



# Wildlife and Countryside Act 1981

## 1981 CHAPTER 69

### PART I

#### WILDLIFE

##### *Supplemental*

#### **16 Power to grant licences.**

- (1) Sections 1, 5, 6(3), 7 and 8 and orders under section 3 do not apply to anything done—
- (a) for scientific or educational purposes;
  - (b) for the purpose of ringing or marking, or examining any ring or mark on, wild birds;
  - (c) for the purpose of conserving wild birds;
  - (d) for the purpose of protecting any collection of wild birds;
  - (e) for the purposes of falconry or aviculture;
  - (f) for the purposes of any public exhibition or competition;
  - (g) for the purposes of taxidermy;
  - (h) for the purpose of photography;
  - (i) for the purposes of preserving public health or public or air safety;
  - (j) for the purpose of preventing the spread of disease; or
  - (k) for the purposes of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or fisheries,
- if it is done under and in accordance with the terms of a licence granted by the appropriate authority.
- (2) Section 1 and orders under section 3 do not apply to anything done for the purpose of providing food for human consumption in relation to—
- (a) a gannet on the island of Sula Sgeir; or
  - (b) a gull's egg or, at any time before 15th April in any year, a lapwing's egg,

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*Status: Point in time view as at 01/04/1991. This version of this provision has been superseded.*

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if it is done under and in accordance with the terms of a licence granted by the appropriate authority.

- (3) Sections 9(1), (2) and (4), 11(1) and (2) and 13(1) do not apply to anything done—
- (a) for scientific or educational purposes;
  - (b) for the purpose of ringing or marking, or examining any ring or mark on, wild animals;
  - (c) for the purpose of conserving wild animals or wild plants or introducing them to particular areas;
  - (d) for the purpose of protecting any zoological or botanical collection;
  - (e) for the purpose of photography;
  - (f) for the purpose of preserving public health or public safety;
  - (g) for the purpose of preventing the spread of disease; or
  - (h) for the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries,

if it is done under and in accordance with the terms of a licence granted by the appropriate authority.

- (4) The following provisions, namely—
- (a) section 6(1) and (2);
  - (b) sections 9(5) and 13(2); and
  - (c) section 14,

do not apply to anything done under and in accordance with the terms of a licence granted by the appropriate authority.

- (5) Subject to subsection (6), a licence under the foregoing provisions of this section—
- (a) may be, to any degree, general or specific;
  - (b) may be granted either to persons of a class or to a particular person;
  - (c) may be subject to compliance with any specified conditions;
  - (d) may be modified or revoked at any time by the appropriate authority; and
  - (e) subject to paragraph (d), shall be valid for the period stated in the licence;
- and the appropriate authority may charge therefor such reasonable sum (if any) as they may determine.

- (6) A licence under subsection (1), (2) or (3) which authorises any person to kill wild birds or wild animals—
- (a) shall specify the area within which, and the methods by which the wild birds or wild animals may be killed; and
  - (b) subject to subsection (5)(d), shall be valid for the period, not exceeding two years, stated in the licence.

- (7) It shall be a defence in proceedings for an offence under section 8(b) of the <sup>M1</sup>Protection of Animals Act 1911 or section 7(b) of the <sup>M2</sup>Protection of Animals (Scotland) Act 1912 (which restrict the placing on land of poison and poisonous substances) to show that—
- (a) the act alleged to constitute the offence was done under and in accordance with the terms of a licence issued under subsection (1) or (3); and
  - (b) any conditions specified in the licence were complied with.

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- (8) For the purposes of a licence granted under the foregoing provisions of this section, the definition of a class of persons may be framed by reference to any circumstances whatever including, in particular, their being authorised by any other person.
- (9) In this section “the appropriate authority” means—
- (a) in the case of a licence under paragraph (a), (b) or (c) of subsection (1), either the Secretary of State after consultation with whichever one of the advisory bodies he considers is best able to advise him as to whether the licence should be granted, or the [<sup>F1</sup>relevant] Nature Conservancy Council;
  - (b) in the case of a licence under any of paragraphs (d) to (g) of subsection (1), subsection (2) or paragraph (a) or (b) of subsection (4), the Secretary of State after such consultation as aforesaid;
  - (c) in the case of a licence under paragraph (h) of subsection (1) or any of paragraphs (a) to (e) of subsection (3), the [<sup>F1</sup>relevant] Nature Conservancy Council;
  - (d) in the case of a licence under paragraph (i), (j) or (k) of subsection (1) or paragraph (f), (g) or (h) of subsection (3) or a licence under paragraph (c) of subsection (4) which authorises anything to be done in relation to fish or shellfish, the agriculture Minister; and
  - (e) in the case of any other licence under paragraph (c) of subsection (4), the Secretary of State.
- (10) The agriculture Minister—
- (a) shall from time to time consult with [<sup>F2</sup>each of the Nature Conservancy Councils] as to the exercise [<sup>F3</sup>in the area of that Council] of his functions under this section; and
  - (b) shall not grant a licence of any description unless he has been advised by the [<sup>F4</sup>relevant Nature Conservancy] Council as to the circumstances in which, in their opinion, licences of that description should be granted.
- [<sup>F5</sup>(11) For the purposes of this section a reference to a relevant Nature Conservancy Council is a reference to the Nature Conservancy Council for the area in which it is proposed to carry on the activity requiring a licence.]

#### Textual Amendments

- F1** Word in s. 16(9) inserted ( *I.4.1991.*) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), **Sch. 9 para. 11(4)(a)**; S.I. 1991/685, **art.3**.
- F2** Words in s. 16(10)(a) substituted ( *I.4.1991.*) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), **Sch. 9 para. 11(4)(b)**; S.I. 1991/685, **art.3**.
- F3** Words in s. 16(10)(a) inserted ( *I.4.1991.*) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), **Sch. 9 para. 11(4)(b)**; S.I. 1991/685, **art.3**.
- F4** Words in s. 16(10)(b) inserted ( *I.4.1991.*) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), **Sch. 9 para. 11(4)(c)**; S.I. 1991/685, **art.3**.
- F5** S. 16(11) inserted ( *I.4.1991.*) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), **Sch. 9 para. 11(4)(d)**; S.I. 1991/685, **art.3**.

#### Marginal Citations

- M1** 1911 c. 27.  
**M2** 1912 c. 14.

**Status:**

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**Changes to legislation:**

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