the responsibility of Registered Persons to maintain their expertise at an appropriate level to act under this licence and it is also their responsibility to ensure that Accredited Agents and Assistants have appropriate training, experience and instruction to act under this licence.
- i. Anyone seeking to confirm whether a person is registered to use this licence should contact Natural England Wildlife Licensing (contact details below).
- j. 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.

## **INFORMATION AND ADVICE for all Class and General Licences**

### **General Information**

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

### **The limits of licences**

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

### **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](mailto:wildlife@naturalengland.org.uk)

**Postal address** Wildlife Licensing, Operational 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>