

# GENERAL LICENCE

To trap Eurasian stoat for the purpose of conserving wild birds



## OVERVIEW

This licence permits the trapping of **Eurasian stoat, *Mustela erminea*** for the purposes of conserving the species of wild birds listed in this licence.

If you need to use a trap type that is not listed as being certified for use for stoats, or use a certified trap in circumstances not covered by this licence, you will need to apply for a licence to do so from Natural England.

Registration	Users do not need to register to use this licence
Recording & reporting	Users do not need to submit records to Natural England.
Reference	WML – GL38

## LEGISLATION

Statute(s)	Wildlife and Countryside Act 1981 (as amended) ('the 1981 Act')
Section(s)	This licence is issued under sections 16(3)(c), 16(3ZJ), 16(3ZZA) and 16(5). This licence permits, to the extent stated at 5 & 6 below, actions which may otherwise constitute offences in sections 11(2)(a) & (b).

## LICENCE TERMS and CONDITIONS

- Valid for the period** 1 April 2020 to 31 December 2020 (inclusive)
- Area valid in** All counties of England (landward of the mean low water mark)
- The purpose(s) for which this licence can be used**

This licence can only be used to **conserve\* wild birds\*** which are members of a species satisfying the following criteria:

  - are predated by Eurasian stoat and
  - belong to one of the following categories of birds:
    - Game birds when they are vulnerable to stoat predation
    - Waders and other ground nesting birds native to the UK

\*: see Definitions
- What species are covered by this licence** **Eurasian stoat, *Mustela erminea***
- What this licence permits**

This licence permits the use of the following traps:

  - DOC 150 body grip kill trap
  - DOC 200 body grip kill trap
  - DOC 250 body grip kill trap
  - Tully Trap (body grip kill trap)
  - Goodnature A24 rat and stoat trap (captive bolt kill trap)
  - Perdix mink trap (cage style live capture trap)

(See Advice note j)

## 6. Who can use this licence

- a) To be authorised to use this licence the owner or occupier, or any person authorised by the owner or occupier, of the land on which the action authorised is taken
- b) This excludes any person convicted on or after 1 January 2010 of a **wildlife crime\*** (unless, in respect of that offence, either:
  - they are a rehabilitated person for the purposes of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent; or
  - a court has made an order discharging them absolutely.)

Any application for an individual licence made by a person to whom an exclusion at section 6a or 6b applies will be considered on its merits.

\*: see Definitions

## 7. When this licence can be used

Any person using this licence must be able to show, if asked by an officer of Natural England or the Police what **wild bird\***(s) any action under this licence is protecting.

Licence users are advised to keep a record or log of predation.

\*: see Definitions

## 8. Use of traps

- a) Use of any trap under this licence must be in accordance with the following conditions:
  - (i) All persons making use of this licence and all traps used by such persons must comply with The Spring Traps Approval (England) Order 2018.
  - (ii) Any manufacturer's permanent marking of the trap must not be removed or rendered illegible. (See Advice note k)
  - (iii) Where a trap is not in use, it must be rendered incapable of holding or catching any animal or bird. Any bait, food or water must also be removed. (See Advice note q)
- b) Use of any live capture trap used under this licence must be in accordance with the following conditions:
  - (i) When in use, every live capture trap used pursuant to this licence must be physically inspected by a suitably authorised person at least every 25 hours, with every effort being made to inspect at least every 24 hours unless this is not logistically possible (see Advice notes m – n). Where inspection every 25 hours is not possible because of severe weather conditions, 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 stoats or other animals or birds in the trap.
  - (ii) At each inspection of live capture traps, any animal (other than a Eurasian stoat) or bird caught must be removed and released at the point of capture provided it is uninjured, with the exception of those for which release into the wild would be illegal (see Advice notes r - s) or those that it is lawful to kill or take by trapping. Caught animals or birds that are injured, must be taken for veterinary treatment or dispatched in a quick and **humane\*** manner as appropriate.

- c) Use of any kill trap used under this licence must be in accordance with the following conditions:
- (i) At each inspection of traps, any dead stoat or other animal or bird caught must be removed immediately. Caught animals or birds that are injured, must be taken for veterinary treatment or dispatched in a quick and **humane\*** manner as appropriate.

\*: see Definitions

- 9. Welfare requirements** All persons making use of this licence and all traps used by such persons must comply with the Animal Welfare Act 2006. The application of Animal Welfare Act 2006 to wildlife management activities is explained in Natural England leaflet Natural England leaflet '*Wildlife Management Advice Note: The Animal Welfare Act 2006: what it means for wildlife*' (GU02).
- 10. Protected sites** This licence is not a consent for the purposes of Part 2 of the Wildlife and Countryside Act 1981 (as amended) in respect to SSSIs it is your responsibility to get consent or assent if required before this licence can be used on any SSSI. (See Advice notes f – i)
- 11. Definitions used in this licence**
- "*Conserve*" means taking action or measures to maintain or improve the conservation status of a **wild bird** and, for the purposes of this licence, is interpreted as including conserving game bird species for the purposes of shooting.
- "*Humane*" means taking all reasonable precautions to ensure that any killing of animals or birds in traps being used under this licence is carried out by a single, swift action, as soon as practicable.
- "*Wild bird*" has the same meaning as in [section 27 of the 1981 Act](#).
- "*Wildlife crime*" means any offence under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981, the Protection of Badgers Act 1992, the Deer Act 1991, the Hunting Act 2004, the Wild Mammals (Protection) Act 1996, the Animal Welfare Act 2006 or the Protection of Animals Act 1911 (all as amended).

### IMPORTANT

This licence authorises acts that would otherwise be offences under the legislation referred to above. Failure to comply with its terms and conditions:

- i. may be an offence against the 1981 Act or mean that the licence cannot be relied upon and an offence could therefore be committed. The maximum penalty available for an offence under the 1981 Act is, at the time of the issue of this licence, an unlimited fine and/or a six month custodial sentence;
- ii. may result in your permission to use this licence being withdrawn. Natural England will inform any person or organisation whose permission to use this licence is withdrawn in writing. This sanction may be applied to other similar licences, and
- iii. may not be able to rely on this licence as a defence in respect to the prohibitions within the Animal Welfare Act 2006 or the Wild Mammals (Protection) Act 1996.

If the activity that you wish to undertake is not covered by this licence, or if you are unable to comply with any of the terms and conditions which apply to the use of this licence, then you will need to apply to Natural England for an individual licence.

## Advice

### Legal basis of this licence

- a) Natural England has issued this licence in exercise of the powers conferred by the 1981 Act. Visit [Legislation.gov.uk](https://www.legislation.gov.uk) to view the full text of this legislation. Section 16 of the 1981 Act provides that the offences in Part 1 of the 1981 Act shall not apply to anything done under and in accordance with the terms of a licence granted by the appropriate authority, which, in England, is Natural England. Please note that the Marine Management Organisation are responsible for licensing seaward of the mean low water mark.
- b) This licence gives effect to the Humane Trapping Standards Regulations 2019. As the sole purpose of these Regulations is to ensure that only traps that comply with the Agreement on International Humane Trapping Standards can be used for stoats, Defra policy guidance states that licences should not place new burdens on the licence user other than to restrict the types of traps which may be used. Therefore, the licence does not require users of the licence to be actively engaged in efforts to conserve the wild bird(s). The guidance also states that for the purpose of issuing a licence under sections 16(3)(c) and 16(3ZZA) of the 1981 Act, the red-legged partridge and the common pheasant are to be treated as “wild birds”, as defined in s27 of the 1981 Act, and that for the purposes of stoat trapping licences, a licence to conserve wild birds should:
  - permit the trapping of stoats to conserve wild common pheasant and red-legged partridge when they are vulnerable to stoat predation, and
  - interpret “conserve” to include conserving game birds for the purposes of shooting.
- c) This licence can be modified or revoked at any time by Natural England or the Secretary of State, but this will not be done unless there are good reasons for doing so.
- d) The common name of the species given in a licence is included by way of guidance only; in the event of any dispute or proceedings, it is the scientific name of a species only that will be taken into account.
- e) This licence does not confer any right of entry onto land and neither does it permit actions prohibited under any other legislation.

### Protected sites

- f) The notification documents for each SSSI contain a list of operations that require Natural England’s prior consent. Owners and occupiers of land notified as SSSIs are required to give written notice to Natural England before either beginning any of these operations, or allowing someone else to carry out those operations. SSSI consent can only be given to a SSSI owner or occupier. It may be given with or without conditions, or in some cases, consent may not be granted. A similar process applies to 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.
- g) Please note that as the licensee you will not be able to undertake the licensed activity on a SSSI until the owner or occupier of the SSSI has applied for, and received, Natural England’s written SSSI consent. If you do so, you may be at risk of committing an offence. As the licensee, if you wish to exercise this licence on a SSSI you must contact the relevant owners or occupiers of the SSSI and ensure they give written notice to Natural England of their proposal to permit you to carry out licensed activity on their SSSI. You should wait until a SSSI consent decision has been received by the SSSI owner/occupier before you begin to exercise this licence on a SSSI. See [Gov.uk](https://www.gov.uk) for further information on how to get SSSI consent from Natural England.
- h) In considering whether to issue consent or assent for activities likely to affect a SSSI that is a European Site, in other words a Special Protection Area (SPA) or Special Area of Conservation (SAC), Natural England will carry out a Habitats Regulations Assessment, as required by the Conservation of Habitats and Species Regulations 2017 (as amended) to ensure there will be no adverse effects on the European Site.
- i) To identify the location of SSSIs and European Sites, refer to the Magic map system [www.magic.gov.uk](https://www.magic.gov.uk). You can search for and view details about all SSSIs by using Natural England’s [Designated Sites system](#), including the citation and the list of operations requiring Natural England’s consent for each site.

### Trapping under this licence

- j) A list of certified trap models and any approved self-construct and use trap designs is published here: <https://www.gov.uk/guidance/badgers-beavers-otters-pine-martens-and-stoats-how-to-trap-humanely>.

- k) If manufactured after 28 March 2019, a certified trap must be identified by means of a permanent marking as being of a certified type and make.
- l) Persons acting under this licence should take account of published good practice guidance, and other relevant consideration, such as prevailing weather conditions and presence of non-target species, which may influence when and where traps are set. Published good practice guidance includes the Chartered Institute of Environmental Health's 'Code of practice for the use of vertebrate traps' (published here: [https://ehn.cieh.org/Code\\_of\\_practice\\_for\\_the\\_use\\_of Vertebrate\\_traps.html](https://ehn.cieh.org/Code_of_practice_for_the_use_of Vertebrate_traps.html)) and, in relation to trapping of stoats using DOC traps, the Department of Conservation's 'Practical Guide to Trapping' (published here: <https://www.doc.govt.nz/nature/pests-and-threats/predator-free-2050/toolkit-predator-free-2050/practical-guide-to-trapping/>).
- m) Live capture traps should only be set if you are confident that you will be able to inspect them within the required period.
- n) It is good practice for live capture traps to be checked twice daily; once in the morning and once in the evening, especially in the event of adverse weather conditions.
- o) Persons acting under a licence should have regard to legislation and good practice relevant to the disposal of the carcass(es) of any animal killed in accordance with a licence.
- p) Appropriate methods of dispatch of live trapped stoats include use of a suitable firearm/ammunition combination, or running the stoat into a certified kill trap.
- q) It is necessary to either secure the door in a fully open or closed position in order to render any live capture trap incapable of holding or catching animals or birds when not in use.

### Non-native species

- r) Under section 14 of the 1981 Act it is an offence to release into the wild any animal included in Schedule 9 of the 1981 Act. Any animals of species listed on Schedule 9 accidentally caught by licensed trapping should be treated as follows:
  - **Species listed in Part 1** must not be released or allowed to escape into the wild. It is preferable that these animals are killed in a quick and humane manner as soon as reasonably practicable after discovery. These animals may only be released under an individual licence obtained from Natural England.
  - **Species listed in Part 1A** (which are native to Great Britain) must be released immediately upon discovery. This is permitted under General Licence WML- GL22.
  - **Species listed in Part 1B** (which are former native species) may be released immediately upon discovery at the point of capture (this is permitted by General Licence WML- GL22), killed humanely or kept in captivity. These animals may only be released at another location under an individual licence obtained from Natural England.
- s) Species listed as a species of Union concern (see [https://ec.europa.eu/environment/nature/invasivealien/list/index\\_en.htm](https://ec.europa.eu/environment/nature/invasivealien/list/index_en.htm)), and hence being restricted by the Invasive Alien Species (Enforcement and Permitting) Order 2019, must not be released. It is preferable that any such animals taken under this licence be quickly and humanely dispatched. Alternatively they may be taken into captivity by a premises licensed to keep that species.

### Contact details for Natural England

*For licensing enquiries:*

**Telephone** 020 802 61089

**Email** [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)

**Postal address** Wildlife Licensing, Operations Delivery,  
Natural England, Horizon House, Deanery Road, Bristol, BS1  
5AH

*For other enquiries use the Enquiry Service:*

**Telephone** 0300 060 3900

**Email** [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk)

**Web** <https://www.gov.uk/government/organisations/natural-england>