

LICENCE [DRAFT]

To permit sales certain species of amphibian

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 5)
Registration	Users do not need to register to use this licence
Recording & reporting	None
Reference	WML / GEN L26

Overview of licence

This licence permits the sale of live and dead adult specimens of the amphibian species listed. For each species sales are not permitted for part of the year and, for some species, there are restrictions on sales of specimens collected in certain areas of the country (see below for details). 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 the sale of live and dead adult specimens of certain amphibian species.

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; or
 - (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;of live and dead adult specimens of the following amphibian species:

Common frog	<i>Rana temporaria</i>
Common toad	<i>Bufo bufo</i>
Smooth newt	<i>Triturus vulgaris</i>
Palmate newt	<i>Triturus helveticus</i>

LICENCE CONDITIONS

3. Paragraph 2 does not apply:
 - (i) As respects specimens of *Rana temporaria*:
 - a. between 15 January and 15 April (inclusive of those dates), in any year; and
 - b. at any time, as respects specimens taken from the wild between 15 January and 15 April (inclusive of those dates) in any year.
 - (ii) As respects specimens of *Bufo bufo*:
 - a. between 1 February and 1 May (inclusive of those dates) in any year; and
 - b. at any time as respects specimens taken from the wild between 1 February and 1 May (inclusive of those dates) in any year.

- (iii) As respects specimens of *Triturus vulgaris*:
 - a. between 1 April and 1 August (inclusive of those dates) in any year;
 - b. at any time, as respects specimens taken from the wild between 1 April and 1 August (inclusive of those dates) in any year; and
 - c. at any time, as respects specimens taken from the wild in the counties of Devon, Cornwall or Somerset.
- (iv) As respects specimens of *Triturus helveticus*:
 - a. between 1 April and 1 August (inclusive of those dates) in any year;
 - b. at any time, as respects specimens taken from the wild between 1 April and 1 August (inclusive of those dates) in any year; and
 - c. at any time, as respects specimens taken from the wild in the counties of Cambridgeshire, Lincolnshire, Northamptonshire, Rutland, Staffordshire, Warwickshire, Norfolk, Suffolk or Essex.
- 4. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006.
- 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 g)

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
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EXPLANTORY NOTES

The law

- a) Natural England has issued this licence in exercise of the powers conferred by section 16(4)(b) and 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 9(5) 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 9 (5) of the Act prohibits the sale of certain animals listed on Schedule 5 of the Act (this includes the amphibians listed on this licence). The term “sale” is taken to include all those activities listed in paragraphs 2(i) and (ii).

The limits of this licence

- d) This licence permits action only for the purposes specified in paragraph 1.
- e) The sale of Schedule 5 animals, other than those listed in paragraph 2, is not permitted by this

licence. To sell animals of any other species you must obtain a licence from Natural England.

- f) This licence does not confer any right of entry upon land.
- g) 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.
- h) Please note that except as provided under section 16(7) of the Act, this licence does not permit actions prohibited under any other legislation.
- i) The Scottish Executive in respect of Scotland and the National Assembly for Wales in respect of Wales have issued a licence in similar terms
- j) This licence may be modified or revoked at any time.

General welfare considerations

- k) Under the Animal Welfare Act 2006 it is an offence to cause any unnecessary suffering to an animal under the control of man (section 4 of the 2006 Act).
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