



# Wildlife and Countryside Act 1981

## 1981 CHAPTER 69

### PART I

#### WILDLIFE

##### *Supplemental*

#### 16 Power to grant licences. **E+W**

- (1) Sections 1, 5, 6(3), 7 and 8 and orders under section 3 do not apply to anything done—
- [<sup>F1</sup>(a) for scientific, research 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;
  - [<sup>F2</sup>(ca) for the purposes of the re-population of an area with, or the re-introduction into an area of, wild birds, including any breeding necessary for those purposes;
  - (cb) for the purpose of conserving flora or fauna;]
  - (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 [<sup>F3</sup>, fisheries or inland waters],

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

[<sup>F4</sup>(1A) The appropriate authority—

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- (a) shall not grant a licence for any purpose mentioned in subsection (1) unless it is satisfied that, as regards that purpose, there is no other satisfactory solution; and
  - (b) shall not grant a licence for any purpose mentioned in paragraphs (e) to (h) of that subsection otherwise than on a selective basis and in respect of a small number of birds.]
- (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,
- if it is done under and in accordance with the terms of a licence granted by the appropriate authority.
- (3) Sections 9(1), (2) [<sup>F5</sup>, (4) and (4A)], 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, <sup>F6</sup>... [<sup>F7</sup> or
  - (j) in England, for reasons of overriding public interest],
- if it is done under and in accordance with the terms of a licence granted by the appropriate authority.

[<sup>F8</sup>(3ZZA) Subsection (3)(c), so far as relating to section 11(2) in its application to *mustela erminea* (stoat, otherwise known as ermine), is to be read as if the reference to wild animals included wild birds.]

[<sup>F9</sup>(3ZA) A licence granted under subsection (3) may permit the use of a trap or snare for the purpose of killing, taking or restraining a wild animal included in Schedule 6ZA only if the trap or snare—

- (a) meets the conditions relating to certification (see subsections (3ZB) to (3ZF)); or
- (b) meets the approved design conditions (see subsections (3ZG) to (3ZI)).

This subsection is subject to (3ZJ).

(3ZB) For the purposes of subsection (3ZA)(a) the conditions relating to certification are that—

- (a) the trap or snare is of a certified type and make;
- (b) the manufacturer of the trap or snare provides instructions as to how it should be set, operated safely and maintained; and

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- (c) where it is manufactured on or after 28th March 2019, the trap or snare is identified by its manufacturer by means of a permanent marking as being of a certified type and make.
- (3ZC) For the purposes of subsection (3ZB)(b), instructions provided by the supplier of a trap or snare with the authorisation of the manufacturer of that trap or snare are to be treated as provided by the manufacturer.
- (3ZD) For the purposes of this section, a type and make of trap or snare is “certified” in relation to a wild animal included in Schedule 6ZA if it is certified by or on behalf of any of the following authorities as conforming (where the trap or snare is set in accordance with any instructions provided by the manufacturer) to the standards set out in the international trapping standards agreement in relation to the trapping of that animal—
- (a) the Secretary of State;
  - (b) the Welsh Ministers;
  - (c) the Scottish Ministers;
  - (d) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
  - (e) an authority in another country or territory which is designated for the purposes of the international trapping standards agreement as a certifying authority.
- (3ZE) The relevant authority shall—
- (a) publish in such manner as it considers appropriate a list of all traps and snares of a certified type and make of which it is aware; and
  - (b) make the list available to anyone who asks for it in writing.
- (3ZF) For the purposes of subsection (3ZE), “the relevant authority” means—
- (a) in relation to England, the Secretary of State;
  - (b) in relation to Wales, the Welsh Ministers;
  - (c) in relation to Scotland, the Scottish Ministers.
- (3ZG) For the purposes of subsection (3ZA)(b) a trap or snare meets the approved design conditions if it—
- (a) has been constructed by the person using it; and
  - (b) complies with a design approved for this purpose by or on behalf of the Secretary of State (where it is used in England or Scotland) or the Welsh Ministers (where it is used in Wales).
- (3ZH) The relevant authority must—
- (a) publish in such manner as it considers appropriate details of the design of a trap or snare approved in accordance with subsection (3ZG)(b); and
  - (b) make the details available to anyone who asks for them in writing.
- (3ZI) In subsection (3ZH), “the relevant authority” means—
- (a) the Secretary of State, for designs of traps or snares approved for use in England;
  - (b) the Welsh Ministers, for designs of traps or snares approved for use in Wales;
  - (c) the Scottish Ministers, for designs of traps or snares approved for use in Scotland.

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(3ZJ) Subsection (3ZA) does not apply where the licence—

- (a) is granted in accordance with any of paragraphs (a) to (d) or paragraphs (f) to (h) of subsection (3) and is subject to such conditions as the appropriate authority considers appropriate when granting the licence;
- (b) does not, in the opinion of the appropriate authority, undermine the objectives of the international trapping standards agreement; and
- (c) is accompanied by a written explanation of the reasons for that opinion and for the grant of the licence.

(3ZK) In this section “the international trapping standards agreement” means the Agreement on international humane trapping standards between the European Community, Canada and the Russian Federation.]

[<sup>F10</sup>(3B) In England, the appropriate authority shall not grant a licence under subsection (3) unless it is satisfied—

- (a) that there is no other satisfactory solution, and
- (b) that the grant of the licence is not detrimental to the survival of any population of the species of animal or plant to which the licence relates.]

(4) The following provisions, namely—

- (a) section 6(1) and (2);
- (b) sections 9(5) and 13(2); and
- (c) [<sup>F11</sup>sections 14 and 14ZA],

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

(5) Subject to [<sup>F12</sup>subsections (5A) and (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.

[<sup>F13</sup>(5A) A licence under subsection (1) which authorises any action in respect of wild birds—

- (a) shall specify the species of wild birds in respect of which, the circumstances in which, and the conditions subject to which, the action may be taken;
- (b) shall specify the methods, means or arrangements which are authorised or required for the taking of the action; and
- (c) subject to subsection (5)(d), shall be valid for the period, not exceeding two years, [<sup>F14</sup>or in the case of a licence granted by Natural England five years,] stated in the licence.]

(6) A licence under subsection [<sup>F15</sup>(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

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- (b) subject to subsection (5)(d), shall be valid for the period, not exceeding two years, [<sup>F16</sup>or in the case of a licence granted by Natural England five 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.
- (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.
- [<sup>F17</sup>(8A) In this section, in the case of a licence under any of subsections (1) to (4), so far as relating to the restricted English inshore region (see subsection (12)), “the appropriate authority” means the Marine Management Organisation.]
- [<sup>F18</sup>(8C) In this section, in the case of a licence under any of subsections (1) to (4), so far as relating to Wales, “the appropriate authority” means the Natural Resources Body for Wales.]
- (9) [<sup>F19</sup>Except as provided by [<sup>F20</sup>subsections (8A) and (8C)],] In this section “the appropriate authority” means—
- (a) in the case of a licence under [<sup>F21</sup>any of paragraphs (a) to (cb)] 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>F22</sup>relevant][<sup>F23</sup>conservation body];
- (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) [<sup>F24</sup>or (j)] of subsection (3), the [<sup>F22</sup>relevant][<sup>F23</sup>conservation body];
- (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.
- [<sup>F25</sup>(9A) In this section “re-population” and “re-introduction”, in relation to wild birds, have the same meaning as in [<sup>F26</sup>the Wild Birds Directive].]
- (10) The agriculture Minister—
- (a) shall from time to time consult with [<sup>F27</sup>each of the [<sup>F28</sup>GB conservation bodies]] as to the exercise [<sup>F29</sup>in the area of that [<sup>F30</sup>body]] of his functions under this section; and
- (b) shall not grant a licence of any description unless he has been advised by the [<sup>F31</sup>relevant [<sup>F23</sup>conservation body]] as to the circumstances in which, in their opinion, licences of that description should be granted.

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[<sup>F32</sup>(11) For the purposes of this section a reference to a relevant Nature Conservancy Council is a reference to the [<sup>F23</sup>conservation body] for the area in which it is proposed to carry on the activity requiring a licence.]

[<sup>F33</sup>(12) In this section—

- (a) “the restricted English inshore region” means so much of the English inshore region as lies to seaward of mean low water mark;
- (b) “the English inshore region” has the meaning given by section 322 of the Marine and Coastal Access Act 2009.

[<sup>F34</sup>(c) “Wales” has the meaning given by section 158 of the Government of Wales Act 2006.]]

### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

### Textual Amendments

- F1** S. 16(1)(a) substituted (30.11.1995) by [S.I. 1995/2825, reg. 3\(2\)\(a\)](#)
- F2** S. 16(1)(ca)(cb) inserted (30.11.1995) by [S.I. 1995/2825, reg. 3\(2\)\(b\)](#)
- F3** Words in s. 16(2)(k) substituted (30.11.1995) by [S.I. 1995/2825, reg. 3\(2\)\(c\)](#)
- F4** S. 16(1A) inserted (30.11.1995) by [S.I. 1995/2825, reg. 3\(3\)](#)
- F5** Words in s. 16(3) substituted (E.W.) (30.1.2001) by 2000 c. 37, ss. 81(1), 103(2), [Sch. 12 para. 6](#)
- F6** Word in s. 16(3)(h) omitted (E.W.) (30.9.2022) by virtue of [Environment Act 2021 \(c. 30\), ss. 111\(2\)\(a\), 147\(3\)](#) (with s. 144); [S.I. 2022/518, regs. 1\(2\), 3\(b\)](#)
- F7** S. 16(3)(j) and word inserted (E.W.) (30.9.2022) by [Environment Act 2021 \(c. 30\), ss. 111\(2\)\(b\), 147\(3\)](#) (with s. 144); [S.I. 2022/518, regs. 1\(2\), 3\(b\)](#)
- F8** S. 16(3ZZA) inserted (E.W.) (1.4.2020) by [The Humane Trapping Standards \(England and Wales\) Regulations 2019 \(S.I. 2019/1288\), regs. 1\(1\), 2](#)
- F9** S. 16(3ZA)-(3ZK) inserted (28.3.2019) by [The Humane Trapping Standards Regulations 2019 \(S.I. 2019/22\), regs. 1\(1\), 4](#)
- F10** S. 16(3B) inserted (E.W.) (30.9.2022) by [Environment Act 2021 \(c. 30\), ss. 111\(3\), 147\(3\)](#) (with s. 144); [S.I. 2022/518, regs. 1\(2\), 3\(b\)](#)
- F11** Words in s. 16(4) substituted (E.W.) (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(1\), 107, Sch. 11 para. 72\(2\); S.I. 2006/2541, art. 2](#)
- F12** Words in s. 16(5) substituted (30.11.1995) by [S.I. 1995/2825, reg. 3\(4\)](#)
- F13** S. 16(5A) inserted (30.11.1995) by [S.I. 1995/2825, reg. 3\(5\)](#)
- F14** Words in s. 16(5A)(c) inserted (E.W.) (30.9.2022) by [Environment Act 2021 \(c. 30\), ss. 111\(4\), 147\(3\)](#) (with s. 144); [S.I. 2022/518, regs. 1\(2\), 3\(b\)](#)
- F15** Words in s. 16(6) substituted (30.11.1995) by [S.I. 1995/2825, reg. 3\(6\)](#)
- F16** Words in s. 16(6)(b) inserted (E.W.) (30.9.2022) by [Environment Act 2021 \(c. 30\), ss. 111\(4\), 147\(3\)](#) (with s. 144); [S.I. 2022/518, regs. 1\(2\), 3\(b\)](#)
- F17** S. 16(8A) inserted (1.4.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 10\(2\)\(5\), 324\(3\); S.I. 2010/298, art. 2, Sch. Pt. 1 para. 2](#)
- F18** S. 16(8C) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 170\(2\)](#) (with Sch. 7)
- F19** Words in s. 16(9) inserted (1.4.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 10\(3\)\(5\), 324\(3\); S.I. 2010/298, art. 2, Sch. Pt. 1 para. 2](#)
- F20** Words in s. 16(9) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 170\(3\)](#) (with Sch. 7)
- F21** Words in s. 16(9)(a) substituted (30.11.1995) by [S.I. 1995/2825, reg. 3\(7\)](#)

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- F22** Word in s. 16(9) inserted (1.4.1991) 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**
- F23** Words in s. 15(9)(a)(c)(10)(b)(11) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, **Sch. 11 para. 72(3)**; S.I. 2006/2541, **art. 2**
- F24** Words in s. 16(9)(c) inserted (E.W.) (30.9.2022) by Environment Act 2021 (c. 30), **ss. 111(5)**, 147(3) (with s. 144); S.I. 2022/518, regs. 1(2), 3(b)
- F25** S. 16(9A) inserted (30.11.1995) by S.I. 1995/2825, **reg. 3(8)**
- F26** Words in s. 16(9A) substituted (E.W.) (21.8.2007) by The Conservation (Natural Habitats, & c.) (Amendment) Regulations 2007 (S.I. 2007/1843), **reg. 7(5)**
- F27** Words in s. 16(10)(a) substituted (1.4.1991) 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**
- F28** Words in s. 16(10)(a) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, **Sch. 11 para. 72(4)(a)**; S.I. 2006/2541, **art. 2**
- F29** Words in s. 16(10)(a) inserted (1.4.1991) 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**
- F30** Word in s. 16(10)(a) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, **Sch. 11 para. 72(4)(b)**; S.I. 2006/2541, **art. 2**
- F31** Words in s. 16(10)(b) inserted (1.4.1991) 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**
- F32** S. 16(11) inserted (1.4.1991) 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**
- F33** S. 16(12) inserted (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 10(4)(5)**, 324(3); S.I. 2010/298, **art. 2**, Sch. Pt. 1 para. 2
- F34** S. 16(12)(c) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 170(4)** (with Sch. 7)

#### Modifications etc. (not altering text)

- C1** S. 16: Functions transferred (W.) (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**
- C2** S. 16 functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 4 para. 1** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(p))

#### Marginal Citations

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

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

- (1) Sections 1, 5, 6(3), 7 and 8<sup>F35</sup> ... do not apply to anything done—
- [<sup>F36</sup>(a) for scientific, research 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;
  - [<sup>F37</sup>(ca) for the purposes of the re-population of an area with, or the re-introduction into an area of, wild birds, including any breeding necessary for those purposes;
  - (cb) for the purpose of conserving flora or fauna;]
  - (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;

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- (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 [<sup>F38</sup>, fisheries or inland waters],

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

[<sup>F39</sup>(1A) The appropriate authority—

- (a) shall not grant a licence for any purpose mentioned in subsection (1) unless it is satisfied that, as regards that purpose, there is no other satisfactory solution; and
- (b) shall not grant a licence for any purpose mentioned in paragraphs (e) to (h) of that subsection otherwise than on a selective basis and in respect of a small number of birds.]

(2) Section 1 [<sup>F40</sup>does] 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 [<sup>F41</sup> . . . ,

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

(3) Sections 9(1), (2) [<sup>F42</sup>, (4) and (4A)], [<sup>F43</sup>10A(1),] 11(1) [<sup>F44</sup>, (2) and (3C)(a)] [<sup>F45</sup>, 11C] [<sup>F46</sup>, 11G(1)] and 13(1) do not apply to anything done—

- (a) for scientific [<sup>F47</sup>, research] 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 [<sup>F48</sup>wild birds,] wild animals or wild plants or introducing them to particular areas;

[<sup>F49</sup>(ca) for the purpose of conserving any area of natural habitat;]

- (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; [<sup>F50</sup> ...
- (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 [<sup>F51</sup>; or
- (i) for any other social, economic or environmental purpose,]

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

[<sup>F9</sup>(3ZA) A licence granted under subsection (3) may permit the use of a trap or snare for the purpose of killing, taking or restraining a wild animal included in Schedule 6ZA only if the trap or snare—

- (a) meets the conditions relating to certification (see subsections (3ZB) to (3ZF)); or
- (b) meets the approved design conditions (see subsections (3ZG) to (3ZI)).

This subsection is subject to (3ZJ).



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- (3ZB) For the purposes of subsection (3ZA)(a) the conditions relating to certification are that—
- (a) the trap or snare is of a certified type and make;
  - (b) the manufacturer of the trap or snare provides instructions as to how it should be set, operated safely and maintained; and
  - (c) where it is manufactured on or after 28th March 2019, the trap or snare is identified by its manufacturer by means of a permanent marking as being of a certified type and make.
- (3ZC) For the purposes of subsection (3ZB)(b), instructions provided by the supplier of a trap or snare with the authorisation of the manufacturer of that trap or snare are to be treated as provided by the manufacturer.
- (3ZD) For the purposes of this section, a type and make of trap or snare is “certified” in relation to a wild animal included in Schedule 6ZA if it is certified by or on behalf of any of the following authorities as conforming (where the trap or snare is set in accordance with any instructions provided by the manufacturer) to the standards set out in the international trapping standards agreement in relation to the trapping of that animal—
- (a) the Secretary of State;
  - (b) the Welsh Ministers;
  - (c) the Scottish Ministers;
  - (d) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
  - (e) an authority in another country or territory which is designated for the purposes of the international trapping standards agreement as a certifying authority.
- (3ZE) The relevant authority shall—
- (a) publish in such manner as it considers appropriate a list of all traps and snares of a certified type and make of which it is aware; and
  - (b) make the list available to anyone who asks for it in writing.
- (3ZF) For the purposes of subsection (3ZE), “the relevant authority” means—
- (a) in relation to England, the Secretary of State;
  - (b) in relation to Wales, the Welsh Ministers;
  - (c) in relation to Scotland, the Scottish Ministers.
- (3ZG) For the purposes of subsection (3ZA)(b) a trap or snare meets the approved design conditions if it—
- (a) has been constructed by the person using it; and
  - (b) complies with a design approved for this purpose by or on behalf of the Secretary of State (where it is used in England or Scotland) or the Welsh Ministers (where it is used in Wales).
- (3ZH) The relevant authority must—
- (a) publish in such manner as it considers appropriate details of the design of a trap or snare approved in accordance with subsection (3ZG)(b); and
  - (b) make the details available to anyone who asks for them in writing.
- (3ZI) In subsection (3ZH), “the relevant authority” means—

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- (a) the Secretary of State, for designs of traps or snares approved for use in England;
- (b) the Welsh Ministers, for designs of traps or snares approved for use in Wales;
- (c) the Scottish Ministers, for designs of traps or snares approved for use in Scotland.

(3ZJ) Subsection (3ZA) does not apply where the licence—

- (a) is granted in accordance with any of paragraphs (a) to (d) or paragraphs (f) to (h) of subsection (3) and is subject to such conditions as the appropriate authority considers appropriate when granting the licence;
- (b) does not, in the opinion of the appropriate authority, undermine the objectives of the international trapping standards agreement; and
- (c) is accompanied by a written explanation of the reasons for that opinion and for the grant of the licence.

(3ZK) In this section “the international trapping standards agreement” means the Agreement on international humane trapping standards between the European Community, Canada and the Russian Federation.]

[<sup>F52</sup>(3A) The appropriate authority shall not grant a licence under subsection (3)(i) unless it is satisfied—

- (a) that undertaking the conduct authorised by the licence will give rise to, or contribute towards the achievement of, a significant social, economic or environmental benefit; and
- (b) that there is no other satisfactory solution.]

(4) The following provisions, namely—

- (a) section 6(1) and (2);
- (b) sections 9(5) [<sup>F53</sup>, 11I(1)] and 13(2); and
- (c) [<sup>F54</sup>sections 14 [<sup>F55</sup>, 14ZC][<sup>F56</sup>, 14A and 14AA]],

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

[<sup>F57</sup>(4A) The appropriate authority shall not grant a licence under subsection (4) permitting anything to be done in contravention of section 6(1) or (2) unless it is satisfied that there is no other satisfactory solution.]

[<sup>F58</sup>(4B) Schedule 9B contains provision restricting the granting of licences under subsection (4)(c) permitting activities which contravene Article 7(1)(b) to (h) of Regulation (EU) No 1143/2014 of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species.]

(5) Subject to [<sup>F59</sup>subsections (5A) and (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.

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- [<sup>F60</sup>(5A) A licence under subsection (1) which authorises any action in respect of wild birds—
- (a) shall specify the species of wild birds in respect of which, the circumstances in which, and the conditions subject to which, the action may be taken;
  - (b) shall specify the methods, means or arrangements which are authorised or required for the taking of the action; and
  - (c) subject to subsection (5)(d), shall be valid for the period, not exceeding two years, stated in the licence.]
- (6) A licence under subsection [<sup>F61</sup>(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>M3</sup>Protection of Animals Act 1911 or section 7(b) of the <sup>M4</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.
- (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.
- [<sup>F17</sup>(8A) In this section, in the case of a licence under any of subsections (1) to (4), so far as relating to the restricted English inshore region (see subsection (12)), “the appropriate authority” means the Marine Management Organisation.]
- <sup>F62</sup>(8B) . . . . .
- [<sup>F63</sup>(9) In this section “the appropriate authority” means the Scottish Ministers or such other person to whom the Scottish Ministers delegate power under section 16A.
- (9ZA) The Scottish Ministers must consult Scottish Natural Heritage before granting or modifying a licence under any of subsections (1) to (5).
- (9ZB) Subsection (9ZA) does not apply in relation to licences granted under—
- (a) paragraph (i), (j) or (k) of subsection (1);
  - (b) paragraph (f), (g) or (h) of subsection (3); or
  - (c) paragraph (c) of subsection (4).]
- [<sup>F64</sup>(9A) In this section “re-population” and “re-introduction”, in relation to wild birds, have the same meaning as in the Directive of the Council of the European Communities dated 2nd April 1979 ( No. 79/409/ EEC ) on the conservation of wild birds.]
- (10) The agriculture Minister—
- (a) shall from time to time consult with [<sup>F65</sup>each of the [<sup>F66</sup>GB conservation bodies]] as to the exercise [<sup>F67</sup>in the area of that [<sup>F68</sup>body]] of his functions under this section; and

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- (b) shall not grant a licence of any description unless he has been advised by the [F69relevant [F70conservation body]] as to the circumstances in which, in their opinion, licences of that description should be granted.

[F71(11) For the purposes of this section a reference to a relevant Nature Conservancy Council is a reference to the [F70conservation body] for the area in which it is proposed to carry on the activity requiring a licence.]

[F33(12) In this section—

- (a) “the restricted English inshore region” means so much of the English inshore region as lies to seaward of mean low water mark;
- (b) “the English inshore region” has the meaning given by section 322 of the Marine and Coastal Access Act 2009.

[F34(c) “Wales” has the meaning given by section 158 of the Government of Wales Act 2006.]

[F72(13) . . . . .

#### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F9** S. 16(3ZA)-(3ZK) inserted (28.3.2019) by [The Humane Trapping Standards Regulations 2019 \(S.I. 2019/22\)](#), regs. 1(1), **4**
- F17** S. 16(8A) inserted (1.4.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. **10(2)(5)**, 324(3); S.I. 2010/298, art. 2, Sch. Pt. 1 para. 2
- F33** S. 16(12) inserted (1.4.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. **10(4)(5)**, 324(3); S.I. 2010/298, art. 2, Sch. Pt. 1 para. 2
- F34** S. 16(12)(c) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 170(4)** (with Sch. 7)
- F35** Words in s. 16(1) repealed (S.) (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), ss. **4(4)(a)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(a)
- F36** S. 16(1)(a) substituted (30.11.1995) by S.I. 1995/2825, **reg. 3(2)(a)**
- F37** S. 16(1)(ca)(cb) inserted (30.11.1995) by S.I. 1995/2825, **reg. 3(2)(b)**
- F38** Words in s. 16(2)(k) substituted (30.11.1995) by S.I. 1995/2825, **reg. 3(2)(c)**
- F39** S. 16(1A) inserted (30.11.1995) by S.I. 1995/2825, **reg. 3(3)**
- F40** Word in s. 16(2) substituted (S.) (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), ss. **4(4)(b)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(a)
- F41** Words in s. 16(2)(b) repealed (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, **Sch. 6 para. 15(a)**; S.S.I. 2004/407, art. 2
- F42** Words in s. 16(3) substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, **Sch. 6 para. 15(b)(i)**; S.S.I. 2004/407, art. 2
- F43** Word in s. 16(3) inserted (S.) (29.6.2011 for specified purposes, 1.1.2012 in so far as not already in force) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), ss. **9(a)(i)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(g); S.S.I. 2011/433, art. 2(1)(b)
- F44** Words in s. 16(3) substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, **Sch. 6 para. 15(b)(ii)**; S.S.I. 2004/407, art. 2
- F45** Word in s. 16(3) inserted (S.) (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), ss. **13(4)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(c)(iii)

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- F46** Word in s. 16(3) inserted (S.) (29.6.2011 for specified purposes, 1.1.2012 in so far as not already in force) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 9(a)(ii)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(g); S.S.I. 2011/433, art. 2(1)(b)
- F47** Words in s. 16(3)(a) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 15(b)(iii)**; S.S.I. 2004/407, **art. 2**
- F48** Words in s. 16(3)(c) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 15(b)(iv)**; S.S.I. 2004/407, **art. 2**
- F49** S. 16(3)(ca) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 15(b)(v)**; S.S.I. 2004/407, **art. 2**
- F50** Word in s. 16(3) repealed (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 18(2)(a)(i)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(j)
- F51** S. 16(3)(i) and word inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 18(2)(a)(ii)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(j)
- F52** S. 16(3A) inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 18(2)(b)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(j)
- F53** Word in s. 16(4)(b) inserted (S.) (29.6.2011 for specified purposes, 1.1.2012 in so far as not already in force) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 9(b)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(g); S.S.I. 2011/433, art. 2(1)(b)
- F54** Words in s. 16(4) substituted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 15(c)**; S.S.I. 2004/407, **art. 2**
- F55** Word in s. 16(4)(c) inserted (S.) (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 17(2)**, 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(c) (with art. 3(3)(4))
- F56** Words in s. 16(4)(c) substituted (S.) (1.11.2019) by The Conservation (Natural Habitats, c.) (Miscellaneous Amendments) (Scotland) Regulations 2019 (S.S.I. 2019/364), regs. 1(2), **2(4)(a)**
- F57** S. 16(4A) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 15(d)**; S.S.I. 2004/407, **art. 2**
- F58** S. 16(4B) inserted (S.) (1.11.2019) by The Conservation (Natural Habitats, c.) (Miscellaneous Amendments) (Scotland) Regulations 2019 (S.S.I. 2019/364), regs. 1(2), **2(4)(b)**
- F59** Words in s. 16(5) substituted (30.11.1995) by S.I. 1995/2825, **reg. 3(4)**
- F60** S. 16(5A) inserted (30.11.1995) by S.I. 1995/2825, **reg. 3(5)**
- F61** Words in s. 16(6) substituted (30.11.1995) by S.I. 1995/2825, **reg. 3(6)**
- F62** S. 16(8B) repealed (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 18(2)(c)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(j)
- F63** S. 16(9)-(9ZB) substituted for s. 16(9)-(9ZC) (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 18(2)(d)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(j)
- F64** S. 16(9A) inserted (30.11.1995) by S.I. 1995/2825, **reg. 3(8)**
- F65** Words in s. 16(10)(a) substituted (1.4.1991) 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**
- F66** Words in s. 16(10)(a) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, **Sch. 11 para. 72(4)(a)**; S.I. 2006/2541, **art. 2**
- F67** Words in s. 16(10)(a) inserted (1.4.1991) 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**
- F68** Word in s. 16(10)(a) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, **Sch. 11 para. 72(4)(b)**; S.I. 2006/2541, **art. 2**
- F69** Words in s. 16(10)(b) inserted (1.4.1991) 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**
- F70** Words in s. 16(9)(a)(c)(10)(b)(11) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, **Sch. 11 para. 72(3)**; S.I. 2006/2541, **art. 2**
- F71** S. 16(11) inserted (1.4.1991) 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**
- F72** S. 16(13) repealed (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 18(2)(e)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(j)

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**Modifications etc. (not altering text)**

- C2** S. 16 functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 4 para. 1** (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(p))
- C3** S. 16: Functions transferred (W.) (1.7.1999) by [S.I. 1999/672](#), art. 2, **Sch. 1**

**Marginal Citations**

- M3** 1911 c. 27.
- M4** 1912 c. 14.

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