

# LICENCE

## To allow the keeping of certain birds in show cages for training purposes



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 7)
Registration	Users do not need to register to use this licence
Recording & reporting	None required
Reference	WML / GEN L19

### **Overview of licence**

*This licence permits the keeping of certain birds in cages that do not meet legal minimum size requirements. This to allow training for competitive exhibition. Users must comply with licence terms and conditions.*

**Note:** *The showing of captive-bred birds is covered by a separate licence: WML Gen-L16*

### **THE PURPOSE(S) FOR WHICH THIS LICENCE APPLIES**

1. Subject to paragraph 2 and the licence conditions, this licence is granted for the purposes of training of birds for public exhibition and competition.

### **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 keeping or confining of any bird in a show cage the dimensions of which do not satisfy the requirements of section 8(1) of the Act.

### **LICENCE CONDITIONS**

3. No bird shall be kept or confined in such a cage for longer than one hour in any period of twenty four hours.
4. The minimum dimensions of the cage in which the bird is kept shall be:
  - i) Height: 25.4cm
  - ii) Breadth: 24.13cm
  - iii) Depth: 11.43cm
5. This licence shall apply only to those species of birds whose showing for the purposes of any public exhibition or competition is not specifically prohibited by the Act.
6. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006 (see note i)
7. 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)(f) 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) 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.
- c) Section 16 of the Act provides that sections 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**

- 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 7) 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).