

Scottish Government General Licence No.8/2009

WILDLIFE AND COUNTRYSIDE ACT 1981

LICENCE TO PERMIT THE SALE OF CERTAIN CAPTIVE-BRED SPECIES OF BIRD

PURPOSE

This licence is granted by Scottish Ministers under Section 16(4)(a) of the Wildlife and Countryside Act 1981, after consultation with SNH and being satisfied that there is no other satisfactory solution. Subject to the conditions below, this licence authorises:

- (a) the sale, hire, barter or exchange;
- (b) the offering or exposure for sale, hire, barter or exchange;
- (c) the possession or transport for the purpose of sale, hire, barter or exchange;
- (d) the publication, or the causing to be published, of any advertisement likely to be understood as conveying the intention to buy, sell, hire, barter or exchange

of any captive-bred live bird of a species which is **NOT** listed in

- (i) Appendix 1 of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and Part 1 of Annex C of EC Regulation 338/97

or

- (ii) Schedule 3 Part 1 to the Wildlife and Countryside Act 1981

or

- (iii) The following species in the Anatidae family:

Common Scoter	<i>Melanitta nigra</i>
Egyptian Goose	<i>Alopochen aegyptiacus</i>
Ferruginous Duck	<i>Aythya nyroca</i>
Garganey	<i>Anas querquedula</i>
Goldeneye	<i>Bucephala clangula</i>
Goosander	<i>Mergus merganser</i>
Long-tailed Duck	<i>Clangula hyemalis</i>
Mute Swan	<i>Cygnus olor</i>
Red-breasted Merganser	<i>Mergus serrator</i>
Velvet Scoter	<i>Melanitta fusca</i>

CONDITIONS

1. Any bird sold, hired, bartered or exchanged under the terms of this licence **must** have been bred in captivity. A bird shall not be treated as having been bred in captivity unless its parents were lawfully in captivity when the egg from which it hatched was laid. Documentary evidence of captive breeding **must** accompany any sale, hire, barter or exchange.

2. Any bird sold, hired, bartered or exchanged under the terms of this licence which **is not on Schedule 4** to the Wildlife and Countryside Act 1981 **must** be ringed with a legible

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individually numbered metal close ring, which is a ring or band in a continuous circle (without any break, join, or any sign of tampering since it was manufactured) and which cannot be removed from the bird when its leg is fully grown.

3. Any bird sold, hired, bartered or exchanged under the terms of this licence which **is on Schedule 4** to the Wildlife and Countryside Act 1981 **must** be registered and ringed with a close ring issued by the Department of the Environment, Food and Rural Affairs (or, where authorised, a cable tie or Swiss/Hess ring issued by the said Department) in accordance with Section 7 of the Wildlife and Countryside Act 1981 and the Wildlife and Countryside (Registration and Ringing of Certain Captive Birds) Regulations 1982 SI 1982/1221.

4. The owner or keeper of any bird sold, hired, bartered or exchanged under the terms of this licence **must** if requested by an official of the Scottish Government Rural Directorate or the Department of the Environment, Food and Rural Affairs or a Police Officer make the bird available for a sample of blood to be taken. The blood sample will be taken by a qualified veterinary surgeon. Such a sample may be used to establish the ancestry of the bird. Likewise, any request to take a feather or swab from the bird, for DNA analysis, must be met with by the owner or keeper of the bird.

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

NOTES

1. Section 6(1) of the Wildlife and Countryside Act 1981 provides that it shall be an offence if any person a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live wild bird other than a bird included in Part I of Schedule 3, or an egg of a wild bird or any part of such an egg; or b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things. Section 16(4)(a) provides that Section 6(1) does not apply to anything done under and in accordance with the terms of a licence granted by the appropriate authority.
2. "Wild bird" is defined in Section 27 of the Act as "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 but does not include poultry or, except in sections 5 and 16 of the Act, any game bird."



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