

LICENCE [DRAFT]

To permit the competitive showing of certain captive bred live wild birds

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	Anyone (see Condition 7)
Registration	Users do not need to register to use this licence
Recording & reporting	None required
Reference	WML / GEN L16

Overview of licence

The licence permits the competitive showing of certain wild birds, some of which require a ring. Users must comply with licence terms and conditions.

Notes:

- *This licence specifically excludes the birds listed on Schedule 3 Part 1 (which are already permitted to be shown if ringed and bred in captivity)*
- *This licence now includes the exhibition of birds requiring a ring, previously authorised under licence WML-GEN L17.*

THE PURPOSE(S) FOR WHICH THIS LICENCE APPLIES

1. Subject to paragraph 2 and the licence conditions, this licence is granted for the purposes of publicly exhibiting and competitively showing certain wild birds.

WHAT THE LICENCE PERMITS

2. For the purposes set out in paragraph 1 above, and subject to the terms and conditions, below, this licence permits the exhibition and showing for competitive purposes of:
 - (i) captive bred (as defined in Condition 3 below) live wild birds, or
 - (ii) birds one of whose parents was such a captive bred live wild bird other than birds of the species listed on Schedule 3 Part I to the Act (see note e).

LICENCE CONDITIONS

3. The bird must have been bred in captivity. A bird shall not be treated as bred in captivity unless its parents were lawfully in captivity when the egg from which it hatched was laid. Documentary evidence of captive breeding must accompany any bird competitively shown or exhibited under this licence (see note k)
4. Any bird competitively shown under this licence, **except those listed at Annex 1**, must be ringed with a legible individually numbered metal close ring, which is a ring or band in a continuous circle (without any break, join, or any signs of tampering since it was manufactured) and which cannot be removed from the bird when its leg is fully grown. For any bird competitively shown under this licence which is on Schedule 4 to the Act, the close ring must comply with the Regulations (see Note c)
5. The owner or keeper of any bird to be competitively shown under this licence will, if requested by an Official of the Department for Environment, Food and Rural Affairs or Natural England, or a Police Officer, make the bird available for a sample of blood, tissue or feather to be taken. Blood samples will be taken by a qualified veterinary surgeon. Such a sample may be used to establish the

ancestry of the bird.

6. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006 (see note m)
7. 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 h)

Definitions used in this licence

8. In this licence, "*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 in section 27(1) of the Act 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*".

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

EXPLANTORY NOTES

The law

- a) Natural England has issued this licence in exercise of the powers conferred by Section 16(1)(f) 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 16 of the Act provides that section 6(3) (which prohibits the competitive showing of wild birds) 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.
- c) Section 7 of the Act (and regulations made under that section) provides for the registration and ringing of captive birds included in Schedule 4 to the Act. Statutory Instrument 2008/2357 has most recently amended the regulations to allow the Secretary of State to accept a marking of a bird in accordance with CITES as an alternative to a ring provided by the Secretary of State.
- d) The birds listed in Annex 1, which do not require a ring, are rare visitors to Great Britain.
- e) This licence specifically excludes the birds listed on Schedule 3 Part 1 of the Act (which are already permitted to be shown if ringed and bred in captivity)

The limits of this licence

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

Condition 7) 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.

- i) 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.
- j) This licence may be modified or revoked at any time.

Guidance on documentary evidence of captive breeding

- k) Natural England's guidance on documentary evidence is as follows:

Persons intending to rely on the general licence must be able to demonstrate that birds are legally held and captive-bred, and are advised: to only purchase birds from breeders who are able to satisfactorily demonstrate that they are complying with the relevant regulations; to confirm, insofar as they are able, the bird's identification and age are correct; to check that the bird is correctly ringed, and to always obtain signed and dated written documentary evidence of captive-breeding from the breeder. Documentation should cite the bird's species, ring number and any other identification mark (e.g. microchips), hatch date, along with similar details for the parent birds, and the breeder's contact details.

References to rings are only relevant to birds that are required to be rung (see Annex 1).

Non-native species

- l) Under section 14 of the Act it is an offence to release or to allow to escape into the wild any animals (including bird) of a kind that is not ordinarily resident in and is not a regular visitor to Great Britain a wild state, or any animal included in Part 1 of Schedule 9 to the Act.

General welfare considerations

- m) 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).

Annex 1: Birds that do not require a ring to be competitively shown

Captive bred (see Condition 3) wild birds of the following species do not need a ring to be exhibited or competitively shown under this licence.

Oriental Turtle Dove	<i>Streptopelia orientalis</i>
Blue-cheeked Bee Eater	<i>Merops superciliosus</i>
Lesser Short-toed Lark	<i>Calandrella rufescens</i>
Crested Lark	<i>Galerida cristata</i>
Brown Thrasher	<i>Toxostoma rufum</i>
Alpine Accentor	<i>Prunella collaris</i>
Rufous-tailed Scrub Robin	<i>Cercotrichas galactotes</i>
Siberian Rubythroat	<i>Luscinia calliope</i>
Redflanked Blue Tail	<i>Tarsiger cyanurus</i>
Rock Thrush	<i>Monticola saxatilis</i>
White's Thrush	<i>Zoothera dauma</i>
Siberian Thrush	<i>Zoothera sibirica</i>
Hermit Thrush	<i>Catharus guttatus</i>
Grey-cheeked Thrush	<i>Catharus minimus</i>
Veery	<i>Catharus fuscescens</i>
Eyebrowed Thrush	<i>Turdus obscurus</i>
Dusky Thrush	<i>Turdus naumanni</i>
American Robin	<i>Turdus migratorius</i>

Eurasian Penduline Tit	<i>Remiz pendulinus</i>
Spotted Nutcracker	<i>Nucifraga caryocatactes</i>
Spanish Sparrow	<i>Passer hispaniolensis</i>
Trumpeter Finch	<i>Bucanetes githagineus</i>
Pine Grosbeak	<i>Pinicola enucleator</i>
Evening Grosbeak	<i>Hesperiphona vespertina</i>
Scarlet Tanager	<i>Piranga olivacea</i>
Rufous Sided Towhee	<i>Pipilo erythrophthalmus</i>
Fox Sparrow	<i>Zonothrichia iliaca</i>
Song Sparrow	<i>Zonothrichia melodia</i>
White Crowned Sparrow	<i>Zonothrichia leucophrys</i>
Dark-eyed Junco	<i>Junco hyemalis</i>
Pine Bunting	<i>Emberiza leucocephalos</i>
Rock Bunting	<i>Emberiza cia</i>
Ortolan Bunting	<i>Emberiza hortulana</i>
Yellow-browed Bunting	<i>Emberiza chrysophrys</i>
Yellow-breasted Bunting	<i>Emberiza aureola</i>
Pallas's Reed Bunting	<i>Emberiza pallasii</i>
Black-headed Bunting	<i>Emberiza melanocephala</i>
Rose-breasted Grosbeak	<i>Pheucticus ludovicianus</i>
Bobolink	<i>Dolichonyx oryzivorus</i>