

LICENCE



‘Growers’ Licence to permit the use of non-native subspecies of the bumble bee (*Bombus terrestris*) in commercial glass-houses or poly-tunnels for crop pollination

Issued under	Wildlife and Countryside Act 1981 (as amended) [“the Act”]
Valid for the period	1 January 2010 to 31 December 2012 (inclusive)
Valid in	England
Who may use	Commercial growers using bee colonies produced in compliance with a Natural England supplier’s licence.
Registration	Not required.
Recording & reporting	None
Reference	WML / Gen-L37

Overview of licence

*This licence permits growers in England to use commercially supplied non-native bumble bee colonies in glass-houses or poly-tunnels for crop pollination. **This licence may only be relied upon where the bees have been obtained from a supplier licensed under the Wildlife and Countryside Act to release bumble bees for pollination and where the bees have been produced and supplied in accordance with such a licence.** Persons acting under this licence must comply with the terms and conditions; Notes are provided as further guidance and advice on best practice.*

THE PURPOSE(S) FOR WHICH THIS LICENCE APPLIES

1. Subject to the controls in paragraph 2, this licence is granted to:
 - (i) Allow the use of non-native subspecies of the bumble bee (*Bombus terrestris*) in commercial glass-houses or poly-tunnels for the pollination of crops in those glass-houses or poly-tunnels.

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 authorised persons (see ‘Definitions’) to:
 - (i) release non-native bumble bee subspecies into commercial glass-houses or poly-tunnels.

LICENCE CONDITIONS

3. This licence only applies to the use of commercially reared bumble bee colonies that have been obtained from a supplier licensed to release non-native bumble bees, where the bees have been produced and supplied in accordance with such a licence, and the colonies are in an untampered state as supplied by the producer.
4. Persons authorized by this licence shall only place non-native bee colonies inside glass-house(s) and/or poly-tunnel(s) during the period, and in appropriate numbers, required for crop pollination, and shall comply with good-practice and take reasonable steps to prevent the escape of non-native bees beyond the confines of such structures.
5. Bee colonies used under the authority of this licence must be appropriately destroyed and disposed of at the end of their period of use, in accordance with guidance in the IBMA “Advice to growers; the use of bumble bees for pollination of crops in the UK”.
6. Persons acting under this licence shall give reasonable assistance to an officer of Natural England, accompanied by such persons as he/she considers necessary for the purpose, on production of

his/her identification on demand, in obtaining access to sites where bee colonies are used, for monitoring purposes and for the purpose of ascertaining whether the conditions of this licence are being, or have been, complied with.

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.



for and on behalf of Natural England
31 December 2009

Wildlife Licensing Unit
Natural England
Burghill Road, Westbury-on-Trym
Bristol BS10 6NJ
T 0845 601 4523 F 0845 601 3438
Email wildlife@naturalengland.org.uk

EXPLANATORY NOTES

Definitions used in this licence

- a) “**authorised person**” At the time of issue of this licence, “authorised person” is defined in section 27(1) of the Wildlife and Countryside Act 1981 as:
- i. the owner or occupier, or any person authorised by the owner or occupier, of the land on which the action authorised is taken;
 - ii. any person authorised in writing by the local authority for the area within which the action authorised is taken; and
 - iii. as respects anything done in relation to wild birds, any person authorised in writing by any of the following bodies, that is to say, any of the GB conservation bodies [*this includes Natural England*], a district board for a fishery district within the meaning of the Salmon Fisheries (Scotland) Act 1862 or a local fisheries committee constituted under the Sea Fisheries Regulation Act 1966;
 - iv. any person authorised in writing by the Environment Agency, a water undertaker or a sewerage undertaker,
- so, however, that the authorisation of any person for the purposes of this definition shall not confer any right of entry upon any land.

The law

- b) Section 14 of the Wildlife and Countryside Act 1981 makes it an offence to release or allow to escape into the wild any animal which:
- is of a kind which is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state; or
 - is included in Part 1 of Schedule 9 of the Act.
- c) Natural England has issued this licence in exercise of the powers conferred by Sections 16(4)(c) 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.
- d) Section 16 of the Act provides that section 14 (see note (b)) 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. Go to www.statutelaw.gov.uk and search for ‘Wildlife and Countryside Act, 1981’ to see consolidated versions of the law and the associated Schedules.

The limits of this licence

- e) This licence permits action only for the purposes specified in paragraph 1.
- f) This licence does not confer any right of entry upon land.

- g) This licence does not permit the use of non-native bumble bee colonies in open field situations or orchards
 - h) Bees can only be released if they have been obtained from a supplier licensed to release bees for this purpose and produced and supplied in accordance with such a licence. In particular, such bees must have been subject to appropriate disease screening protocols.
 - i) Persons relying on this licence should obtain a copy of the IBMA “Advice to growers; the use of bumble bees for pollination of crops in the UK” from their supplier and confirmation that their supplier is appropriately licensed.
 - j) This licence may be modified or revoked at any time.
 - k) This licence does NOT authorise the release of non-native bees in parts of the UK outside England, even if the supplier of the bees is licensed for the release of bees in these areas.**
-