



Department
for Environment
Food & Rural Affairs

General Licence: To kill or take Canada geese to preserve public health and public safety during the close season

GL 28

1 August 2020

OVERVIEW

The **Canada goose, *Branta Canadensis***, is listed on Schedule 2 Part 1 of the Wildlife and Countryside Act 1981 (as amended) and in accordance with the provisions in section 2 of the Act may be killed or taken by lawful methods outside the close season.

This licence permits landowners, occupiers and other Authorised Persons to carry out activities that would otherwise be illegal against this species **during the close season**. This licence may only be used:

- i. for the purposes of preserving public health and/or public safety;
- ii. where it is strictly necessary to take action to preserve public health and/or public safety; and
- iii. where reasonable steps to prevent problems by lawful methods have been and continue to be taken.

Users of this licence must comply with all licence terms and conditions including those in 'Standard Licence Conditions for trapping wild birds and using decoys under a Natural England licence' (GL33).

Registration	Users do not need to register to use this licence
Recording & reporting	Users are advised to keep a record of problems and the use of non-lethal methods, but do not need to submit records.
Reference	WML – GL28

LEGISLATION

Statute(s)	Wildlife and Countryside Act 1981 (as amended) ('the 1981 Act')
Section(s)	This licence is issued under sections 16(1)(i) and 16(5) This licence permits, to the extent stated at 5 & 6 below, actions which may otherwise constitute offences in sections: 1(a), (b) & (c); 5(1)(b); 5(1)(c)(iii)

LICENCE TERMS and CONDITIONS

1. **Valid for the period** 1 August 2020 to 31 December 2020 (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** This licence can only be used to **preserve public health and / or public safety**¹
4. **What species are covered by this licence** **Canada goose, *Branta canadensis***
5. **What this licence permits** This licence permits:
- Killing or taking of the species listed above and
 - Taking, damaging or destroying their nests or taking or destroying their eggs
6. **The methods of killing and taking permitted under this licence** The methods permitted are:
- Shooting with any firearm, including **semi-automatic**¹ firearms, shotguns or air guns
 - Pricking of eggs
 - Oiling of eggs using paraffin oil (also known as Liquid Paraffin BP or light/white mineral oil)
 - Destruction of eggs and nests
 - A live-capture trap (including any pen or corral used as a trap)
 - Hand-held or hand-propelled nets
 - By hand
7. **When this licence can be used**
- a) Only as a last resort to **preserve public health and/or public safety**¹.
 - b) Before using the licence reasonable endeavours must have been made to resolve the problem using the lawful methods identified in Annex 1 below (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.
 - c) Reasonable endeavours must continue to be made to resolve the problem using such appropriate lawful methods alongside use of the licence.
 - d) Only undertake lethal control of adult birds with dependent young during the breeding season if lethal control outside the close season, egg oiling/pricking, and rounding-up and culling birds during their flightless phase would not preserve public health and/or public safety.
 - e) Any person using this licence must be able to show, if asked by an officer of Natural England or the Police:
 - (i) what risk to public health and/or public safety any action

¹ See Definitions

under this licence is addressing;

- (ii) what lawful methods have been, and are being, taken to prevent or address the risk or why the lawful methods have not been taken; and
- (iii) why the risk is judged sufficiently serious to merit action under this licence

Licence users are advised to keep a record or log of problems experienced and of efforts to address problems by legal methods.

8. Use of traps

The use of traps (including pens and corrals) under the authority of this licence must comply with the terms and conditions in document '*Standard Licence Conditions for trapping wild birds and using decoys under a Natural England licence*' (GL33)

9. Welfare requirements

- a) All reasonable precautions must be taken to avoid unnecessary suffering of birds killed or taken under this licence.
- b) Birds killed under this licence must be killed in a quick and humane manner.
- c) Wounded birds are to be pursued and humanely despatched where practicable.

It is an offence to cause any unnecessary suffering to an animal (including bird) under the control of man. This applies to the humane despatch of captured animals and the treatment of animals held in traps or nets, and non-target animals.

The application of Animal Welfare Act 2006 to wildlife management activities is explained in Natural England leaflet '*Wildlife Management Advice Note: The Animal Welfare Act 2006: what it means for wildlife*' (WML-GL02).

10. European and nationally protected sites

- a) For protected sites with interest features that include bird species, no action authorised by this licence is permitted to take place within those sites or within 300 metres of the boundary of such sites. For the avoidance of doubt, this restriction applies to:
 - (i) all Special Protection Areas (SPAs);
 - (ii) any Ramsar site with Qualifying Features that include bird species; or
 - (iii) any Site of Special Scientific Interest (SSSI) for which a bird species is a feature of special interest.
- b) For protected sites with interest features that do not include bird species but do include habitats or flora, no trapping is permitted within the boundary of those sites. For the avoidance of doubt, this restriction applies to:
 - (i) any Special Area of Conservation (SAC) with Qualifying Features that include habitats or flora; or
 - (ii) any Ramsar site with Qualifying Features that include habitats or flora.
- c) The restrictions in condition 11(a) and 11(b) do not apply to:

- (i) Ramsar sites with interest features that are solely animal species which are not birds (for example, only bat interest features); or
- (ii) any protected site identified on a list that Natural England may subsequently publish should it be satisfied that these restrictions can be removed.

If you need to carry out action that would otherwise be permitted by this licence on land excluded on account of the above conditions you will need a consent or assent. 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.

See Advice (vii)–(x) for further information, including where to find maps showing which protected sites are affected by these conditions.

11. Definitions used in this licence

“*Authorised Person*” is as defined in [section 27\(1\) of the 1981 Act](#).

“*Good practice*” means Natural England’s ‘*Wildlife Management Advice Note: Legal measures to resolve conflict with wild birds*’ (WML-GU01) and any other relevant good practice published by the British Association for Shooting and Conservation or the Game and Wildlife Conservation Trust. If there are conflicts between this good practice and the terms and conditions of this licence, the licence will prevail.

“*Humane*” means taking all reasonable precautions to ensure that any killing of birds under this licence is carried out by a single, swift action.

“*Preserve public health and/or public safety*” in the context of this licence refers to preventative measures taken to protect the public from pathogens transmitted by geese (either directly or via faeces) and risks or harm or injury resulting from their aggressive behaviour and / or fouling of areas used by the public.

“*To kill*” includes accidentally to wound whilst attempting to kill in accordance with this licence.

“*Semi-automatic weapon*” is as defined in [section 27\(1\) of the 1981 Act](#). It is any weapon which is not prohibited by section 5 of the Firearms Act 1968 (as amended) and which has a magazine capable of holding more than two rounds of ammunition, where the depression of the trigger discharges a single shot and reloads the next, each subsequent shot requiring a further depression of the trigger, for example Firearms Act Section 1 shotguns.

“*Wild bird*” has the same meaning as in [section 27 of the 1981 Act](#)

“*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. Defra 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 mean you are not 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 the Secretary of State on 1 August 2020.

Advice

Shooting on Sundays

- (i) Orders prohibiting the shooting of Canada geese and other wildfowl on Sundays apply during the close season in certain counties. For further advice see: <https://bas.org.uk/game-and-gamekeeping/quarry-species-shooting-seasons/>

Legal basis of this licence

- (ii) The Secretary of State has issued this licence in exercise of the powers conferred by the 1981 Act. Visit [Legislation.gov.uk](https://legislation.gov.uk) to view the full text of this legislation.
- (iii) 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 in England is the Secretary of State.
- (iv) This licence can be modified or revoked at any time by the Secretary of State, but this will not be done unless there are good reasons for doing so.
- (v) 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.
- (vi) This licence does not confer any right of entry onto land and neither does it permit actions prohibited under any other legislation. In particular it does not reduce the protection afforded to:
 - a. Schedule 1 bird species. Care must be taken to avoid disturbance to Schedule 1 species during the breeding season.
 - b. Other protected species including European Protected Species, such as otter and bats.

Protected sites

- (vii) You can use the MAGIC interactive mapping website <https://magic.defra.gov.uk> to identify the location of SSSIs and European Sites. MAGIC includes map 'layers' to help identify the protected sites affected by Condition 11. The layers can be found by selecting the tabs for 'Designations' followed by 'Land Based Designations' and finally 'Statutory'. The two layers are:
 - *Wild Bird General Licence Exclusion Zone* layer indicates the sites and buffers subject to Condition 11(a) and
 - *Wild Bird General Licence Restriction Zone* layer indicates the sites subject to Condition 11(b)

These layers may be revised periodically in accordance with the provisions of Condition 11(c)(ii).

- (viii) You can search for and view details about all SSSIs by using Natural England's [Designated Sites system](#). 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.

- (ix) 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 for further information on how to get SSSI consent from Natural England.
- (x) 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.

Severe weather

- (xi) 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](#). The Canada goose is listed on Part 1 of Schedule 2. During a period of voluntary restraint and statutory suspension licence users are expected to only take action that is absolutely necessary, and to ensure that their activities do not disturb wildfowl.

Sales and consumption of birds

- (xii) Birds killed or taken under a licence may be eaten, but may not be sold for human consumption.

For licensing enquiries:

Telephone 0330 159 1986

Email Enquiries@defra.org.uk

Annex 1: Appropriate lawful methods of resolving problems

This section lists methods that are considered capable of reducing or resolving public health and / or public safety problems covered by this licence. Many of the methods represent normal management practice and are common sense. They will be appropriate methods of resolving any problem unless their use would be impractical or disproportionate in the circumstances. The list of methods is not exhaustive. Use of other lawful methods may be required if appropriate in the circumstances to comply with the conditions of this licence.

An effective solution will typically comprise of a number of different methods. It is important that methods are employed effectively: at the right time, in the right way, and that methods are varied regularly. Birds commonly habituate to a single technique if used continuously and in isolation. The expectation is that you use the methods that are reasonably expected to be effective in your circumstances and that you can justify the choice of methods used.

It is recommended that use of these methods complies with published **Good Practice**² and doing so will help demonstrate compliance with these requirements.

Category

Advice on methods

Reducing attractiveness

- Discourage the feeding of birds by members of the public, including by providing information about the health and safety risks.
- Encourage responsible disposal of food waste with appropriate signage and adequate rubbish disposal bins in public areas.

Habitat management and physical exclusion

- Manage habitat to make it less attractive to geese and reduce feeding and breeding opportunities. This can include:
 - Landscaping: bank steepening and island removal
 - Barrier planting, marginal vegetation, trees
 - Reducing available foraging areas adjacent to water bodies by changing ground cover
- Use of fences along the edge of waterbodies

See *'Wildlife Management Advice Note: Legal measures to resolve conflict with wild birds'* (WML-GU01) for further advice.

Lethal control outside close season

- Reduce the local population of geese to a manageable level by shooting outside the close season to minimise the need for licensed control during the breeding season.
 - The open season is 1 Sept – 31 Jan (inland) and 1 Sept-20 Feb (below high water mark)
- **Important:**

² See Definitions

- It is recognised that shooting during the open season may not be a practical solution in some publicly accessible areas, including recreational and educational facilities.
- If the proposed control method is either (i) egg oiling and / or egg pricking or (ii) round-up and cull during the flightless phase, then it is not necessary to exhaust the possibilities of lethal control during the open season before using these methods under the authority of this licence.

This general licence was withdrawn on 31 December 2020