

GENERAL LICENCE

To permit the release of **native and formerly native** animal species listed on Schedule 9 Part 1A and Part 1B



OVERVIEW

This licence permits the re-release into the wild of animals listed on Schedule 9 Part 1A ('native animals') and Part 1B ('animals no longer normally present') of the Wildlife and Countryside Act 1981 where they have been:

- 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), or
- in relation to species listed in Part 1A of Schedule 9 only, taken for the purpose of tending and returning to the wild once rehabilitated.

Except as permitted by this licence the release of any animal of a species listed on Schedule 9 Parts 1, 1A or 1B is prohibited by section 14 of the 1981 Act. Visit Legislation.gov.uk to see the list of species on Schedule 9.

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

LEGISLATION

Statute(s)	Wildlife and Countryside Act 1981 (as amended) ('the 1981 Act')
Section(s)	This licence is issued under sections 16(4)(c) and 16(5) This licence derogates, to the extent stated at 4 below, the offences in section 14(1)

LICENCE TERMS and CONDITIONS

- 1. Valid for the period** 29 April 2019 to 31 December 2019 (inclusive)
- 2. Area valid in** All counties of England (landward of the mean low water mark)
- 3. The purpose(s) for which this licence can be used**
 - Conserving wild birds
 - Conserving wild animals
- 4. What this licence permits** This licence permits the re-release, into the wild, of individuals of the species listed in:
 - Part 1A and
 - Part 1B of Schedule 9 of the 1981 Act
- 5. Who can use this licence** This licence can only be used by **anyone**, except those convicted on or after 1 January 2010 of a **wildlife crime*** (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 application by a person to whom this exclusion applies for an individual licence will be considered on its merits.

- 6. When this licence can be used**
- a) This licence may only be used where the animal to be released was not taken by that person's unlawful act.
 - b) This licence applies only to species listed in Part 1A and Part 1B of Schedule 9 of the 1981 Act, and then only where the individual animal (including bird and egg) was:
 - (i) 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
 - (ii) taken from the wild or restrained by a person(s) acting under the authority of a valid Natural England licence.

This licence also applies to species listed in Part 1A of Schedule 9 of the 1981 Act where the individual animal (including bird and egg) was taken from the wild or restrained solely for the purpose of tending it and releasing it when no longer disabled.
 - c) Animals must be released or replaced at or as close as possible to the location from which they were taken or restrained. Species listed in Part 1A of Schedule 9 may be released up to one kilometre from this location if releasing at the source location is not possible or would not be safe.
- 7. Welfare requirements**
- All reasonable precautions must be taken to avoid unnecessary suffering of animals released under this licence.
- It is an offence to cause any unnecessary suffering to an animal under the control of man. This applies to the humane despatch of captured wild animals, the treatment of wild animals held in traps or nets, and the release of wild animals.
- The application of Animal Welfare Act 2006 to wildlife management activities is explained in Natural England leaflet '[The Animal Welfare Act 2006: what it means for wildlife](#)' (TIN072).
- 8. Protected sites**
- This licence is not a consent for the purposes of Part 2 of the Wildlife and Countryside Act 1981 (as amended) in respect to SSSIs it is your responsibility to get consent or assent if required before this licence can be used on any SSSI.
- also see Information & Advice (m)
- 9. Definitions used in this licence**
- "*Wildlife crime*" means any 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)

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;
- 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, and

- iii. may not be able to rely on this licence as a defence in respect to the prohibitions within the Animal Welfare Act 2006 or the Wild Mammals (Protection) Act 1996.

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 29 April 2019

INFORMATION AND ADVICE specific to this licence

Releasing animals

- 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 and native species whose release is controlled

- d. Under section 14 of the 1981 Act it is an offence to release into the wild any animal included in Schedule 9 of the 1981 Act. This licence permits the re-release into the wild of animals of species listed on Schedule 9 Part 1A and Part 1B, subject to the conditions stated in this licence. Anyone wishing to release individuals of a species listed on Schedule 9 but **not** covered by this licence should apply to Natural England for an individual licence.
- e. Release of species listed in Part 1B of Schedule 9 of the 1981 Act following rehabilitation is **not** covered by this licence. Anyone wishing to release such an animal, it having been taken from the wild or restrained solely for the purpose of tending it and releasing it when no longer disabled, should apply to Natural England for an individual licence.

The law

- f. 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.
- g. 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

- h. 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.
- i. 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

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

- m. A licence does not give permission from Natural England to carry out a licensed activity on a Site of Special Scientific Interest (SSSI). The notification documents for each SSSI contain a list of operations that require Natural England's prior consent. Owners and occupiers of land notified as SSSIs are required to give written notice to Natural England before either beginning any of these operations, or allowing someone else to carry out those operations. SSSI consent can only be given to a SSSI owner or occupier. It may be given with or without conditions, or in some cases, consent may not be granted. A similar process applies to 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.

Please note that as the licensee you will not be able to undertake the licensed activity on a SSSI until the owner or occupier of the SSSI has applied for, and received, Natural England's written SSSI consent. If you do so, you may be at risk of committing an offence. As the licensee, if you wish to exercise this licence on a SSSI you must contact the relevant owners or occupiers of the SSSI and ensure they give written notice to Natural England of their proposal to permit you to carry out licensed activity on their SSSI. You should wait until a SSSI consent decision has been received by the SSSI owner/occupier before you begin to exercise this licence on a SSSI. See [Gov.uk](http://www.gov.uk) for further information on how to get SSSI consent from Natural England.

In considering whether to issue consent or assent for activities likely to affect a SSSI that is a European Site, in other words a Special Protection Area (SPA) or Special Area of Conservation (SAC), Natural England will carry out a Habitats Regulations Assessment, as required by the Conservation of Habitats and Species Regulations 2017 (as amended) to ensure there will be no adverse effects on the European Site.

To identify the location of SSSIs and European Sites, refer to the [Magic map system](#). You can search for and view details about all SSSIs by using Natural England's [Designated Sites system](#), including the citation and the list of operations requiring Natural England's consent for each site.

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>