

# Legislation guidance for wildlife rehabilitation (England and Wales)

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## Introduction

At present, wildlife rehabilitation is unlicensed in England and Wales; however, there are many relevant pieces of legislation that those caring for wild animals must follow. This guide provides a brief overview of how these different acts and orders affect the various stages of rescue, rehabilitation and release of wildlife.

Please note that this legislation is relevant to England and Wales and, following devolution, some aspects of licensing may vary in Wales. Scotland and Northern Ireland have their own legislation. Wildlife rehabilitation is a licensed activity in Scotland. For more information and details of any subsequent changes, please consult the original legislation.

## 1. Rescue

Legislation	Relevant offences	Species protected
<u><a href="#">Wildlife and Countryside Act 1981</a></u>	<ul style="list-style-type: none"> <li>■ Intentionally kill, injure or take</li> <li>■ Possess or control</li> <li>■ Take, damage or destroy a nest while in use or being built</li> <li>■ Take or destroy an egg</li> <li>■ Prohibited methods of killing/taking</li> </ul>	All wild birds
	<ul style="list-style-type: none"> <li>■ Intentionally kill, injure or take</li> <li>■ Possess or control</li> </ul>	Certain wild animals ( <u><a href="#">Schedule 5</a></u> )
	<ul style="list-style-type: none"> <li>■ Prohibited methods of killing or taking</li> </ul>	All or certain wild animals ( <u><a href="#">Schedule 6/6ZA</a></u> )
<u><a href="#">The Conservation of Habitats and Species Regulations 2017</a></u>	<ul style="list-style-type: none"> <li>■ Deliberately capture, injure or kill</li> <li>■ Deliberately disturb</li> <li>■ Possess or control</li> <li>■ Transport</li> </ul>	Wild animals of a European Protected Species ( <u><a href="#">EPS</a></u> ), e.g. bats, hazel dormouse, otter
<u><a href="#">Protection of Badgers Act 1992</a></u>	<ul style="list-style-type: none"> <li>■ Wilfully kill, injure or take; or attempt to kill, injure or take</li> <li>■ Possess or control</li> <li>■ Cruelly ill-treat</li> <li>■ Interfere with badger setts</li> </ul>	Badger
<u><a href="#">Deer Act 1991</a></u>	<ul style="list-style-type: none"> <li>■ Take or intentionally kill any wild deer of a species in Schedule 1 to this Act during the prescribed <u><a href="#">close season</a></u></li> </ul>	Chinese water, fallow, red, red/sika hybrid, sika and roe deer
<u><a href="#">Conservation of Seals Act 1970</a></u>	<ul style="list-style-type: none"> <li>■ Intentionally or recklessly kill, injure or take</li> </ul>	Grey seal and common seal

## Exceptions

There are exceptions within all of these pieces of legislation to allow for the rescue and rehabilitation, or euthanasia, of injured wild birds and mammals:

- allows the taking of any injured\* wild animal, including Schedule 5 species and European Protected Species (EPS)\*\*, for the purpose of tending to and releasing when no longer injured
- allows the humane euthanasia of any wild animal, including Schedule 5 species and EPS, so seriously injured that there is no reasonable chance of recovery.

\*Including sick and orphaned animals

\*\*This exception also allows for the transport and release of EPS following rehabilitation

## Disturbance of nesting sites

Certain birds, including most of our native and migratory birds of prey, such as the barn owl, goshawk, hobby, merlin, red kite and peregrine falcon (see [Schedule 1](#) for full list), have additional protection under the Wildlife and Countryside Act, specifically around disturbance at nesting sites.

- It's an offence to disturb any wild bird included in Schedule 1 while they're building a nest or are in, on, or near a nest containing eggs or young; or disturb the dependent young of such a bird.

This may be relevant in the case of chicks who have fallen from nests, are uninjured and could be returned to the nest. In the case of Schedule 1 birds, this could only be done legally by someone who already has a licence (e.g. bird ringers) or a specific licence would be needed from Natural England or Natural Resources Wales.



## Non-native and invasive alien species

There are certain species who can only legally be released back into the wild following rehabilitation under licence, and others whose release back into the wild is strictly prohibited. This must be taken into account when initially rescuing a trapped or injured wild animal.

### Wildlife and Countryside Act 1981

#### Section 14: Introduction of new species

This makes it an offence to release or allow to escape into the wild any animal who:

- isn't ordinarily resident in, and isn't a regular wild visitor to, Great Britain
- OR
- is included in Part I (1, 1A, 1B) of [Schedule 9](#), e.g. Canada goose, ring-necked parakeet.

Animals on Schedule 9 Part 1 (1, 1A, 1B) can only be:

- released in situ (if trapped and uninjured)
- euthanased in situ
- transported to a vet or wildlife centre for treatment and temporary holding or euthanasia
- rehabilitated and **released under licence**

**Schedule 9 Part 1** – must apply for licence to release

**Schedule 9 Part 1A** – general licences allow for release within 1km following rehabilitation for some species ([GL/22](#) England, [GL/009](#) Wales), [CL50](#) or individual licence is required to release beavers following rehabilitation

**Schedule 9 Part 1B** – wild boar are listed under the Dangerous Wild Animals Act 1976 and a licence is required to keep them in captivity. A licence is also needed to release them following rehabilitation.

### The Invasive Alien Species (Enforcement and Permitting) Order 2019

This makes it an offence to release or allow to escape into the wild any species of animal who:

- isn't ordinarily resident in, and isn't a regular wild visitor to, Great Britain
- OR
- is included in [Part 1 of Schedule 2](#), e.g. muntjac deer, grey squirrel, Egyptian goose.

It's also an offence to permanently keep (longer than six weeks) a species listed in [Part 1 of Schedule 2](#) without a licence.

Animals on Part 1 of Schedule 2 can only be:

- released in situ
- reunited with parents in situ (dependent young)
- euthanased in situ
- transported to a vet or wildlife centre for treatment and temporary holding or euthanasia
- transported to a licensed sanctuary to remain in captivity.

### Animal Welfare Act 2006

The Animal Welfare Act doesn't cover wild animals living in the wild, but gives protection to any wild animal who:

- is under the control of a person, whether on a permanent or temporary basis
- OR
- isn't living in the wild.

This means any wild animal who's helped in situ (e.g. trapped) or taken for rehabilitation becomes protected under the Animal Welfare Act and therefore must be protected from unnecessary suffering and have their welfare needs met. This duty of care defines an animal's needs to include:

1. A suitable environment
2. A suitable diet
3. The ability to exhibit normal behaviour patterns
4. The need to be housed with, or apart from, other animals
5. Protection from pain, suffering, injury and disease



## Transportation of rescued wild animals

### Animal Welfare Act 2006

Any wild animal who's transported for rehabilitation or euthanasia is protected under the Animal Welfare Act, meaning this must be done in a way that prevents further suffering and, where possible, ensures their welfare needs are met.

### The Welfare of Animals (Transport) (England) Order 2006

### The Welfare of Animals (Transport)(Wales) Order 2007

Under both of the above pieces of legislation it's an offence to transport any animal in such a way that causes, or is likely to cause, injury or unnecessary suffering to that animal.

It's also an offence to transport any animal except in containers or by means of transport under conditions (particularly with regard to space, ventilation, temperature and security) and with a supply of liquid and oxygen that's appropriate for the species concerned.

## 2. Rehabilitation

### Animal Welfare Act 2006

The Animal Welfare Act doesn't cover wild animals living in the wild, but gives protection to any wild animal who:

- is under the control of a person, whether on a permanent or temporary basis
- OR
- isn't living in the wild.

This means any wild animal taken for rehabilitation becomes protected under the Animal Welfare Act, and therefore must be protected from unnecessary suffering and have their welfare needs met. This duty of care defines an animal's needs to include:

1. A suitable environment
2. A suitable diet
3. The ability to exhibit normal behaviour patterns
4. The need to be housed with, or apart from, other animals
5. Protection from pain, suffering, injury and disease

The Animal Welfare Act also makes it an offence to mutilate a protected animal. This is defined as interference with the sensitive tissues or bone structure of the animal and can only be carried out by a qualified veterinary surgeon.

**See separate guidance document for more information on the Animal Welfare Act and how this affects wildlife rehabilitation.**

### Veterinary Surgeons Act 1966

This act makes it illegal for anyone to practise veterinary surgery unless they're a qualified and registered veterinary surgeon.

'Veterinary surgery' means the art and science of veterinary surgery and medicine. It includes the following:

- diagnosis of diseases in, and injuries to, animals, including tests performed on animals for diagnostic purposes
- giving of advice based upon such diagnosis
- medical or surgical treatment of animals
- performance of surgical operations on animals.

## Wildlife and Countryside Act 1981

### Section 7: Registration etc. of certain captive birds

This makes it an offence for any person to keep, or have in their possession or under their control, any bird included in Schedule 4 who hasn't been registered and ringed or marked in accordance with regulations made by the Secretary of State. This includes wild birds taken in for rehabilitation.

Birds currently included in Schedule 4 are:

- Honey buzzard (*Pernis apivorus*)
- White-tailed eagle (*Haliaeetus albicilla*)
- Golden eagle (*Aquila chrysaetos*)
- Marsh harrier (*Circus aeruginosus*)
- Montagu's harrier (*Circus pygargus*)
- Goshawk (*Accipiter gentilis*)
- Merlin (*Falco columbarius*)
- Peregrine (*Falco peregrinus*)



Anyone who wishes to care for and rehabilitate a sick, injured or orphaned wild Schedule 4 bird must register the bird with Natural England or Natural Resources Wales. That is, unless they're deemed an authorised person who can keep the bird for 15 days without registering them (Under [GL07](#) England, [GL/007](#) Wales) or a veterinary surgeon who can keep the bird for up to six weeks without registering them (Under [GL/08](#) England, [GL/007](#) Wales).

### Section 8: Protection of captive birds

This makes it an offence to keep or confine any bird in any cage, or other container, that isn't sufficient in height, length or breadth to allow the bird to stretch their wings freely.

This doesn't apply during transport or while that bird is undergoing examination or treatment by a veterinary surgeon or veterinary practitioner.

## 3. Release to the wild

### Animal Welfare Act 2006

The Animal Welfare Act doesn't cover wild animals living in the wild, but gives protection to any wild animal who:

- is under the control of a person, whether on a permanent or temporary basis
- OR
- isn't living in the wild.

This means any wild animal taken for rehabilitation becomes protected under the Animal Welfare Act, and therefore must be protected from unnecessary suffering and have their welfare needs met.

If an animal has become dependent on the rehabilitator and is unable to fend for themselves in the wild, releasing that animal is likely to be a welfare offence. (It might also be a cruelty offence if the animal suffers unnecessarily as a result.)

An animal should be released at a site that's appropriate for their species, where they're likely to find food, water and a place to rest. Any other consideration relevant in the circumstances, such as the presence and density of potential predators and competitors, should be taken into account as far as reasonably possible when determining which site is most suitable.

## Non-native and invasive alien species

There are certain species who can only legally be released back into the wild following rehabilitation under licence and others whose release back into the wild is strictly prohibited. This must be taken into account when initially rescuing a trapped or injured wild animal.

### Wildlife and Countryside Act 1981

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- isn't ordinarily resident in, and isn't a regular wild visitor to, Great Britain
- OR
- is included in [Part 1 of Schedule 2](#), e.g. muntjac deer, grey squirrel, Egyptian goose.

It's also an offence to permanently keep (for more than six weeks) a species listed in [Part 1 of Schedule 2](#).

Animals on Part 1 of Schedule 2 can only be:

- released in situ.

# RSPCA.

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