

# LICENCE

## To permit the sale and exhibition of Mealy Redpoll (*Carduelis flammea flammea*)



Issued under	Wildlife and Countryside Act 1981 (as amended) ["the Act"]
Valid for the period	8 January to 31 December 2010 (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 L18

### Overview of licence

*This licence permits the sale and competitive showing of certain wild Mealy Redpoll, the legs of which do not take standard rings. Users must comply with licence terms and conditions.*

### THE PURPOSE(S) FOR WHICH THIS LICENCE APPLIES

1. Subject to paragraph 2 and the licence conditions, this licence is granted to permit:
  - (i) the sale, and
  - (ii) public exhibition and competitively showing

### 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:
  - (i) the sale (which in this licence includes hire, barter or exchange), offer or exposure for sale, possession or transport for the purpose of sale;
  - (ii) the publication or the causing to be published of any advertisement likely to be understood as conveying the buying or selling, or the intention of buying or selling, and
  - (iii) exhibition or showing for competitive purposesof captive-bred (as defined in Condition 3 below) **Mealy Redpoll (*Carduelis flammea flammea*)**

### LICENCE CONDITIONS

3. Any bird exhibited or sold under this licence 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.
4. Any birds shown or sold under the terms of this licence must be ringed with a legible individually numbered metal close ring, in a like manner to that prescribed in the Wildlife and Countryside (Ringling of Certain Birds) Regulations 1982 (SI 1982/1220), which is a ring or a band in a continuous circle (without any break, join, or any sign of tampering since it was manufactured) and which cannot be removed from the bird when its leg is fully grown. **The ring must be a ring of size C**, which has been issued by one of the Department for Environment, Food and Rural Affairs Approved Suppliers i.e. the British Bird Council or the International Ornithological Association.
5. The owner or keeper of any bird exhibited or to be sold 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 j)
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 Welfare Act 2006 and the Protection of Animals Act 1911 (all as amended) (see note f)

### 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.



**Wendy Phillips**

for and on behalf of Natural England  
31 December 2009

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](mailto:wildlife@naturalengland.org.uk)

### EXPLANATORY NOTES

#### The law

- a) Natural England has issued this licence in exercise of the powers conferred by sections 16(1)(f), 16(4)(a) and 16(5) of the Act, being satisfied that as regards the purpose set out at paragraph 1 there is no other satisfactory solution. Go to [www.statutelaw.gov.uk](http://www.statutelaw.gov.uk) and search for ‘Wildlife and Countryside Act, 1981’ to see consolidated versions of the law and the associated Schedules.
- b) Section 16 of the Act provides that section 6 (which prohibits the sale and exhibition 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) Birds listed on Schedule 3 Part 1 of the Act are permitted to be sold under the Act, provided they are bred in captivity and are ringed in accordance with the requirements set out in Section 6(5) of the Act and SI 1982/1220. Changes in the taxonomic status of **Mealy Redpoll** mean that it is now listed under **Common Redpoll (*Carduelis flammea*)** and, as such, is listed on Schedule 3 Part 1. However, the Mealy Redpoll has thick legs and it cannot wear the ring size specified in the regulations. This licence permits use of a suitable ring (size C).

#### 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 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.
- g) In common with other Schedule 3 Part 1 birds, documentary evidence of captive breeding is not

required for mealy redpoll sold or exhibited under this licence, providing the conditions are met.

- 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).
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