

# LICENCE

## To permit the release of native bird species listed on Schedule 9



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 3)
Registration	Users do not need to register to use this licence
Recording & reporting	None required
Reference	WML / GEN L30

### **Overview of licence**

*It is an offence to allow to escape or to release into the wild any animal listed on Schedule 9 of the Act unless authorised to do so. This licence permits the release of certain animals listed on Schedule 9 (specified in Annex A of this licence) which are considered to be native to Great Britain, where they have been:*

- taken for the purpose of tending and returning to the wild once rehabilitated, or*
- accidentally caught in a trap or net lawfully set for another species, or*
- taken temporarily from the wild under the authority of a Natural England licence (e.g. to ring or mark the animal), or*

*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, section 14 of the Act (prohibition on releasing or allowing to escape into the wild) shall not apply to any person in temporary possession or control of an animal of a species listed in Annex A that was previously taken from the wild.

### **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 release into the wild of individuals of the species listed on Schedule 9 of the Act that are listed at Annex A of this licence.

### **LICENCE CONDITIONS**

3. This licence may only be relied upon so long as the animal released was not taken by that person's unlawful act.
4. This licence only applies to species listed in Annex A, and then only where the individual animal (including bird and egg) was
  - a. taken from the wild or restrained solely for the purpose of tending it and releasing it when no longer disabled, or
  - b. accidentally taken from the wild or restrained during the conduct of a lawful act (for example, if the animal was caught in a trap lawfully set for another species), or
  - c. taken from the wild or restrained by a person(s) acting under the authority of a valid Natural England licence, or
5. Animals must be released or replaced at or as close as possible to the location from which they were taken or restrained, but may be released up to one (1) kilometre from this place if releasing at the source location is not possible or would not be safe.

6. The prior permission or authority of the landowner of the release location is required for the release, unless the animal is released immediately after taking and at the same location as it was taken.
7. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006 (see notes j-m)

### **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(4)(c) 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 16 of the Act provides that section 14 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.
- c) Section 14 of the Act prohibits the release of species listed on Schedule 9 of the Act. The species listed in Annex A are considered to be native species and have been included on Schedule 9 to prevent irresponsible releases.

#### **The limits of this licence**

- d) This licence permits action only for the purpose specified in paragraph 1.
- e) This licence does not confer any right of entry upon land.
- 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. For example,
  - i. 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"
  - ii. 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)
- g) This licence may be modified or revoked at any time.

#### **Non-native species**

- h) 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.

- i) Anyone wishing to release individuals of a species listed on Schedule 9 but not listed at Annex A, should apply to Natural England for a licence.

### **General welfare considerations**

- j) 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 treatment of animals held in traps or nets. It is the responsibility of each person relying on this licence to avoid causing unnecessary suffering.
- k) Animals should be released at a location and a time where the risk of injury to themselves, other animals or people is minimised.
- l) Disabled animals taken for the purpose of tending (rehabilitation) should be kept in accordance with recognised good practice to ensure, as far as possible, that they are released in a healthy and disease-free state.
- m) Prior to release, the licensee must be satisfied that the animal is fit for release into the wild.

## **ANNEX A**

Species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) to which this licence applies. The common name or names given in the first column are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.

<b>Common Name</b>	<b>Scientific name</b>
White-tailed eagle	<i>Haliaeetus albicilla</i>
Capercaillie	<i>Tetrao urogallus</i>
Barn owl	<i>Tyto Alba</i>

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