



Department  
for Environment  
Food & Rural Affairs

## General Licence

### To kill or take certain species of wild birds to preserve public health or public safety

#### WML-GL35

14 June 2019

#### LEGAL BASIS OF THIS LICENCE

The Secretary of State has issued this licence in exercise of the powers conferred by the 1981 Act. Visit [legislation.gov.uk](http://legislation.gov.uk) to view the full text of this legislation.

Section 16 of the 1981 Act provides that the offences in Part I of the 1981 Act 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, the Secretary of State.

In accordance with section 16(1A)(a) of the 1981 Act, the Secretary of State is satisfied that, as regards the purposes covered by this licence, there is no other satisfactory solution.

In accordance with section 16(10)(b) of the 1981 Act, the Secretary of State has been advised by Natural England as to the circumstances in which, in their opinion, licences of this description should be granted.

This licence is issued under section 16(1)(i) and (5) of the 1981 Act.

## OVERVIEW

This licence permits landowners, occupiers and other authorised persons to carry out a range of otherwise prohibited activities against the species of wild birds listed on the licence. This licence may **only** be relied on where the activities are carried out for the purposes specified, and users must comply with licence terms and conditions.

Registration: Users do not need to register to use this licence.

Recording & reporting: None required (see Information and Advice note w)

Reference: WML-GL35

## SCOPE OF THIS LICENCE

Legislation: Section 16(1)(i) and (5) of the 1981 Act

Valid for the period: 14 June 2019 to 29 February 2020 (inclusive)

Area valid in: All counties of England (landward of the mean low water mark), except any European sites or Ramsar sites or within 300 metres of the boundary of such a site (see Information and Advice notes g to j)

Purpose(s) for which this licence is issued: Preserving public health or public safety

What this licence permits: Subject to all the terms and conditions of this licence and solely for the purpose(s) stated above, this licence permits authorised persons:

- i. to kill or take wild birds of any of the species listed at (a) and (b) below, to take, damage or destroy their nests or to take or destroy their eggs:

(a) Carrion Crow	<i>Corvus corone</i>
Jackdaw	<i>Corvus monedula</i>
Magpie	<i>Pica pica</i>
Pigeon, Feral	<i>Columba livia</i>
Rook	<i>Corvus frugilegus</i>

(b) Goose, Canada	<i>Branta Canadensis</i>
Parakeet, Monk	<i>Myiopsitta monachus</i>

- ii. and when acting under (i) above to use any otherwise lawful methods and any of the following methods prohibited by Section 5 of the 1981 Act:
- (a) a semi-automatic weapon;
  - (b) a cage trap, the dimensions of which do not satisfy the requirements of section 8(1) of the 1981 Act;
  - (c) any hand held or hand propelled net to take birds whilst not in flight; and
  - (d) in relation to the killing or taking of Feral Pigeon (*Columba livia*) only:
    - any device for illuminating a target or any sighting device for night shooting;
    - any form of artificial lighting or any mirror or other dazzling device.

Who can use this licence: This licence may only be used by authorised persons (see definitions), except those with a recent conviction (see Information and Advice note c).

#### DEFINITIONS USED IN THIS LICENCE AND INTERPRETATION

“1981 Act” means the Wildlife and Countryside Act 1981.

“Authorised person” is as defined in [section 27\(1\) of the 1981 Act](#) and includes the owner or occupier, or any person authorised by the owner or occupier, of the land on which the action authorised is taken.

“European site” is as defined in [regulation 8 of the Conservation of Species and Habitats Regulations 2017](#) (as amended from time to time) and includes special protection areas (SPAs) and special areas of conservation (SACs) (see Information and Advice note j).

“Humane” means taking all reasonable precautions to ensure that any killing of birds under this licence is carried out in a single, swift action.

“To kill” includes accidentally to wound whilst attempting to kill in accordance with this licence.

“*Secretary of State*” means the Secretary of State for Environment, Food and Rural Affairs.

“*Semi-automatic weapon*” is as defined in [section 27\(1\) of the 1981 Act](#). It is any weapon which is not prohibited by section 5 of the Firearms Act 1968 and which has a magazine capable of holding more than two rounds of ammunition, where the depression of the trigger discharges a single shot and reloads the next, each subsequent shot requiring a further depression of the trigger, for example Firearms Act Section 1 shotguns.

“*Wild bird*” has the same meaning as in [section 27\(1\) of the 1981 Act](#).

Unless otherwise stated, references to legislation in this licence are references to that legislation as amended at the date of issue.

## LICENCE CONDITIONS

1. In respect of the species listed at “What this licence permits” (a) above:

before using this licence, reasonable endeavours must have been made to achieve the purpose in question using lawful methods not covered by this licence (unless their use would be impractical, without effect or disproportionate in the circumstances); and

when using this licence, reasonable endeavours must continue to be made to achieve the purpose in question using lawful methods not covered by this licence (unless their use would be impractical, without effect or disproportionate in the circumstances).

2. 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 1981 Act, except those listed under “What this licence permits” above.

3. Any birds killed in accordance with this licence must be killed in a quick and humane manner. Canada geese held captive prior to being killed must be killed out of sight of other captive birds of the same species.

4. Where any cage trap is used, then only these bird species may be used as decoys:

Carrion Crow

*Corvus corone*

Jackdaw

*Corvus monedula*

Magpie

*Pica pica*

Parakeet, Monk

*Myiopsitta monachus*

Rook

*Corvus frugilegus*

5. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006. This includes providing decoy birds with adequate food, water at all times, appropriate shelter and a suitable perch that does not cause discomfort to the birds' feet (see Information and Advice note p).

6. Where any live animal not listed at "What this licence permits" above has been confined in a cage trap, if fit to be released, it must be released immediately upon discovery at the point of capture (or as close as it is safe to do so). See Information and Advice note r regarding any animals that are listed on Schedule 9 to the 1981 Act.

7. When in use, every cage trap used in accordance with 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. Such an inspection must be sufficient to determine whether there are any live or dead birds or other animals in the trap (see Information and Advice note o).

8. At each inspection any dead animal, including any dead bird, caught in the trap must be removed from it.

9. 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 Information and Advice note o).

### **IMPORTANT**

This licence authorises acts that would otherwise be offences under the legislation referred to above. Failure to comply with its terms and conditions:

- i. may be an offence against the 1981 Act or mean that the licence cannot be relied upon and an offence could therefore be committed. The maximum penalty available for an offence under the 1981 Act is, at the time of the issue of this licence, an unlimited fine and/or a six month custodial sentence;
- ii. may result in your permission to use this licence being withdrawn. The Secretary of State will inform any person or organisation whose permission

to use this licence is withdrawn in writing. This sanction may be applied to other similar licences; and

- iii. may result in you not being able to rely on this licence as a defence with respect to the prohibitions within the Animal Welfare Act 2006 or the Wild Mammals (Protection) Act 1996.

If the activity that you wish to undertake is not covered by this licence, or if you are unable to comply with any of the terms and conditions which apply to the use of this licence, then you will need to apply to Natural England for an individual licence.

A person granted an individual licence by Natural England since 25 April 2019 which permits any action covered by this licence may rely either on that individual licence or on this licence when undertaking such action.

Issued by and on behalf of the Secretary of State on 14 June 2019.

## INFORMATION AND ADVICE

### **General information**

- a. This licence can be modified or revoked at any time by the Secretary of State. You are advised to check the terms and conditions of any subsequently issued licence prior to your first use of it so as to familiarise yourself with any changes.
- b. The common name of the species given in this licence is included by way of guidance only; in the event of any dispute or proceedings, it is the scientific name of a species only that will be taken into account.
- c. No person convicted on or after 1 January 2010 of an offence under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981, the Protection of Badgers Act 1992, the Deer Act 1991, the Hunting Act 2004, the Wild Mammals (Protection) Act 1996, the Animal Welfare Act 2006 or the Protection of Animals Act 1911 may use this licence unless, in respect of that offence, either:
  - i. they are a rehabilitated person for the person of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent; or
  - ii. a court has made an order discharging them absolutely.

Any person to whom this exclusion applies must apply to Natural England for an individual licence.

### **The limits of this licence**

- d. This licence permits action only for the purposes specified in “What this licence permits”. You may not use it to prevent damage to other forms of property (such as damage to houses or cars) or to prevent nuisance (such as excessive noise). If you are unsure you should seek independent legal advice before using this licence.
- e. This licence does not permit actions prohibited under any other legislation, nor does it confer any right of entry upon land.
- f. The provisions of this licence only apply landward of the mean low water mark in England. The Marine Management Organisation is responsible for all licensing seaward of the mean low water mark.

## Protected sites

g. This licence does not permit any action within any European sites or Ramsar sites or within 300 metres of the boundary of such a site. (For information on identifying European sites, see Information and Advice note n.)

h. If you need to carry out action that would otherwise be permitted by this licence on a European site or Ramsar site or within 300 metres of the boundary of such a site, then you will need to apply to Natural England for an individual licence, unless the action is permitted by another general licence.

i. As this general licence is not a consent for the purposes of Part II of the Wildlife and Countryside Act 1981 in respect of SSSIs it is your responsibility to get consent or assent if required before this licence can be used on any SSSI (see Information and Advice notes k to m).

j. In this licence, “European site” is as defined in [regulation 8 of the Conservation of Species and Habitats Regulations 2017](#) (as amended from time to time) and includes special protection areas (SPAs) and special areas of conservation (SACs). At the time of issue of this licence, regulation 8 provides:

“8.—(1) Subject to paragraph (2), in these Regulations a “European site” means—

(a) a special area of conservation;

(b) a site of Community importance which has been placed on the list referred to in the third sub-paragraph of Article 4(2) of the Habitats Directive (list of sites of Community importance);

(c) a site hosting a priority natural habitat type or priority species protected in accordance with Article 5(4) of the Habitats Directive (a site in respect of which consultation has been initiated under Article 5(1) of that Directive, during the consultation period or pending a decision of the Council under Article 5(3));

(d) an area classified pursuant to Article 4(1) or (2) of the old Wild Birds Directive or the new Wild Birds Directive (classification of special protection areas); or

(e) a site which has been proposed to the European Commission under regulation 12, until such time as—

(i) the site is placed on the list of sites of Community importance referred to in the third sub-paragraph of Article 4(2) of the Habitats Directive; or

(ii) agreement is reached or a decision is taken pursuant to Article 4(2) of that Directive not to place the site on that list.



(2) In these Regulations, a reference to a European site—

(a) in Part 6, is a reference to a European site in the United Kingdom; and

(b) in any other provision of these Regulations, except where otherwise indicated, is a reference to a European site in England or Wales.”

### **Sites of Special Scientific Interest (SSSIs)**

k. A site of special scientific interest (SSSI) is a site designated through domestic law as of special interest for flora, fauna, or geological or physiographical features. This is a national designation. Natural England will, for each site, have specified operations it considers could damage the site and Natural England’s consent is required for any such operations. A SSSI may also be a European site (for example, a Special Protection Area (SPA) or Special Area of Conservation (SAC)) or a Ramsar site. If a SSSI is a European site or Ramsar site, then this licence does not permit any action on the site or within 300 metres of its boundary (see Information and Advice notes g to j).

l. If a SSSI is not a European site, then this licence can be used, subject to the operations not being damaging. The notification documents for each SSSI contain a list of operations that could damage its special features and for which prior consent from Natural England is required. If the activity you need to undertake covered by this licence is not listed in the SSSI notification documents as an operation that could damage the site’s special features, no further action is required and you can act under this licence. If the activity you need to undertake covered by this licence is listed in the SSSI notification documents as an operation that could damage the site’s special features, you can only undertake this activity if the owner or occupier of the SSSI has applied for, and received, Natural England’s SSSI consent. If you act without this consent having been given, you may be at risk of committing an offence. There is one exception: licence [WML-CL25](#) (to permit the diversionary feeding of hen harrier (*Circus cyaneus*) on grouse moors in northern England) does not require a consent from Natural England under any circumstances. See [Gov.uk](#) for further information on how to get SSSI consent from Natural England.

m. A similar process applies for public bodies and statutory undertakers (as defined under section 28G of the Wildlife and Countryside Act 1981) and this obligation applies even where the operations are carried out on land outside of the SSSI. See [Gov.uk](#) for further information.

n. To identify SSSIs, European Sites, Ramsar sites and the features for which they are designated, refer to [www.magic.gov.uk](http://www.magic.gov.uk). Consult the SSSI notification documents for details of ‘operations likely to damage’ (available on Natural England’s Designated Sites View: <https://designatedsites.naturalengland.org.uk/SiteSearch.aspx>), and consider whether your activity is likely to have an impact. Advice may be sought from the local adviser for the SSSI: <https://www.gov.uk/government/organisations/natural-england>.

## Use of traps

o. The authorised person should have regard to the inspection requirements contained in Condition 7 when considering the use of a cage trap under this licence. Cage traps should be used in accordance with appropriate good practice, including:

- Where cage traps used under the terms of a licence consistently capture birds or other animals not included in the licence, the trap should be moved to a different location in order to minimise the risk of non-target species being caught again.
- Cage traps should not be used during severe hot or cold weather conditions, or when such conditions are reasonably anticipated.
- When not in use, it is necessary to either secure the door in a fully open or closed position or to remove the door completely in order to render any cage trap incapable of holding or catching birds or other animals.

p. Where a decoy bird is used, under section 9 of the Animal Welfare Act 2006 the person setting and operating a trap is responsible for the welfare of the decoy bird, ensuring that it has sufficient food, water and shelter, and protection from pain, suffering, injury and disease.

- Adequate food: means sufficient, palatable food, which is of a type suitable for the decoy species, to meet the needs of the bird(s). Food provision will not be considered “adequate” if the decoy bird(s) cannot readily access it, or if other birds or mammals could deprive the bird of its food.
- Water at all times: water must always be available to decoy birds and drinkable; it should be free from chemical additives and changed regularly to ensure that it is clean. The water needs to be kept ice-free during day-light hours. If this is not possible, then the conditions are not suitable for using a decoy bird in a trap.
- Appropriate shelter: decoy birds are to be provided with shelter that provides effective protection from rain and direct sunlight under the prevailing and anticipated weather conditions. The perch should be sheltered. Such provision will be influenced by the location of the trap and its exposure to the elements.

q. It is recommended that users of this licence refer to the document '[Standard Licence Conditions for trapping wild birds and using decoys under a Natural England licence](#)' (WML-GL33), which is a source of good practice, although it is not a legal requirement to comply with those conditions.

## Non-native species

r. Under section 14 of the 1981 Act it is an offence to release into the wild any animal included in Part I, Part IA or Part IB of Schedule 9 to the 1981 Act. Any animals of species listed in Schedule 9 accidentally caught by licensed trapping should be treated as follows:

- Animals of the species listed in Part I (such as the Canada Goose *Branta canadensis*, Monk parakeet *Myiopsitta monachus*, Ring-necked Parakeet *Psittacula krameri*, Grey Squirrel *Sciurus carolinensis*, Edible Dormouse *Glis glis* also known as *Myoxus glis*, and North American Mink *Neovison vison*; also known as *Mustela vison*) must not be released or allowed to escape into the wild. It is preferable that these animals are killed in a quick and humane manner as soon as reasonably practicable after discovery. These animals may only be released under an individual licence obtained from Natural England.
- Animals of the following species listed in Part IA, which are considered native to Great Britain, must be released immediately upon discovery. This is permitted under General Licence [WML-GL22](#).

Barn Owl	<i>Tyto alba</i>
Capercaillie	<i>Tetrao urogallus</i>
Corncrake	<i>Crex crex</i>
Common crane	<i>Grus grus</i>
Northern goshawk	<i>Accipiter gentilis</i>
Red-billed chough	<i>Pyrrhocorax pyrrhocorax</i>
Red kite	<i>Milvus milvus</i>
White-tailed eagle	<i>Haliaeetus albicilla</i>

- Animals of the species listed in Part IB (which are former native species and currently includes the Eurasian Beaver *Castor fiber* and Wild Boar *Sus scrofa*) may be released immediately upon discovery at the point of capture (this is permitted under General Licence [WML-GL22](#)), killed humanely or kept in captivity. These animals may only be released at another location under an individual licence obtained from Natural England.

s. Condition 1 of this licence applies only to the bird species listed at (a) in “What this licence permits”, above, which are considered to be native to Great Britain; it does not apply to non-native species (listed at “What this licence permits” (b)). People may use non-lethal methods, such as scaring and proofing, for non-native species and are encouraged to do so where this is the best solution to a problem, but there is no requirement to comply with Condition 1 of this licence.

### **Relevant legislation and good practice**

t. Persons acting under this licence should have regard to legislation and good practice relevant to the action(s) undertaken including:

- Animal welfare, including the Animal Welfare Act 2006. It is an offence to cause any unnecessary suffering to an animal (including birds) under the control of man (section 4 of the 2006 Act). This applies to the humane despatch of captured animals and the treatment of animals held in traps or nets, including decoy birds and non-target animals. For advice on the relevance of the 2006 Act to wildlife management please refer to the Natural England leaflet ‘[The Animal Welfare Act 2006: what it means for wildlife](#)’ (TIN072, revised as WML-GU02). Additionally, to protect the welfare of dependent young, it is advised that, wherever possible, lethal control of birds during the breeding season should be avoided and control at other times or using other lawful methods should be used.
- The disposal of the carcase(s) of any animal killed in accordance with this licence.
- The use of cage traps and the use of decoy birds (see Information and Advice notes o to q).
- The use of this licence during prolonged periods of severe weather. Users of this licence are requested to exercise restraint when undertaking shooting or scaring activities during periods of prolonged severe weather and to extend the requirements of voluntary restraint and statutory suspension of wildfowling to activities undertaken under this licence. For more information on these requirements please see the [JNCC](#) website. This website and that of the British Association for Shooting and Conservation will indicate when periods of voluntary restraint and statutory suspension apply. A statutory suspension temporarily prohibits the shooting of any bird listed in [Part I of Schedule 2 to the 1981 Act](#). Please note that although Canada goose is listed in Part I of Schedule 2, relevant licences may still be used to take or kill this species during periods subject to a statutory suspension of shooting. However licence users are expected to only take action that is absolutely necessary, and to ensure that activities do not disturb other species of wildfowl.
- The use of lead shot. Users of this licence must comply with the [Environmental Protection \(Restriction on Use of Lead Shot\) \(England\) Regulations 1999](#) (SI

1999/2170). These Regulations prohibit the use of lead shot for the purpose of shooting species of wildfowl (as defined in Schedule 2 to the 1999 Regulations) with a shotgun anywhere in the country and all use of lead shot for shotgun shooting on most wetlands important for waterbirds (Sites of Special Scientific Interest included in Schedule 1 to the 1999 Regulations).

### **Consumption of birds**

u. Birds killed or taken under this licence may be eaten but may not be sold for human consumption.

### **Schedule 1 birds**

v. This licence does not derogate protection afforded to Schedule 1 species. Care must be taken to avoid disturbance to Schedule 1 species during the breeding season.

### **Record keeping**

w. Although this is not a legal requirement, it is recommended that users keep a record of their use of actions permitted by this licence, the problem addressed by such action, and the other lawful methods which have been used to resolve the problem.

For licensing enquiries:

Telephone 0330 159 1986

Email [GLenquiries@defra.gov.uk](mailto:GLenquiries@defra.gov.uk).