

Conservation of Habitats and Species Regulations 2017 (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 Resources Body for Wales (Natural Resources Wales), in exercise of the powers conferred under regulation 55 of the Conservation of Habitats and Species Regulations 2017, 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 43(3)(a) or (b) (animals) or 46(2)(a) or (b) (plants) of the Conservation of Habitats and Species Regulations 2017.

TERMS AND CONDITIONS

- 3) This licence may only be relied upon by those organisations listed in Annex A or B and employees, subcontractors, couriers and postal services 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 Species Protection Team at Natural Resources Wales (NRW) in writing, giving their contact details, including their email address, within one month of the date of first possession of the specimen.
- 6) Where an organisation has notified NRW 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 NRW.
- 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 Resources Wales.

- 8) Couriers and postal services do not need to separately notify NRW or keep a register of specimens where they are acting on behalf of an organisation or person listed on Annex A, who has notified NRW as required in Condition 5 or an organisation or person listed on Annex B.
- 9) This licence is valid in Wales, unless previously revoked, for the period from **30 November 2017 to 31 December 2022**.



Carys Roberts
Permitting Team Leader Species
for and on behalf of
Natural Resources Wales
30 November 2017

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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 43 (animals) and 46 (plants) of the Conservation of Habitats and Species Regulations 2017. The Habitats Regulations may be found at:

<http://www.legislation.gov.uk/ukxi/2017/1012/contents/made>

- (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 43 and 46:
- (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 3 to the Conservation of Habitats and Species Regulations 2017
- (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 Conservation of Habitats and Species Regulations 2017. 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 9 may mean that the licence cannot be relied upon and an offence committed. Furthermore, under regulation 60 of the Regulations it is an offence to contravene or fail to comply with any condition of a licence issued after 21 August 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 does not extend to volunteers or individuals registered as members of those organisations listed annexes A or B 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 Resources Wales.
- (i) A licence in similar terms has been issued in England by Natural England.

This licence only applies to the organisations and persons listed in condition 3 above:

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.

ANNEX B

1. Defra Central Science Laboratory;
2. Defra Veterinary Laboratories Agency;
3. Welsh Government;
4. Zoological Society of London and the Institute of Zoology, London;
5. Natural Resources Wales;
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);
8. National Botanic Garden of Wales;
9. UK Cetacean Strandings;
10. Field Studies Council field centres;
11. All Welsh local planning authorities.
12. All Welsh police forces

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