

# LICENCE

## To permit incubation of eggs and rearing of chicks of captive bred Schedule 4 birds



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	Anyone (see Condition 10)
Registration	Users do not need to register to use this licence
Recording & reporting	Recording and reporting required
Reference	WML / GEN L13

### **Overview of licence**

*This licence permits the incubation of the eggs of captive-bred Schedule 4 birds and the keeping of resulting hatchlings without ringing and registration for 15 days so as to allow the young birds reach a sufficient age to bear a ring. 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 granted for the purpose of aviculture.

### **WHAT THE LICENCE PERMITS**

2. For the purpose set out in paragraph 1 above, and subject to the terms and conditions, below, this licence permits the incubation of eggs (that produce live young) and keeping of any resulting hatchlings of captive bred (as defined in Condition 3 below) Schedule 4 bird without satisfying the requirement to register these eggs and chicks with the Department of Environment Food and Rural Affairs, for a maximum of **fifteen (15) days** after hatching.

### **LICENCE CONDITIONS**

3. Any bird incubated or kept under this licence must have been bred in captivity. A bird shall not be treated as bred in captivity unless its parents were lawfully in captivity when the egg from which it hatched was laid. Documentary evidence of captive breeding must accompany any temporary transfer for incubation purposes.
4. A person incubating Schedule 4 eggs shall keep a record of all live chicks hatched. That record shall contain the following information:
  - (i) the date and place where the egg was hatched;
  - (ii) if the person incubating the egg is not the owner, then the name and address of the owner of the hatched chick must also be included.
5. Any person incubating and hatching live chicks of Schedule 4 birds must send a copy of the record collated, within three months, to the Wildlife Licensing and Registration Service (Animal Health) at Room 1/17, Temple Quay House, 2 The Square, Temple Way, Bristol, BS1 6EB.
6. The incubator of any Schedule 4 bird shall if requested by an Official of the Department for Environment, Food and Rural Affairs, or a Police Officer, produce the completed record as required by paragraph 5.
7. The incubator of any Schedule 4 bird will, if requested by an Official of the Department for Environment, Food and Rural Affairs or Natural England, or a Police Officer, make the bird available for a sample of blood, tissue or feather to be taken from the bird. Blood samples will be taken by a qualified veterinary surgeon. Such a sample may be used to establish the ancestry of the bird.

8. The incubator of any Schedule 4 bird shall permit entrance at any reasonable time to an Official of the Department for Environment, Food and Rural Affairs or Natural England, or a Police Officer, to enter any premises used for the purposes of:
  - (i) inspecting the premises where the chick is kept; and
  - (ii) inspecting the chick.
9. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006.
10. 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 f)

### **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)(e) 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. 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 7(1) of the Act provides that it shall be an offence if any person has in his possession or under his control any bird included in Schedule 4 which has not been registered and ringed or marked in accordance with regulations made by the Secretary of State. This licence allows the incubation of any egg of a Schedule 4 bird, which produces live young, without requirement to register hatchlings with the Department for Environment, Food and Rural Affairs, for a maximum of fifteen days after the chick has hatched. Normal registration and ringing requirements apply once the 15-day period has elapsed.  
See [www.defra.gov.uk/animalhealth/cites/birdregistration/howtoregister.htm](http://www.defra.gov.uk/animalhealth/cites/birdregistration/howtoregister.htm)
- c) Section 16 of the Act provides that section 7 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**

- d) This licence permits action only for the purposes specified in paragraph 1.
- e) Please note that except as provided under section 16(7) of the Act, this licence does not permit actions prohibited under any other legislation.
- f) Any person not permitted to use this General Licence on account of a relevant conviction (see Condition 10) 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.

- g) A licence in similar terms has been issued by the Scottish Executive in respect of Scotland and the National Assembly for Wales in respect of Wales.
- h) This licence may be modified or revoked at any time.

**General welfare considerations**

- i) 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).
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