

# LICENCE

## To permit laboratories and scientific institutions to possess samples taken during the investigation of offences



Issued under	Wildlife and Countryside Act 1981 (as amended) ["the Act"]
Valid for the period	1 January to 31 December 2010 (inclusive)
Valid in	England
Who may use	Laboratories and scientific institutions (see Conditions 3 and 5)
Registration	Registration is not required to use this licence
Recording & reporting	None
Reference	WML / GEN L12

### **Overview of licence**

*This licence permits laboratories and scientific institutions to possess blood and other tissue samples taken from wild birds and wild animals during the investigation of offences under Part 1 of the Act. Licence 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 for scientific and research purposes in relation to the investigation of offences.

### **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 the possession, for an indefinite period, of blood and other tissue samples taken from wild birds and wild animals for forensic investigation in relation to offences or suspected offences under Part 1 of the Act.

### **LICENCE CONDITIONS**

3. This licence may only be used by recognised scientific institutions and laboratories and persons employed or contracted to work on their behalf.
4. This licence only applies to samples originally obtained for DNA analysis as part of a forensic investigation.
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 Welfare Act 2006 and the Protection of Animals Act 1911 (all as amended) (see note e)

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

6. "wild bird" and "wild animal" have the same meaning as in section 27 of the Act. At the time of issue of this licence:
  - i. "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", and
  - ii. "wild animal" is defined as "any animal (other than a bird) which is or (before it was killed or

taken) was living wild".

### 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

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### **EXPLANATORY NOTES**

#### **The law**

- a) Natural England has issued this licence in exercise of the powers conferred by Section 16(1)(a) and section 16(5) of the Wildlife and Countryside Act 1981 (as amended), 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 the offences in Part 1 of the Act 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**

- c) This licence permits action only for the purpose specified in paragraph 1.
  - d) This licence does not confer any right of entry upon land.
  - e) 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.
  - f) Please note that except as provided under section 16(7) of the Act, this licence does not permit actions prohibited under any other legislation.
  - g) This licence may be modified or revoked at any time.
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