

LICENCE

To permit the sale of Black-headed gulls eggs for human consumption



Issued under	Wildlife and Countryside Act 1981 (as amended) ["the Act"]
Valid for the period	1 April to 31 December 2010 (inclusive)
Valid in	England (landward of the mean low water mark)
Who may use	Retailers and restaurants (see Definitions & Condition 7)
Registration	Users do not need to register to use this licence
Recording & reporting	None.
Reference	WML / GEN L36

Overview of licence

This licence permits the sale of eggs of the Black-headed gull that have been collected under and in accordance with a licence granted by Natural England (but see condition 3 and note d). The licence is intended to permit the sale of eggs by retailers and restaurants. Users must comply with licence terms and conditions.

THE PURPOSE(S) FOR WHICH THIS LICENCE APPLIES

1. Subject to paragraph 2 and the licence conditions, this licence is granted to permit the sale or advertisement for sale of eggs for human consumption.

WHAT THE LICENCE PERMITS

2. For the purposes set out in paragraph 1 above, and subject to the terms and conditions, below, this licence permits:
 - (i) the sale (which in this licence includes hire, barter or exchange), offer or exposure for sale, possession or transport for the purpose of sale; or
 - (ii) the publication or the causing to be published of any advertisement likely to be understood as conveying the buying or selling, or the intention of buying or selling; of eggs of the **Black-headed Gull, *Larus ridibundus***.

LICENCE CONDITIONS

3. Only eggs collected under and in accordance with a licence issued by Natural England under section 16(2)(b) of the Act may be sold under this licence and nothing in this licence operates to grant a licence or otherwise make lawful the taking of eggs of any wild bird (see note d).
4. Persons intending to rely on this licence must retain documentary evidence that the eggs were collected in accordance with a licence issued by Natural England (see note h)
5. Nothing in this licence permits the sale of eggs for any purpose other than human consumption.
6. No egg may be sold under this licence after 31 May in any year.
7. No person convicted on or after 1 January 2010 of an offence to which this paragraph applies may use this licence unless, in respect of that offence they are either (1) a rehabilitated person for the purposes of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent; or (2) in respect of such an offence, a court has made an order discharging them absolutely. This paragraph applies to offences under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats &c.) Regulations 1994, the Conservation of Habitats and Species Regulations 2010, 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 and the Protection of Animals Act

1911 (all as amended) (see note e)

Definitions used in this licence

8. In this licence, "*Wild bird*" has the same meaning as in section 27 of the Act. At the time of issue of this licence, "*wild bird*" is defined in section 27(1) of the Act as "*any bird of a species which is ordinarily resident in or is a visitor to the European territory of any member State in a wild state but does not include poultry, or except in sections 5 and 16, any game bird*".
9. In this licence '*retailers and restaurants*' means any person(s) who sells goods, either whole or processed, for human consumption, but excludes the egg collector (or their representative) who will be authorised separately under a personal licence.

WARNING

Failure to act within the purpose of this licence as set out in paragraph 1 or failure to comply with the terms and conditions may mean that the licence cannot be relied upon and an offence could therefore be committed. The maximum penalty available for an offence under the Act is, at the time of the issue of this licence, a level 5 fine (£5000) and/or a six month custodial sentence.



Wendy Phillips

for and on behalf of Natural England

1 April 2010

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EXPLANATORY NOTES

The law

- a) Natural England has issued this licence in exercise of the powers conferred by 16(4) and section 16(5) of the Act, being satisfied that as regards the purpose set out at paragraph 1 there is no other satisfactory solution. Visit the Office of Public Sector Information website to view the full text of this legislation (www.opsi.gov.uk/legislation/about_legislation).
- b) Section 16 of the Act provides that section 6 (which prohibits the sale and advertisement for sale of eggs of wild birds) shall not apply to anything done under and in accordance with the terms of a licence granted by the appropriate authority, which is, in England, Natural England.

The limits of this licence

- c) This licence permits action only for the purposes specified in paragraph 1.
- d) This licence only permits the sale of eggs collected by persons acting under a licence (issued under section 16(2)(b) of the Act) to collect gulls eggs specifically for human consumption. No other eggs, and this includes gulls eggs lawfully taken under other Natural England licences, for example, to preserve air safety, may be sold under this licence.
- e) Any person not permitted to use this General Licence on account of a relevant conviction (see Condition 7) may still apply to Natural England for a specific licence for the purpose(s) and activities covered by this licence. Any such application will be considered on its merits.
- f) The provisions of this licence only apply landward of the mean low water mark in England. The Marine Management Organisation is responsible for all licensing seaward of the mean low water mark.
- g) This licence may be modified or revoked at any time.

Documentary evidence

- h) Persons intending to rely on this licence must be able to demonstrate that the eggs were legally collected and are advised to only purchase eggs from collectors or distributors who are able to satisfactorily demonstrate that they are complying with the relevant regulations. In most circumstances, the retention of an invoice, documenting the purchase of gull eggs and including the

licence number of the person(s) who collected the eggs should provide sufficient documentary evidence.
