

LICENCE [DRAFT]

NATURAL
ENGLAND

To permit the sale of dead wild animals

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	Yes (see Conditions 6 and 7)
Reference	WML / GEN L28

Overview of licence

This licence permits the sale of dead wild animals (or parts or derivatives of such animals) of certain protected species listed on Schedule 5 of the Wildlife and Countryside Act 1981. Users must comply with the 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 dead wild animals, or derivatives or parts of any such animals

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 dead wild animals of the following species:

Pine marten

Martes martes

Red Squirrel

Sciurus vulgaris

LICENCE CONDITIONS

3. This licence only applies to the sale of dead wild animals of the species listed at paragraph 2, above, that were removed from the natural state within the United Kingdom under legal provisions in force in the United Kingdom.
4. Documentary evidence that the animal was legally removed from the natural state must accompany any sale (see note f)
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 h)

Recording and reporting requirements

6. Any person who sells a dead wild animal, or part or product of such a dead wild animal, under this licence (“the seller”) shall keep a record (“the record”), for a minimum of two years from such sale.
 - a. This record shall contain details of:
 - i. the person from whom the seller acquired the animal (or part or derivative);
 - ii. the person to whom the animal (or part or derivative) was sold, and
 - iii. the species, age and cause of death (if known) of the animal.
 - b. The seller must certify the record as accurate.
 - c. The seller shall, on being given reasonable notice in writing by Natural England produce the record to a person authorised in writing by the Secretary of State and the seller shall also permit such authorised person to inspect the record.
7. The seller shall submit to Natural England (wildlife@naturalengland.org.uk), by **31 December** of each year a report giving details of any sale by him/her in that year of any dead wild animal (or part or derivative) of the species listed at paragraph 2, which has not previously been sold. The report shall also:
 - a. state how the seller acquired each animal (or part or derivative), and
 - b. list the type and number of each species sold.

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(4)(b) 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 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 Pine Marten and Red Squirrel). 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) We do not define ‘documentary evidence’ in relation to this licence. The onus is on the user of this licence to satisfy this requirement by retaining and providing satisfactory evidence that the specimen was legally removed from the natural state.
- g) This licence does not confer any right of entry upon land.

- h) 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.
 - i) Please note that except as provided under section 16(7) of the Act, this licence does not permit actions prohibited under any other legislation.
 - j) This licence may be modified or revoked at any time.
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