

**Conservation (Natural Habitats, &c.) Regulations 1994
(as amended)**



**Licence to possess and transport dead specimens
and/or derivatives of wild plant and animal species
listed on Annex IV and II(b) of the Habitats Directive
for scientific or educational purposes**

***This licence is primarily intended for use by museums,
research and educational establishments***

Natural England in exercise of the powers conferred under regulation 44 of the Conservation (Natural Habitats, &c.) Regulations 1994 (Habitats Regulations), as amended, and being satisfied that as regards the purpose set out at paragraph 1, there is no satisfactory alternative and that the action authorised will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range, hereby grants the following licence:

LICENCE

- 1) This licence authorises activities undertaken for scientific or educational purposes.
- 2) Subject to the terms and conditions below, and for the purposes set out in paragraph 1 above, this licence permits the possession and transport of dead specimens and/or derivatives of wild animals and plants listed on Annex IV and wild plants (except bryophytes) listed on Annex II(b) to the EC Habitats Directive that would otherwise be an offence under regulations 39(2)(a) or (b) (animals) or 43(2)(a) or (b) (plants) of the Habitats Regulations (as amended).

TERMS AND CONDITIONS

- 3) This licence may only be relied upon by those organisations listed in Annex A or B and employees or subcontractors acting on their behalf.
- 4) This licence only authorises the possession and transport of dead specimens and/or derivatives of wild animals and plants listed on Annex IV or Annex II(b) (except bryophytes) to the EC Habitats Directive that:-
 - a) are kept and transported for the purposes of science or education only; and
 - b) were taken from the wild in the European Community without breaching applicable legislation of the member State in question (see Note d).
- 5) Subject to condition 6, any organisation or person relying on this licence by virtue of being listed on Annex A or by virtue of being an employee or subcontractor of an Annex A listed organisation must notify the Wildlife Licensing Unit at Natural England in writing by email or post, giving their contact details, including their email address:-
 - a) by 21 November 2007, or
 - b) where the organisation or person first comes into possession of the relevant specimen on or after 21 August 2007, within one month of the date of first possession.
- 6) Where an organisation has notified Natural England pursuant to condition 5 above, those relying on this licence by virtue of being an employee or sub-contractor of that organisation do not need to separately notify Natural England.

- 7) Specimens must be catalogued and a register of specimens must be kept and updated on an annual basis in accordance with the requirements of Annex C. This information is to be made available for inspection at any reasonable time by Natural England.
- 8) This licence is valid in England, unless previously revoked, for the period from **21 August 2007 to 31 December 2032**.



Wendy Phillips
for and on behalf of Natural England
2 August 2007

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NOTES

These notes do not form part of the licence.

- (a) The possession and transport of dead specimens and/or derivatives of species listed on Annex IV or Annex II(b) (except bryophytes) to the EC Habitats Directive (92/43/EEC) are prohibited by regulation 39(2)(a) and (b) (animals) and 43(2)(a) and (b) (plants) of the Habitats Regulations (as amended). The Habitats Regulations have most recently been amended by The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007; the original Regulations may be found at www.opsi.gov.uk/si/si1994/Uksi_19942716_en_1.htm and the recent amendments at www.opsi.gov.uk/si/si2007/uksi_20071843_en.pdf.
- (b) This prohibition extends to all species listed in Annex IV (animals and plants) and Annex II(b) (plants) (except bryophytes) and not just those found in the UK. A full list of Annex IV and Annex II (b) species is available online at:
ec.europa.eu/environment/nature/nature_conservation/eu_enlargement/2004/habitats/annexiv_en.pdf
- (c) There are certain exceptions to the prohibitions in regulations 39(2) and 43(2):
- (i) where the specimen was taken from the wild outside the EC or was captive bred or cultivated;
 - (ii) where the specimen was taken from the wild before the 'relevant date' in the member State in question without contravention of the law of that member State. In the UK the relevant date is 10 June 1994. In other member States the relevant date is 10 June 1994 or, where the State joined the EC after that date, the date it joined the EC;
 - (iii) where the specimen is of an exempted species, namely those listed in Schedule 2A to the amended Habitats Regulations and certain populations of the Wild Goat, the European Mouflon and the Houting.
- (d) This licence covers possession of specimens that were taken from the wild after the 'relevant date' without contravention of any applicable law of the member State in which it was taken. In the UK for example, this would mean without contravention of relevant wildlife legislation such as the Habitats Regulations (1994), the Wildlife and Countryside Act (1981), the Pests Act (1954) and the Animal Welfare Act (2007).
- (e) This licence authorises acts which would otherwise be an offence under the Habitats Regulations. Failure to act within the purposes of this licence as set out in paragraph 1 or failure to comply with the terms and conditions as set out in paragraphs 3 to 8 may mean that the licence cannot be relied upon and an offence committed. Furthermore, under

regulation 46A of the Habitats Regulations it is an offence to contravene or fail to comply with any condition of a licence issued after 21 August 2007. This new offence will come into force on 21 November 2007. The maximum penalty available for an offence under the Regulations is a level 5 fine (£5000) and/or a six month custodial sentence.

- (f) This licence only covers employees and persons sub-contracted by the organisations listed in Annexes A or B, and does not extend to volunteers or individuals registered as members in a voluntary capacity. The possession and/or transportation of species listed on Annex IV or Annex II(b) of the Habitats Directive by employees and persons sub-contracted by organisations listed on Annex A or B for their personal purposes is not covered by this licence.
 - (g) This licence does not permit actions prohibited under any other legislation, nor does it confer any right of entry on to land.
 - (h) This licence may be modified or revoked at any time by Natural England.
 - (i) A licence in similar terms has been issued in Wales by the Countryside Council for Wales.
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This licence only applies to the organisations listed in Annexes A or B below, and those persons who are employed or sub-contracted by the listed organisations while acting on behalf of these organisations:

ANNEX A

1. Museums with full accreditation under the Museums Accreditation Scheme, which is operated by the Museums, Libraries and Archives Council (www.mla.gov.uk);
2. Educational establishments on the Register of Education and Training Providers, which is operated by the Department for Education and Skills www.dfes.gov.uk/providersregister.

ANNEX B

1. Defra Central Science Laboratory
2. Defra Veterinary Laboratories Agency
3. Defra Plant Health Division and Plant Health & Seeds Inspectorate;
4. Institute of Zoology, London;
5. Natural England;
6. Natural Environment Research Council, through its component research centres (The British Antarctic Survey, The British Geological Survey, The Centre for Ecology and Hydrology and The Proudman Oceanographic Laboratory) and its associated collaborative centres (The National Oceanography Centre, The Plymouth Marine Laboratory, The Scottish Association for Marine Science and The Sea Mammal Research Unit);
7. Royal Botanic Gardens (Kew).

ANNEX C

Register of specimens

The register of Annex IV and Annex II(b) specimens must include the information stipulated in the table below and be presented in the format shown. A copy of the register is to be kept electronically in a format that is compatible with Microsoft EXCEL.

Scientific name	Common name	Whole specimen (Yes/No)	If No, specify the part or derivative	Number	Date came into your possession
<i>Example:</i> <i>Nyctalus noctula</i>	Noctule bat	No	Skeleton	1	01/05/2007