

# Bat Conservation Trust



Tuesday 13 February 2007

## **Licences to possess bats under the revised Habitats Regulations**

### **Introduction**

This document presents comments and questions on the proposed procedure for licensing the possession of bats under the revised Habitats Regulations, drafted by Jean Matthews, CCW and Tony Mitchell-Jones, Natural England, dated 30 January 2007 (Appendix 1).

This response has been collated by Katie Parsons of the Bat Conservation Trust (BCT), from comments received from a total of 67 individual respondents/bat groups. Respondents included bat carers (including those who run bat hospitals), licensed bat workers, licensed trainers, academics, museum curators, a serving police officer, a practising lawyer and Natural England and CCW employees. Respondents were from throughout the UK.

Readers are also referred to BCT's response to the formal consultation on the Habitats Regulations in England and Wales that was submitted to Defra in June 2006. An extract of relevance to this response is given in Appendix 2. The full consultation response is available from

<http://www.bats.org.uk/documents/BCTresponsetoHabsRegsamendsconsultation2006.pdf>

### **Consultation procedure**

BCT circulated the proposed procedure (Appendix 1) to bat group contacts and a wider bat worker email list on 1 February 2007 and to a selection of bat carers on 5 February 2007 (it did not go to the full bat carers list that BCT holds because some people had previously asked not to be contacted about such matters). The proposed procedure was also briefly discussed during an agenda item on the Habitats Regulations amendments at the Bat Group Forum in Cardiff on 3 February 2007 where around 25 bat group representatives were in attendance. This consultation was done at the request of CCW and Natural England to assist in deciding the procedure for dealing with licensing the possession of bats.

Comments were requested by Monday 12 February to enable BCT to collate responses on Tuesday 13 February in time for Natural England to take them to a meeting on the Habitats Regulations amendments on Wednesday 14 February.

A few general points from respondents on the consultation procedure:

- Many respondents said they appreciated having been asked their views.
- Several respondents commented that there had not been sufficient time to properly consult with bat group members.
- A few respondents asked why bat carers/bat hospitals had not been consulted on the best way to approach this process before a proposed procedure had been written.

### **Response format**

I have summarised the comments received under various subheadings. I also give a brief summary of the main messages coming out of the consultation; however you should read the entire document to gain a thorough understanding of the issues.

Many questions raised by the consultation still need answering. BCT has considered creating a Q&A to upload on to its website; I also plan to upload this response as soon as possible to enable those who responded (and others) to see what was sent.

Submission of responses by a wide variety of people has taken a great deal of their time. It has also taken a great deal of my time in collating their responses so I strongly urge Natural England and the Countryside Council for Wales to take these views into account in further developing the procedure and accompanying guidance.

Please contact me if you wish to have more detail on any of the information given in this response. I have all of the original responses filed.

**Thank you.**  
**K Parsons 13.02.07**

### **Main messages**

- 1. The legislative changes need explaining; there is a lack of understanding where the need for these changes arises from.**
- 2. It needs to be emphasised that people can obtain licences to keep more bats/specimens should they need to, as long as they can justify this.**
- 3. The keeping of un-releasable bats long term for purposes of education needs addressing more thoroughly in the proposed procedure.**
- 4. The majority of people felt 5 live bats for 3 months was not a sufficient number nor a long enough time.**
- 5. The majority of people felt 25 bats was generally acceptable. However, many thought 50 would be more appropriate, and that trainers, museums and others might require more.**
- 6. Respondents were supportive of the need for guidelines for standards in bat care and BCT requests that the SNCOs and government agencies consider giving financial support to the development of such guidance, which is in progress but under-funded.**
- 7. The licensing procedure needs to be clear, simple and straightforward. Information on the licensing procedure needs to be available promptly and easily when the amendments come into force.**

## **Detailed response**

### **1. Explaining the legislative changes**

It was apparent that several people did not understand why these legislative changes are necessary, ie what it is trying to achieve, particularly given the benefits to conservation of using bats unable to be released in education and specimens in training. It needs to be made very clear why these changes have to be made. There was a question relating to whether the UK is gold-plating the EU legislation - this assumption needs to be countered – it is my understanding that the EU is requesting that the UK make these changes following a court judgement, and that the UK has no choice but to outlaw possession of bats. It is imperative that the measures put in place do not appear too draconian and are not unduly arduous to implement.

### **2. Species coverage**

On the proposed procedure that was circulated (Appendix 1), I queried whether it should apply to all Annex IV Habitats Directive species, rather than just the 17 species known to be resident in the UK. This has been confirmed to be the case by Tony Mitchell-Jones of Natural England. The offences relating to possession and sale now cover all Annex IV species, so it would be an offence to possess or sell any bat taken in the EU after 10 June 1994. Thus, any bat worker wishing to keep such a bat (whether dead or alive) would require a licence to do so. For example, this would include vagrant species such as Kuhl's pipistrelle and parti-coloured bat that may be found and taken into care in the UK.

One respondent asked whether it would also apply to non-EU species such as the big brown bat, two of which have been found in Hertfordshire and subsequently been kept in long-term care in the UK because the USA declined their return. As non-EU, non-Annex IV species, I presume they may not require licensing, however clarification on this point would be valuable.

BCT recommends that it should be made explicit in guidance on the licensing procedure for which species possession licences are required.

### **3. Justification needed when applying for licences**

As mentioned previously to Jean Matthews, the following clause in paragraph 4 of the proposed procedure should not read "*would need to apply for a separate licence OR provide a justification*" but rather "*would need to apply for a separate licence AND provide a justification*". This was agreed by Jean to be a sensible amendment. Justification should be provided in applying for a separate licence and clear guidance should be given as to what this justification may be.

#### **3a Keeping bats longer than 3 months**

People need to be explicitly told in the guidance that they are able to apply for a licence to keep bats beyond 3 months to avoid confusion. Several people didn't understand that they could apply for a licence to permit possession longer than 3 months and were worried what would happen to the bats. One carer was worried that the "possibility of applying for a separate licence for caring or for use of long-term captives for education is at present too vague to be reassuring".

#### **3b Education and PR**

There is not enough emphasis placed on the continued possession of captive bats that are not fit for release for PR and education as being a valid reason for needing a licence. Many respondents cited this as missing from the proposed procedure and were very concerned that they may not be permitted to keep long-term captives that are un-releasable and so will no longer be able to use them for the vital work of educating the public, which greatly benefits bat conservation. Although education is mentioned in the second paragraph, many of the bats used in education are long-term captives and thus do not fall within the proposed 3 month time limit, hence a separate licence would be required for their continued possession. People are unwilling to euthanise such bats for reasons of humanity and for the benefit they can

have to conservation through education. It may be that you had considered these bats would be licensed under the existing 'education' licence provisions; however, it might be more logical to cover all instances of possessing bats under one 'possession/care' type licence with the reasons justified (see also comments in Section 4a on live bats).

I recommend that education/PR be included in paragraph 4 of the proposed procedure as an example of a justification for applying for a licence, perhaps by expanding the sentence referring to the main bat carers for a local bat group. As an example of the level of education undertaken by bat carers, the Isle of Wight Bat Hospital does over 50 bat talks per year to the general public and also to builders/roofers etc who encounter bats during their work and have potential to greatly impact their conservation. They rotate their captive bats around the talks so as not to unduly tire/stress any of them and other bat workers, for example, do the same at day-long events.

Several people raised the fact that competent persons engaged in educational activities currently use demonstration bats that are not in their primary care. It was suggested this should be a licensable activity but it is not clear whether it would be the primary carer who would be licensed to loan a bat in their care to a competent person such as an educator in a wildlife park or whether the educator would also require a licence for the temporary possession of the bat while using it in education. This needs consideration and clarification.

#### **4. Numbers of bats**

It is not clear enough in the current draft that beyond the suggested standard clause permitting 5 live bats and/or 25 dead ones, a separate licence CAN be applied for. Several respondents thought there was no such provision and hence recommended it. This needs clarification (as suggested also in 3a above). My recommendation (if the original idea of a general clause for 25 dead and 5 live bats still stands after this consultation – see later comments) is that paragraphs 3 & 4 be split into separate sub-headings as follows:

- (1) Persons already holding a scientific, education or conservation licence and wishing to keep no more than 25 dead and 5 live bats (ie existing licence will have additional standard clause added).
- (2) Persons not already holding a scientific, education or conservation licence and wishing to keep no more than 25 dead and 5 live bats (ie need new licence permitting them to keep the standard amount).
- (3) Persons wishing to keep more than 25 dead and 5 live bats (ie need new licence permitting more bats to be kept following justification for their possession).

#### **4a Live bats**

The majority of respondents thought that the figure of 5 live bats was too small. There was concern that:

- (a) this will not adequately cover emergencies when more than 5 bats may suddenly be obtained in a rescue situation or are cumulatively obtained during a busy period, and;
- (b) that people cannot realistically apply for licences to keep more than 5 live bats at a time when they cannot easily predict how many they may obtain.

Many people queried why such restrictions on numbers were necessary at all. One respondent suggested that the main 'carer/s' for a bat group should have no restriction on the number of bats and length of time they can be kept. A few respondents suggested that the phrase 'reasonable possession' or 'reasonable numbers of bats for a reasonable length of time' would suffice, where what is considered 'reasonable' would be given some explanation in guidance on bat care (ie what is reasonable according to the conditions/space in which they are kept, etc).

A suggestion was made that a licence could be issued to a bat group, with named carers on it rather than to each individual carer to reduce the risk of people being put off doing this sort of work. Also, because some bat groups currently 'pool' their care duties (eg when one carer is on holiday another takes their bats), some bats are considered 'property' of the group rather than any individual carer, and the group will share animals for educational events. This might operate in the same way if a hospital were licensed rather than its individual workers, or a museum were licensed rather than each curator. Obviously there would need to be a current contact point for correspondence relating to the licence.

To support the views on why 5 is too small a number, several people gave examples of the numbers of bats they hold at any one time:

1. The Isle of Wight Bat Hospital rescues over 120 bats each year. They may receive eight per day or one a week. The hospital can cater for 100 bats at any one time. Last year they returned 84 bats to the wild and overall their success rate of releases is approximately 65-70% per annum.
2. A carer for Herts & Middx and Essex Bat Groups said she had 43 bats in July last year; eight of which were already in possession when 30 live babies and two corpses came in during one weekend. Thirty-seven of the 43 were released, 1 died, 2 were euthanized, 2 were kept over winter and 1 was kept for educational use. This carer often has over 20 bats at one time in the peak season.
3. Notts Bat Rescue has on average 150 rescues per year, the largest number at any one time has to date been 22 bats.
4. Seventy-five pipistrelles were once uncovered during disturbance at a hibernation site and had to be kept for several days

If the original suggestions stand and these people will need to apply for a licence permitting possession of more than 5 bats at a time, will they need to apply for a projected number of bats? For example, if they had 120 last year, would they need to apply for a potential 150 next year? Or, if they have an average of 22 at any one time, would they need to apply for say 50 bats to cover themselves?

This could of course be reviewed each year when the licence returns come in. Assuming the licences are renewed annually, would a report of the numbers of bats kept need to be submitted at the renewal? If so, I suggest that the number permitted could be adjusted accordingly. This brought to my mind the way the scientific licences operate for activities such as ringing and radiotracking – you say in applying for the licence how many bats you intend to mark during that year and in the licence return you give details of how many were actually marked. Could this perhaps operate in the same way?

One respondent suggested that the number of live bats kept in the standard clause should be raised to 15 and several suggested it be raised to 50.

Several respondents asked about the legality of suggesting to a member of the public who had found an apparently uninjured bat that they keep it and try to release it at dusk or keep it until it can be passed to a bat carer? Is the member of public at risk of the offence of possession? Am I correct in thinking this will be dealt with by the new definition of disturbance and that a member of the public attempting to release or keeping a bat until passing it over to a licensed bat carer would not actually be committing an offence? This needs clarification. In addition to the definition of 'disturbance', possession will need careful thought.

In a similar vein, what about bat box checks? One respondent asked whether someone checking bat boxes will require a licence for the time those bats are temporarily possessed? For example, they once found 53 bats in one box. My own view is that they will probably be covered by the licence for checking the box (a

conservation licence I presume) and that they won't need anything additional. Could you please confirm that is the case?

#### **4b Dead bats**

In general respondents were happy with the suggested figure of 25 dead bats; however, it was suggested that trainers, taxonomists, museums and academic departments be allowed to keep more. Under the current proposal it is assumed that each of these groups will be able to apply for an additional licence justifying their need for more specimens for training, reference collections, and research as appropriate, but given the comments I think this needs clarification to ensure people understand they can apply for more. I presume however that the respondent was suggesting that trainers be automatically licensed to keep a greater number, say 50, rather than have to apply for an additional licence and two respondents suggested that this figure to be increased to 50 in the standard clause. One of the justifications for this was that permitting 50 would allow for a male, female and juvenile of each of the UK resident species to be kept to show differences in appearance and pelage colour during identification training or as reference specimens. There also needs to be allowance for expansion of collections over time, so the number may presumably need to be reviewed annually on licence renewal.

One respondent remarked that many specimens date from a time when detailed documentation was not kept and provenance was quickly forgotten. What records are needed to show that a bat was lawfully obtained?

Also, several people remarked that bat workers and bat groups pass/share specimens between one another, either temporarily for exhibitions/talks or permanently to ensure they have a good range of different species. Could this still be permitted as long as records of origin are always kept for the specimen?

#### **5. Time limit**

Several respondents thought that 3 months was too short a duration to be realistic and was unnecessarily proscriptive. It was noted that it is far longer than necessary to allow for emergency care, but not long enough for many rehabilitation cases. Bats frequently take longer to recover and be releasable than this – durations cited as examples by respondents included 5, 8 and 12 months. In particular, it was observed that bats that come in during the autumn often have to be kept over winter for successful release in the spring. A limit of 3 months could cause early and unsuccessful releases to be attempted.

One respondent suggested that the time limit should be 6 months but several respondents recommended that a statement such as *'for a reasonable time'* or *'until such time that they can be released back to their roost or natural environment'* could be used instead. If this is to be the case, I suggest that a similar clause would then be required for bats that cannot be released to the wild and are used in education. For example *'care for bats that are unfit for release and their use for the purpose of education until such time that the bat dies naturally or is humanely euthanized'*. One respondent suggested that long-term keeping of a small number (2-3) bats for education be permitted as part of the standard clause.

There remains a problem of a few bats that are unfit for release but otherwise healthy that are not used in education – there were strong views from many respondents that they are unwilling to euthanise such bats if their continued possession is not licensed and also that the public would view this unfavourably. It appears though that the majority, but not all, are used for education.

#### **6. Standards in bat care**

BCT has already recommended that there should be agreed guidance on standards for bats being kept in captivity and several respondents wrote in support of specific guidelines on how bats should be kept and cared for and of a training programme for rehabilitators to

standardise the husbandry of bats in care and to ensure proper record keeping. As you are aware, BCT plans to hold a workshop on bat care in March 2007 where a small number of bat carer experts, vets with bat experience or those who work in the wider wildlife rehab field will work to agree best practice and standards in bat care. The idea is that this will form the basis of a training course and guidance in bat care. This workshop and the production of its outputs are still under-funded and we take this opportunity to reiterate that this will provide essential guidance for licensed bat carers and to ensure that licensed persons are competent in bat care and we urge the government agencies and statutory nature conservation organisations to support this workshop and its outputs by making a monetary contribution to enable it to be conducted to its maximum potential.

Two respondents who have run a bat hospital for many years are in favour of licensing bat workers/hospitals to make sure bats are kept in ideal conditions. Not everyone should be able to keep bats if they don't have much experience and fail to keep bats healthy and in good condition. The respondents asked whether there should be an initial inspection made of hospitals (and bat worker's homes) to determine what sort of licence should be awarded on a case by case basis and check conditions, though I don't know how practicable this would be in terms of time and resources.

A few respondents reiterated the importance of ensuring licence holders have current rabies vaccination.

## **7. Licensing procedure**

In general people were in favour of licensing bat care, though there were a few people who were not or who did not understand why it was necessary.

A few respondents said it was a good idea to add clause/s to the existing licensing system. However, several people also noted that many volunteer carers are not interested in obtaining a bat worker's licence, so they are keen that there is a separate carer's licence that does not require people to undertake the full roost visitor training. Allied to this is concern that trainers already have considerable workloads in training people for roost visitors' licences and that separate trainers should be considered for bat care as the skills required are different. Alternatives suggested by respondents included regional bat care sessions, attendance at which would count toward receiving a bat care licence, or persons with expertise in bat care being able to referee/sign off applications for bat care licences.

Any applications for additional licences must be kept simple and straightforward because people don't have time to fill in long and complex forms. Will there be help available if people have difficulty in filling out the forms?

There were plenty of additional questions relating to licensing procedure which I have listed here and we would be grateful to receive answers to these in addition to those given above:

- Will the note be automatically added or will people have to reapply during the grace period if their renewal date falls before May or after September 2007? One person suggested that the grace period be extended until the date of the next renewal. Would that be possible, as in addition to easing the burden on bat carers to apply, it would ease the burden on the licensing department who will otherwise presumably receive an influx of licence applications between May and August this year?
- Will licences need to be renewed annually or just once? What information will need to be provided?
- Who will decide which licences are issued and how?
- Will there be age restrictions on who can have a licence? One respondent gave the example of his son, now aged 16, who began to care for bats aged 13, and his daughter, currently 12 who is also interested. Will they be able to hold a licence for bat care?
- In the case of hospitals will the licence be in the person's name or by address, for example, if there are four people at the same address caring for bats? One of the

hospitals has two permanent people and variety of volunteers who come and go, help collect bats and care.

- Will museums be exempt? I assume this cannot be the case but we were asked.

**APPENDIX 1 – the document as circulated for comment****Licences to possess bats under the revised Habitats Regulations.****Proposed procedure**

Under the revised Regulations it will become an offence to possess live or dead specimens, or parts of specimens, of any species included in Annex IV(a) of the Habitats Directive. In addition, the commonly-used defence that the specimen was taken otherwise than in contravention of the law will be removed. It will thus be necessary for the possession of any Annex IV(a) species to be licensed.

As specimens are often held by people who are otherwise licensed to disturb or take these bats for scientific, education or conservation reasons, we proposed adding a standard clause to these licences to permit the possession of small numbers of specimens for scientific or educational purposes. This licence would not permit the sale or exchange of these specimens.

We consider that the following limits on the number of specimens held should be adequate in most cases.

<b>Species/group</b>	<b>Number of specimens</b>	<b>Rationale</b>
Bats (17 species)*	25 dead	Specimens widely used for identification training
Bats (17 species)*	Up to 5 live animals, for up to 3 months	Batworkers may receive injured animals for rehab or for release in emergency after unanticipated loss or of damage to roost site

\* Note from KP: I have enquired whether this will need to apply to all Annex IV Habitats Directive species found in EC territory.

Anyone who does not have a licence already, but wishes to possess specimens will need to apply for a licence. Similarly, those wishing to possess larger numbers of the species listed above, or for a longer period of time would need to apply for a separate licence or provide a justification, perhaps as part of a scientific project, or as the main bat carers for a local Bat Group.

We have no wish to licence the possession of bat droppings and would class them as excreta, rather than derivatives, or body parts, however legal advice has been sought on this and we are awaiting the outcome.

**NB** Possession of animals resulting from work being carried out under another licence (e.g. removal of animals from development sites etc) should be included in the activities licensed for the project, where such a requirement can reasonably be anticipated. The species, number and length of time the bats are expected to be in captivity should be specified in the licence application.

Jean Matthews, CCW and Tony Mitchell-Jones, Natural England  
30 January 2007

**APPENDIX 2 – Extract from BCT’s response to the consultation on the Habitats Regulations amendments in England & Wales, dated 29 June 2006.** This extract contains the section of the response pertaining to the amending Regulation making it unlawful to possess bats. The full response is available from <http://www.bats.org.uk/documents/BCTresponsetoHabsRegsamendsconsultation2006.pdf>

**Paragraph 18 – Regulation 9** The proposed amendment making it unlawful to possess specimens of Annex IV(a) wild animals which had been taken or killed, or died of natural causes, on or after 10 June 1994 will have implications for bat workers who care for live bats or who keep specimens of dead bats for educational purposes. It will also impose an additional licensing burden upon the relevant authorities. It is essential that licensing of these activities should fit within the existing system and not bring undue bureaucracy or divert much needed resources away from active conservation. It would be detrimental to bat conservation if, because of the new licensing requirements placed upon them, bat workers were dissuaded from caring for and rehabilitating bats or using dead specimens for training new bat workers in order that they can adequately carry out the function of the nature conservation agencies (i.e. Natural England and Countryside Council for Wales) through roost visiting and thereby uphold the nature conservation legislation. Prior to the amendments coming in bat workers must be provided with sufficient information to understand the licensing process and reasoning behind it.

Licensing of continued possession of specimens obtained between 10 June 1994 and the amendments coming into force in 2006 is clearly preferable to not permitting people to obtain licences for this period (and consequently having to either dispose of specimens or risk prosecution by keeping them). However, we question whether backdating the legislation to 1994 is strictly necessary. There is no impact on conservation status of outlawing such possession. Would it be possible to start these prohibitions from the date the amendments come into force in 2006 rather than backdating them? In other words, any persons coming into the possession of a dead bat after 20 October 2006 (or whatever date it comes into force) would require a licence to keep it.

If continued possession of specimens obtained between 1994 and the amendments coming into force in 2006 has to be licensed, we consider that, in order to minimise the administrative burden on both bat workers and the licensing authorities, a general licence to cover specimens obtained during this time would be desirable. For specimens obtained after that time we suggest that there should be an additional tick box on the conservation/roost visitors’ licence application form stating that they wish to keep dead or live specimens for educational or conservation purposes. In addition, the Secretary of State might like to consider a greater length of time between renewals of these licences to care for bats and keep specimens, in an attempt to minimise the administrative burden further, for example a three-yearly renewal cycle instead of annual.

For clarity we consider the detailed issues surrounding licensing the possession of live bats and dead bats separately in our response:

- (a) *Possession of dead bats.* This amendment will make unlawful an activity that has little or no impact on conservation status of bats. Killing of bats is already prohibited by law and there is no apparent recent history of persons actively collecting bat specimens in the UK (in contrast to those who collect rare birds’ eggs for example). Those keeping dead bats (or live ones) are the people least likely to have infringed the law to obtain them. Anyone killing, maiming or injuring a bat intentionally is likely to get rid of the evidence.

In fact possession of a dead bat by a bat worker may actually have a positive impact on conservation status where that specimen is used in education (either in training bat workers in species identification or in educating the public, for example school children or builders). Similarly a dead specimen has a value for research in the case of passive surveillance for rabies. The BCT, in partnership with Defra, work to encourage persons finding dead bats to send them to the Veterinary Laboratories Agency (VLA) for rabies testing; hence the number of persons keeping such specimens is likely to have decreased over time. In these instances where a dead bat is found and sent straight off to the VLA, BCT considers that no licence should be needed by the sender provided the bat is sent within a reasonable time. We consider it would be useful to have a caveat in accompanying guidance stating this explicitly. The VLA must of course also be licensed to keep these specimens for scientific purposes as part of its passive rabies surveillance work.

We recommend that if longer term possession of dead bats by bat workers must be licensed it should fit under the existing licensing framework, perhaps though an additional tick box on the conservation/roost visitors' licence application form. Licences should be granted for educational or scientific purposes or to protect a zoological collection (for example in the case of a museum). Defra may like to consider whether a limit should be placed on the number of bat specimens licensed for possession by an individual.

Clear guidance must be provided for bat workers to ensure they are aware of the legislation, for example, what evidence will be required to show that an animal had been lawfully obtained, or how the legislation relates to the keeping of bat droppings which are often kept as reference collections by surveyors. Would these be considered 'anything derived from' and hence be subject to the offence or could they be made exempt? Again, we consider that bureaucracy must be kept to the minimum in this instance.

*(b) Possession of live bats.*

Live bats are kept by bat workers for two main reasons. Firstly, there are long-term captives that have been brought in injured and are unfit for release. These animals are great ambassadors for the species, being used in education (for example school visits and countryside events). Consequently their continued possession should be licensed for educational purposes. Secondly, live bats are kept for rehabilitation prior to release. This temporary possession by bat workers experienced in bat care should be licensed for reason of conservation as it is in the best interests of the individual bat and of the species that they receive this care; this is concordant with the spirit of the Directive.

BCT considers that, in general, requiring bat carers to be licensed to keep live bats is a positive move. It is preferable that only those who are trained and experienced keep bats, rather than others who may have less concern or knowledge about bat welfare. However some bat workers are concerned that unnecessary bureaucracy associated with licensing will cause some people to give up bat care, a situation which we hope can be avoided.

The requirement to be licensed will strengthen standards and also assist with managing the risk of bat rabies, but only if adequate guidance and funding is made available. BCT would be pleased to be involved in the production of guidance and in training of carers to an appropriate standard for obtaining a

licence. Defra might like to consider whether a limit should be placed on the number of live bats licensed for possession by each individual; however, it should be noted that some facilities, such as bat care hospitals, might receive a great many more animals from a wider area for rehabilitation than might an individual. Also, some bat workers engage in a much greater number of educational activities than others and hence might accordingly keep more bats. BCT is aware of a small number of bat carers who are aged under 18. We see from the current licence application form that there is no explicit age restriction on obtaining a licence, although applicants are asked to declare their age if under 18. We hope that this will remain the same in the future as we would not want to discourage young carers, although, as for anyone obtaining a licence, they would have to demonstrate competency.

Consideration needs to be given to how members of the public who find a grounded, injured, dead or baby bat will be treated once the amendments come into force. The National Bat Helpline receives numerous calls of this nature during the summer months. Callers are given instructions on how to safely release the bat, and where this is not possible, they are given details of a bat carer (who will now be licensed under the proposed changes) to whom they can pass the bat for rehabilitation and release. It would not be workable or desirable for all members of the public who find a bat to have to apply for a licence. This would be negative to the conservation of bats and contrary to the aims of the Habitats Directive (and Regulations). It would also be an administrative nightmare for the licensing authority. Nor should members of the public be dissuaded from assisting an animal by the threat of prosecution. The system of advice provision currently in operation via the National Bat Helpline and volunteer bat workers works well in ensuring the public reacts appropriately to grounded and injured bats and should be adequately resourced, supported and trained to allow this to continue in the future.

Enforcement of the legislation must be proportionate to the offence. We would argue against strict enforcement where a person is acting to liberate a bat, hence improving its conservation status, concurrent with the overarching aims of the Habitats Directive. As mentioned above for dead bats, in these instances where a live bat is found and passed within a reasonable time to a licensed bat carer, we consider it would be useful to have a caveat in guidance accompanying the legislation stating this explicitly.