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Your reference

Our reference

Date

DISTURBANCE OF WILDLIFE : LICENSING

Wildlife and Countryside Act 1981

This Act received the Royal Assent on 30 October 1981, and its licensing provisions, which supersede those of the Protection of Birds Acts 1954-1967 and the Conservation of Wild Creatures and Wild Plants Act 1975, are expected to come into force early in 1982. It will then be unlawful to disturb certain wild birds and other animals unless a licence has been obtained.

Disturbance of wild birds during the nesting season

The Act makes it an offence, unless a licence has been granted, to intentionally disturb any wild bird included in Schedule 1 to the Act while it is building a nest or is in, on or near a nest containing eggs or young; and it will also be an offence to disturb the dependent young of such a bird in any circumstances.

The Nature Conservancy Council can grant licences to disturb Schedule 1 birds or their young, for any of the following purposes -

- (i) scientific or educational purposes
- (ii) the purpose of conserving wild birds
- (iii) the purposes of photography

A list of Schedule 1 birds is attached. If you wish to visit the nests of any of these birds during the forthcoming breeding season, for any of the purposes just mentioned, an application form for a licence can be obtained from the Licensing Section at the above address.

You may find it helpful to read the next four sections before filling in your application form.

Applications to examine the nests of Schedule 1 Birds

As explained, NCC may only grant licences to examine Schedule 1 birds' nests if the purpose is scientific or educational, or connected with the conservation of wild birds. It is important therefore to make quite clear your reasons for wishing to visit the nests. Normally licences will be granted only to those engaged in research, surveys of recognised scientific or conservation value, or protection schemes.

Applications to Photograph Schedule 1 Birds at the Nest

As you may know, nest desertions can very easily be caused by well-meaning but inexperienced photographers, so it is felt reasonable that anyone applying for the first time should have had a good deal of experience on the commoner birds. Certain species (shown on the attached list) are considered too rare or too vulnerable for any photography at the nest to be permitted, and for the rest only a limited number of licences will be available, with geographical restrictions in some cases. Preference will be given to photographers with a proven record of expertise.

Please note that a licence is not required to photograph any bird not on Schedule 1, and even Schedule 1 birds (though not their dependent young) may be photographed away from the nest without a licence.

Nest Record Scheme

This scheme, administered by the British Trust for Ornithology (BTO) collects data on the breeding biology of birds which is extremely valuable for assessing conservation needs. Contributors record on specially-printed cards information about the nests they visit (eg clutch size, brood size, fledgling success, predation) and send the cards to the BTO who can then analyse the accumulated data on computer. While disturbance of Schedule 1 birds must be kept to a minimum, it is important that those who are licensed to visit their nests, for whatever reason, should not miss the opportunity of contributing to the scheme. Records referring to scarce species are of course treated as strictly confidential. Please apply for further information to the Nest Records Officer, British Trust for Ornithology, Beech Grove, Station Road, Tring, Herts HP23 5NR.

Issue of Licences

We hope that the date when the Wildlife and Countryside provisions are to come into force will be announced shortly. Until that date, it may be necessary to issue the old-style Approvals under Section 4(3) of the Protection of Birds Act 1967 to those who will be visiting Schedule 1 birds' nests in the early part of the year. Transitional arrangements will be made, if required, to ensure Approval-holders are licensed under the new legislation when it comes into force.

Please note that until the new legislation is in force, the Sparrowhawk is still specially protected under the Protection of Birds Acts. If you wish to disturb this species during the 1982 nesting season, please say so on your application form.

Disturbance of other wildlife

The Wildlife and Countryside Act introduces some new protection for certain animals other than birds, and if you wish to photograph these animals or examine their places of shelter you may in future need a licence.

The animals concerned are listed in Schedule 5 to the Act, a copy of which is attached. In addition to prohibitions on killing, injuring, catching, handling and keeping in captivity these animals, under the Act it is unlawful to intentionally -

- (i) damage, destroy or obstruct access to any structure or place used by a Schedule 5 animal for shelter or protection
- (ii) disturb a Schedule 5 animal while it is occupying such a structure or place.

You will see from the list that some of these species cannot normally be said to use any "structure or place" for these purposes. But for those which do - like the otter, and any species of bat - the NCC can license disturbance for any of the following purposes:-

- (i) scientific or educational purposes
- (ii) the purpose of conserving wild animals
- (iii) the purposes of photography.

An application form can be obtained from the Licensing Section. If you are uncertain whether you need a licence, write to the Licensing Section explaining exactly what you wish to do, and they will advise you.

1 December 1981

WILDLIFE AND COUNTRYSIDE ACT 1981

Schedule 5

Animals (other than Birds) which are protected

Bats, Horseshoe (all species)
Bats, Typical (all species)
Beetle, Rainbow Leaf
Burbot
Butterfly, Chequered Skipper
Butterfly, Heath Fritillary
Butterfly, Large Blue
Butterfly, Swallowtail
Cricket, Field
Cricket, Mole
Dolphin, Bottle-nosed
Dolphin, Common
Dragonfly, Norfolk Aeshna
Grasshopper, Wart-biter
Lizard, Sand
Moth, Barberry Carpet
Moth, Black-veined
Moth, Essex Emerald
Moth, New Forest Burnet
Moth, Reddish Buff
Newt, Great Crested (Warty Newt)
Otter, Common
Porpoise, Harbour (Common Porpoise)
Snail, Carthusian
Snail, Glutinous
Snail, Sandbowl
Snake, Smooth
Spider, Fen Raft
Spider, Ladybird
Squirrel, Red
Toad, Natterjack

Note: This list does not include those Schedule 5 Animals which are protected in respect of sale and related activities only.

WILDLIFE AND COUNTRYSIDE ACT 1981

Schedule 1

Part I: Protected by Special Penalties at all times

- | | | |
|--------------------------|-------------------------|---------------------------|
| * Avocet | * Grebe, Black-necked | * Sandpiper, Purple |
| * Bee-eater | * Grebe, Slavonian | * Sandpiper, Wood |
| * Bittern | Greenshank | * Scaup |
| * Bittern, Little | * Gull, Little | * Scoter, Common |
| * Bluethroat | * Gull, Mediterranean | * Scoter, Velvet |
| * Brambling | Harrier (all species) | * Serin |
| Bunting, Cirl | * Heron, Purple | * Shorelark |
| * Bunting, Lapland | * Hobby | * Shrike, Red-backed |
| * Bunting, Snow | * Hoopoe | * Spoonbill |
| * Buzzard, Honey | Kingfisher | * Stilt, Black-winged |
| Chough | * Kite, Red | * Stint, Temminck's |
| * Corncrake | Merlin | Swan, Bewick's |
| * Crake, Spotted | * Oriole, Golden | * Swan, Whooper |
| Crossbills (all species) | * Osprey | * Tern, Black |
| Curlew, Stone | Owl, Barn | Tern, Little |
| * Diver, Black-throated | * Owl, Snowy | * Tern, Roseate |
| * Diver, Great Northern | Peregrine | Tit, Bearded |
| Diver, Red-throated | Petrel, Leach's | Tit, Crested |
| Dotterel | * Phalarope, Red-necked | * Treecreeper, Short-toed |
| * Duck, Long-tailed | * Plover, Kentish | Warbler, Cetti's |
| Eagle, Golden | Plover, Little Ringed | Warbler, Dartford |
| * Eagle, White-tailed | Quail, Common | Warbler, Marsh |
| * Falcon, Gyr | Redstart, Black | * Warbler, Savi's |
| * Fieldfare | * Redwing | * Whimbrel |
| * Firecrest | * Rosefinch, Scarlet | Woodlark |
| Garganey | * Ruff | * Wryneck |
| * Godwit, Black-tailed | * Sandpiper, Green | |
| * Goshawk | | |

Part II : Protected by Special Penalties during the Close Season

- * Goldeneye
- Goose, Greylag (in Outer Hebrides, Caithness, Sutherland and Wester Ross only)
- * Pintail

PROTECTION OF BIRDS ACTS 1954-1967

Schedule 1

Sparrowhawk (not specially protected under the Wildlife and Countryside Act).

- * The NCC does not propose to license photography of these species during the 1982 nesting season.

IMPORTANT These new licensing provisions will not come into operation until Part I of the Act is brought into force by Statutory Instrument, probably in June or July 1982. (No date is fixed yet as of 20 May 1982). Once Part I has come into force the N.C.C. is to publish various guides to the Act.