

Licence No: **GEN / WCA / 005 / 2018**

Valid From: **1st January 2018**

Expiry: **31st December 2018**

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

LICENCE TO ALLOW THE KILLING OR TAKING OR DESTRUCTION OF THE EGGS OF RUDDY DUCK (*OXYURA JAMAICENSIS*).

This licence, granted under Section 16(1) (a) and (cb), 16(5)(a) and Section 5(1) of the Wildlife and Countryside Act 1981 (as amended), by the Natural Resource Body for Wales otherwise known as Natural Resources Wales (NRW), being satisfied that as regards the purpose set out at paragraph 1 that there is no other satisfactory solution, permits authorised persons to carry out a range of activities against the birds of the species listed and hereby grants the following licence which applies only in Wales: -

1. The purpose of this licence is to permit authorised persons to kill or take wild birds of the species Ruddy Duck (*Oxyura jamaicensis*); and to take and/or destroy the eggs of that species for the purpose of scientific research and for the purpose of conserving flora or fauna;

The works noted above are licensed for the period **as stated above** and are granted subject to compliance with the conditions as specified. Anything done otherwise than in accordance with the terms of the licence may constitute an offence.



Signed for and on behalf of
Natural Resources Wales

CONDITIONS

1. Nothing shall be carried out under this licence on a National Nature Reserve (NNR) or Site of Special Scientific Interest (SSSI) except with the prior written permission from NRW's Regional Office in which the NNR or SSSI is situated. See note 2 for further information.
2. Any birds killed in accordance with this licence must be killed in a quick and humane manner. Any bird held captive prior to being killed must be killed out of sight of other captive birds.
3. No person convicted 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 Deer Act 1991, the Wild Mammals (Protection) Act 1996, the Hunting Act 2004, the Conservation of Habitats and Species Regulations 2017, the Protection of Badgers Act 1992 and the Animal Welfare Act 2006 (all as amended).
4. Failure to act within the purpose of this licence as set out in paragraph 1 or failure to comply with the conditions of the licence may mean that the licence cannot be relied upon and an offence could therefore be committed. The maximum penalty available for an offence under the Act is a level 5 fine (£5,000) and/or a six month custodial sentence.
5. The killing of the ruddy ducks and taking and/or destroying of their eggs must only be done by authorised persons (see definition) competent to carry it out effectively with a minimum level of distress to the birds;
 - (i) by shooting or by use of cage trap or net or by any other method not prohibited by Section 5 of the Wildlife and Countryside Act 1981; or to take, damage or destroy their nests; or to take or destroy their eggs, subject to the conditions specified below;
 - (ii) the use of a semi-automatic weapon by authorised persons acting under subparagraph (4) above;
 - (iii) the use of a cage trap, the dimensions of which do not satisfy the requirements of Section 8(1) of the Act, by authorised persons acting under subparagraph (4) above;
 - (iv) the use, by authorised persons acting under subparagraph (4) above, of any hand held or hand propelled net to take birds whilst not in flight;
 - (v) use of a decoy;
 - (vi) use of any mechanically propelled vehicle.
6. No eggs shall be destroyed by any other means than by removing and freezing the eggs and replacing them with dummy eggs.
7. Birds killed under this licence may be eaten, but this licence does not permit the sale of these birds or their eggs for human consumption.
8. The licence may only be used where permission to enter land has been received from the land owner or occupier.
9. 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 bird's feet.

10. When in use, every cage trap used pursuant to 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.
11. Any birds killed in accordance with this licence must be killed in a quick and humane manner as soon as reasonably practicable after discovery.
12. Where any live animal, other than a Ruddy duck *Oxyura jamaicensis*, has become confined in the cage trap it must be released immediately upon discovery (except for invasive non-native species included in Part 1 of Schedule 9 to the Act e.g. mink *Neovison vison*, grey squirrel *Sciurus carolinensis*, which may only be released under an individual licence from NRW).
13. At each inspection any dead animal, including any dead bird, caught in the trap must be removed from it.
14. When any cage trap is not in use, it must be rendered incapable of holding or catching birds or other animals. In order to render any cage traps incapable of holding or catching birds or other animals, it is necessary either to secure the door with a padlock in a fully open or closed position, or to remove the door completely. 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.
15. A written report detailing the number of birds killed by way of the licensed activity shall be submitted to the Natural Resources Wales within **14 days** of the expiry of the licence via post to Maes y Ffynnon, Penrhosgarnedd, Bangor, LL57 2DW, or email to specieslicence@naturalresourceswales.gov.uk

NOTES

1. Where the licensed action includes the use of firearms, it is the authorised person's responsibility to ensure that he complies with all relevant legislation.
2. A licence is not permission from NRW for an activity that could damage a Site of Special Scientific Interest (SSSI). The notification documents for each SSSI contain a list of operations that could damage its special features and for which prior permission from NRW is required. Owners and occupiers of SSSIs are required to seek the consent of NRW before beginning any of these operations, or allowing someone else to carry out these activities. A similar process applies for public bodies and statutory undertakers (as defined under Section 28G of the Wildlife and Countryside Act 1981 (as amended) and this obligation applies even where the operations are carried out on land outside of the SSSI.
3. It is not permitted to shoot ruddy ducks using ammunition prohibited by the Environment Protection (Restriction on Use of Lead Shot Regulations) (Wales) 2002.
4. Cage traps should not be used during severe hot or cold weather conditions, or when such conditions can be reasonably anticipated. It is recommended that any cage trap or Larsen trap used under this licence shall carry a tag or sign that gives the number of the local Wildlife Crime Officer for the area. The tag 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.
5. A licence in similar terms has been issued by Natural England in respect of England and by the Scottish Executive in respect of Scotland.
6. This licence may be modified or revoked at any time.

DEFINITIONS

- 1) An “authorised person” means:
 - a) the owner or occupier, or any person authorised by the owner or occupier, of the land on which the action authorised is taken;
 - b) any person authorised in writing by the local authority for the area within which the action authorised is taken;
 - c) as respects anything done in relation to wild birds, any person authorised in writing by
 - i) the Welsh Ministers, in relation to things done for purposes relating to fishing or fisheries in the Welsh inshore region (within the meaning of the Marine and Coastal Access Act 2009);
 - ii) any of the following bodies, that is to say, any of the GB conservation bodies, a district board for a fishery district within the meaning of the Salmon Fisheries (Scotland) Act 1862 or an inshore fisheries and conservation authority.
 - d) any person authorised in writing by Natural Resources Wales, a water undertaker or a sewerage undertaker.

The authorisation of any person for the purposes of this definition shall not confer any right of entry upon any land.

- 2) A “semi-automatic weapon” means any weapon which is not prohibited by Section 5 of the Firearms Act 1968 (as amended) and which has a magazine capable of holding more than two rounds of ammunition, where the depression of the trigger ejects a single shot, each subsequent shot requiring a further depression of the trigger.
- 3) “to kill” includes accidentally wounding, whilst attempting to kill in accordance with this licence.
- 4) “*vehicle*” includes aircrafts, hovercrafts or boats.