



## General licences and the next steps – position statement

There has been a large amount of media coverage and interest in the decision to revoke three general licences (GL 04/05/06). These cover 16 species of birds, including several members of the crow family, Canada geese, some gulls, feral and wood pigeons.

Natural England announced on Tuesday (23 April) that the licences will be revoked at 11.59pm on Thursday 25 April. We did not take this decision lightly. However, in light of the legal challenge by Wild Justice, Natural England concluded that the licences were not issued in accordance with the requirements of the Wildlife and Countryside Act 1981. Unfortunately this conclusion, which was based on legal advice, left us with no choice but to revoke these licences.

Below are listed some of the questions people are most commonly asking our enquiry team and the answers.

## Updated general and individual licence FAQs for applicants

Sections:

[Current Situation](#)

[Compliance](#)

[Consents](#)

[Considerations](#)

[Confidentiality](#)

[Consultation](#)

### **Current Situation**

#### **1.1 What requirements will I have to meet as a result of general licences to use lethal control on wild birds being withdrawn?**

From 23.59 on 25 April onwards the three general licences (GL04, GL05 & GL06) have ceased. Users currently have two options:

- Operate under one of the three new general licences issued recently by Natural England. These licences cover control of carrion crows to prevent serious damage to livestock; control of wood pigeons to prevent serious damage to crops; and control of Canada geese to protect public health and safety. Further details are available on gov.uk.
- If the circumstances in which you wish to act are not covered by a new licence, apply for an individual licence via the online application system. In certain circumstances, applicants are allowed to undertake urgent action while their application is being determined, where this meets the existing requirements of section 4(3) of the Wildlife and Countryside Act 1981 (see Q2.3 below for further info).

Anyone exercising lethal control of birds after 25 April without taking the above steps will not be covered by a general licence and could be acting outside the law.

#### **1.2 What new General Licences are now available?**

There are 3 which you can use now to save time before applying for an individual licence where possible:

GL26 – Carrion crows licence to kill or take them to prevent serious damage to livestock

GL28 – Canada geese licence to kill or take them for public health and safety

GL31 – Wood pigeon to prevent serious damage to crops

Link to licence page on gov.uk: <https://www.gov.uk/government/collections/general-licences-for-wildlife-management#birds>

### **1.3 Does it have any other requirements such as registering with NE?**

Users do not need to apply or register to use this licence. Users of the licence are required to be able show that they are complying with the terms and conditions of the licence if asked by an officer of Natural England or the Police. Specifically users are required to be able to demonstrate:

- (i) what type of livestock any action under this licence is protecting;
- (ii) what lawful methods have been, and are being, taken to prevent predation of such livestock by carrion crow or why the lawful methods have they have not been taken;
- (iii) what measures have been and are being taken to minimise losses to that livestock from other predators and causes; and
- (iv) why the threat of predation from carrion crows is sufficiently serious to merit action under this licence

We are advising users they consider doing this by keeping a log of predation and the efforts taken by legal means to address problems. They do not need to submit records to NE.

### **1.4 When I can apply for an individual licence?**

You can apply now. The online application system for individual licences became available on gov.uk on 25 April.

### **1.5 I need to take action now.**

Check if your circumstances are covered by one of the three new general licences in existence on [GOV.UK](https://www.gov.uk). If they are not and where urgent action is required to protect public health and safety, prevent the spread of disease, or prevent serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, fisheries or inland waters, the user may be able to undertake lethal control in limited circumstances. There must be no other satisfactory alternative to lethal control and, as soon as it becomes apparent that action will be necessary where the purpose is preventing serious damage to livestock, foodstuff for livestock, crops, vegetables, fruit, growing timber, fisheries or inland waters, the user can only rely on this defence if he or she has applied for an individual licence and this has not already been determined. The limited circumstances in which this defence [section 4 of the Wildlife and Countryside Act] applies does not include taking lethal action for the purposes of conserving flora and fauna.

### **1.6 Will I have to register with Natural England to be able to shoot 'pests' on my land?**

Not if there is a general licence available: look first at gov.uk to see if your circumstances are covered. If the action you want to take is not covered by an existing licence published on gov.uk you will need to apply for an individual licence.

### **1.7 Will all shooting to control 'pests' under the general licences have to stop in England whilst this is resolved?**

Only the 16 species listed under the three general licences GL 04/05/06 are affected by this revocation. Other licences, including licences that cover any of these same species, are unaffected.

### **1.8 Have the three original GLs been reinstated as a result of Defra's action?**

No they haven't. Natural England had unequivocal legal advice that the original GLs were unlawful and left users open to prosecution.

The Secretary of State has temporarily taken back the power to issue general licences in this specific area. The Secretary of State says he wants to proceed quickly and carefully and his first step is the call for evidence.

### **1.9 What about the individual licenses already issued? Are they still valid?**

Yes

### **1.10 I applied for an individual licence a few days ago, but haven't heard anything yet – when am I likely to?**

Applications for conservation purposes have been prioritised (as these applicants are unable to use Section 4 and there is no new general licence in place). 95% of these applications have been completed, so if yours falls into this category you should hear from us in the next 2 to 3 days.

Other applications are being processed as swiftly as possible and you should receive a response within the next week.

### **1.11 I'd like to complete a paper version of the individual licence application – what do I need to do?**

Please download the application form, print it off and post to us at address on the form. If you have any difficulty doing this please call our enquiry line.

## **Compliance**

### **2.1 Why do I need to keep a record of the problems and non-lethal methods used if NE doesn't want me to submit them? Isn't this an example of NE being overly bureaucratic and putting unnecessary burdens on landowners?**

Licence users should be able to demonstrate, if required by NE or the Police, that they are complying with the terms and conditions of the licence. If they are not doing so, they may be committing an offence. We are advising users to keep a log of predation and the efforts taken to address problems by legal means so that they can demonstrate how they are using the licence within the law.

### **2.2 Does the licence cover the use of Larsen traps?**

Yes, the use of Larsen traps and multi-catch cage traps are allowed, provided users also comply with GL33 Standard Licence conditions for trapping wild birds and using decoys. This is also available on gov.uk.

### **2.3 Can you explain what is meant by "last resort"?**

- Section 16(1A)(a) of the Wildlife and Countryside Act 1981 provides that no licence may be granted for any specified purpose (such as the prevention of serious damage) unless Natural England is satisfied that, as regards that purpose, there is no satisfactory solution other than the actions it permits.
- Where non-lethal methods would be insufficient to achieve the purpose for which the licence may be granted, lethal methods may be necessary (and thus used as a last resort). The licence conditions for carrion crow therefore say that "before using the licence reasonable endeavours must have been made to resolve the problem using the lawful methods identified in Table 1 (unless their use would be impractical, without effect or disproportionate in the circumstances) and any other lawful methods that may be appropriate in the circumstances".
- The reference to "last resort" enables Natural England to be satisfied that there is no satisfactory alternative other than the actions that the general licence permits to achieve the relevant purpose.

### **2.4 Am I required to try - and keep trying - all the alternatives methods of control listed in the licences before I can shoot?**

No you are not. All wild birds are protected in England and, by law, lethal control can only be used where there is no other satisfactory solution. The licence sets out some of the alternative methods to lethal control that Natural England expects the licence user to consider before resorting to lethal control. You are required to use, and continue to use, alternative methods **unless their use would be impractical, without effect or disproportionate in your circumstances**. There is good evidence that using lethal control alongside other methods can be most effective. Users are advised to keep a record of problems and the use of non-lethal methods, but do not need to submit those records to Natural England.

### **2.5 If I am a user, who do I contact if I have queries about my licence? NE or Defra?**

Licence users should continue to contact Natural England's general enquiries line on 0300 060 3900 for questions on the three GLs now in place, and for any questions about individual applications.

## **Consents**

### **3.1 Why doesn't this licence allow me to shoot in SPAs and SSSIs and for 300 metres outside them?**

As with the previous general licences, the new general licences (and individual licences) do not override the need to also have any relevant consents in place. People who have a consent to control certain wild bird species on Sites of Special Scientific Interest (SSSIs) can still continue to do so. Where the site is also a Special Protection Area, that consent must be underpinned by a Habitats Regulation Assessment (HRA). If people are unsure if their consent is supported by an HRA, or they need to take action in a SSSI which is not covered by their existing consent, they should talk to their usual contact in the local Natural England office. If you do not know who that is, please email our customer enquiry service [consultations@naturalengland.gov.uk](mailto:consultations@naturalengland.gov.uk). Details of Natural England's offices available [here](#).

### **3.2 Members are expressing confusion about whether the licence is for the individual or the premises – is that the land owner or the tenant who needs the licence? This needs clarifying.**

The individual licences allow people to work across all of England, and on any land, as long as they have that land owner's or occupier's written permission.

### **3.3 How do you demonstrate that you have landowner/occupiers permission under an individual licence?**

This permission would need to be in writing, which is laid out in the licensing conditions. "The licence may authorise other people to act on their behalf, but that must be in their writing."

### **3.4 Why do you need a licence to shoot these 'pests'?**

All wild bird species in the UK are legally protected, even common species and those that some people consider to be 'pests'. Therefore, lethal control can only be carried out lawfully under a licence from the relevant statutory conservation agency (NE in England).

### **3.5 Can I still use the 3 new GLs for carrion crow, Canada goose and wood pigeon NE has recently issued?**

Yes – these are still available for you to use for the following purposes and reasons.

Carrion crows – kill or take, or destroy their nests and eggs to prevent serious damage to vulnerable livestock.

Wood pigeons - kill or take, or damage or destroy their nests and eggs to prevent serious damage to crops.

Canada geese – kill or take during the close season to preserve public health and safety

### **3.6 So there will be no new GLs in the next week? Or longer? What am I meant to do in the meantime?**

There are three new licences in place to cover carrion crow (prevent serious damage to vulnerable live stock), wood pigeon (prevent serious damage to crops) and Canada goose (to preserve public health and safety). If you need to control other species you can apply for an individual licence and if you need to act urgently you can do this under certain conditions <https://www.gov.uk/government/publications/wild-birds-licence-to-control-certain-species>

### **3.7 What now? Should people who need to shoot continue to apply for individual licences?**

Where action is not covered by a General Licence, those in need are still able to apply to Natural England for an individual licence using a simplified process on [gov.uk](http://gov.uk). In limited circumstances, applicants may be allowed to undertake urgent action in accordance with the existing requirements of section 4 of the Wildlife and Countryside Act 1981. See 1.5 above.

## **Considerations**

### **4.1 What if my circumstances aren't covered by this licence?**

You will need to apply for an individual licence.

### **4.2 Gamekeepers have captive decoy birds such as crows and magpies for use in Larsen traps and larger crow traps. Should these have been killed before the licences were revoked? And can they lawfully be killed now?**

- So long as a decoy bird has been obtained legally it is lawful to continue to keep it. Catching the bird under the terms and conditions of an appropriate general licence is a lawful means of obtaining a bird.

- Decoy birds remain a protected 'wild bird' and it is therefore unlawful to kill them except under the authority of a licence. Now that general licences GL04, GL05 and GL06 are revoked the options are: to keep any decoy bird; to release it back into the wild or to either apply for a licence to kill it or dispatch it under a new general licence if a suitable one is available.

While the decoy bird remains in captivity it is also protected by the provisions of the Animal Welfare Act 2006

#### **4.3 Are other general or class licences affected by this challenge?**

We plan to review other licences as part of our planned review in the summer.

### **Confidentiality**

#### **5.1 How will personal data in my application be managed securely eg can it be FOI-ed?**

The provisions of the GDPR will apply and **personal data will not be released**. In the event that a request is received under the Environmental Information Regulations 2004 all personal data and locations will be redacted. This is the approach NE takes to badger control licences. We have updated our website to make this clear.

### **Consultation**

#### **6.1 What's the timeline for a review?**

This work in relation to the three general licences will form the first part of a wider review of general and class licensing by Natural England, due to be completed this year. We will be consulting stakeholders fully to ensure that the outcome of the review includes their feedback, expertise and evidence.

#### **6.2 I've heard there is a 'call for evidence' and want to submit evidence for this, how do I do it?**

**THIS IS NOW CLOSED.** Any further decisions and timeline is a matter for Defra

#### **6.3 How do I get updates and latest information on what is happening with future GLs?**

Defra is handling this and will be keeping user groups updated on the timeline for this work