

LICENCE [DRAFT]

To keep birds of species listed on Schedule 4 for the purposes of rehabilitation



Issued under	Wildlife and Countryside Act 1981 (as amended) ["the Act"]
Valid for the period	1 January to 31 December XXXX (inclusive)
Valid in	England
Who may use	Authorised persons (see Explanatory Notes & Conditions 4 & 13)
Registration	Users do not need to register to use this licence
Recording & reporting	Recording and reporting required
Reference	WML / GEN L09

Overview of licence

This licence permits authorised persons to keep any disabled bird listed on Schedule 4 of the Act for up to 15 days without needing to register it for the purposes of rehabilitation with a view to releasing it when it is no longer disabled. Users must comply with the terms and conditions.

Note: A separate licence (WML-L10) permits veterinary surgeons and practitioners to keep any disabled bird listed on Schedule 4 of the Act for up to 6 weeks without needing to register it.

THE PURPOSE(S) FOR WHICH THIS LICENCE APPLIES

1. Subject to paragraph 2 and the licence conditions, this licence is granted for the purpose of conserving wild birds.

WHAT THE LICENCE PERMITS

2. Subject to the terms and conditions, below, section 7(1)-(2) of the Act (including the regulations made under it) shall not apply in respect of an authorised person (see paragraph 4) keeping or having in his possession or under his control a disabled wild-bred Schedule 4 bird solely for the purpose of tending it and releasing it when it is no longer disabled.
3. This licence only has effect in respect of the period of **fifteen (15) days** commencing with the day on which the authorised person takes into his possession or controls the disabled wild-bred Schedule 4 bird.
4. For the purposes of this licence an 'authorised person' is any person who
 - (i) at the date of this licence was a holder of a licence to keep birds issued under Section 16(1)(c) to disapply section 7(1)-(2) of the Act with an expiry date of **31 January 1996**;
 - (ii) has been a registered keeper of three disabled wild-bred Schedule 4 birds pursuant to section 7(1)-(2) of the Act and the regulations made under it, and who has subsequently notified the Secretary of State that such birds have been released into the wild;
 - (iii) is an Inspector of the Royal Society for the Prevention of Cruelty to Animals, or
 - (iv) is an official of the Royal Society for the Protection of Birds.

LICENCE CONDITIONS

5. This licence shall not apply to any person who would be guilty of an offence under section 7(3) by having in his possession or control any bird on Schedule 4.
6. The authorised person shall, within 4 days commencing with the day on which he takes into his possession or control a disabled wild-bred Schedule 4 bird, notify that fact in writing to Wildlife Licensing and Registration Service (Animal Health), Defra, 1/17 Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6EB

7. Within **15 days** of a person first keeping, or having in his possession or control, any disabled wild-bred Schedule 4 bird, that person shall, unless it was necessary humanely to kill the bird within the circumstances set out in Section 4(2)(b) of the Act, either
 - (i) release that bird into the wild, or
 - (ii) pass that bird to a veterinary surgeon or veterinary practitioner, who may keep the bird for a period of 6 weeks under licence WML Gen-L10 without the requirement to ring or register the bird, provided that the bird is receiving professional veterinary treatment, or
 - (iii) register the bird in accordance with Section 7(1)-(2) of the 1981 Act and the regulations made under it. In such a case, the Secretary of State may require, with the application for registration, a certificate by a qualified veterinary surgeon or veterinary practitioner that it is not possible to return the bird to the wild within the 15 days because of its injuries or illness.
8. The authorised person shall keep a record of each such disabled wild-bred Schedule 4 bird coming into in his possession or control. That record shall contain the following information:
 - (i) the species of bird, and the date it was taken into possession or control by the authorised person.
 - (ii) the name and address of the person from whom the bird was received (if applicable), and the time and place the bird was taken from.
 - (iii) the injuries sustained by the bird at the time the authorised person took it into possession or control.
 - (iv) the cause of those injuries (if known)
 - (v) the date and place that the bird was released back into the wild (if applicable) or disposed by whatever means.
 - (vi) the name of the person to whom the bird has been passed to (if applicable)
9. The record shall be retained for a period of 2 years from the date the bird came into the possession or control of the authorised person.
10. Within four months of the date on which a licensed person takes into possession or control a disabled wild-bred Schedule 4 bird, that person shall send a copy of the record maintained in accordance with 11 above to Wildlife Licensing and Registration Service (Animal Health), Defra, 1/17 Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6EB.
11. If the bird is transferred to another person, detailed in Condition 7, a copy of the record shall be transferred with the bird.
12. On being given reasonable notice in writing by the Secretary of State, the licensed person shall produce the record mentioned in Condition 9 to a person authorised in writing by the Secretary of State.
13. No person convicted on or after 1 January 2010 of an offence to which this paragraph applies may use this licence unless, in respect of that offence they are either (1) a rehabilitated person for the purposes of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent; or (2) in respect of such an offence, a court has made an order discharging them absolutely. This paragraph applies to offences under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats &c.) Regulations 1994, the Protection of Badgers Act 1992, the Deer Act 1991, the Hunting Act 2004, the Wild Mammals (Protection) Act 1996, the Animal Health and Welfare Act 2006 and the Protection of Animals Act 1911 (all as amended) (see note g)

Welfare and releasing

14. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006 (see notes j – m)
15. Every effort must be made to ensure that any disabled wild-bred Schedule 4 bird falling within the terms of this licence does not become imprinted or otherwise rendered unfit, as a consequence of being in captivity, for subsequent release back into the wild.
16. Birds must be released or replaced at or as close as possible to the location from which they were taken or restrained, but may be released up to one (1) kilometre from this place if releasing at the source location is not possible or would not be safe.
17. The prior permission or authority of the landowner of the release location is required for the release.

Definitions used in this licence

18. "wild bird" has the same meaning as in section 27 of the Act. At the time of issue of this licence, "wild bird" is defined as "*any bird of a species which is ordinarily resident in or is a visitor to the European territory of any member State in a wild state but does not include poultry, or except in sections 5 and 16, any game bird*".
19. In this licence "a wild-bred Schedule 4 bird" means a wild bird included in Schedule 4 to the Act other than a bird treated as bred in captivity within the meaning of section 27(2) of the Act.

WARNING

Failure to act within the purpose of this licence as set out in paragraph 1 or failure to comply with the terms and conditions may mean that the licence cannot be relied upon and an offence could therefore be committed. The maximum penalty available for an offence under the Act is, at the time of the issue of this licence, a level 5 fine (£5000) and/or a six month custodial sentence.

[signature]

for and on behalf of Natural England
[insert date]

Wildlife Licensing Unit
Natural England
Burghill Road, Westbury-on-Trym
Bristol BS10 6NJ
T 0845 601 4523 F 0845 601 3438
Email wildlife@naturalengland.org.uk

EXPLANATORY NOTES

The law

- a) Natural England has issued this licence in exercise of the powers conferred by Section 16(1)(c) and section 16(5) of the Act, being satisfied that as regards the purpose set out at paragraph 1 there is no other satisfactory solution.
- b) Section 7(1) of the Act provides that it shall be an offence if any person has in his possession or under his control any bird included in Schedule 4 which has not been registered and ringed or marked in accordance with regulations made by the Secretary of State. This licence removes the requirement to register and ring disabled wild-bred specimens of certain Schedule 4 birds which are being cared for by the licensee for up to 15 days commencing with the date the bird comes into his possession or control. Normal registration and ringing requirements apply once the period of 15-day period has elapsed.
- c) Section 16 of the Act provides that section 7 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.
- d) The Wildlife and Countryside Act (Registration and Ringing of Certain Captive Birds) Regulations 1982, SI 1982/1221 as amended by SI 1991/478 and SI 1994/1152.

The limits of this licence

- e) This licence permits action only for the purposes specified in paragraph 1.
- f) Please note that except as provided under section 16(7) of the Act, this licence does not permit actions prohibited under any other legislation.
- g) Any person not permitted to use this General Licence on account of a relevant conviction (see Condition 13) may still apply to Natural England for a specific licence for the purpose(s) and activities covered by this licence. Any such application will be considered on its merits.
- h) A licence in similar terms has been issued by the Scottish Executive in respect of Scotland and the National Assembly for Wales in respect of Wales.
- i) This licence may be modified or revoked at any time.

General welfare considerations

- j) Under the Animal Welfare Act 2006 it is an offence to cause any unnecessary suffering to an animal

(including birds) under the control of man (section 4 of the 2006 Act). It is the responsibility of each person relying on this licence to avoid causing unnecessary suffering.

- k) Animals should be released at a location and a time where the risk of injury to themselves, other animals or people is minimised.
 - l) 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.
 - m) Prior to release, the licensee must be satisfied that the animal is fit for release into the wild.
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