

LICENCE [DRAFT]

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

NATURAL
ENGLAND

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	Veterinary surgeons and veterinary practitioners (see Condition 5)
Registration	Users do not need to register to use this licence
Recording & reporting	Recording required
Reference	WML / GEN L10

Overview of licence

*This licence 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 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-L09) is permitted certain other persons to keep any disabled bird listed on Schedule 4 of the Act for up to 15 days 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. For the purpose set out in paragraph 1 above, and subject to the terms and conditions, below, licence permits qualified Veterinary Surgeons and Veterinary Practitioners to keep specimens of species listed on Schedule 4 of the Act for a period not exceeding six (6) weeks without satisfying the requirement to register birds, notwithstanding the provisions of Section 7 of that Act and the Wildlife and Countryside (registration and Ringing of Certain Captive Birds) Regulations 1982 - SI 1982 No 1221, as amended by SI/1991 no 478 and SI 1994 no 1551.

LICENCE CONDITIONS

3. This licence only applies to qualified veterinary practitioners and veterinary surgeons in the course of their duties so long as for each bird kept under this licence
 - (i) a record of treatment is made, which shall be retained for a period of 2 years from the date the bird came into their possession or control;
 - (ii) it is receiving professional veterinary treatment.
4. On being given reasonable notice in writing by the Secretary of State, the veterinary surgeon or veterinary practitioner shall produce the record mentioned in Condition 3 to a person authorised in writing by the Secretary of State.
5. 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 f)

Welfare and releasing

6. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006 (see notes i - j)
7. For disabled wild-bred Schedule 4 birds intended for release into the wild:
 - (i) every effort must be made to ensure that birds do not become imprinted or otherwise rendered unfit, as a consequence of being in captivity, for subsequent release back into the wild.
 - (ii) Birds intended for release into the wild 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.
 - (iii) The prior permission or authority of the landowner of the release location is required for the release.

Definitions

8. "**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*".
9. 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
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EXPLANTORY 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 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 be registered and ringed or marked in accordance with regulations made by the Secretary of State. This licence permits Veterinary surgeons and practitioners to keep unregistered or registered birds of a species contained in Schedule 4 to the Wildlife and Countryside Act 1981 for a period of up to six weeks (provided such birds are undergoing treatment or care), without having to ring and register them in the case of unregistered birds, or to re-register them in the case of registered birds. Normal registration and ringing requirements apply once the period of six weeks 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.

The limits of this licence

- d) This licence permits action only for the purposes specified in paragraph 1.
- e) Please note that except as provided under section 16(7) of the Act, this licence does not permit actions prohibited under any other legislation.
- f) Any person not permitted to use this General Licence on account of a relevant conviction (see Condition 5) 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.
- g) 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.
- h) This licence may be modified or revoked at any time.

General welfare considerations

- i) 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.
 - j) In respect to any bird intended to be released into the wild:
 - i. it 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.
 - ii. it should be released at a location and a time where the risk of injury to themselves, other animals or people is minimised.
 - iii. prior to release, the persons acting under this licence must be satisfied that the animal is fit for release into the wild.
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