

Scottish Government General Licence No.3/2009

WILDLIFE AND COUNTRYSIDE ACT 1981

LICENCE TO PROTECT PUBLIC HEALTH, PUBLIC SAFETY AND PREVENT THE SPREAD OF DISEASE

PREAMBLE

This licence is granted under Section 16(1)(i)&(j) of the Wildlife and Countryside Act 1981 by Scottish Ministers, after consultation with Scottish Natural Heritage, and being convinced that there is no other satisfactory solution, it authorises the killing or taking of wild birds in accordance with the stated conditions, for the purpose of preserving public health and safety and for the purpose of preventing the spread of disease. This licence also authorises attempts to kill certain birds, in line with the conditions of this licence, where the attempt results only in injury to the bird concerned, rather than immediate death. It also authorises, for the purpose of preserving public health and safety and for the purpose of preventing the spread of disease, and subject to the stated conditions, the keeping or confinement of any bird listed in Condition 7 of this licence in a Larsen trap. Failure to abide by any one of the conditions may invalidate the licence and could lead to prosecution. Only authorised persons may use this licence.

Please note that, in accordance with condition 3, No person convicted on or after 1 January 2008 of an offence to which this paragraph applies may use this licence unless, in respect of that offence, either (1) they were dismissed with an admonition, or (2) they are a rehabilitated person for the purposes of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent. A person may also use this licence where, in respect of such an offence, a court has made an order discharging them absolutely. This paragraph applies to offences under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats &c.) Regulations 1994, the Protection of Badgers Act 1992, the Protection of Wild Mammals (Scotland) Act 2002, the Animal Health and Welfare (Scotland) Act 2006 and the Protection of Animals (Scotland) Act 1912 (all as amended). Such a person may still, in spite of being debarred from the use of this General Licence, apply to the Scottish Government or SNH for a specific licence to control birds for the purpose of preserving public health and safety and for the purpose of preventing the spread of disease. Any such application will be considered on its merits.

A separate licence, Scottish Government General Licence No.4/2008, is available for the purpose of protecting air safety.

This licence is valid in Scotland, unless previously revoked, for the period **01 January 2009 to 31 December 2009**.

CONDITIONS

1. This licence may only be used by authorised persons who have read and understood its conditions.

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2. 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.

3. No person convicted on or after 1 January 2008 of an offence to which this paragraph applies may use this licence unless, in respect of that offence, either (1) they were dismissed with an admonition, or (2) they are a rehabilitated person for the purposes of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent. A person may also use this licence where, in respect of such an offence, a court has made an order discharging them absolutely. This paragraph applies to offences under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats &c.) Regulations 1994, the Protection of Badgers Act 1992, the Protection of Wild Mammals (Scotland) Act 2002, the Animal Health and Welfare (Scotland) Act 2006 and the Protection of Animals (Scotland) Act 1912 (all as amended).

4. The methods of killing or taking which may be used under this licence, except where further restrictions, listed below in this licence, apply, are:

- Pricking of eggs
- Oiling of eggs with a product approved for use within Scotland
- Destruction of eggs and nests
- A Larsen trap
- Any other crow cage trap
- Shooting with any firearm, including semi-automatic firearms, shotguns or air weapons
- In the case of Feral Pigeon, *Columba livia*, shooting with the aid of any device for illuminating a target or any device for night shooting
- Targeted falconry

5. Birds which may be taken or killed under this licence are:

Great Black-backed Gull	<i>Larus marinus</i>
Herring Gull	<i>Larus argentatus</i>
Lesser Black-backed Gull	<i>Larus fuscus</i>
Collared Dove	<i>Streptopelia decaocto</i>
Feral Pigeon	<i>Columba livia</i>
Woodpigeon	<i>Columba palumbus</i>
Carrion Crow	<i>Corvus corone</i>
Hooded Crow	<i>Corvus cornix</i>
Jackdaw	<i>Corvus monedula</i>
Magpie	<i>Pica pica</i>
Rook	<i>Corvus frugilegus</i>
House sparrow	<i>Passer domesticus</i>
Starling	<i>Sturnus vulgaris</i>

TRAPS

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6. For the purposes of this licence birds other than the species listed in condition 5 should be released unharmed immediately on being found in a Larsen or a crow cage Trap.

7. In the case of the Larsen trap, no bird may be confined in such a trap as a decoy except a bird of the following species:

Carrion Crow	<i>Corvus corone</i>
Hooded Crow	<i>Corvus cornix</i>
Magpie	<i>Pica pica</i>

8. For the purposes of this licence, a Larsen or crow cage trap is not required to satisfy the requirements of Section 8(1) of the Wildlife & Countryside Act 1981 with regard to the dimensions.

9. In the case of other crow cage traps, only corvids included in condition 5 may be used as decoys. Raven (*Corvus corax*) and Chough (*Pyrrhocorax pyrrhocorax*) may not be used as decoys.

10. Except in the case where severe weather prohibits, any cage trap of any sort which is set under the terms of this licence shall be inspected by the authorised person, while it remains in use, at least once every day at intervals of no more than 24 hours.

11. Such an inspection must be sufficient to determine whether there are any live or dead birds in the trap.

12. Any dead or sickly decoy bird must be immediately removed from a trap.

13. In the case of the Larsen trap only one decoy bird may be used, and it must be removed from the trap when not in use. In the Larsen trap there must be a separate compartment for the decoy bird.

14. In the case of decoy birds, all relevant animal welfare legislation shall be complied with at all times, including the Animal Health and Welfare (Scotland) Act 2006. This includes providing decoy birds with adequate food, water and shelter and a suitable perch that does not cause discomfort to the birds' feet. Decoy birds shall also have adequate protection from the prevailing wind and rain.

15. When any cage trap is not in use it must be immobilised and rendered incapable of use in such a way that the immobilisation could not be reversed without considerable forethought or considerable difficulty. Doors or panels of cage traps should be removed from the site or, if they are not removed from the site, they should be taken off the trap and secured by a locked padlock. When any Larsen trap is not in use, it shall be removed from site and stored in such a manner as to prevent its accidental use.

16. Any cage trap or Larsen trap used under this licence shall carry a tag or sign that gives the number of the local police station or wildlife crime officer for the area. The tag or sign shall also carry a unique code that allows the owner to be identified by the police. The operator of the trap will contact their local wildlife crime officer to obtain this code in advance of use of traps. The operator may include other relevant material on the tag or sign.

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17. Where there is reasonable suspicion that an offence has been committed, the operator of a trap must reveal its location if required to do so by a police constable.

GENERAL CONDITIONS

18. Any birds killed under the authority of this licence shall be destroyed humanely.

19. Any birds included in the list in Condition 5 which have become confined in a Larsen or 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.

20. This licence does not permit the use of any form of spring-over trap.

REPORTING AND RECORDING REQUIREMENTS FOR BIRDS OF AMBER OR RED CONSERVATION CONCERN

21. Where any action is taken against **Lesser Black-backed Gull**, *Larus fuscus*, **Herring Gull**, *Larus argentatus*, **Starling** *Sturnus vulgaris* or **House sparrow**, *Passer domesticus* under this licence, the licensee shall, by **31 January 2010**, submit to the Scottish Executive, Landscapes and Habitats Division, 1J South Victoria Quay, Edinburgh EH6 6QQ, a report detailing the number of such birds, or their eggs, killed, taken or destroyed in each month and the reason why such action was taken in each month. The methods of control used against these birds in each month, and the locations of any such actions shall also be detailed.

DEFINITIONS

22. In this licence “authorised person” means:

- 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;
- any person authorised in writing by any of the following bodies - Scottish Natural Heritage, a water authority or any other statutory water undertakers, a district board for a fishery district within the meaning of the Salmon Fisheries (Scotland) Act 1862 or the local Fisheries Regulation Act 1966.
- any person authorised in writing by a National Parks Authority established under the National Parks (Scotland) Act 2000 and the Loch Lomond and the Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002.

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23. "Larsen trap" means a portable cage-trap which has a closed compartment for confining a live bird as a decoy and one or more spring activated trap-doors which are either top or side mounted.

24. For the purposes of this licence, "humanely" means taking all reasonable precautions to ensure that any killing of birds under this licence is carried out by a single, swift action.

25. For the purposes of this licence "wild bird" means any bird of a species which is ordinarily resident in or is a visitor to any member State or the European territory of any member State in a wild state.

NOTES

1. Nothing in this licence exempts the licensee or any authorised person from complying with relevant firearms and public safety legislation.
2. For the purposes of this licence, *Columba livia* does not include specimens of wild Rock Dove.



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