

Bird Legislation in Public Health



Completed by: John Dickson

1/11/2021



▶ Legislation

All birds are protected under the Wildlife and Countryside Act 1981 .

Protection

All birds, their nests and eggs are protected by law and it is an offence to ;

- Intentionally kill, injure or take any wild bird.
- Intentionally take or destroy the nest of any wild bird while it is in use or being built.
- Intentionally take or destroy the egg of any wild bird.
- Intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or you, or disturb the dependent young of such a bird.

Exceptions

- An authorised person may kill or take certain species listed under the general licences **GL35, GL41, GL22** according to the conditions set within.
- A person may apply for a licence to kill or remove the nest and/or eggs of a wild bird to preserve public health or air safety, prevent spread of disease, or prevent serious damage to livestock, crops, vegetables, fruit, growing timber, or fisheries.
- It is not illegal to destroy a nest, egg or bird if it can be shown that the act was the incidental result of a lawful operation which could not reasonably have been avoided.

The law however recognises that in certain circumstances control measures may be necessary. Simple nuisance or minor damage to property are not legally sanctioned reasons to kill birds.

In these situations, there are various licences that enable authorised persons to complete tasks that would otherwise be illegal providing the conditions of those licences are observed.

These licences can be specific - issued to individuals on a case-by-case basis or general granted annually by the country administrations for use by an 'authorised person' (usually the landowner, occupier or someone authorised by them).

The general licences their terms and conditions and the species to which they apply vary in different parts of the UK - they can be altered or withdrawn at any time. Anyone considering action against any bird must first consult the appropriate country agency for the current licence terms and conditions.

Actions outside the terms and conditions of a general licence or those which have not been permitted by any other individual licences are criminal offences.

▶ Prior to considering lethal Control

You must take a hierarchical approach when considering lethal control and make **reasonable endeavours** to use lawful non lethal methods such as falconry, proofing, lasers and other methods before any lethal control under the general licence or applying for a specific 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

Example approach

Non-lethal methods	Target species	Technique used
Habitat management	Feral pigeon Jackdaw	<ul style="list-style-type: none"> ▪ On either target species: restrict food availability in public places with litter management ▪ bird-proof buildings and structures to deny access for the target birds to roost, shelter or nest

The Government advise, you will achieve the best outcomes by using a range of methods, sometimes reinforced by lethal action, which are regularly changed and revisited to combat habituation. This supports the use of supportive measures such as falconry and proofing as part of a bird management program.

▶ Activities that can be completed without a licence.

All non lethal deterrents are permissible providing;

- Do not disturb schedule 1 nesting birds or their dependant young.
- Do not prevent birds from returning to an active nest.
- Do not intentionally harm a wild bird.

▶ Licensing Options

In some low risk situations it may be possible for an authorised person to complete lethal control and or remove eggs or nests of certain species under a general licence. These licences are self assessed by the authorised person and must meet the conditions of the licence, these are:

- GL40 License to kill or take wild birds for conservation purposes.
- GL41 License to kill or take wild birds for public health or safety.
- GL42 License to kill or take wild birds to prevent serious damage in agriculture or fisheries.

GL40 Licence to Kill or take wild birds for public health or safety.

This is our focus as largely in pest control this is Species and the action you may take to preserve public health and public safety under GL40

Species (scientific name) for which action is to be taken	Slips and falls	Spread of human disease	Issues with birds nesting
Canada goose (Branta Canadensis)	Yes	Yes	Yes
Feral pigeon (Columba livia)	Yes	Yes	Yes
Jackdaw (Corvus monedula)	No	No	Yes
Monk parakeet (Myiopsitta monachus)	No	No	Yes

▶ Licensing Conditions

Licence conditions

- Reasonable endeavours must have been made to achieve the purpose in question using lawful/non lethal methods.
- Reasonable endeavours must continue to be made to achieve the purpose in question.
- The licence does not authorise the use of any method of killing or taking which is prohibited.
- Any birds killed in accordance with this licence must be killed in a quick and humane manner. Canada geese held captive prior to being killed must be killed out of sight of other captive birds of the same species.
- Where any cage trap is used, then only these bird species may be used as decoys:
 - Jackdaw - *Corvus monedula*
 - Magpie - *Pica pica*
- All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006.
- Where any live animal/non target species is unintentionally trapped, if fit to be released, it must be released immediately upon discovery.
- When in use, every cage trap used in accordance with this licence must be physically inspected at least once every day at intervals of no more than 24 hours except where this is not possible because of severe weather conditions.
- At each inspection any dead animal, including any dead bird, caught in the trap must be removed from it.
- Where a cage trap is not in use, it must be rendered incapable of holding or catching birds or other animals. Any bait, food, water or decoy birds must also be removed.

Ramsar Sites and Sites of Special Scientific Interest (SSSIs)

The General licence does not permit any action within any European sites, Ramsar sites or SSSI’s also classified as Ramsar sites within 300 metres of the boundary of such a site.

If a SSSI is not a European site, then the General licence can be used, subject to the operations not being damaging.

Record keeping

Operatives will complete a detailed report on Geopal. They should record their authority to complete the task by referencing the licence issued by Natural England. Pictures should support your report.

You should record:

- Any action that you, or a person other than you, has taken to comply with [condition 1: alternative lawful methods](#)
- The date of any action you have taken
- Where you took the action
- The species and public health and safety purpose for which you take action
- The number of birds killed, or nests or eggs destroyed, for each species and purpose
- The method used to kill birds, or destroy nests or eggs

Action you may take to preserve public health and public safety:

Species (scientific name) for which action is to be taken	Slips and falls	Spread of human disease	Issues with birds nesting
Canada goose (Branta Canadensis)	Yes	Yes	Yes
Feral pigeon (Columba Livia)	Yes	Yes	Yes

Species (scientific name) for which action is to be taken	Slips and falls	Spread of human disease	Issues with birds nesting
Jackdaw (<i>Corvus Monedula</i>)	No	No	Yes
Monk parakeet (<i>Myiopsitta Monachus</i>)	No	No	Yes

Individual licences (A08) -To control wild birds including Herring and Lesser Black Back Gulls.

In those situations where there is a risk to public health or to prevent disease and those birds are not included in the General licence it will be necessary to complete a individual licence application through Natural England on FORM-A08.

As the species listed on the General licence will likely only include Feral Pigeon, Canada Goose, Jackdaw and Monk Parakeet this will be common practice. In particular with the management of Urban Gulls. It is however possible to apply for a licence for multiple birds over multiple locations.

▶ Licence Applications

A successful application is if the applicant believes requirements. If there is no sufficient detail in the application and no evidence is provided it is more likely that the licence will NOT be granted.

by no means certain even they satisfy the licence

Contract Managers should advise their clients that sufficient time should be allowed to complete a report to support the application and this should be completed by a suitably qualified individual. Senior management or a CIEEM ecologist. I would estimate a least two days for a field survey, report writing, licence application and Integrated management plan.

Contract Managers should also measure the client's expectations and make it clear that unless the following can be demonstrated the application will fail;

1. Justified as a risk to public safety or preventing the spread of disease. This will need to be demonstrable and damage to property or nuisance is not accepted.
2. Reasonable endeavours must have been made to achieve the purpose in question using lawful/non lethal methods.
3. Extent of problem, numbers, species, time frames and impact.

Integrated management plans-Form A47a

Natural England require a IMP (Integrated Management Plan) to be submitted with every licence application and this is good practice in general and contract managers may wish to advise clients to have one completed if they are having work completed under the general licence.

England will only issue licences for urban sites where the licensed action is part of an integrated management plan.

The same plan can cover a number of urban sites if designed to do so which is particularly useful for councils etc.

The plan needs to show what measures will be put in place to reduce the problem and prevent problems with gulls in the future. It needs to show how these measures will be coordinated – where, when and how long they will be done, and who will do them.

Where the problem affects a number of different properties, the integrated plan needs to show how all those responsible for affected properties are working together to reduce the problem. This might include the following strategies:

▶ **Call** 0800 169 9646

▶ **Visit** nbcenvironment.co.uk

▶ **Email** enquiries@nbcenvironment.co.uk

- **Education:** Leaflets advising on what might attract the birds and what can be done to avoid that, it may also advise on self help scaring tactics that may change behaviours and reduce the impact.
- **Habitat Management:** Making the area where the birds are less attractive through encouraging or discouraging vegetation (depending on species).
- **Exclusion:** Bird netting or other proofing measures.
- **Changing behaviours:** Scaring is short term but effective methods such as lasers and falconry as part of a program can re model behaviour by delivering a negative reinforcement when they visit which provides a lasting impact.
- **Housekeeping:** Take away any food source that rewards birds attendance to site giving positive re enforcement that make their return more likely.
- **Egg and nest removal:** Should be done at the appropriate time and intervals to avoid any adverse effect on the parent birds health (i.e. once they are incubating and repeated 21 days later) and to reduce the time they are on the building.
- **Mitigation:** Feed and set up nest boxes to encourage birds away from the target area and into areas where the birds will not have conflict.

Lethal control of adult birds and or young: This should not be necessary should an effective integrated management programme be agreed with the client! ALL LETHAL CONTROL OF BIRDS MUST BE AUTHORISED BY SENIOR MANAGEMENT.

Returns-Form LR08

It is a requirement that a return form be completed following the activity of any licenced work other than that completed under the general licence.

Contract manager must allow the time in their proposals for the team leader to complete this activity.

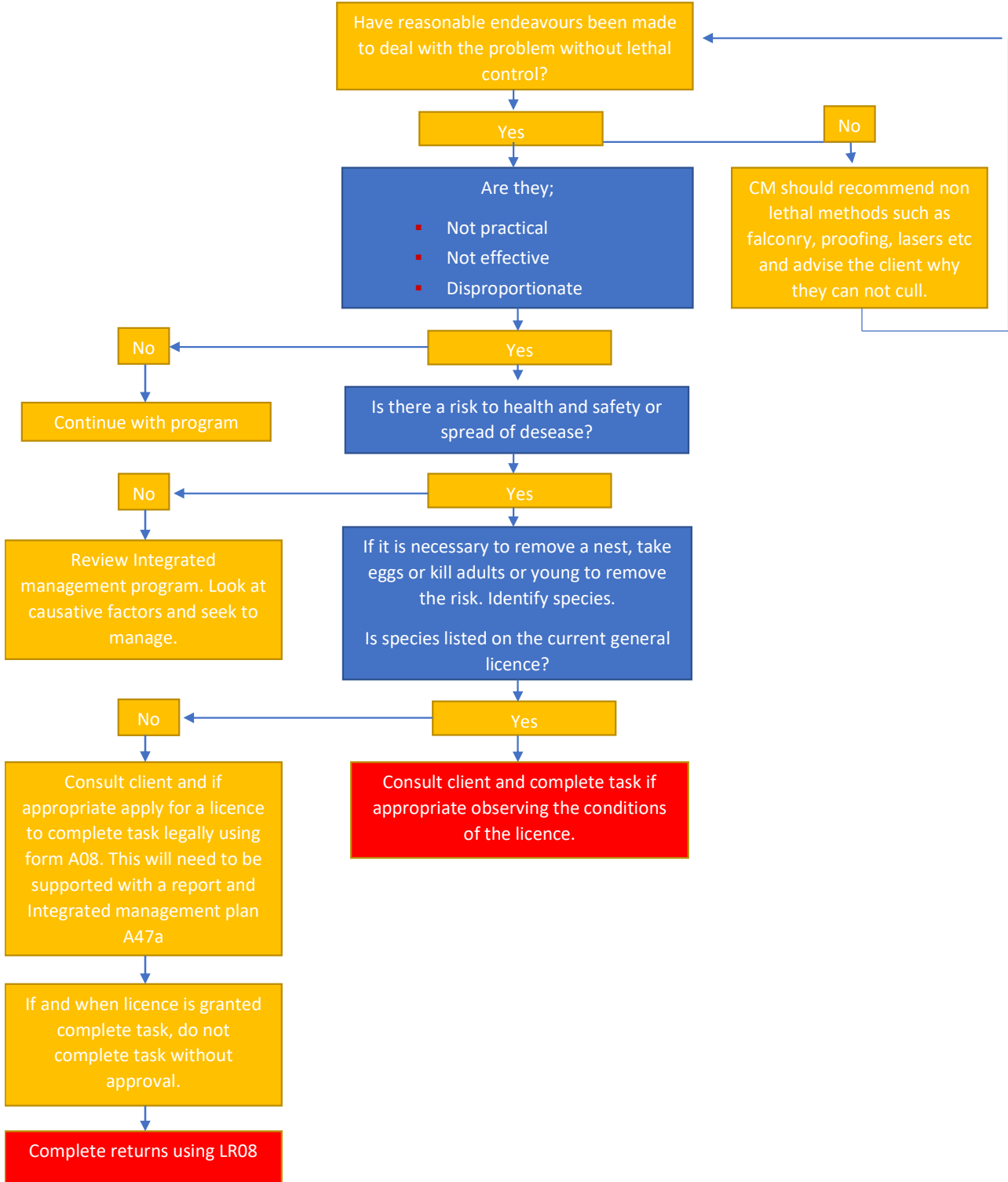
The team leader will be using the job sheet complete FORM-LR08 Attach completed forms and send by email to.

Or send completed forms to:

Wildlife Licensing
Natural England
Horizon House
Deanery Road
Bristol, BS1 5AH

Process for considering appropriate action following client reporting bird nuisance.

CM should survey site and establish the clients objectives and risk, then complete a report with recommendations. These recommendations will be the basis of an integrated management plan .



Protection of wild birds, their nests and eggs. **E+W**

(1) Subject to the provisions of this Part, if any person intentionally—

(a) kills, injures or takes any wild bird;

[F2(aa)] takes, damages or destroys the nest of a wild bird included in Schedule ZA1;

(b) takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or

(c) takes or destroys an egg of any wild bird,

he shall be guilty of an offence.

Subject to the provisions of this Part, if any person intentionally **[F16]** or recklessly—

(a) disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or

(b) disturbs dependent young of such a bird,

he shall be guilty of an offence **F17**. . . .

Protection of wild birds, their nests and eggs. **S**

(1) Subject to the provisions of this Part, if any person intentionally **[F668]** or recklessly—

(a) kills, injures or takes any wild bird;

(b) takes, damages **[F669]**, destroys or otherwise interferes with the nest of any wild bird while that nest is in use or being built; or

[F670(ba)] at any other time takes, damages, destroys or otherwise interferes with any nest habitually used by any wild bird included in Schedule A1;

(bb) obstructs or prevents any wild bird from using its nest;

(c) takes or destroys an egg of any wild bird,

he shall be guilty of an offence.

Subject to the provisions of this Part, if any person intentionally **[F16]** or recklessly—

(a) disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or

(b)disturbs dependent

young of such a bird,

he shall be guilty of an offence **F17**. . . .

[F677(5A)Subject to the provisions of this Part, any person who intentionally or recklessly disturbs any wild bird included in Schedule 1 which leks while it is doing so shall be guilty of an offence.

(5B)Subject to the provisions of this Part, any person who intentionally or recklessly harasses any wild bird included in Schedule 1A shall be guilty of an offence.

(5C)Subject to the provisions of this Part, any person who knowingly causes or permits to be done an act which is made unlawful by any of the foregoing provisions of this section shall be guilty of an offence.]

RSPB notes

Basic protection

All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions (see [Exceptions](#)), to:

- Intentionally kill, injure or take any wild bird.
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built.
- Intentionally take or destroy the egg of any wild bird.
- Have in one's possession or control any wild bird, dead or alive, or any part of a wild bird, which has been taken in contravention of the Act or the Protection of Birds Act 1954.
- Have in one's possession or control any egg or part of an egg which has been taken in contravention of the Act or the Protection of Birds Act 1954.
- Use traps or similar items to kill, injure or take wild birds.
- Have in one's possession or control any bird of a species occurring on Schedule 4 of the Act unless registered, and in most cases ringed, in accordance with the Secretary of State's regulations (see [Schedules](#)).
- Intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

4 Licences

Licences may be issued by the government to specific persons for specific reasons, for example to a bird ringer to allow the catching of birds for scientific study, or they may be general licences which are issued countrywide.

Licences may be issued by the government, to permit an otherwise illegal act for the following purposes:

- Scientific or educational work
- Ringing or marking
- Conserving flora or fauna

- Re-introduction schemes
- Protecting any collection of wild birds
- Public exhibition or competition
- Falconry or aviculture
- Photography
- Taxidermy
- Preserving public health or air safety
- Preventing spread of disease
- Preventing serious damage to livestock, food for livestock, crops, vegetables, fruit, growing timber or fisheries
- Killing a gannet for food on the island of Sula Sgeir
- Taking certain gulls' eggs for food or, at any time before 15 April, a lapwing's egg.

General Licences

The government issues annually a series of General Licences which permit certain acts which would otherwise be unlawful. They are not issued to specific persons but are posted on the internet for general use. However, they are subject to strict terms and conditions and anyone intending to use one of these licences must read them very carefully. Failure to comply could lead to an offence being committed.

Among the most widely used General Licences are the ones which permit the following acts:

- The killing or taking of certain 'pest species', or the destruction of their nests or eggs, by authorised persons for the purposes of preventing the spread of disease or serious damage to livestock, agriculture or fisheries interests, preserving air safety, conserving wild birds and preserving public health and public safety.
- The competitive showing of certain captive bred birds.
- The removal and destruction of abandoned eggs from nest boxes outside the breeding season.
- The exhibition of certain captive bred birds for competitive purposes.
- The sale of certain captive bred birds.
- The sale of dead Schedule 3 Part III birds between 1 March and 31 August.
- The sale of dead wild birds (includes taxidermy specimens) which were captive bred, or taken legally from the wild, and which have a CITES document if required (see CITES).

- For a full list of [General Licences](#), which can then be downloaded, please follow the links to the Natural England, Scottish Executive and Welsh Assembly websites.

Defra issues the following general licences to control wild birds:

- GL40: [Wild birds: licence to kill or take for conservation purposes](#)
- GL41: [Wild birds: licence to kill or take for public health or safety](#)
- GL42: [Wild birds: licence to kill or take to prevent serious damage](#)

If your circumstances are not covered by these general licences you must apply for an [individual licence](#).