

## **Bird Registration Information Sheet 7**

### **SALE OF LIVE BIRDS**

**IMPORTANT NOTE** This information sheet is intended as an informal guide to the basic legal requirements. Any reference to 'the Act' is a reference to the Wildlife & Countryside Act 1981. Any reference to 'the EC Regulations' is a reference to the EC CITES Regulations 338/97 and 865/2006 (CITES is the Convention on International Trade in Endangered Species). You should seek your own independent legal advice on detailed points of law but we will try to offer advice if you contact us with specific queries.

### **NATIVE SPECIES**

1. The Act makes it an offence to sell any live wild bird (**see Note 1**). In addition 'Commercial use' (**see Note 2**) of birds listed in Annex A to the EC Regulations is prohibited unless a certificate has been granted by the Department under Article 10.
2. The sale of certain captive-bred native species of bird is allowed under general licence WLF 100095 (**see Address 2**). Species listed on Schedule 3 part 1 (**see Note 3**) may only be sold if they are captive bred and fitted with a close ring of the correct size.

### **NON-NATIVE SPECIES**

3. It is not possible to list all those non-native species whose sale is prohibited within the European Union. However, of the more commonly kept species, it should be noted that many species of hawks, eagles, falcons and owls are listed in Annex A and their sale is prohibited unless an Article 10 certificate has been granted by us. A full list of Annex A species is available on request (**see Address 1**). If you are in any doubt about whether a sale certificate is required you should contact us immediately.

If you intend to use birds commercially, CITES Guidance Notes (GNs) 1, 5 and 6 will be useful. Contact us if you are unsure about any aspect of commercial use.

### **PENALTIES**

4. Offences under the Wildlife & Countryside Act 1981 make the offender liable to a fine of up to £5000 per offence. To attempt to commit an offence renders the offender liable to the same penalty.
5. The sale or purchase of an unlicensed Annex A specimen is an offence under COTES (Control of Trade in Endangered Species) Regulations. The maximum penalty for this offence is a fine of £5000 per specimen and/or a term of imprisonment of up to 6 months if tried at Magistrates' Court; or if tried at Crown Court, a term of imprisonment not exceeding 2 years and/or an unlimited fine.

6, Anyone found guilty of the illegal taking of any bird from the wild may be fined up to £5000.

## **NOTES**

1. The Act defines a wild bird as any bird of a species which is ordinarily resident in, or is a visitor to the European territory of a Member State in a wild state, but does not include poultry or game birds.

2. 'Commercial use' includes, display to the public for commercial purposes, sale, keeping for sale, offering for sale, transporting for sale, use for commercial gain and breeding for commercial purposes. This definition applies to all specimens listed in Annex A to the EC Regulations and, under the Act, the term 'sale' includes hire, barter, exchange, invitation to treat and other cognate expressions.

3. Birds on Schedule 3, part 1 are:

<b>Common Name</b>	<b>Scientific Name</b>
Blackbird	<i>Turdus merula</i>
Brambling	<i>Fringilla montifringilla</i>
Bullfinch	<i>Pyrrhula pyrrhula</i>
Bunting, Reed	<i>Emberiza schoeniclus</i>
Chaffinch	<i>Fringilla coelebs</i>
Dunnock	<i>Prunella modularis</i>
Goldfinch	<i>Carduelis carduelis</i>
Greenfinch	<i>Carduelis chloris</i>
Jackdaw	<i>Corvus monedula</i>
Jay	<i>Carrulus glandarius</i>
Linnet	<i>Carduelis cannabina</i>
Magpie	<i>Pica pica</i>
Owl, Barn	<i>Tyto alba</i>
Redpoll	<i>Carduelis flammea</i>
Redpoll (Mealy)	<i>Carduelis flammea flammea</i>
Siskin	<i>Carduelis spinus</i>
Starling	<i>Sturnus vulgaris</i>
Thrush, Song	<i>Turdus philomelos</i>
Twite	<i>Carduelis flavirostris</i>
Yellowhammer	<i>Emberiza citrinella</i>

4. Any reference to Article 8 and Article 10 means Article 8 and Article 10 of Council Regulation (EC) 338/97.

**For further information and advice please contact:**

**Address 1**

Bird Registration & Article 10 Section  
DEFRA,  
Floor 1,  
Zone 17  
Temple Quay House  
2 The Square  
Bristol, BS1 6EB

Tel: 0117 372 8692

Fax: 0117 372 8206

**Address 2**

Wildlife Licensing Unit  
Natural England  
Burghill Road  
Westbury on Trym  
Bristol  
BS10 6NJ

Tel 0845 601 4523

Fax 0845 601 3438

E-mail [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)

Please quote: For attention of Wildlife Licensing Unit

**The full range of CITES Guidance notes is available from our website. These may be printed in large print format.**

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