

CLASS LICENCE

To possess and transport dead specimens of wild plant and animal species listed on Annex IV and II(b) of the EC Habitats Directive for scientific or educational purposes



OVERVIEW

This licence permits museums, educational and research establishments to possess and transport dead specimens and/or derivatives of wild animals and plants listed on Annex IV and wild plants (except bryophytes) listed on Annex II(b) of the EC Habitats Directive. It can only be relied upon for possession and transport of specimens for the purposes of science and education.

This licence covers specimens that were taken lawfully from the wild in an EU country after 10 June 1994 (the 'relevant date' of the regulations - see Information and Advice notes e to i 'The law'). In the UK, this would mean without contravention of relevant wildlife legislation including the Habitats Regulations 1994, the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981, the Pests Act 1954 and the Animal Welfare Act 2006, such as being found dead in the wild or taken from the wild under licence.

A licence is not required to possess specimens which were taken lawfully prior to 10 June 1994, are captive bred or are exempted species (see Information and Advice notes h to l).

Registration	Anyone wishing to use this licence must first apply to Natural England.
Recording & reporting	There is a data recording requirement
Reference	WML – CL01

LICENCE TERMS and CONDITIONS

Legislation	Conservation of Habitats and Species Regulations 2017 ('the 2017 Regulations')
Relevant section(s)	Regulation 55
Valid for the period	1 January 2018 to 31 December 2018 (inclusive)
Area valid in	All counties of England (landward of the mean low water mark)
Purpose(s) for which this licence is issued	Science and education
What this licence permits	<p>Subject to all the terms and conditions of this licence and solely for the purposes stated above, this licence permits registered organisations and employees or subcontractors and volunteers acting on their behalf to:</p> <ul style="list-style-type: none">• possess and transport dead specimens and/or derivatives of wild animals and plants listed on Annex IV or Annex II(b) (except bryophytes) to the EC Habitats Directive, which would otherwise be unlawful, that:-<ol style="list-style-type: none">i. are kept and transported for the purposes of science or education only, andii. were taken from the wild in the European Community without breaching applicable legislation of the Member State in question (see Information and Advice note k).
Who can use this licence	This licence is intended for use by employees of museums, research and educational establishments (see Annex A and B) whose organisation is registered with Natural England, except those with a recent conviction (see Information and Advice note o).

LICENCE CONDITIONS

1. This licence may only be relied upon by those organisations listed in Annex A or B and employees or subcontractors acting on their behalf.
2. Any organisation or person relying, or seeking to rely, on this licence by virtue of being listed on Annex A or by virtue of being an employee or subcontractor of an Annex A listed organisation must register with Wildlife Licensing **within one month of the date of first possession** of a dead specimen or derivative of an animal or plant (see Information and Advice note b).
3. Where an organisation has notified Natural England pursuant to Condition 2 above, those relying on this licence by virtue of being an employee or sub-contractor or volunteer of that organisation do not need to separately notify Natural England.

Recording and reporting requirements

4. Specimens and derivatives must be catalogued and a register of specimens and derivatives must be kept and updated on an annual basis in accordance with the requirements of Annex C. This information is to be made available for inspection at any reasonable time by Natural England.

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 2017 Regulations 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 2017 Regulations is, at the time of the issue of this licence, an unlimited fine and/or a six month custodial sentence; and
- ii. may result in your permission to use this licence being withdrawn. Natural England 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.

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.

Issued by and on behalf of Natural England on 31 December 2017

INFORMATION AND ADVICE specific to this licence

Registering to use this licence

- a. This licence only covers employees and persons sub-contracted by the organisations listed in Annexes A or B while acting on behalf of these organisations. It also covers the possession and transport of specimens by members of the public when providing such specimens to these organisations provided that such specimens are submitted as soon as reasonably practical. The possession and/or transportation of species listed on Annex IV or Annex II(b) of the EC Habitats Directive by employees and persons sub-contracted by organisations listed on Annex A or B for their personal purposes is not covered by this licence.
- b. Before relying on this licence it is necessary to submit in writing (preferably by email) the following details to Wildlife Licensing (contact details below):
 - i. Your name or (in the case of organisations) the name of a responsible person who will be the Registered Person and
 - ii. Contact address, telephone number and email address (if available).
- c. Once registered, the Registered Person must inform Wildlife Licensing (contact details below) of any permanent change of address and/or any change of Registered Person.
- d. Once registered, a person is entitled to use this licence so long as they satisfy the licence's terms and conditions; annual re-registration is not required.
- e. Once registered, an organisation or person is entitled to use this licence so long as they satisfy the licence's terms and conditions; annual re-registration is not required. Failure to comply by the terms and conditions, including the recording requirements, will, by default, render registration null and void.

- f. An organisation or person's registration may be revoked by Natural England, for example, if that organisation or person breaches the conditions of this licence. In these circumstances Natural England will normally give 28 days' notice of our intention to revoke a registration.
- g. A licence in similar terms has been issued in Wales by the Countryside Council for Wales.

The law

- h. Natural England has issued this licence in exercise of the powers conferred under regulation 55 of the Conservation of Habitats and Species Regulations 2017 being satisfied that as regards the purpose set out at paragraph 1:
 - i. there is no satisfactory alternative, and
 - ii. that the action authorised will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.
- i. The possession and transport of dead specimens and/or derivatives of species listed on Annex IV or Annex II(b) (except bryophytes) to the EC Habitats Directive (92/43/EEC) are prohibited by regulations 43(3)(a) or (b) (animals) or 47(2)(a) or (b) (plants) of the 2017 Regulations. Visit www.legislation.gov.uk to view the full text of this legislation.
- j. This prohibition extends to all species listed in Annex IV (animals and plants) and Annex II(b) (plants) (except bryophytes) and not just those found in the UK. A full list of Annex IV and Annex II (b) species is available from the European Commission website http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm.
- k. There are certain exceptions to the prohibitions in Regulations 43(3) and 47(2):
 - i. where the specimen was taken from the wild outside the EC or was captive bred or cultivated;
 - ii. where the specimen was taken from the wild before the 'relevant date' in the member State in question without contravention of the law of that member State. In the UK the relevant date is 10 June 1994. In other member States the relevant date is 10 June 1994 or, where the State joined the EC after that date, the date it joined the EC;
 - iii. where the specimen is of an exempted species, namely those listed in Schedule 3 to the amended Habitats Regulations and certain populations of the Wild Goat, the European Mouflon and the Houting.
- l. This licence covers possession of specimens that were taken from the wild after the 'relevant date' without contravention of any applicable law of the Member State in which it was taken. In the UK for example, this would mean without contravention of relevant wildlife legislation such as the Habitats Regulations 1994, the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981, the Pests Act 1954 and the Animal Welfare Act 2006.

INFORMATION AND ADVICE for all Class and General Licences

General Information

- m. Natural England checks compliance with licences and the attached conditions. Where breaches are identified, these may be subject to enforcement action.
- n. Ordinarily, licences will be reissued on 1 January each year (*NB you do not need to re-register for those with registration requirements*). Please note, however, that they can be modified or revoked at any time by Natural England or the Secretary of State, but this will not be done unless there are good reasons for doing so. You are advised to check the terms and conditions of a licence prior to your first use of it each year in case of amendments.
- o. 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 (all as amended) may use this licence without the permission of Natural England unless, in respect of that offence, either:
 - i. they are a rehabilitated person for the purposes 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 request to use the licence by a person to whom this note applies will be considered on its merits.

The limits of licences

- p. Licences permit action only for the purposes specified on that licence.
- q. Licences do not permit actions prohibited under any other legislation, nor do they confer any right of entry upon land.
- r. Unless otherwise stated the provisions of Natural England licences 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.

Contact details for Natural England

For licensing enquiries:

Telephone 020 802 61089

Email wildlife@naturalengland.org.uk

Postal address Wildlife Licensing, Natural England, Horizon House, Deanery Road, Bristol, BS1 5AH

For other enquiries use the Enquiry Service:

Telephone 0300 060 3900

Email enquiries@naturalengland.org.uk

Web <https://www.gov.uk/government/organisations/natural-england>

Using and Sharing Your Information

The data controller is Natural England, Foss House, Kings Pool, 1 – 2 Peasholme Green, York YO1 7PX.

Your information will be stored and processed in accordance with the Data Protection Act 1998. This Act gives you, as an individual, the right to know what data we hold on you, how we use it, with whom we share it and to ensure that it is accurate. The information will be used by Natural England to undertake licensing functions. To do this we may have to discuss applications, licensing decisions, reports and returns with third parties.



Natural England recognises there is significant public interest in wildlife licensing and in those who benefit from receiving a wildlife licence. Therefore, we may make information publicly available (for example, survey records are normally made available via the National Biodiversity Network Gateway and to Local Record Centres).

Information released may include, but is not limited to, your name or business name, application and licence details as well as reports and returns. Natural England, however, realises that some licensed activities can be sensitive and we will not release information that could harm people, species or habitats. In some cases, for example, this may mean not releasing the names and addresses of individuals or the location of the licensed activity.

Natural England or its appointed agents may use your name, address and other details to contact you in connection with occasional customer research aimed at improving the services that Natural England provides to you.

We will respect personal privacy, whilst complying with access to information requests to the extent necessary to enable Natural England to comply with its statutory obligations under the Environmental Information Regulations 2004, and the Freedom of Information Act 2000.

ANNEX A

1. Museums with full accreditation under the Museums Accreditation Scheme, which is operated by the Arts Council England <http://www.artscouncil.org.uk/what-we-do/supporting-museums/accreditation-scheme/>
2. Educational establishments in England on the Department for Education's register of educational establishments: <http://www.education.gov.uk/edubase/home.xhtml> and/or the UK register of learning providers: <https://www.ukrlp.co.uk/>.

ANNEX B

1. Animal and Plant Health Agency
 2. Centre for Environment, Fisheries & Aquaculture Science
 3. Historic England Environmental Studies Branch
 4. Institute of Zoology, London
 5. Marine Management Organisation
 6. Natural England
 7. Natural Environment Research Council, through its component research centres (The British Antarctic Survey, The British Geological Survey, The Centre for Ecology and Hydrology and The Proudman Oceanographic Laboratory) and its associated collaborative centres (The National Oceanography Centre, The Plymouth Marine Laboratory, The Scottish Association for Marine Science and The Sea Mammal Research Unit)
 8. Royal Botanic Gardens (Kew)
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ANNEX C

Register of specimens

The register of Annex IV specimens must include the information stipulated in the table below and be presented in the format shown. A copy of the register is to be kept electronically in a format that is compatible with Microsoft EXCEL.

Scientific name	Common name	Whole specimen (Yes/No)	If No, specify the part or derivative	Number	Date came into your possession
<i>Example:</i>					
Nyctalus noctula	Noctule bat	Yes		1	01/05/2015