
STATUTORY INSTRUMENTS

2010 No. 490

The Conservation of Habitats and Species Regulations 2010

PART 5

LICENCES

Grant of licences

Licences for certain activities relating to animals or plants

53.—(1) Subject to the provisions of this regulation, the relevant licensing body may grant a licence for the purposes specified in paragraph (2).

(2) The purposes are—

- (a) scientific or educational purposes;
- (b) ringing or marking, or examining any ring or mark on, wild animals;
- (c) conserving wild animals or wild plants or introducing them to particular areas;
- (d) protecting any zoological or botanical collection;
- (e) preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- (f) preventing the spread of disease; or
- (g) preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries.

(3) Regulations 41 (protection of certain wild animals: offences), 43 (prohibition of certain methods of capturing or killing wild animals) and 45 (protection of certain wild plants: offences) do not apply to anything done under and in accordance with the terms of a licence granted under paragraph (1).

(4) Subject to the provisions of this regulation, the relevant licensing body may grant a licence to permit the taking or the possession or control of certain specimens of any of the species or subspecies listed in Annex II(b) (other than any bryophyte) or Annex IV to the Habitats Directive notwithstanding that the licence is for a purpose not specified in paragraph (2).

(5) Regulations 41, 43 and 45 do not apply to anything done under and in accordance with the terms of a licence granted under paragraph (4).

(6) A licence under paragraph (4) may be granted only to such persons as are named in the licence.

(7) The relevant licensing body may grant a licence under paragraph (4) only if they are satisfied that the grant of the licence would be consistent with the restrictions in Article 16(1)(e) of the Habitats Directive (namely “under strictly supervised conditions, on a selective basis and to a limited extent” and “in limited numbers”).

(8) A licence under paragraph (4) must specify—

- (a) the species or subspecies of animal or plant to which the licence relates;
 - (b) the maximum number of specimens which may be taken or be in the possession or control of the person authorised by the licence, or which particular specimens may be taken or be in the possession or control of that person; and
 - (c) the conditions subject to which the action authorised by the licence may be taken and in particular—
 - (i) the methods, means or arrangements by which specimens may be taken or be in the possession or control of the person authorised by the licence,
 - (ii) when or over what period the action authorised by the licence may be taken, and
 - (iii) where the licence authorises any person to take specimens, the area from which they may be taken.
- (9) The relevant licensing body must not grant a licence under this regulation unless they are satisfied—
- (a) that there is no satisfactory alternative; and
 - (b) that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- (10) A licence under this regulation which authorises any person to kill wild animals must specify the area within which and the methods by which the wild animals may be killed and must not be granted for a period of more than two years.
- (11) Where the appropriate authority exercise any functions under this regulation (see regulation 56(3)), the appropriate authority must from time to time consult the appropriate nature conservation body as to the exercise of those functions, and must not grant a licence of any description unless the appropriate nature conservation body have advised as to the circumstances in which, in their opinion, licences of that description should be granted.
- (12) Where the Marine Management Organisation exercises any functions under this regulation (see regulation 56(2)(a)(i)), it must from time to time consult Natural England as to the exercise of those functions, and must not grant a licence of any description unless Natural England have advised as to the circumstances in which, in their opinion, licences of that description should be granted.
- (13) It is a defence in proceedings for an offence under section 8(b) of the Protection of Animals Act 1911⁽¹⁾ (which restricts 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 granted under this regulation; and
 - (b) any conditions specified in the licence were complied with.
- (14) In paragraph (2) “livestock” includes any animal which is kept—
- (a) for the provision of food, skins or fur;
 - (b) for the purpose of its use in the carrying on of any agricultural activity; or
 - (c) for the provision or improvement of shooting or fishing.

Licences for the introduction of new species

54.—(1) Subject to paragraph (3), the relevant licensing body may grant a licence in relation to the introduction of new species from ships.

(2) Regulation 52 (introduction of new species from ships) does not apply to anything done under and in accordance with the terms of a licence granted under paragraph (1).

⁽¹⁾ 1911 c. 27; a relevant amendment to section 8 was made by the Protection of Animals (Amendment) Act 1927 (c. 27), section 1.

(3) The relevant licensing body must not grant a licence under this regulation unless they are satisfied that the action authorised by the licence will not prejudice natural habitats within their natural range or wild native flora and fauna.

Licences: general provisions

55.—(1) This regulation applies in relation to a licence under regulation 53 or 54.

(2) A licence—

- (a) may be, to any degree, general or specific;
- (b) (subject to regulation 53(6)) may be granted either to persons of a class or to a particular person; and
- (c) may be subject to compliance with any specified conditions.

(3) For the purposes of a licence 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.

(4) A licence may be modified or revoked at any time by the authority which granted it, but is otherwise valid for the period stated in the licence.

(5) The relevant licensing body may charge for a licence such reasonable sum (if any) as they may determine.

Relevant licensing body

Relevant licensing body

56.—(1) For the purposes of regulations 53, 54 and 55, “relevant licensing body” has the meaning given in this regulation.

(2) In the case of a licence granted under regulation 53(1) for a purpose specified in any of sub-paragraphs (a) to (d) of paragraph (2) of that regulation, “relevant licensing body” means—

- (a) in relation to England—
 - (i) so far as the licence relates to the restricted English inshore region, the Marine Management Organisation, and
 - (ii) otherwise, Natural England; or
- (b) in relation to Wales, the Countryside Council for Wales.

(3) In the case of a licence granted—

- (a) under regulation 53(1) for a purpose specified in any of sub-paragraphs (e) to (g) of paragraph (2) of that regulation,
- (b) under regulation 53(4), or
- (c) under regulation 54,

“relevant licensing body” means the appropriate authority.

Offences

False statements made for obtaining licence

57.—(1) A person (“P”) commits an offence if, for the purposes of obtaining, whether for P or another, the grant of a licence under regulation 53 or 54, P—

- (a) makes a statement or representation, or supplies a document or information, which P knows to be false in a material particular; or
- (b) recklessly makes a statement or representation, or supplies a document or information, which is false in a material particular.

(2) A person guilty of an offence under this regulation is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.

Offence of breaching licence condition

58.—(1) It is an offence for the holder of a licence to contravene or fail to comply with any condition attached to the licence.

(2) Paragraph (1) applies to a licence under regulation 53 granted on or after 21st August 2007.

(3) A person (“P”) is not guilty of an offence under paragraph (1) if P shows that—

- (a) P took all reasonable precautions and exercised all due diligence to avoid commission of the offence; or
- (b) the commission of the offence was otherwise due to matters beyond P’s control.

(4) A person guilty of an offence under paragraph (1) is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.