

Licence to kill or take certain birds to preserve public health or public safety

The Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred on her by sections 16(1)(i) and 16(5) of the Wildlife and Countryside Act 1981, as amended (“the 1981 Act”) after consultation with English Nature, and being satisfied that as regards the purpose set out in paragraph (1) that there is no other satisfactory solution, hereby grants the following licence:

Licence

1. The purpose for which this licence is granted is preserving public health or public safety.
2. Subject to the terms and conditions below, and for the purpose 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. The wild birds are:

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 1981 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.

Terms and Conditions

3. Except as specifically permitted under paragraph (2) above, this licence does not permit the use of any method of killing or taking which is prohibited by section 5 or section 8 of the 1981 Act.
4. 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 or proofing are either ineffective or impracticable.

5. 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

Corvus corone

Jackdaw

Corvus monedula

Jay

Garrulus glandarius

Magpie

Pica pica

Rook

Corvus frugilegus

6. 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 8)
7. 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.
8. 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 9)
9. At each inspection any dead animal, including any dead bird, caught in the trap should be removed from it. (see note 8)
10. 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)

This licence is valid in England, unless previously revoked, for the period from **1 January 2006 to 31 December 2006**.

Definitions

11. In this licence-

- (i) "authorised person" has the same meaning as in section 27 of the Wildlife and Countryside Act 1981. (see note 10)
- (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 Wildlife and Countryside Act 1981; (see note 11)



Simon R Harding

Authorised by the Secretary of State
for the Environment to sign in that
behalf

Department for Environment, Food and Rural Affairs
European Wildlife Division
Species Management Team
Room 1/09a
Temple Quay House
2 The Square
Temple Way
Bristol BS1 6EB
Tel: 0117 372 8746

1 January 2006

These Notes do not form part of the Licence

1. Under section 1 of the 1981 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.
2. Section 5 of the 1981 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.
3. Under section 8 of the 1981 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.
4. Section 16(1) of the 1981 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 the Secretary of State (after consultation with English Nature).
5. This licence authorises acts which would otherwise be an offence under the Wildlife and Countryside Act 1981. Failure to act within the purpose of this licence as set out in paragraph 1 or failure to comply with the terms and conditions set out in paragraphs 3 to 10 may lead to an offence against that Act. The maximum penalty available for an offence under Part I of the Act is a fine of £5000 and/or a six month custodial sentence.
6. Please note that except as provided under section 16(7) of the Wildlife and Countryside Act 1981, 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 Wildlife and Countryside Act, as amended.
7. 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.
8. 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.
9. The authorised person should have regard to the inspection requirements contained in paragraph (8) 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.
10. 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.
11. At the time of issue of this licence, "authorised person" is defined in section 27(1) of the Wildlife and Countryside Act 1981 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: English Nature, a water authority or any other statutory water undertakers, or a local fisheries committee constituted under the Sea Fisheries Regulation Act 1966.

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.
12. At the time of issue of this licence, "wild bird" is defined in section 27(1) of the Wildlife and Countryside Act 1981 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.
13. Under section 14 of the 1981 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*).
14. 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 Greater Canada Geese with a shot gun.
15. This licence may be modified or revoked at any time.