

# Natural England

## Wildlife General Licence Consultation 2009



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## **General questions about the consultation**

### **1. Question: When were the general licences last reviewed?**

Answer: The licences are reviewed prior to re-issue each year. However, the last major review involving a public consultation was held in 2004. That was undertaken by Defra. The consultation which has resulted in today's announcement was launched in December last year and concluded on 13 March 2009.

### **2. Question: When will these changes come into effect?**

Answer: The changes we have announced today will come into effect when the new licences are issued on 1 January 2010. (The current general licences remain valid until 31 December 2009.) Draft versions of many of the revised licences are being published on the Natural England website now to allow licence users time to familiarise themselves with the changes. However, it is very important to read the new version of any licence you use when it is issued each January.

## **Specific questions about the consultation**

### **3. Question: Why are you changing some of the species listed on the licences?**

Answer: General licences are only suitable in certain situations, as explained in detail in the consultation document. Most importantly, a species should only be listed if the licensed activity poses a **low risk to the conservation status of that species** and where a licence would be routinely granted if applied for on a personal basis. If the status of a species changes, then it may no longer be appropriate for this type of licensing.

<http://www.naturalengland.org.uk/ourwork/policy/consultations/generallicense.aspx>

### **4. Question: If a species is taken off a general licence does that mean I can't get a licence?**

Answer: No. It will still be possible to apply for a personal licence. Applications are judged on their merits on a case by case basis. Information on how to apply for such a licence is given on our website.

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/default.aspx>

### **5. Question: Why are you adding two parakeets, Canada and Egyptian geese to the general licence(s)?**

Answer: In May 2008 the **Invasive Non-Native Species Framework Strategy** for Great Britain was launched. This country-wide initiative aims to galvanise efforts to combat the threat posed by invasive alien species to native wildlife and other interests. The

changes we are making will ensure that Natural England's General Licensing regime is consistent with and supports the goals of this GB strategy.

We are adding the two parakeet species and both of these geese to some general licences because of the problems they pose for native wildlife, and in some cases, other interests. The consultation documents explain the rationale in each case.

<http://www.naturalengland.org.uk/ourwork/policy/consultations/generallicense.aspx>

**6. Question: Won't adding the parakeets to the licences encourage people to kill them?**

Answer: Neither the ring-neck parakeet nor the monk parakeet are native species of the British Isles or Europe, and expert advice tells us that both species are a potential threat to native species and other interests, including agriculture and public safety.

Adding the two species to certain general licences will allow action to control birds in specific situations where they are causing a problem with the minimum of bureaucracy. Both species will remain protected species, and indiscriminate shooting (i.e. shooting without purpose and sufficient care for the welfare of target animals) will not be permitted. Shooting the birds because they are a nuisance is illegal and is not permitted by these licences.

**7. Question: Why are you taking two gull species off the licences?**

Answer: The **Great Black-backed Gull** is a scarce breeding species in England with a breeding population of approximately 1,500 pairs. This is less than half the number of some species that receive special legal protection, such as the Barn Owl and Kingfisher. We are not aware of any evidence that this gull causes widespread problems and we believe that only a small number are killed each year under the existing licences. In view of the relative scarcity of the species and the absence of evidence of significant problems, we are removing the gull from all but the air safety general licence.

The **Herring Gull** breeding population in Britain has declined by more than 50% in the last 25 years. As a result, it is now listed as a Biodiversity Action Plan (BAP) priority species and meets the qualifying criteria for red listing as a bird of conservation concern. In view of the decline we are removing this species from the majority of general licences: similar action was taken in response to declines in House Sparrow and Starling populations in 2005.

**It will still be possible to apply for a personal licence for these species.** Applications are judged on their merits on a case

by case basis. Information on how to apply for such a licence is given on our website.

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/default.aspx>

**8. House Sparrows and Starlings were removed from the general licences in 2005 on conservation grounds, so why are you issuing a new licence for those species?**

Answer: In 2005, these species were removed from the licences that enabled people to take or kill birds in a wide range of situations with limited control. This new licence does not allow people to kill these species. It simply enables them to catch birds that have become trapped in buildings and release them unharmed outside. Its use is limited to food handling/production premises to facilitate to enable them to promptly deal with potential public health and public safety problems caused by birds that occasionally become trapped in such premises. The general licence incorporates strict conditions, including a requirement for users to register with us and provide an annual report on action taken, thus facilitating compliance checks by Natural England. We believe that this new licence will enable us to remove unnecessary burdens without increasing risks to conservation status of the species.

**9. Question: Why are you changing the Sales licences?**

Answer: The licences permitting sales of live and dead birds were drafted many years ago and the basis on which some species were either included or excluded is now unclear. Furthermore, there are 5 licences covering sales, which we believe leads to confusion. We will be consolidating these licences, to produce one each covering the sales of live birds and dead birds, making clearer which species can be sold.

**10. Question: Which birds can I sell under the general licences?**

Answer: The licences must be checked for full details. However, in summary, the licence permitting sale of **live birds** permits the sale of most species providing they are captive-bred and the ringing requirements set out in the licence are met. The licence excludes birds that are already allowed to be sold by the legislation or that have CITES Annex A certificate, and it also excludes Mute Swans.

Schedule 3 of the Wildlife and Countryside Act 1981 and our licence permitting sales of **dead birds** together mean that you can sell most birds of most species except Gadwall, Goldeneye, Canada Goose, Greylag Goose, Pink-footed Goose, White-fronted Goose, Moorhen, Barnacle Goose and Greenland White-fronted Goose. However it is very important to remember that this licence does not allow sales for human consumption, and it only allows

sales of small numbers of birds, such as might be used in taxidermy. Please do read the licence for full details.

**11. Question: Why aren't you restricting the sale of the non-native bird species as originally proposed?**

Answer: The questions we posed were an attempt to gather stakeholder views on the usefulness of controls on sales as a means of combating the threat posed by some non-native species. Having analysed the responses and made further enquiries we have concluded that the benefits of regulating of sales alone and without controls on keeping non-native species are modest and unlikely to justify the added burden on us and responsible keepers and traders.

As an alternative measure, we intend to explore the use of guidance, education and communication on keeping non-native birds with key representative bodies to raise awareness of why non-natives are a problem and to encourage better, more responsible keeping.

**12. Question: Why have you made changes that weren't included in the consultation?**

Answer: In response to the consultation we received a number of suggestions for additional improvements to the licences. Amongst these suggestions were several that we felt merited acting on now rather than consulting further. As these are additional changes we are announcing them well before they will be adopted on 1 January 2010 to give stakeholders and licence users the opportunity to familiarise themselves with them.

**13. Question: Why have you introduced a new condition concerning convictions?**

Answer: Several respondents asked us to include a new condition preventing people with wildlife crime convictions acting under the general licences; a measure that has already implemented in Scotland and is being considered by the Welsh Assembly Government.

We agreed with this suggestion as it is consistent with Hampton principles for better regulation, which advocate that regulatory burdens should reflect risk of non-compliance. General licences are a light-touch regulatory measure that is only suitable in low risk situations, and this no longer applies to people who have committed a wildlife crime.

This new condition does not prevent convicted persons from applying for an individual licence, which will be judged on its merits.

This condition will only apply to people convicted of an offence **after 1 January 2010** (For full details of the condition wording, please see the draft licences issued with this document).

**14. Question: Why have you changed the conditions and guidance applying to traps, including Larsen traps?**

Answer: Since this consultation was launched we have received several representations, including from the Rural Payments Agency, for clarification of the rules governing the use of traps under General Licences. The changes that we have implemented are intended to make it clearer to users what is expected and to enforcement authorities what constitutes compliant and non-compliant trap use. The revised wording is given in the draft versions of the new licences for 2010 that we have published alongside the consultation response document.

**General questions about licences**

**15. Question: What is a general licence?**

Answer: Licences allow activities affecting protected species that would otherwise be unlawful, but which are justified in certain circumstances, for example, to protect public health or safety. In some situations Natural England issues a general licence instead of requiring people to apply for a personal licence. General licences are suitable for activities that pose a low risk for species conservation and where there is sufficient justification to issue a licence without seeking evidence on a case by case basis. A person would find applying for a personal licence in these circumstances an overly burdensome and bureaucratic task.

**16. Question: Under what authority are the licences issued?**

Answer: The Wildlife and Countryside Act 1981 is the principal piece of legislation covering the conservation and protection of birds, other animals and plants. Section 16 of the Act allows licences to be issued that put aside (the legal term is 'derogate') the protection given to species where it is suitably justified. Natural England is a licensing authority under the Act, and is also authorised by the Secretary of State to issue licences on his behalf.

**17. Question: Who can use a general licence?**

Answer: This can vary between general licences, so each general licence will clearly state who is eligible to use the licence and what terms and conditions apply.

**18. Question: When did Natural England start issuing general licences?**

Answer: Natural England has always issued general licences, but from 1 January 2008 it took over responsibility for issuing the licences previously issued by Defra as well.

**19. Question: Can I use these general licences outside England?**

Answer: **No**, the Natural England general licences only permit activities in England. The devolved administrations in Wales, Scotland and Northern Ireland are responsible for issuing their own licences. Although provisions are often similar, it is very important to check with the appropriate authorities as the terms and conditions on licences issued elsewhere may differ.