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Statutory guidance

# GL40: general licence to kill or take certain species of wild birds

# to conserve wild birds, flora or fauna of conservation concern

Updated 1 January 2022

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Reference: WML-GL40.

Date of issue: 1 January 2022.

This licence is valid for 2 years from 1 January 2022 to 31 December 2023.

## Legal basis of this licence

The ‘Secretary of State’<sup>[footnote 1]</sup> has issued WML-GL40 (this licence) under the powers in Section 16(1)(c),(cb) and (5) of the ‘1981 Act’<sup>[footnote 2]</sup>. This licence authorises activities that would otherwise be a criminal offence under Part 1 of the 1981 Act.

This licence covers situations where the Secretary of State is satisfied that there is no other satisfactory solution as regards the species and purposes that this licence covers.

As required by section 16(9) of the 1981 Act, the Secretary of State has consulted with Natural England as to the circumstances in which, in their opinion, general licences may be granted and Natural England has given this advice to the Secretary of State.

The Secretary of State may modify or revoke this licence at any time. The Secretary of State will not do so, unless there are good reasons.

## Purpose of this licence

This licence allows an ‘authorised person’<sup>[footnote 3]</sup> to carry out activities in relation to certain species of ‘wild birds’<sup>[footnote 4]</sup>, the ‘permitted target species’<sup>[footnote 5]</sup>, for the purposes of ‘conserving wild birds’<sup>[footnote 6]</sup>, flora<sup>[footnote 7]</sup> or fauna<sup>[footnote 8]</sup> of conservation concern’.

If you are an authorised person, and you act in accordance with this licence, you may take the following authorised activities, but only for the conservation purposes shown for each permitted target species in Table 1 to:

- kill<sup>[footnote 9]</sup> or take the permitted target species
- take, damage or destroy nests of the permitted target species
- take or destroy eggs of the permitted target species

Table 1. Conservation purposes for which you may take action, shown by permitted target species.

Permitted target species (scientific name) for which action is to be taken	Conserving wild birds of conservation concern	Conserving flora of conservation concern	Conserving fauna of conservation concern
Canada goose (Branta Canadensis)	Yes	Yes	Yes
Carrion crow (Corvus corone)	Yes	No	No
Egyptian goose (Alopochen aegyptiacus)	Yes	No	No

Permitted target species (scientific name) for which action is to be taken	Conserving wild birds of conservation concern	Conserving flora of conservation concern	Conserving fauna of conservation concern
Indian house crow (Corvus splendens)	Yes	No	No
Jay (Garrulus glandarius)	Yes, but only to conserve woodland birds of conservation concern <sup>[footnote 10]</sup>	No	No
Magpie (Pica pica)	Yes	No	No
Monk parakeet (Myiopsitta monachus)	Yes	No	No
Ring-necked parakeet (Psittacula krameri)	Yes	No	Yes
Sacred ibis (Threskiornis aethiopicus)	Yes	No	No

The scientific name of a species will be used in any dispute or legal proceeding.

## Who can use this licence

You must only rely on this licence if you are an authorised person. You do not need to apply to use this licence, but you must follow its terms and conditions.

## Restrictions of use

You must not act under this licence if you have been convicted on or after 1 January 2010 of a wildlife offence<sup>[footnote 11]</sup> except where one or both of the following applies:

- you are a rehabilitated person for the purpose of the [Rehabilitation of Offenders Act 1974](http://www.legislation.gov.uk/ukpga/1974/53/contents) (<http://www.legislation.gov.uk/ukpga/1974/53/contents>) and your conviction for the wildlife offence is treated as spent
- a court has made an order discharging you absolutely in respect of the wildlife offence

You must not use this licence if the Secretary of State has withdrawn your authorisation to use it. Read the section on [enforcement and penalties for misuse of this licence](#).

If you cannot use this licence, you may still [apply to Natural England for an individual licence](https://www.gov.uk/guidance/wildlife-licences) (<https://www.gov.uk/guidance/wildlife-licences>).

## When you can use this licence

This licence is valid for 2 years from 1 January 2022 to 31 December 2023.

You may rely on this licence to carry out the authorised activities in accordance with the terms and conditions of this licence at any time within the duration of the licence period.

## Where you can use this licence

This licence is valid in England, landward of the mean low water mark.

## Methods you can use under this licence

You are authorised to use any of the following methods:

- prick eggs
- oil eggs
- destroy eggs and nests
- kill or take by hand
- use targeted falconry
- shoot with any firearm, including semi-automatic weapons<sup>[footnote 12]</sup>, shotguns or air guns
- trap with a permitted cage trap design<sup>[footnote 13]</sup>
- take birds whilst not in flight with any hand-held or hand-propelled net

## Enforcement and penalties for misuse of this licence

If you do not comply with this licence's terms and conditions, you may face serious consequences.

Failure to comply with the licence may:

- mean you commit a criminal offence under the 1981 Act (which will be punishable on summary conviction to imprisonment for a term not exceeding 6 months or to an unlimited fine, or to both)
- result in the Secretary of State notifying you that your authorisation to use this licence will be withdrawn

## Condition 1. Alternative lawful methods

For action taken under this licence for carrion crow, jay or magpie (species native to the United Kingdom), you must:

a) before using this licence, be satisfied that you, or the person authorising you to act under this licence, have made reasonable endeavours to achieve the purpose in question using alternative, lawful methods not covered by this licence

b) continue to use reasonable endeavours, or be satisfied that reasonable endeavours continue to be made, to achieve the purpose in question using alternative, lawful methods not covered by this licence

You are not required to use alternative, lawful methods under condition 1(a) and 1(b) where the use of such methods would be impractical, without effect or disproportionate in the circumstances.

## Condition 2. Protecting animal welfare

You must kill any of the permitted target species under this licence in a quick and humane [footnote 14](#) way.

### Condition 3. Trapping birds

If you are using a trap or decoy bird in acting under this licence, you must comply with the [standard licence conditions in WML-GL33 \(https://www.gov.uk/government/publications/standard-licence-conditions-for-trapping-wild-birds-and-using-decoys-gl33\)](https://www.gov.uk/government/publications/standard-licence-conditions-for-trapping-wild-birds-and-using-decoys-gl33).

If you use a cage trap, it does not need to satisfy the dimension requirements of section 8(1) of the 1981 Act.

If you are using a cage trap, you must only use the birds listed below as decoys:

- carrion crow (*Corvus corone*)
- jay (*Garrulus glandarius*)
- magpie (*Pica pica*)
- monk parakeet (*Myiopsitta monachus*)
- ring-necked parakeet (*Psittacula krameri*)

### Condition 4. Using this licence on a site of special scientific interest (SSSI)

This condition applies differently, depending on whether or not you are under a duty by virtue of section 28G of the 1981 Act (a 'section 28G authority' [footnote 15](#)).

#### If you're a section 28G authority

You must give Natural England notice of your intention to carry out an activity that you consider is likely to damage the special features of a SSSI. You must:

- do this before you carry out that activity under this licence
- comply with the further requirements in [section 28H \(https://www.legislation.gov.uk/ukpga/1981/69/section/28H\)](#) of the 1981 Act

Read the guide: [sites of special scientific interest: public body responsibilities \(https://www.gov.uk/guidance/sites-of-special-scientific-interest-public-body-responsibilities\)](https://www.gov.uk/guidance/sites-of-special-scientific-interest-public-body-responsibilities) for how to give notice of your proposed activity.

#### If you're not a section 28G authority

You must only carry out your activity on a SSSI [footnote 16](#) if you or the landowner has got written consent from Natural England. This applies where the activity you propose to carry out under this licence is listed on the site's notification as one that could damage the special features of the SSSI.

Read the [advice section of this licence](#) to check if your proposed activity is listed and if it is, how to get written consent from Natural England.

### Condition 5. Using this licence on or near some European sites

You must comply with the additional condition or conditions in Table 2 if you are using this licence on a European site [footnote 17](#) or in its buffer zone.

Table 2. European sites and their buffer zones, where additional conditions apply.

European site	Buffer zone	Additional conditions
<b>Benacre to Easton Barents</b>	200m	<p>You must not disturb any little tern while it's:</p> <ul style="list-style-type: none"> <li>- searching for a nest site</li> <li>- building a nest</li> <li>- in, on or near a nest containing eggs or young</li> </ul> <p>You must not disturb its dependent young</p>
<b>Blackwater Estuary</b>	500m	<p>You must not disturb any little tern while it's:</p> <ul style="list-style-type: none"> <li>- searching for a nest site</li> <li>- building a nest</li> <li>- in, on or near a nest containing eggs or young</li> </ul> <p>You must not disturb its dependent young</p> <p>You must not disturb any hen harrier at a 'non-breeding communal bird-of-prey roost site'<sup>[<a href="#">footnote 18</a>]</sup></p>
<b>Bowland Fells</b>	750m	<p>You must not disturb any hen harrier or merlin while it's:</p> <ul style="list-style-type: none"> <li>- searching for a nest site</li> <li>- building a nest</li> <li>- in, on or near a nest containing eggs or young</li> </ul> <p>You must not disturb its dependent young</p> <p>You must not disturb any lesser black-backed gull while it's:</p> <ul style="list-style-type: none"> <li>- searching for a colony nest site</li> <li>- building a nest within that 'colony'<sup>[<a href="#">footnote 19</a>]</sup></li> <li>- in, on or near a nest containing eggs or young within that colony</li> </ul>
<b>Breckland</b>	500m	<p>You must not disturb any stone curlew while it's:</p> <ul style="list-style-type: none"> <li>- searching for a nest site</li> <li>- building a nest</li> <li>- in, on or near a nest containing eggs or young</li> </ul> <p>You must not disturb its dependent young</p>
<b>Colne Estuary</b>	500m	<p>You must not disturb any little tern while it's:</p> <ul style="list-style-type: none"> <li>- searching for a nest site</li> <li>- building a nest</li> <li>- in, on or near a nest containing eggs or young</li> </ul> <p>You must not disturb its dependent young</p> <p>You must not disturb any hen harrier at a non-breeding communal bird-of-prey roost site</p>



European site	Buffer zone	Additional conditions
<b>Dee Estuary</b>	200m	<p>You must not disturb any little tern or common tern while they're:</p> <ul style="list-style-type: none"> <li>- searching for a nest site</li> <li>- building a nest</li> <li>- in, on or near a nest containing eggs or young</li> </ul> <p>You must not disturb their dependent young</p>
<b>Dengie</b>	500m	<p>You must not disturb any hen harrier at a non-breeding communal bird-of-prey roost site</p>
<b>Foulness</b>	500m	<p>You must not disturb any avocet, little tern, common tern or Sandwich tern while it's:</p> <ul style="list-style-type: none"> <li>- searching for a nest site</li> <li>- building a nest</li> <li>- in, on or near a nest containing eggs or young</li> </ul> <p>You must not disturb their dependent young</p>
<b>Hamford Water</b>	200m	<p>You must not disturb any little tern while it's:</p> <ul style="list-style-type: none"> <li>- searching for a nest site</li> <li>- building a nest</li> <li>- in, on or near a nest containing eggs or young</li> </ul> <p>You must not disturb its dependent young</p>
<b>Humber Estuary</b>	500m	<p>You must not disturb any avocet or little tern while it's:</p> <ul style="list-style-type: none"> <li>- searching for a nest site</li> <li>- building a nest</li> <li>- in, on or near a nest containing eggs or young</li> </ul> <p>You must not disturb their dependent young</p>
<b>Mersey Narrows and Wirral Foreshore</b>	200m	<p>You must not disturb any common tern while it's:</p> <ul style="list-style-type: none"> <li>- searching for a nest site</li> <li>- building a nest</li> <li>- in, on or near a nest containing eggs or young</li> </ul> <p>You must not disturb its dependent young</p>

European site	Buffer zone	Additional conditions
<b>Morecambe Bay and Duddon Estuary</b>	300m	<p>You must not disturb any little tern, common tern or Sandwich tern while it's:</p> <ul style="list-style-type: none"> <li>- searching for a nest site</li> <li>- building a nest</li> <li>- in, on or near a nest containing eggs or young</li> </ul> <p>You must not disturb their dependent young</p> <p>You must not disturb any lesser black-backed gull, herring gull or any other seabird (black-headed gull, great black-backed gull, little tern, Sandwich tern, common tern or arctic tern) while it's:</p> <ul style="list-style-type: none"> <li>- searching for a colony nest site</li> <li>- building a colony nest within that colony</li> <li>- in, on or near a nest containing eggs or young within that colony</li> </ul>
<b>Nene Washes</b>	500m	<p>You must not disturb any black-tailed godwit while it's:</p> <ul style="list-style-type: none"> <li>- searching for a nest site</li> <li>- building a nest</li> <li>- in, on or near a nest containing eggs or young</li> </ul> <p>You must not disturb its dependent young</p>
<b>New Forest</b>	750m	<p>You must not disturb any honey buzzard while it's:</p> <ul style="list-style-type: none"> <li>- searching for a nest site</li> <li>- building a nest</li> <li>- in, on or near a nest containing eggs or young</li> </ul> <p>You must not disturb its dependent young</p> <p>You must not disturb any hen harrier at a non-breeding communal bird-of-prey roost site</p>
<b>North Pennine Moors</b>	750m	<p>You must not disturb any hen harrier, merlin or peregrine while it's:</p> <ul style="list-style-type: none"> <li>- searching for a nest site</li> <li>- building a nest</li> <li>- in, on or near a nest containing eggs or young</li> </ul> <p>You must not disturb their dependent young</p>
<b>North York Moors</b>	750m	<p>You must not disturb any merlin while it's:</p> <ul style="list-style-type: none"> <li>- searching for a nest site</li> <li>- building a nest</li> <li>- in, on or near a nest containing eggs or young</li> </ul> <p>You must not disturb its dependent young</p>

European site	Buffer zone	Additional conditions
<b>Ouse Washes</b>	500m	<p>You must not disturb any black-tailed godwit while it's:</p> <ul style="list-style-type: none"> <li>- searching for a nest site</li> <li>- building a nest</li> <li>- in, on or near a nest containing eggs or young</li> </ul> <p>You must not disturb its dependent young</p>
<b>Ribble and Alt Estuaries</b>	300m	<p>You must not disturb any common tern while it's:</p> <ul style="list-style-type: none"> <li>- searching for a nest site</li> <li>- building a nest</li> <li>- in, on or near a nest containing eggs or young</li> </ul> <p>You must not disturb its dependent young</p>
<b>Salisbury Plain</b>	500m	<p>You must not disturb any stone-curlew while it's:</p> <ul style="list-style-type: none"> <li>- searching for a nest site</li> <li>- building a nest</li> <li>- in, on or near a nest containing eggs or young</li> </ul> <p>You must not disturb its dependent young</p> <p>You must not disturb any hen harrier at a non-breeding communal bird-of-prey roost site</p>
<b>South Pennine Moors (Phase 1)</b>	750m	<p>You must not disturb any merlin or short-eared owl while it's:</p> <ul style="list-style-type: none"> <li>- searching for a nest site</li> <li>- building a nest</li> <li>- in, on or near a nest containing eggs or young</li> </ul> <p>You must not disturb their dependent young</p>
<b>South Pennine Moors (Phase 2)</b>	750m	<p>You must not disturb any merlin or short-eared owl while it's:</p> <ul style="list-style-type: none"> <li>- searching for a nest site</li> <li>- building a nest</li> <li>- in, on or near a nest containing eggs or young</li> </ul> <p>You must not disturb their dependent young</p>
<b>Stour and Orwell Estuaries</b>	300m	<p>You must not disturb any avocet while it's:</p> <ul style="list-style-type: none"> <li>- searching for a nest site</li> <li>- building a nest</li> <li>- in, on or near a nest containing eggs or young</li> </ul> <p>You must not disturb its dependent young</p>
<b>Thames Estuary and Marshes</b>	500m	<p>You must not disturb any hen harrier at a non-breeding communal bird-of-prey roost site</p>

## Advice: record your actions

We recommend that you make a written record of the actions you take under this licence as soon as possible after taking the action. This will help you show that you have complied with the terms and conditions of this licence. In doing so, we recommend you record in particular:

- any action that you, or a person other than you, has taken to comply with [condition 1: alternative lawful methods](#)
- the reasons why you concluded there was no satisfactory alternative to the action you took
- the date of any action you have taken
- where you took the action
- the species and conservation purpose for which you took action
- the number of birds killed or nests or eggs destroyed, for each species and purpose
- the method used to kill or take birds or destroy nests or eggs

It is further recommended that you:

- keep these records for 3 years, starting on the date on which the action is taken
- are able to produce these records on request

## Advice: familiarise yourself with other relevant legislation

We recommend that you familiarise yourself with other legislation that may be relevant to your circumstances when operating under this licence, including:

### Use of lead shot

The [Environmental Protection \(Restriction on the use of Lead Shot\) \(England\) Regulations 1999](https://www.legislation.gov.uk/ukxi/1999/2170/contents/made) (<https://www.legislation.gov.uk/ukxi/1999/2170/contents/made>) prohibit the use of lead shot:

- on all foreshores (the seashore between the high-water and low-water marks) in England
- in or over specified sites of special scientific interest (SSSIs) - predominantly wetlands
- for the shooting of all ducks and geese, coot and moorhen

### Shooting in severe weather

Between 7 November and 20 February, in periods of severe weather, we recommend that you [check whether there is a voluntary or statutory suspension in place](https://jncc.gov.uk/our-work/severe-weather-scheme/) (<https://jncc.gov.uk/our-work/severe-weather-scheme/>).

During periods of statutory suspension, you can kill or take Canada geese if it's essential.

## Advice for condition 1: alternative lawful methods

We recommend that you, or the person authorising you to act under this licence, make all reasonable endeavours to carry out other activities, including other lawful methods of non-lethal control to achieve the conservation purpose, before and whilst acting under this licence.

This means that you must consider what is reasonable both before, and whilst, acting under this licence. You must ensure that where appropriate, lawful methods of non-lethal control are carried out before acting under the licence, and whilst acting under this licence.

You do not need to use non-lethal methods of control, or continue to use them if you have tried them, if you consider them to be:

- not practical
- not effective
- disproportionate

What is reasonable is fact dependent. It may depend, for example, on the:

- species of bird
- size and type of land
- cost of using lawful methods not covered by this licence

Some non-lethal methods have been shown to be effective for carrion crow, jay and magpie, see Table 3 for details.

Table 3. Examples of non-lethal control methods.

Non-lethal methods	Target species	Technique used
<b>Exclusion techniques</b>	Carrion crow Magpie Jay	Protect the nests of wild birds with nest-cages and fences to exclude predators
<b>Habitat management</b>	Carrion crow Magpie Jay	Preserve and enhance suitable vegetation and environmental features for wild birds to maximise their breeding success and to protect them from predation by the target species
<b>Livestock and crop management</b>	Carrion crow Magpie Jay	Keep livestock densities at a level that ensures there's sufficient food for wild birds, and manage crop cover to allow them to nest and take refuge from predation

Birds become used to certain non-lethal methods of control ('habituation') but you should not stop using non-lethal methods for this reason.

You'll achieve the best outcomes by using a range of methods, sometimes reinforced by lethal action, which are regularly changed and revisited to combat habituation. Read Natural England's [Wildlife Management Advice Note WML-GU01 Legal measures to resolve conflict with wild birds](https://www.gov.uk/government/publications/wildlife-management-advice-notice-legal-measures-for-managing-wild-birds-wml-gu01) (<https://www.gov.uk/government/publications/wildlife-management-advice-notice-legal-measures-for-managing-wild-birds-wml-gu01>) for more information.

## Advice for condition 2: protecting animal welfare

When carrying out the authorised activities under this licence, you are reminded you must comply with all relevant legislation including the Animal Welfare Act 2006.

We recommend that you read [The Animal Welfare Act 2006: what it means for wildlife \(https://www.gov.uk/government/publications/wildlife-management-advice-notice-the-animal-welfare-act-2006-wml-gu02\)](https://www.gov.uk/government/publications/wildlife-management-advice-notice-the-animal-welfare-act-2006-wml-gu02) for information on how to comply with condition 2 of this licence.

If you do not comply with condition 2, you may also commit an offence under [section 4 of the Animal Welfare Act 2006 \(http://www.legislation.gov.uk/ukpga/2006/45/section/4\)](http://www.legislation.gov.uk/ukpga/2006/45/section/4) by causing unnecessary suffering.

This applies to the humane dispatch of captured animals and the treatment of animals held in traps or nets and includes decoy birds and non-target animals.

To protect the welfare of dependent young, we recommend that you avoid lethal control of birds under this licence during the breeding season whenever possible, by acting under this licence at other times of year or using non-lethal methods of control.

We recommend that, if you need to capture and kill geese, you kill them out of sight of other geese of the same species.

## Advice for condition 4: using this licence on a SSSI

You can check if your proposed activity under this licence is in the area of a SSSI, and find out about the features for which that site is designated by using [Magic map \(https://magic.defra.gov.uk/MagicMap.aspx?chosenLayers=siteunitPIndex,siteunitIndex,sssiPIndex,sssiIndex,backdropDIndex,backdropIndex,europelIndex,vmIBWIndex,25kBWIndex,50kBWIndex,250kBWIndex,miniscaleBWIndex,baseIndex&box=-1820960:-768320:3837280:2031680&useDefaultbackgroundMapping=false\)](https://magic.defra.gov.uk/MagicMap.aspx?chosenLayers=siteunitPIndex,siteunitIndex,sssiPIndex,sssiIndex,backdropDIndex,backdropIndex,europelIndex,vmIBWIndex,25kBWIndex,50kBWIndex,250kBWIndex,miniscaleBWIndex,baseIndex&box=-1820960:-768320:3837280:2031680&useDefaultbackgroundMapping=false).

To find out if your proposed activity under this licence is listed as an 'operation requiring Natural England's consent', we recommend that you check the [Designated Sites View database \(https://designatedsites.naturalengland.org.uk/SiteSearch.aspx\)](https://designatedsites.naturalengland.org.uk/SiteSearch.aspx). You'll also find the contact details for the adviser for the SSSI if you need advice.

If you're a person who is not a section 28G authority, we recommend that you read the guide on how to get SSSI consent from Natural England. If you carry out an 'operation requiring Natural England's consent' without getting that consent, you are committing a criminal offence. This licence is not a consent for these purposes.

If you're a 28G authority as defined in section 28G(3) of the 1981 Act, we recommend that you read the guide on [sites of special scientific interest: public body responsibilities \(https://www.gov.uk/guidance/sites-of-special-scientific-interest-public-body-responsibilities\)](https://www.gov.uk/guidance/sites-of-special-scientific-interest-public-body-responsibilities).

If you already have a valid consent for predator control, you may not need to notify Natural England before you operate under this licence. This licence is not a substitute for notifying Natural England and if you do not do so, you are committing a criminal offence.

## Advice for condition 5: using this licence on or near some European sites

For each protected site listed in Table 2, you can [find the site boundary and its buffer zone \(https://magic.defra.gov.uk/magicmap.aspx?chosenLayers=wildBirdGenLcnZone,backdropDIndex,backdropIndex,europelIndex,vmIBWIndex,25kBWIndex,50kBWIndex,250kBWIndex,miniscaleBWIndex,baseIndex&box=-455120:189280:959440:889280&useDefaultbackgroundMapping=false\)](https://magic.defra.gov.uk/magicmap.aspx?chosenLayers=wildBirdGenLcnZone,backdropDIndex,backdropIndex,europelIndex,vmIBWIndex,25kBWIndex,50kBWIndex,250kBWIndex,miniscaleBWIndex,baseIndex&box=-455120:189280:959440:889280&useDefaultbackgroundMapping=false) on the Magic map application.

If you're acting under this licence in a protected site listed in Table 2, or its buffer zone, we recommend that you do all of the following:

- make reasonable endeavours to locate any breeding colony of the bird species that applies to you before carrying out any activity (which could include making local enquiries, but not any activity that disturbs any bird of that species)
- remain concealed and quiet, and covertly approach the birds you intend to kill or take under this licence
- use firearms fitted with sound moderators if you have the correct firearms licence - read the [guide on firearms licences \(https://www.gov.uk/guidance/firearms-licensing-police-guidance\)](https://www.gov.uk/guidance/firearms-licensing-police-guidance) for more information
- avoid using a shooting-to-aid-scaring method nor any firearms without sound moderators, including shotguns, within the European site or its buffer zone

## Work at a safe distance

We recommend that you work at a safe distance from the species protected on the European site to avoid disturbing them. When assessing the risk of disturbance and making a judgement on how to comply with condition 5, we recommend that you consider all of the following:

- lines of sight - for example, if you stay out of sight, you are less likely to cause disturbance
- sensitive times - for example, the species' breeding season
- the type of activity you are undertaking and how likely it is to cause disturbance
- time of day you undertake activity under the licence, for example good daylight means you have better visibility
- weather conditions - you should avoid activity during prolonged adverse weather conditions (for example, spells of hard frost, heavy rainfall or snow, high winds or freezing temperatures) as nest failure is more likely in these conditions
- features such as hills, trees, scrub or buildings located between where you're carrying out your operation and where the protected bird is in relation to this, may reduce direct line of sight, and may lessen the impact of shotgun noise
- specific bird behaviour - for example, some nesting birds will rely on their camouflage and vegetation cover for protection rather than taking flight when approached, but distress and disturbance is still likely to be caused even prior to the bird taking flight

We recommend that you work at a safe distance from the protected birds listed in Table 4. Table 4 lists the recommended safe distances for carrying out authorised activities.

Table 4. Recommended safe working distances, shown by species.

Species	Recommended safe working distance (metres)
Avocet	300m around nest sites
Black-tailed godwit	500m around nest sites
Common tern	200m around nest sites



Species	Recommended safe working distance (metres)
Hen harrier	500m around the nest site when birds are incubating
	750m around the nest when chicks are present
	500m around a non-breeding communal bird of prey roost site
Herring gull	300m around colonies
Honey buzzard	750m around nest sites
Lesser black-backed gull	300m around colonies
Little tern	200m around nest sites
Merlin	750m around nest sites
Peregrine	750m around nest sites
Sandwich tern	200m around nest sites
Short-eared owl	150m around the nest when birds are incubating
	500m around the nest when chicks are present
Stone-curlew	500m around nest sites

[Section 1 and Schedule 1 \(http://www.legislation.gov.uk/ukpga/1981/69/schedule/1\)](http://www.legislation.gov.uk/ukpga/1981/69/schedule/1) to the 1981 Act provides additional protection for some species of birds.

It's an offence if you intentionally or recklessly disturb a Schedule 1 species while it is:

- building a nest
- in, on or near a nest containing eggs or young

It's also a criminal offence if you disturb the dependent young of such a bird.

## Definitions used in this licence and references to legislation

Listed in order of reference.

Unless expressly stated in this licence to the contrary, references to legislation are references to that legislation as it had effect on 1 January 2022.

1. 'Secretary of State' means the Secretary of State for Environment, Food and Rural Affairs.
2. '1981 Act' means the [Wildlife and Countryside Act 1981 \(http://www.legislation.gov.uk/ukpga/1981/69/contents\)](http://www.legislation.gov.uk/ukpga/1981/69/contents) (as amended).
3. 'Authorised person' has the same meaning given in [Section 27\(1\) of the 1981 Act \(https://www.legislation.gov.uk/ukpga/1981/69/section/27\)](https://www.legislation.gov.uk/ukpga/1981/69/section/27). It includes the owner or occupier of the land on which action authorised by this licence is to be taken, or any person authorised by the



owner or occupier.

4. 'Wild bird' has the same meaning as in [section 27\(1\)](#) (<http://www.legislation.gov.uk/ukpga/1981/69/section/27>) of the 1981 Act.
5. 'Permitted target species' means those specified wild birds listed in [Table 1 of this licence](#)
6. 'Wild bird of conservation concern' means a species of bird that is included in the [red list or the amber list](#) (<https://www.bto.org/our-science/publications/psob>) published by the British Trust for Ornithology.
7. 'Flora of conservation concern' means plants included in the [red list of GB species](#) (<https://data.jncc.gov.uk/data/478f7160-967b-4366-acdf-8941fd33850b/consolidated-red-list-extract.xlsx>) published by the Joint Nature Conservancy Committee (JNCC) which are categorised as: Vulnerable (VU), Endangered (EN), Critically Endangered (CR) or Possibly Extinct (PE).
8. 'Fauna of conservation concern' means wild animals, other than wild birds, that are included in the [red list of GB species](#) (<https://data.jncc.gov.uk/data/478f7160-967b-4366-acdf-8941fd33850b/consolidated-red-list-extract.xlsx>) published by the JNCC which are categorised as: Vulnerable (VU), Endangered (EN), Critically Endangered (CR) or Possibly Extinct (PE).
9. 'To kill' includes accidentally wounding whilst attempting to kill in accordance with this licence.
10. 'Woodland bird of conservation concern' means a bird listed on [Defra's list of woodland birds of conservation concern](#) (<https://www.gov.uk/government/publications/wild-birds-licence-to-kill-or-take-for-conservation-purposes-gl40/list-of-endangered-woodland-birds>).
11. 'Wildlife offence' means an offence under the following legislation: [Conservation of Habitats and Species Regulations 2017](#) (<http://www.legislation.gov.uk/uksi/2017/1012/contents>) (as amended), [1981 Act](#) (<http://www.legislation.gov.uk/ukpga/1981/69/contents>), [Protection of Badgers Act 1992](#) (<http://www.legislation.gov.uk/ukpga/1992/51/contents>), [Deer Act 1991](#) (<http://www.legislation.gov.uk/ukpga/1991/54/contents>), [Hunting Act 2004](#) (<http://www.legislation.gov.uk/ukpga/2004/37/contents>), [Wild Mammals \(Protection\) Act 1996](#) (<http://www.legislation.gov.uk/ukpga/1996/3/contents>), [Animal Welfare Act 2006](#) (<http://www.legislation.gov.uk/ukpga/2006/45/contents>), [Protection of Animals Act 1911](#) (<http://www.legislation.gov.uk/ukpga/Geo5/1-2/27/contents>)'.
12. 'Semi-automatic weapon' is defined in [section 27\(1\)](#) (<http://www.legislation.gov.uk/ukpga/1981/69/section/27>) of the 1981 Act. It means any weapon which is not prohibited by [section 5 of the Firearms Act 1968](#) (<http://www.legislation.gov.uk/ukpga/1968/27/section/5>) and which has a magazine capable of holding more than 2 rounds of ammunition, where the depression of the trigger discharges a single shot and reloads the next, each subsequent shot requiring a further depression of the trigger, for example Firearms Act section 1 shotguns.
13. 'Permitted cage trap design' is as defined in [Trapping wild birds: standard licence conditions](#) (<https://www.gov.uk/government/publications/standard-licence-conditions-for-trapping-wild-birds-and-using-decoys-gl33>) (GL33).
14. 'Humane' means taking all reasonable precautions to ensure that any killing of birds under this licence is carried out in a single, swift action.
15. 'Section 28G authority' has the meaning given to it in [section 28G\(3\)](#) (<https://www.legislation.gov.uk/ukpga/1981/69/section/28G>) of the 1981 Act.
16. 'SSSI' means a site of special scientific interest because of its flora, fauna, or geological or physiographical features, notified by Natural England under [section 28\(1\)](#) (<http://www.legislation.gov.uk/ukpga/1981/69/section/28>) of the 1981 Act.
17. 'European site' is defined in regulation 8 of the Conservation of Habitats and Species Regulations 2017 (as amended from time to time) and includes special protection areas (SPAs) and special areas of conservation (SACS).
18. 'Non-breeding communal bird-of-prey roost site' means a location where more than one individual bird of prey roost in close proximity to each other.

19. 'Colony' means a location where multiple birds nest in close proximity to each other.

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## **OGI**

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