

# LICENCE [DRAFT]

## To kill or take Ruddy Ducks (*Oxyura jamaicensis*)

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	Authorised persons only (see Definitions & Condition 11)
Registration	Users do not need to register to use this licence
Recording & reporting	Annual reporting and recording requirement
Reference	WML / GEN L29

### Overview of licence

*This licence permits authorised persons to kill or take Ruddy Ducks and to damage/destroy their nests and eggs. This licence can only be relied upon where activities are carried out for the purpose of conserving flora and fauna. 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 conserve flora and fauna.

### 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) Authorised persons to kill or take Ruddy Duck (*Oxyura jamaicensis*), to take, damage or destroy their nests or to take or destroy their eggs.
  - (ii) Authorised persons acting under subparagraph (2)(i) above
    - a. to use a semi-automatic weapon;
    - b. to use a cage trap, the dimensions of which do not satisfy the requirements of section 8(1) of the Act, and
    - c. to use any net, except the use of any net for taking birds in flight or the use for taking birds on the ground of any net which is projected or propelled otherwise than by hand.

### LICENCE CONDITIONS

3. Except as specifically permitted under subparagraph 2(ii) above, this licence does not authorise the use of any method of killing or taking which is prohibited by section 5 or section 8 of the Act.
4. Any birds killed in accordance with this licence must be killed in a quick and humane manner.
5. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006.
6. When in use, every cage trap used pursuant to this licence must be inspected at least once every day at intervals of no more than 24 hours except where this is not possible because of severe weather conditions. In such cases, every effort must be made to inspect the cage trap as soon as possible. Such an inspection must be sufficient to determine whether there are any live or dead birds or other animals in the trap (see note q)
7. At each inspection any dead animal, including any dead bird, caught in the trap should be removed from it (see note k(ii))
8. Where a cage trap is not in use, it must be rendered incapable of holding or catching birds or other animals. Any bait, food, or water must also be removed (see note r)

9. Where any live animal, other than a bird included in the list at subparagraph 2(i) above, or an animal of a species listed on Schedule 9 of the Act, has become confined in a cage trap, if fit to be released, it must be released immediately upon discovery. See **note m** regarding any animals that are listed on Schedule 9.
10. Before exercising this licence on an Site of Special Scientific Interest (SSSI) you must ensure that Natural England has issued an appropriate consent where necessary (see note j(ii)).
11. 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 i)

### **Recording and reporting requirements**

12. It is a condition of this licence that users shall maintain a record of the following details: number of birds/nests/eggs killed or taken; the dates and locations (including approximate grid reference) where control was carried out. Where possible, the record shall include details of the gender and age of birds (i.e. adult or immature). A report summarising this information by month must be sent to the Natural England Licensing Unit as soon as possible after the control occurred, but certainly no later than one month.

### **Definitions used in this licence**

13. "*authorised person*" At the time of issue of this licence, "authorised person" is defined in section 27(1) of the Wildlife and Countryside Act 1981 as:
  - i. the owner or occupier, or any person authorised by the owner or occupier, of the land on which the action authorised is taken;
  - ii. any person authorised in writing by the local authority for the area within which the action authorised is taken; and
  - iii. as respects anything done in relation to wild birds, any person authorised in writing by any of the following bodies, that is to say, any of the GB conservation bodies [*this includes Natural England*], a district board for a fishery district within the meaning of the Salmon Fisheries (Scotland) Act 1862 or a local fisheries committee constituted under the Sea Fisheries Regulation Act 1966;
  - iv. any person authorised in writing by the [Environment Agency], a water undertaker or a sewerage undertaker,  
so, however, that the authorisation of any person for the purposes of this definition shall not confer any right of entry upon any land.
14. "*to kill*" includes accidentally to wound whilst attempting to kill in accordance with this licence;
15. "*humanely*" means taking all reasonable precautions to ensure that any killing of birds under this licence is carried out by a single, swift action.
16. "*semi-automatic weapon*" means any weapon which is not prohibited by section 5 of the Firearms Act 1968 as amended and which has a magazine capable of holding more than two rounds of ammunition, where the depression of the trigger discharges a single shot and reloads the next, each subsequent shot requiring a further depression of the trigger;
17. "*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*".

## 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](mailto: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)(cb), and sections 16(5) and (5A) of the Act, being satisfied that as regards the purpose set out at paragraph 1 there is no other satisfactory solution.
- b) Under section 1 of the Act it is an offence for any person to kill, injure or take any wild bird; to take, damage or destroy the nest of any wild bird while the nest is in use or being built; or to take or destroy an egg of any wild bird.
- c) Section 5 of the Act prohibits the use of certain methods of killing and taking wild birds including, but not exclusively, the use of any poisonous, poisoned or stupefying substance, any bow or crossbow, any explosive other than ammunition for a firearm, or any chemical wetting agent.
- d) Under section 8 of the Act, it is an offence for any person to keep or confine any bird whatever in any cage or other receptacle which is not sufficient in height, length or breadth to permit the bird to stretch its wings freely.
- e) Section 16(1) of the Act provides that sections 1, 5 and 8 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

- f) This licence permits action only for the purposes specified in paragraph 1.
- g) This licence does not confer any right of entry upon land.
- h) This licence does not permit the sale of these birds or their eggs for human consumption.
- i) Any person not permitted to use this General Licence on account of a relevant conviction (see Condition 11) 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.
- j) Please note that except as provided under section 16(7) of the Act, this licence does not permit actions prohibited under any other legislation. For example,
  - i. where the action involves the use of firearms, it is the authorised person's responsibility to ensure that he complies with all relevant legislation.
  - ii. anyone acting under this licence is not exempt from the provisions of section 28E of the Act, as amended. This means that owners and occupiers of sites designated as Sites of Special Scientific Interest are obliged to seek the consent of Natural England if they propose to carry out an activity on the site that is listed on the protected site notification as an "operation likely to damage"
  - iii. statutory undertakers (as defined under Section 28G of the Act) are reminded that they are obliged under Section 28H of the Act to give notice to Natural England before carrying out operations likely to damage any of the special interest features of a Site of Special Scientific Interest (SSSI) and this obligation applies even where the operations are carried out on land not included in the SSSI. To identify SSSIs and the features for which they are designated, refer to [www.magic.gov.uk](http://www.magic.gov.uk). Consult the site notification for details of 'operations likely to

damage', and consider whether your activity is likely to have an impact. Advice may be sought from Natural England's regional teams ([www.naturalengland.org.uk/contact/](http://www.naturalengland.org.uk/contact/) or Telephone 0845 600 3078)

- k) Persons acting under this licence should have regard
  - i. to the Environmental Protection (Restriction on Use of Lead Shot) (England) Regulations 1999 (SI 1999/2170). Regulation 3 prohibits the use of lead shot for the purpose of shooting quarry species of wildfowl with a shot gun anywhere in the country and all use of lead shot for shotgun shooting on most wetlands important for waterbirds, and
  - ii. to good practice and any legislation affecting the disposal of the carcase(s) of any bird killed in accordance with this licence.
- l) This licence may be modified or revoked at any time.

### **Non-native species**

- m) Under section 14 of the Act it is an offence to release into the wild any animal included in Part 1 of Schedule 9 to the Act. Any animals of species listed on Schedule 9 caught under this licence should be treated as follows:
  - i. Animals of the following species, which are considered native to Great Britain, must be released immediately upon discovery. This is permitted under General Licence WML-L30.

<b>Barn Owl</b>	<b><i>Tyto alba</i></b>
<b>Capercaillie</b>	<b><i>Tetrao urogallus</i></b>
<b>White-tailed eagle</b>	<b><i>Haliaeetus albicilla</i></b>
  - ii. Animals of other species listed on Schedule 9 (this includes Ruddy Duck) must not be released or allowed to escape into the wild. It is preferable that these animals are killed in a quick and humane manner as soon as reasonably practicable after discovery. These animals may only be released under an individual licence obtained from Natural England.

### **General welfare considerations**

- n) 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). This applies to the humane despatch of captured animals and to the treatment of animals held in traps or nets.
- o) It is the responsibility of each person relying on this licence to use appropriate equipment (e.g. trap, net, firearm and ammunition) and to ensure that they are competent to use such equipment so as to avoid causing unnecessary suffering.

### **Use of traps**

- p) Where cage traps used under the terms of this licence consistently capture birds not included in the list at subparagraph 2(i), the trap should be moved, as a matter of good practice, to a different location in order to minimise the risk of such birds being caught again.
- q) The authorised person should have regard to the inspection requirements contained in paragraph 6 when considering the use of a cage trap under this licence. As a matter of good practice, cage traps should not be used during severe weather conditions, or when such conditions are reasonably anticipated.
- r) In order to render any cage trap incapable of holding or catching birds or other animals, it is necessary to either secure the door in a fully open or closed position or to remove the door completely.



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