

THE MAGISTRATES' ASSOCIATION

SENTENCING POLICY AND PRACTICE COMMITTEE

Response to Natural England Consultation on General Licences

Thank you for including the Magistrates' Association in this consultation on general licences. I am replying by letter as we have only two comments and have no comment on the bulk of your questions.

With reference to questions 11.1 and 11.2, which concern the question of documentary evidence of captive breeding, we welcome the acknowledgment that it is for the courts to decide whether the documentary evidence provided is acceptable evidence of captive breeding. Within that, we have no objection to the proposal that Natural England provide guidance on the issue, nor to the text proposed. We would comment that it would be essential for the prosecutor to give the court full information on what was expected of a defendant in such cases so as to enable an assessment by the court of culpability.

With regard to question 12, whilst we are not aware of any lack of awareness of the conditions and obligations relating to general licences, we would be concerned as a matter of policy if there was a level of ignorance that was leading to offences being committed, and would therefore support the principle of raising awareness. We have no particular suggestions for how this might be done but would comment again that the provision of full information by the prosecution would be important to help the court assess an offender's culpability.

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