

# LICENCE (Class)

## To trap Edible Dormice, *Glis glis* (also known as *Myoxus glis*)



Issued under	Wildlife and Countryside Act 1981 (as amended) [“the Act”]
Valid for the period	1 January to 31 December 2012 (inclusive)
Valid in	England (landward of the mean low water mark)
Who may use	Registered persons and persons empowered to act on their behalf (see Conditions 4 & 6)
Registration	Yes. This licence may only be used by persons or organisations that have registered with Natural England
Recording & reporting	Annual reporting and recording requirement
Reference	WML - CL02

### Overview of licence

*This licence permits the trapping of Edible (or Fat) Dormice (Glis glis, also known as Myoxus glis) for the purposes of preserving public health and public safety, and to prevent serious damage to crops, fruit, growing timber and others forms of property. Edible Dormice captured alive cannot be released and must be humanely dispatched. 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:
  - (i) Preserve public health and public safety, and
  - (ii) Prevent serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, or any other form of property or to fisheries.

### 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 authorised persons (see ‘Definitions’) to trap Edible Dormice (*Glis glis*) using:
  - (i) appropriate live capture traps, and
  - (ii) approved spring traps (see Condition 10).

### LICENCE CONDITIONS

3. Except as specifically permitted under subparagraph 2 above, this licence does not authorise the use of any method of taking which is prohibited by section 11 of the Act.
4. Only people or organisations (for which there must be a named responsible person) who are registered with Natural England are permitted to use this licence. These people (the ‘Licensees’) may authorise Accredited Agents (see ‘Definitions’) to work on their behalf. Agents are only permitted to act under the licence if they are in possession of a letter signed by the Licensee appointing them by name as a duly Accredited Agent for the purpose of this licence. Agents shall produce said letter to any police or Natural England officer on demand. Licensees and their Accredited Agents may authorise assistants provided they work under the direct personal supervision of the Licensee or agent (see notes I - o).
5. The Licensee is responsible for all activities carried out under this licence by themselves and by persons empowered under paragraph 4.
6. 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 g).

### Use of traps

7. All persons making use of this licence shall possess appropriate knowledge and experience of the trap(s) used or shall operate under the guidance of such a person.
8. Any animals killed in accordance with this licence must be killed in a quick and humane manner.
9. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006.
10. Only spring traps authorised for use against Edible Dormice under 'The Spring Traps Approval (Variation) (England) Order 2007' may be used to kill *Glis glis*. These are the Solway Spring Trap Mk 4, Solway Spring Trap Mk 6 and the Kania Trap 2500, or any spring trap which is equivalent in all relevant respects to these traps.
11. Spring traps must be set in a natural or artificial tunnel. Cage traps must be so sheltered or covered that light is excluded during the daytime.
12. When in use, every trap used pursuant to this licence must be inspected at least once every day at intervals of no more than 24 hours. Such an inspection must be sufficient to determine whether there are any live or dead animals in the trap.
13. At each inspection any dead animal caught in the trap should be removed from it (see note i).
14. Where a trap is not in use, it must be rendered incapable of holding or catching Edible Dormice or other animals. Any bait, food or water must also be removed.
15. Where any live animal, other than an Edible Dormouse or another animal of a species listed on Schedule 9 of the Act, has become confined in a cage trap, if fit to be released, it must be released immediately upon discovery. Edible Dormice must be killed in a quick and humane manner as soon as reasonably practicable after discovery. See **note p** regarding any other animals that are listed on Schedule 9.

### Recording and reporting requirements

16. It is a condition of this licence that the Licensee shall maintain a record of all Edible Dormice captured under this licence in accordance with the requirements of Annex A, and this record must be submitted to Customer Services Wildlife Licensing at the address below for each calendar year to arrive no later than 31 January of the succeeding year.

### Definitions used in this licence

17. "*authorised person*" At the time of issue of this licence, "authorised person" is defined in section 27(1) of the Wildlife and Countryside Act 1981 as:
  - i. the owner or occupier, or any person authorised by the owner or occupier, of the land on which the action authorised is taken;
  - ii. any person authorised in writing by the local authority for the area within which the action authorised is taken; and
  - iii. as respects anything done in relation to wild birds, any person authorised in writing by any of the following bodies, that is to say, any of the GB conservation bodies [*this includes Natural England*], a district board for a fishery district within the meaning of the Salmon Fisheries (Scotland) Act 1862 or a local fisheries committee constituted under the Sea Fisheries Regulation Act 1966;
  - iv. any person authorised in writing by the [Environment Agency], a water undertaker or a sewerage undertaker,  
so, however, that the authorisation of any person for the purposes of this definition shall not confer any right of entry upon any land.
18. An "*Accredited Agent*" is a suitably trained and experienced person who is able to carry out work

under a licence without the personal supervision of the licensee. To carry out work they must be in possession of a letter signed by the licensee appointing him or her as an Accredited Agent of the licensee for the purpose of the licence. At all times the licensee is fully responsible for all the work carried out under the licence.

19. "to kill" includes accidentally to wound whilst attempting to kill in accordance with this licence.
20. "humane" means taking all reasonable precautions to ensure that any killing of Edible Dormice under this licence is carried out by a single, swift action.

### 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.



#### **Matt Heydon**

for and on behalf of Natural England  
24<sup>th</sup> December 2011

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### **EXPLANATORY NOTES**

#### **The law**

- a) Natural England has issued this licence in exercise of the powers conferred by Sections 16(3)(f) and 16(3)(h) 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](http://www.opsi.gov.uk/legislation/about_legislation)).
- b) Section 16 of the Act provides that section 11 (which prohibits the use of certain methods of killing and taking wild animals) 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.
- c) Section 11(2) of the Act prohibits the use of traps for those wild mammals listed on Schedule 6 of the Act. Gliridae (the family name for Dormice and therefore including *Glis glis*) is listed under Schedule 6 and therefore cannot be trapped without a licence. It is also an offence, under S14 of the Act, to release Schedule 9 species into the wild. Schedule 9 includes Edible Dormice.
- d) This licence complies with Article 9(1) of the Bern Convention (the exceptions applied in this case are 'to prevent serious damage to crops, livestock, forests, fisheries, water and other forms of property' and 'in the interests of public health and safety, air safety or other overriding public interests') ([www.coe.int/t/dg4/cultureheritage/nature/bern/default\\_en.asp](http://www.coe.int/t/dg4/cultureheritage/nature/bern/default_en.asp)).

#### **The limits of this licence**

- e) This licence permits action only for the purposes specified in paragraph 1.
- f) This licence does not confer any right of entry upon land.
- g) Any person not permitted to use this General Licence on account of a relevant conviction (see Condition 6) 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.
- h) Please note that except as provided under section 16(7) of the Act, this licence does not permit actions prohibited under any other legislation. For example,
  - i. *Firearms*: where the action involves the use of firearms, it is the authorised person's responsibility to ensure that he complies with all relevant legislation,
  - ii. *Protected Sites*: anyone acting under this licence is not exempt from the provisions of section 28E of the Act, as amended. This means that owners and occupiers of sites designated as Sites of Special Scientific Interest are obliged to seek the consent of Natural England if they propose to carry out an activity on the site that is listed on the protected site notification as an

"operation likely to damage".

Statutory undertakers (as defined under Section 28G of the Act) are reminded that they are obliged under Section 28H of the Act to give notice to Natural England before carrying out operations likely to damage any of the special interest features of a Site of Special Scientific Interest (SSSI) and this obligation applies even where the operations are carried out on land not included in the SSSI. To identify SSSIs and the features for which they are designated, refer to [www.magic.gov.uk](http://www.magic.gov.uk). Consult the site notification for details of 'operations likely to damage', and consider whether your activity is likely to have an impact. Advice may be sought from Natural England's regional teams ([www.naturalengland.org.uk/contact/](http://www.naturalengland.org.uk/contact/) or Telephone 0845 600 3078).

- i) Persons acting under this licence should have regard to good practice and any legislation affecting the disposal of the carcase(s) of any animal killed in accordance with this licence.
- j) 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.
- k) This licence may be modified or revoked at any time (for example, new information about this species may lead to the need to amend the terms or conditions of the licence and in some cases we cannot delay such changes until the date of next reissue. Also see note o).

### How to register to use this licence

- l) Before relying on this licence it is necessary to submit in writing (preferably, by email) the following details to Customer Services Wildlife Licensing:
  - i. Your name or (in the case of organisations) the name of a responsible person who will be the 'Licensee'; and
  - ii. Contact address, telephone number and email address (if available).
- m) Once registered, a person is entitled to use this licence so long as they satisfy the licence's terms and conditions; annual re-registration is not required. The annual reporting process is used to verify a person's desire to remain registered.
- n) Anyone seeking to confirm whether a person or organisation is registered to use this licence should contact Customer Services Wildlife Licensing.
- o) Failure to comply by the terms and conditions of this licence may result in a person's registration being revoked, depending on the seriousness of the breach. Normally, Natural England will give 28 day's notice of its intention to revoke a person's registration, during which time that person may make representations to Customer Services Wildlife Licensing to retain their registration. However, this period may be reduced if the breach is serious or if there is an immediate risk that needs to be avoided. Please note that failure to submit reports by the proscribed deadline will automatically render a person's registration null and void. Any person who is de-registered may apply to Natural England to be re-registered to use this licence.

### Non-native species

- p) Under section 14 of the Act it is an offence to release into the wild any animal included in Part 1 of Schedule 9 to the Act. Any animals of species listed on Schedule 9 caught under this licence should be treated as follows:

- i. Animals of the following species, which are considered native to Great Britain, must be released immediately upon discovery. This is permitted under General Licence WML - GL22.

<b>Barn Owl</b>	<b><i>Tyto alba</i></b>
<b>Capercaillie</b>	<b><i>Tetrao urogallus</i></b>
<b>Corncrake</b>	<b><i>Crex crex</i></b>
<b>Common crane</b>	<b><i>Grus grus</i></b>
<b>Northern goshawk</b>	<b><i>Accipiter gentilis</i></b>
<b>Red-billed chough</b>	<b><i>Pyrrhocorax pyrrhocorax</i></b>
<b>Red kite</b>	<b><i>Milvus milvus</i></b>
<b>White-tailed eagle</b>	<b><i>Haliaeetus albicilla</i></b> (also known as <i>Haliaeetus albicilla</i> )

- ii. Animals of all other species listed on Schedule 9 (this includes the Edible Dormouse) must not be released or allowed to escape into the wild. It is preferable that these animals are killed in a quick and humane manner as soon as reasonably practicable after discovery. These animals may only be released under an individual licence obtained from Natural England.

### General welfare considerations

- q) Under the Animal Welfare Act 2006 it is an offence to cause any unnecessary suffering to an animal (including birds) under the control of man (section 4 of the 2006 Act). This applies to the humane despatch of captured animals and to the treatment of animals held in traps or nets.
- r) It is the responsibility of each person relying on this licence to use appropriate equipment (e.g. trap, net, firearm and ammunition) and to ensure that they are competent to use such equipment so as to avoid causing unnecessary suffering.

### Trapping guidance

- s) The cage traps should be baited with fruit and a source of water supplied. Pre-baiting i.e. wiring the door of the cage trap in the open position whilst supplying the traps with food helps to increase trapping success.
- t) Cage trapped Edible Dormice can be shot or run into a sack and killed with a sharp blow to the head.
- u) Following removal of Edible Dormice from domestic/industrial properties, access points where the animals are entering the property should be identified and routes to these access points should be assessed (overhanging trees, ivy etc). Access points should be proofed against future entry.

## Annex A

### Record of Activities

<b>Number of <i>Glis glis</i> trapped (and method)</b>	<b>Month/Year</b>	<b>Location (Postcode or Grid Reference &amp; Town)</b>
<i>Example: 5 x Glis glis: (2 x cage trap, 3 x Solway Spring Trap Mk 4)</i>	<i>June 2008</i>	<i>HPxx 0xx / TL yy zz (Hemel Hempstead)</i>

The location of the trapping carried out must include the postcode or map grid reference (4-figure minimum). This information will be used to monitor the geographical spread of this non-native species.