



Licence to kill or take certain birds to prevent serious damage or disease

Guidance Note: The licence permits authorised persons (commonly landowners and occupiers – see note j) to carry out a range of activities against birds of the species listed. This licence may only be relied upon where the activities are carried out for the purposes of preventing the spread of disease or preventing serious damage to livestock, crops, foodstuffs for livestock, crops, vegetables, fruit, growing timber, fisheries or inland waters. This licence does not permit action to prevent damage to other forms of property or to prevent nuisance. Persons relying on this licence must be satisfied that non-lethal methods of resolving the problem are ineffective or impracticable. Users must comply with the terms and conditions; Notes are provided as further guidance and advice on best practice.

Natural England, in exercise of the powers conferred by Section 16 (1)(j) and section 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 that there is no other satisfactory solution, hereby grants the following licence:-

LICENCE

1. The purposes for which this licence is granted are preventing the spread of disease and preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, fisheries or inland waters.
2. Subject to the terms and conditions below, and for the purposes set out in paragraph (1) above, this licence permits:
 - (i) any authorised person to kill or take any of the wild birds listed in this subparagraph, to take, damage or destroy their nests or to take or destroy their eggs:

Greater Canada Goose	<i>Branta canadensis</i>
Crow	<i>Corvus corone</i>
Dove, Collared	<i>Streptopelia decaocto</i>
Gull, Great Black-backed	<i>Larus marinus</i>
Gull, Lesser Black-backed	<i>Larus fuscus</i>
Gull, Herring	<i>Larus argentatus</i>
Jackdaw	<i>Corvus monedula</i>
Jay	<i>Garrulus glandarius</i>
Magpie	<i>Pica pica</i>
Pigeon, Feral	<i>Columba livia</i>
Rook	<i>Corvus frugilegus</i>
Woodpigeon	<i>Columba palumbus</i>

- (ii) the use of a semi-automatic weapon by authorised persons acting under subparagraph (2)(i) above;
- (iii) the use of a cage trap, the dimensions of which do not satisfy the requirements of section 8(1) of the Act, by authorised persons acting under subparagraph (2)(i) above;
- (iv) in relation to the killing or taking of Feral Pigeon (*Columba livia*) only:
 - (a) the use of any device for illuminating a target or any sighting device for night shooting, by authorised persons acting under subparagraph (2)(i) above;
 - (b) the use of any form of artificial lighting or any mirror or other dazzling device, by authorised

persons acting under subparagraph (2)(i) above;

(v) the use, by authorised persons acting under subparagraph (2)(i) above, of any net, except the use of any net for taking birds in flight or the use for taking birds on the ground of any net which is projected or propelled otherwise than by hand.

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, at the time of the issue of this licence, a level 5 fine (£5000) and/or a six month custodial sentence.

TERMS AND CONDITIONS

4. Except as specifically permitted under paragraph (2) above, this licence does not authorise the use of any method of killing or taking which is prohibited by section 5 or section 8 of the Act.
5. This licence can only be relied on in circumstances where the authorised person is satisfied that appropriate non-lethal methods of control such as scaring are either ineffective or impracticable.
6. Where any cage trap, including a trap authorised under subparagraph (2)(iii) above is used, then only the bird species listed in this paragraph may be used as decoys. Such decoy birds must be provided with adequate food, water, appropriate shelter and a perch for the entire period during which it is used:

Crow

Jackdaw

Jay

Magpie

Rook

Corvus corone

Corvus monedula

Garrulus glandarius

Pica pica

Corvus frugilegus

7. Any birds killed in accordance with this licence must be killed in a quick and humane manner. Greater Canada Geese held captive prior to being killed must be killed out of sight of other captive birds of the same species. (see note g)
8. Where any live animal, other than a bird included in the list at subparagraph (2)(i) above, has become confined in the cage trap it must be released immediately upon discovery. Birds included in the list at subparagraph 2(i) which have become confined in the cage trap and which are to be killed under this licence, must be killed in a quick and humane manner as soon as reasonably practicable after discovery.
9. When in use, every cage trap used pursuant to this licence must be physically inspected at least once every day at intervals of no more than 24 hours except where this is not possible because of severe weather conditions. In such cases, every effort must be made to inspect the cage trap as soon as possible. (see note h)
10. At each inspection any dead animal, including any dead bird, caught in the trap should be removed from it. (see note g)
11. Where a cage trap is not in use, it must be rendered incapable of holding or catching birds or other animals. Any bait, food, water or decoy birds must also be removed. (see note 10)
12. This licence is valid in England, unless previously revoked, for the period from **1 January 2009 to 31 December 2009**

Definitions

13. In this licence-

- I. "authorised person" has the same meaning as in section 27 of the Act; (see note j)
- II. "to kill" includes accidentally to wound whilst attempting to kill in accordance with this licence;
- III. "semi-automatic weapon" means any weapon which is not prohibited by section 5 of the Firearms Act 1968 as amended and which has a magazine capable of holding more than two rounds of ammunition, where the depression of the trigger ejects a single shot, each subsequent shot requiring a further depression of the trigger;
- IV. "Wild bird" has the same meaning as in section 27 of the Act. (See note I)



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for and on behalf of Natural England
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NOTES

These notes do not form part of this licence.

- a) Under section 1 of the Act it is an offence for any person to kill, injure or take any wild bird; to take, damage or destroy the nest of any wild bird while the nest is in use or being built; or to take or destroy an egg of any wild bird.
- b) Section 5 of the Act prohibits the use of certain methods of killing and taking wild birds including, but not exclusively, the use of any poisonous, poisoned or stupefying substance, any bow or crossbow, any explosive other than ammunition for a firearm, or any chemical wetting agent.
- c) 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.
- d) Section 16(1) of the Act provides that sections 1, 5 and 8 shall not apply to anything done under and in accordance with the terms of a licence granted by the appropriate authority, which is Natural England.
- 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. For example, where the action involves the use of firearms, it is the authorised person's responsibility to ensure that he complies with all relevant legislation. Similarly, 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"
- f) Where cage traps used under the terms of this licence consistently capture birds not included in the list at subparagraph (2)(i), the trap should be moved, as a matter of good practice, to a different location in order to minimise the risk of such birds being caught again.
- g) Authorised persons should have regard to good practice and any legislation affecting the disposal of the carcase(s) of any bird killed in accordance with this licence.
- h) The authorised person should have regard to the inspection requirements contained in paragraph (9) when considering the use of a cage trap under this licence. As a matter of good practice, cage traps should not be used during severe weather conditions, or when such conditions are reasonably anticipated.
- i) In order to render any cage trap incapable of holding or catching birds or other animals, it is necessary to either secure the door in a fully open or closed position or to remove the door completely.
- j) At the time of issue of this licence, "authorised person" is defined in section 27(1) of the Act as:
 - the owner or occupier, or any person authorised by the owner or occupier, of the land on which the action authorised is taken;
 - any person authorised in writing by the local authority for the area within which the action authorised is taken; and

- any person authorised in writing by: Natural England, a water authority or any other statutory water undertakers, or a local fisheries committee constituted under the Sea Fisheries Regulation Act 1966.
- k) The authorisation of any person for the purposes of this definition shall not confer any right of entry upon land. It should be noted that this definition may be subject to legislative amendment.
- l) 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”. It should be noted that this definition may be subject to legislative amendment.
- m) 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. This includes the Greater Canada Goose (*Branta canadensis*).
- n) The authorised person should have regard to the Environmental Protection (Restriction on Use of Lead Shot) (England) Regulations 1999 (SI 1999/2170). Regulation 3 prohibits the use of lead shot for the purpose of shooting geese with a shot gun.
- o) This licence may be modified or revoked at any time.