



## **General Licences – Frequently Asked Questions**

**25 April 2019**

### **Q: Why did Natural England revoke three licences?**

In light of the legal challenge by Wild Justice, Natural England concluded that the licences were issued without us being lawfully satisfied about the absence of other satisfactory solutions as required by the Wildlife and Countryside Act 1981. Once Natural England reached this conclusion we had no choice but to revoke these licences.

### **Q: Which general licences are subject to this action?**

- General Licence GL04: To kill or take certain species of wild birds to prevent serious damage or disease
- General Licence GL05: To kill or take certain species of wild birds to preserve public health or public safety
- General Licence GL06: To kill or take certain species of wild birds to conserve wild birds or flora or fauna

The 3 licences subject to the challenge cover 16 bird species, including several members of the crow family (crows, magpies, rooks, jackdaws and jays), feral and wood pigeon and number of invasive non-native species (like the Canada goose).

### **Q: When exactly will they be revoked?**

The three general licences were revoked at 23.59 on Thursday 25 April.

### **Q: What did Wild Justice allege was wrong in this case?**

Before issuing these licences, Natural England must be satisfied that there are no satisfactory alternative solutions to lethal control. Wild Justice argued that Natural England failed to satisfy itself of this. It also argued that, through a condition in the general licences which requires *users* to be satisfied that appropriate legal methods of resolving the problem such as scaring and proofing are either ineffective or impracticable, Natural England and previously Defra had left this decision to the licence user.

**Q: What requirements will I have to meet as a result of this change of policy by Natural England?**

From 23.59 on 25 April onwards the three general licences above cease. Users will have one of three options:

- Wait for new general licences to be issued over the next few weeks. These will cover specific bird species and circumstances (for example carrion crow and serious damage to livestock; public health and safety and feral pigeon). We intend to start issuing these licences on gov.uk from the 29 April or sooner.
- If the circumstances in which you wish to act are not covered by a new licence, apply for an individual licence via gov.uk.
- In certain circumstances, applicants would be allowed to undertake urgent action while their application is being determined. You will be advised of how to notify us of this when you apply for an individual licence

Anyone exercising lethal control of birds after 25 April without taking the above steps will not be covered by a general licence and could be acting outside the law.

**Q: Tell me more about the new licences you are planning to issue?**

Natural England is undertaking licensing assessments that would support general licensing of lethal control of specific bird species in defined situations, such as preventing serious damage to livestock from carrion crows and to preserve public health and safety from the impacts of feral pigeons. We are prioritising circumstance which are likely to be of the greatest need and impact at this time of year. We intend to start issuing these licences on gov.uk from the 29 April or sooner. We have provided a timetable to show which we intend to have ready by when. We encourage people to look first at gov.uk if they need to act.

**Q: Will I have to register with Natural England to be able to shoot birds on my land?**

Not if there is a general licence available: look first at gov.uk to see if your circumstances are covered by one of the new licences. If the action you want to take is not covered by an existing licence published on gov.uk and you cannot wait for one that is due to be issued you will need to apply for an individual licence.

**Q: When I can apply for an individual licence?**

The online application system for individual licences is available on gov.uk from the afternoon of Thursday 25 April.

**Q: Will there be a 'grace' period for farmers/landowners et al to ensure compliance with the new interim regime?**

Unfortunately, no, the law does not allow for a grace period.

The timescales dictated by the need to respond to the legal challenge dictated that we had a very short timetable in which to remove the three licences. This, combined with the rigorous legal and technical work required to create robust new licences, has made it impossible to provide a smooth transition from old licences to new. Natural England is working very hard to ensure there is as small a gap between the two as possible.

**Q: We have heard you are doing a wider review of licensing. What is this and when will it happen**

This work in relation to the three general licences will form the first part of a wider review of general and class licensing by Natural England, due to be completed this year. We will be consulting stakeholders fully to ensure that the outcome of the review includes their feedback, expertise and evidence. We will provide more detail about the review in the summer.

**Q: Why do you need a licence to shoot these birds?**

All wild bird species in the UK are legally protected, even common species and those that some people consider to be 'pests'. Therefore, lethal control can only be carried out lawfully under a licence from the relevant statutory conservation agency (Natural England in England).

**Q. Why is Natural England protecting these birds?**

Natural England isn't changing the law. These birds are fully protected and have been since 1981. The law recognises that some birds can cause problems and allows people to take action under a licence for legitimate purposes subject to strict conditions. The legal challenge means Natural England need to change how these licences are issued. The legal status of the birds remains unchanged.

It remains lawful to shoot Canada geese, which is listed on Schedule 2 of the Wildlife and Countryside Act 1981, without a licence outside the close season. This is not affected by the changes to these 3 general licences. The close season for geese and other wildfowl species is 21 February – 31 August (inclusive) below the high-water mark of ordinary spring tides and 1 February - 31 August elsewhere.

**Q. Gamekeepers have captive decoy birds such as crows and magpies for use in Larsen traps and larger crow traps. Can they lawfully be killed after the General Licences are revoked on Thursday?**

•So long as a decoy bird has been obtained legally it is lawful to continue to keep it. Catching the bird under the terms and conditions of an appropriate general licence is a lawful means of obtaining a bird.

•Decoy birds remain a protected 'wild bird' and it is therefore unlawful to kill them except under the authority of licence. After general licences GL04, GL05 and GL06 are revoked the options are: to keep any decoy bird; to release it back into the wild or to either apply for a licence to kill it or wait until a new general licence is issued that permits the bird to be dispatched.

•While the decoy bird remains in captivity it is also protected by the provisions of the Animal Welfare Act 2006.

**Q: What is the history of the general licence?**

A: First introduced by MAFF and DETR (Dept of Env, Transport and the Regions) in the 1990s, general licences are used for frequently licensed activities that carry a low risk to the conservation or welfare of a protected species. They seek to strike a proportionate balance between the need to minimise burdens on those who need to manage species without impacting on their welfare or conservation status. Unlike individual licences, users do not

need to apply for a general licence or report on its use, but they must comply with the terms of the licence. The use of general licences is provided for in the Wildlife and Countryside Act 1981.

**Q: How many people currently use a general licence and for what reasons?**

A: Natural England estimates there may be at least 50,000 people who rely on these licences. This includes farmers, game keepers, pest controllers, local authorities and conservation organisations.