



Licence to permit the sale of certain captive bred species of live bird

Guidance Note – This licence permits the sale of captive bred live birds, with some exceptions. These exceptions include:

- species that are already permitted to be sold under the legislation (i.e. Schedule 3 Part 1 birds)
- specimens on Annex A (of Council Regulation (EC) no 338/97) unless an Article 10 certificate (under CITES) has been obtained.
- Birds listed on Appendix 1 of this licence – for these species an individual licence must be sought

Sales of birds listed on Appendix 2 of this licence must be registered with Natural England. Most captive birds sold under the terms of this licence are required to be ringed. Appendix 3 contains a short list of birds that do not require rings.

Users must comply with the terms and conditions.

Natural England in exercise of the powers conferred by section 16(4)(a) and 16(5) of the Wildlife and Countryside Act 1981, as amended, ('the Act') and being satisfied that as regards the purpose set out at paragraph 1, there is no satisfactory alternative, hereby grants the following licence:

LICENCE

- 1) The purpose of this licence is to permit the sale of certain captive-bred species of live wild bird.
- 2) Subject to the terms and conditions below, this licence permits:
 - (a) the sale (which in this licence includes hire, barter or exchange), offer or exposure for sale, possession or transport for the purpose of sale of; or
 - (b) the publication or the causing to be published of any advertisement likely to be understood as conveying that any person buys or sells or intends to buy or sell;

any captive bred (as defined in 4 below) live wild bird with the following exceptions:

- (i) birds listed on Appendix I of this licence; or
 - (ii) birds listed on Annex A of Council Regulation (EC) No. 338/97, unless an Article 10 certificate has already been obtained, or
 - (iii) birds listed on Schedule 3 Part I to the Act (see note c).
- 3) Failure to act within the purpose of this licence as set out in paragraph 1 or failure to comply with the terms and conditions below 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 a level 5 fine (£5000) and/or a six month custodial sentence.

TERMS AND CONDITIONS

- 4) Any bird sold 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 sale, hire, barter or exchange (see Note d).
- 5) With the exception of the birds listed in Appendix 3 of this licence (which may be sold without a ring), any bird sold under this licence must be ringed with a legible individually numbered metal close ring, which is a ring or band in a continuous circle (without any break, join, or any signs of tampering since it was manufactured) and which cannot be removed from the bird when its leg is fully grown. The ring must meet the ringing requirements of the country in which the bird was bred. For any bird sold under this licence which is on Schedule 4 to the Act, the close ring must meet the marking requirements of CITES (see Note e).
- 6) Sales of any birds listed on Appendix 2 of this licence must be registered with Natural England (wildlife@naturalengland.org.uk) within 30 days of the sale. The registration must consist of the numbers of birds sold and the names and contact details of the seller and purchaser.
- 7) The owner of any bird to be sold under this licence will, if requested by an Official of the Department for Environment, Food and Rural Affairs, or a Police Officer, make the bird available for a sample of blood to be taken from the bird to be sold. The blood sample will be taken by a qualified veterinary surgeon. Such a sample may be used to establish the ancestry of the bird.
- 8) This licence is valid in England, unless previously revoked, for the period from xxx to xxxx.

Definitions

- 9) In this licence-
 - a) "Wild bird" has the same meaning as in section 27 of the Act. (See note f)

xxxxx
for and on behalf of Natural England

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NOTES

These notes do not form part of the licence.

- (a) 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.
- (b) This licence may be modified or revoked at any time.
- (c) Birds listed on Schedule 3 Part 1 of the Act are already permitted to be sold under the Act, providing the ringing requirements of SI 1982/1220 are met.
- (d) Natural England's guidance on securing documentary evidence is as follows: 'Persons intending to rely on the general licence must be able to demonstrate that birds are legally held and captive-bred, and are advised: to only purchase birds from breeders who are able to satisfactorily demonstrate that they are complying with the relevant regulations; to confirm, insofar as they are able, the bird's identification and age are correct; to check that

the bird is correctly ringed, and to always obtain signed and dated written documentary evidence of captive-breeding from the breeder. Documentation should cite the bird's species, ring number and any other identification mark (e.g. microchips), hatch date, along with similar details for the parent birds, and the breeder's full contact details.'

- (e) Section 7 of the Act (and regulations made under that section) provides for the registration and ringing of captive birds included in Schedule 4 to the Act. Statutory Instrument 2008/2357 has most recently amended the regulations to allow the Secretary of State to accept a marking of a bird in accordance with CITES as an alternative to a ring provided by the Secretary of State.
- (f) At the time of issue of this licence, "wild bird" is defined in section 27(1) of the Act 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".

Appendix 1 Birds that cannot be sold under this licence – an individual licence must be sought to permit sales

A. For Conservations Reasons

None

B. In order to prevent establishment/spread

- o Ruddy Duck *Oxyura jamaicensis*
- o Egyptian Goose *Alopochen aegyptiacus*
- o Canada Goose *Branta canadensis*

Appendix 2 Birds that may be sold under this licence, providing the sale is registered with Natural England (in accordance with Condition 6 of this licence)

- o Eagle Owl *Bubo bubo*

Appendix 3 - Birds that do not need a ring to be sold under this licence

Pintail	<i>Anas acuta</i>
American Wigeon	<i>Anas americana</i>
Shoveler	<i>Anas clypeata</i>
Teal	<i>Anas crecca</i>
Blue-winged Teal	<i>Anas discors</i>
Wigeon	<i>Anas penelope</i>
Mallard	<i>Anas platyrhynchos</i>
Garganey	<i>Anas querquedula</i>
Black Duck	<i>Anas rubripes</i>
Gadwall	<i>Anas strepera</i>
White-fronted Goose	<i>Anser albifrons</i>
Greylag Goose	<i>Anser anser</i>
Pink-footed Goose	<i>Anser brachyrhynchus</i>
Snow Goose	<i>Anser caerulescens</i>
Lesser White-fronted Goose	<i>Anser erythropus</i>
Bean Goose	<i>Anser fabalis</i>

Ring-necked Duck	<i>Aythya collaris</i>
Pochard	<i>Aythya ferina</i>
Tufted Duck	<i>Aythya fuligula</i>
Scaup	<i>Aythya marila</i>
Brent Goose	<i>Branta bernicla</i>
Goldeneye	<i>Bucephala clangula</i>
Long-tailed Duck	<i>Clangula hyemalis</i>
Berwick's Swan	<i>Cygnus bewickii</i>
Whooper Swan	<i>Cygnus cygnus</i>
Mute Swan	<i>Cygnus olor</i>
Harlequin Duck	<i>Histrionicus histrionicus</i>
Velvet Scoter	<i>Melanitta fusca</i>
Common Scoter	<i>Melanitta nigra</i>
Surf Scoter	<i>Melanitta perspicillata</i>
Smew	<i>Mergus albellus</i>
Hooded Merganser	<i>Mergus cucullatus</i>
Goosander	<i>Mergus merganser</i>
Red-breasted Merganser	<i>Mergus serrator</i>
Red-crested Pochard	<i>Netta rufina</i>
Stellers Eider	<i>Polysticta stelleri</i>
Eider Duck	<i>Somateria mollissima</i>
King Eider	<i>Somateria spectabilis</i>
Shelduck	<i>Tadorna tadorna</i>