

EXPLANATORY MEMORANDUM TO
THE WILDLIFE AND COUNTRYSIDE ACT 1981 (VARIATION OF SCHEDULE 4)
(ENGLAND) ORDER 2008

2008 No. 2356

AND

THE WILDLIFE AND COUNTRYSIDE ACT 1981 (REGISTRATION AND RINGING OF
CERTAIN CAPTIVE BIRDS) (AMENDMENT) REGULATIONS 2008

2008 No. 2357

1. This Explanatory Memorandum has been prepared by Defra and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 The Order and the Regulations have been made to implement amendments to Schedule 4 (“the Schedule”) to the Wildlife and Countryside Act 1981 (“the Act”) and registration and ringing requirements of birds listed on that Schedule. Both instruments apply to England only.
 - 2.2 The Order varies the Schedule to reduce the number of species that, if kept in captivity, have to be registered with the Secretary of State and ringed or marked in accordance with section 7 of the Act.
 - 2.3 The Regulations amend SI 1982/1221 (the Wildlife and Countryside (Registration and Ringing of Certain Captive Birds) Regulations 1982) “the 1982 Regulations” as amended, with respect to England by:-
 - 2.3.1 providing that specimens of peregrine falcon (*Falco peregrinus*) and merlin (*Falco columbarius*) that have the appropriate certificate (issued by the relevant UK Management Authority which is the Secretary of State) under EC Regulations that implement the Convention on the International Trade in Endangered Species (CITES). This is Article 10 of EC Regulation 338/97¹. Specimens will be registered for the purposes of the 1982 Regulations and section 7(1) of the Act if they are listed in a register maintained by the Secretary of State of birds which have such certificates.
 - 2.3.2 altering the registration and ringing requirements so that specimens that are marked in accordance with European Regulations implementing paragraph 7 of Article VI of CITES², will be considered marked for the purposes of the Regulations. This will mean

¹ O.J. L 161, 3.3.1997, p. 1.

² The European regulation that currently implements the relevant provision in CITES is Commission Regulation (EC) No 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council Regulation 338/97 on the protection of species of wild fauna and flora by regulating the trade therein (OJ L166/1, 19.6.2006).

that specimens will not require separate marking or a waiver from the Secretary of State indicating they are suitably marked. This will introduce similar provisions with respect to marking to those that currently apply in Wales³.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 Section 7(1) of the Act requires certain species of birds, if kept in captivity, to be ringed or marked and registered in accordance with Regulations made by the Secretary of State. Schedule 4 to the Act lists the species to which this obligations applies. Schedule 4 has been amended once previously, in 1994⁴, when several species were removed and a new provision including hybrids of listed species was introduced.

4.2 As mentioned above, the 1982 Regulations set out in detail the registration and ringing and marking requirements referred to in section 7 of the Act. The Regulations have been amended three times since 1982⁵, such amendments including the removal of the need to re-register specimens every three years in England and a provision enabling the Secretary of State to waive the ringing for birds that are appropriately marked in accordance with European Regulations which implement paragraph 7 of Article VI of CITES (EC Regulation 338/97 mentioned in paragraph 2.3.1 above and EC Regulation 865/2006⁶).

4.3 The Order amending the Schedule will remove a number of species from the Schedule and will also remove the requirement for hybrids of all species listed on Schedule 4 to be registered. No new species will be added to the Schedule.

4.4 The Regulations amend the 1982 Regulations to provide that for peregrine falcon and merlin for which the keeper holds a certificate issued by the relevant UK Management Authority under Article 10 of EC Regulation 338/97, listing in the register kept for the purposes of those EC Regulations is sufficient for the purposes of section 7(1) of the Act and the 1982 regulations. It also provides that a bird is marked in accordance with those 1982 Regulations if it is marked in accordance with the requirements of European Regulations which implement paragraph 7 of Article VI of CITES.

5. Territorial Extent and Application

5.1 Both the Order and the Regulations extend to England and Wales and apply in relation to England only.

5.2 The amendment to the 1982 Regulations referred to in paragraph 2.3.2. above, in relation to the marking of specimens in accordance with CITES Regulations, will bring the legislative requirements in England in line with that which is currently in place in Wales.

6. European Convention on Human Rights

6.1 The Order, although subject to negative resolution procedure, does amend primary legislation; however, it does not appear to raise any ECHR issues.

³ SI 2003/3235 (w.315) the Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (Wales) Regulations 2003.

⁴ SI 1994/1151; The Wildlife and Countryside Act 1981 (Variation of Schedule 4) Order 1994.

⁵ SI 1991/478; SI 1994/1152;; SI 2004/640

⁶ O. J. L166, 19.6.2006 p. 1

6.2 The Regulations are also subject to the negative resolution procedure, but do not amend primary legislation, so no statement is required.

7. Policy background

7.1 Part I of the Act implements the EC Council Directive on the conservation of wild birds (79/409/EEC) (“the Birds Directive”). Section 7 of the Act requires certain species of birds, namely those listed on Schedule 4 to the Act, if kept in captivity, to be ringed or marked and registered with the Secretary of State. This is more commonly known amongst bird keepers as “the bird registration scheme”. Although the scope of the Birds Directive does not extend to captive bred birds⁷, this was not clear in 1981 and Defra believes that the Act included registration of certain birds kept in captivity as a mechanism to help deter illegal take from the wild for keeping or commercial gain. Since 1981, the populations of many of the species listed on Schedule 4 have improved, as have techniques of captive breeding some of the more popular species that are subject to trade.

7.2 The function of bird registration was devolved in 1999, and the Scottish Executive and the Welsh Assembly Government became responsible for the legislation governing bird registration in their respective administrations, although it was agreed that Defra would continue to administer the scheme for England, Scotland and Wales.

7.3 Commercial use of all wild birds is regulated under section 6 of the Act. Commercial use of many of the birds listed on Schedule 4 to the Act is also covered by CITES controls. Defra is the UK Management Authority for CITES. The existence of separate registration and CITES controls may mean that a keeper often has to complete several pieces of paperwork, duplicating information already supplied for one specimen.

7.4 In November 2006, following requests from service users and the National Audit Office, Defra consulted on whether the regulatory burden imposed by registration could be reduced, without compromising the conservation status of wild bird populations. The consultation was undertaken in England, Wales and Scotland with the intention of having the same system in place in all three administrations. 131 responses to the consultation paper were received (of these 9 were submitted by consultees residing in Scotland and 6 from consultees residing in Wales).

7.5 Since the consultation on bird registration closed in February 2007, the international situation for the commercial trade in birds has changed because of avian influenza. In July 2007, following a temporary ban, imports of wild birds from outside the European Union were prohibited, except in those exceptions outlined in the Commission Regulation⁸, for disease control reasons. In light of this prohibition, Defra considered that the need to retain non-native species to Europe on Schedule 4 and the addition of further such species to that Schedule was unnecessary as it served no conservation purpose when the trade in non-European wild taken specimens in Europe was effectively ended.

7.6 Defra concluded that bird registration should only be targeted at those native species for which the taking from the wild within Great Britain would affect their conservation status; thereby balancing the conservation threat against the proportionality of the regulatory approach.

7.7 Schedule 4 will be revised by removing 50 species and all hybrids from the Schedule. Those keepers that have specimens of peregrine falcon and merlin that have relevant CITES documentation for those birds (a certificate issued under Article 10 of EC Regulation 338/97 by the UK management Authority), and which are listed on a “CITES” register, will not be required to register those specimens separately with the Secretary of State. Those species that are marked in accordance with CITES requirements will not require a waiver from the Secretary of State.

⁷ ECJ Case C-149/94

⁸ Commission Regulation 318/2007

7.8 Revisions will be achieved through amendment to Schedule 4 to the Act and by amendment to the 1982 Regulations. It is not possible to waive the registration of certain species and achieve the policy objective through a non-legislative route. Anyone keeping a bird listed on Schedule 4 must register it and failure to do so could result in a fine and/or prison sentence. Those specimens of peregrine falcons and merlins which have the appropriate CITES certificate issued by the UK Management Authority and whose details are listed on a register kept for that purpose will be sufficiently registered for the purposes of section 7 of the Act. All keepers that have birds currently registered in England will be provided with guidance on the revised list of species listed on Schedule 4 and the new requirements under the 1982 Regulations.

8. Impact

8.1 An Impact Assessment is attached to this Memorandum.

8.2 The impact on the public sector is minimal.

9. Contact

Christine Rumble at the Defra Tel: 0117 372 6170 or e-mail: Christine.rumble@defra.gsi.gov.uk can answer any queries regarding the instrument.

Summary: Intervention & Options		
Department /Agency: Defra	Title: Impact Assessment of amending Schedule 4 to the Wildlife and Countryside Act 1981 and associated Regulations.	
Stage: Final IA	Version: 1	Date: 10 July 2008
Related Publications: Review of Registration under section 7 of the Wildlife and Countryside Act 1981 in England, Scotland and Wales including the Partial RIA.		

Available to view or download at:

Contact for enquiries: **Christine Rumble**

Telephone: **0117 372 6170**

Deregulation of the bird registration scheme. Section 7 of the Wildlife and Countryside Act 1981 makes it a requirement for certain species of bird (listed on Schedule 4) if kept in captivity to be ringed and registered with the Secretary of State. This imposes disproportionate regulatory and administrative burdens on keepers to register birds compared to the risk to the conservation status of the birds from illegal taking from the wild.

The policy objective is to ensure Schedule 4 is focussed and targeted at native species where the wild population is so small that the taking of a few individuals would have a detrimental impact on the conservation status of the species. The intended effect is to remove unnecessary regulatory and administrative burdens from bird keepers and ensure that the registration scheme is risk based and targeted in line with the "Hampton" principles.

What policy options have been considered? Please justify any preferred option.

1. Abolition of the bird registration scheme;
2. Amend Schedule 4 on the basis of revised advice from the Joint Nature Conservation Committee (JNCC) and amend associated Regulations;
3. Amend Schedule 4 but only list some of the species recommended by the JNCC on Schedule 4 and retain peregrine falcon and merlin specimens. Amend associated Regulations.

Option 3 is the preferred option because Defra believes that this proposal provides targeted and

October 2013 - five years after the Order comes into force.



Summary: Analysis & Evidence

Policy Option: 3	Description: Amend Schedule 4 but only list some of the species recommended by the JNCC on Schedule 4 and retain peregrine falcon and merlin specimens. Amend associated Regulations.
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COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' There are no monetised costs for this proposal.
	One-off (Transition)	Yrs	
	£ 0		
	Average Annual Cost (excluding one-off)		
	£ 0		Total Cost (PV) £ 0

Other **key non-monetised costs** by 'main affected groups' The reduced registration could have costs through minimal increases in taking native species from the wild. However, this is unlikely to impact upon the conservation status of the deregistered native species, as those populations are doing well.

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' There will be savings to keepers totalling approximately £50,000, as less keepers will need to pay fees to register birds; spend time filling in registration forms and spend less time attending inspections. Government will make savings of approximately £202,000 by no longer having to administer the
	One-off	Yrs	
	£ 0		
	Average Annual Benefit (excluding one-off)		
	£248,400-261,100		Total Benefit (PV) £1,160,600-1,220,000

Other **key non-monetised benefits** by 'main affected groups' There will be some negligible non-monetised cost savings to keepers by not having to put rings on their birds that are marked in accordance with CITES Regulations.

The number of birds requiring registration is assumed to be the number of new birds registered. However, there will also be transfers of birds between keepers, which makes the reduction in birds to be registered an underestimate, hence benefits are underestimated. The range represents the uncertainty over how many birds of prev will cost £14 or £20 to register.

Price Base Year 2008	Time Period Years 5	Net Benefit Range (NPV) £ 1,160,600-1,220,000	NET BENEFIT (NPV Best estimate)
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		England		
		1 October 2008		
		Police, Animal Health		
What is the total annual cost of enforcement for these organisations?		£ No added costs		
		Yes		
		N/A		
What is the value of the proposed offsetting measure per year?		£ Not applicable		
What is the value of changes in greenhouse gas emissions?		£ Not applicable		
		No		
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
	0	0	0	0
	No	No		

14,300

-14,300

Key: Annual costs and benefits: (Net) Present

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

1. Background

1. Section 7 of the Wildlife and Countryside 1981 (“the Act”) introduced a requirement that certain species of bird if kept in captivity, must be ringed and registered with the Secretary of State. Schedule 4 to the Act lists the birds that are subject to these controls.
2. Some Schedule 4 listed birds are also subject to controls under the Convention on the International Trade in Endangered Species (CITES). This means that if people wish to import, export or sell CITES listed birds they must apply to Animal Health (AH) for a permit to do so.
3. A bird keeper/trader may therefore need to make an application to register his bird and make a separate application for a CITES commercial use certificate before he can sell a listed bird. Both applications are administered by AH and much of the information supplied is common to both. AH charge fees for both services.
4. Defra received proposals for simplifying the process of bird registration from a service user and a request to examine the regulatory burden on bird keepers from the National Audit Office.
5. 8,135 birds were registered to keepers in England on 17 April 2008. Just over 7,000 of these specimens are also subject to CITES controls. Keepers of Schedule 4 birds must be registered as the keeper even though they may not be the owner. Keepers must register the bird in their name and tell AH the address at which the bird is kept. Registration takes place when a keeper acquires a bird that has either not been registered before (e.g. because it has been imported) or when a bird is transferred between keepers. Keepers are subject to a range of registration fees depending on whether the specimens are birds of prey or other birds, and whether the keeper is a member of a recognised club or a member of the British and Irish Association of Zoos and Aquaria (BIAZA) (see table 1 below). Birds must also be ringed with a ring obtained from the Secretary of State unless the Secretary of State waives this requirement if he is satisfied the bird is marked in accordance with the specimen marking requirements of European Regulations implementing CITES.
6. There are a wide range of people that keep birds ranging from private individuals that may keep just one bird to small businesses that breed birds mainly for the export market. Some people find it difficult to complete bird registration forms and need assistance from AH to understand what information is required. Small businesses and people that trade birds regularly are usually able to complete the forms quickly and without assistance because they are familiar with the documents.

Table 1 – Registration fees for registering Schedule 4 birds

Birds of Prey			
	Non-club members	Recognised club members	BIAZA Members
Registration of new birds	£20 for every bird	£14 for every bird	£14 for every bird;
Transfers (payable by recipient)	£17 for every bird	£17 for every bird	£17 for every bird received from non- NFZ members; no charge if received from NFZ members
Other Birds			
Registration of new birds	£6 per bird		
Transfers (payable by recipient)	£6 for every bird		

7. Keepers of Schedule 4 birds may be subject to inspections from the Wildlife Inspectorate, the rationale for undertaking checks is to ensure keepers are complying with Section 7 of the Act. Information on the numbers of inspections made over the last three years can be found in Table 4.

1.1 Consultation

8. In November 2006, Defra consulted on a review to consider the regulatory burden on keepers of captive birds and to determine the most appropriate bird species to be included on Schedule 4 to the Act. The consultation paper outlined five options for changes to the scheme, ranging from outright abolition to revision of the list of birds requiring registration based on advice from the JNCC. The consultation closed in February 2007.
9. Defra considered five options in formulating policy and consulted on:
- I Retain the status quo - continue with current controls;
 - II Revise Schedule 4 to include all or some species recommended for inclusion in JNCC's report but make no other changes to the controls;
 - III Revise Schedule 4 as in option 2 and revise regulations implementing Section 7 of the Wildlife and Countryside Act 1981 to remove the requirement for captive bred birds to be registered;
 - IV 1. Revise Schedule 4 as in option 3 and exclude hybrids and all species that do not occur naturally in the wild within EU territory but include the ruddy duck as a special conservation measure.

IV 2. Revise regulations so that specimens which already have CITES documentation will not require registration documents as well.

V Effectively abolish registration by removing all species from Schedule 4.

1.2. The effect of the EU ban on trade in wild birds

10. Since the consultation on bird registration closed, the international situation for the commercial trade in birds changed because of avian influenza (i.e. the prohibition on importation of wild birds into the EU). In July 2007, following a temporary ban, imports of wild birds from outside the European Union were prohibited for disease control reasons. Defra questioned the need to retain or add non-native species to a Schedule when no new specimens are allowed to be imported into the EU. In light of this major change to trade in wild birds, Defra asked the JNCC to reconsider their original advice on revisions to the list of birds requiring registration and provide revised advice on those species which occur in a wild state in the UK and to apply more strictly the following criterion: ‘the *wild population is so small that even the taking of a very few individuals would have a detrimental impact on the conservation of the wild population*’.
11. Under the revised criteria, the JNCC recommended 16 species for retention: white-tailed eagle, Montagu’s harrier, honey buzzard, osprey, marsh harrier, goshawk, golden eagle, wryneck, red-backed shrike, serin, black redstart, Scottish crossbill, chough, snow bunting, fieldfare and redwing.
12. Retaining the status quo (original option I) was ruled out as that option would continue to impose unnecessary regulatory and administrative burdens on keepers. Original options II and III (revising the Schedule to add/delete some species and revise the Regulations to remove the requirement for captive bred birds to be registered) do not present sufficient deregulation in light of the prohibition on imports of wild birds. The addition of non-native species to Schedule 4 when an import ban has been put in place was considered unnecessary.

1.3 Objective

13. The following proposal is in line with the Government’s intention⁹ to deregulate where desirable and regulate with as light a touch as possible. It is also intended to help meet one of the Hampton Recommendations¹⁰ “setting targets for reductions in form filling for business”.

1.4 The Proposal

14. In light of the effect of the EU ban on the import of wild birds three options (Table 2) were scrutinised: abolition of the bird registration scheme; amending Schedule 4 using the revised list of 16 species recommended by the JNCC or amending Schedule 4 listing some of the species recommended by the JNCC and retaining certain specimens of peregrine falcon and merlin, i.e. those specimens that do not have CITES documents.

Table 2 – Summary of options

Option	Number of birds requiring new registration	Number of birds that would not require new registration	Number of species that would be removed from
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⁹ The Defra Simplification Plan: Maximising Outcomes, Minimising Burdens.

¹⁰ <http://www.berr.gov.uk/bre/inspection-enforcement/assessing-regulatory-system/page44042.html>

Schedule 4

1. Abolition	0	2,869	59
2. 16 Species recommended by the JNCC and amendments to associated Regulations	478	2,391	43
3. 7 birds of prey recommended by the JNCC plus two other species (peregrine falcon and merlin) that do not have CITES documents and amendments to associated Regulations	424	2,445	50

Defra concluded that, for certain species whose conservation could be affected by illegal taking from the wild, abolition was not appropriate at the present time. Defra also considered the list of 16 species recommended by the JNCC under the revised criteria. Defra took account of the monetary value of the species, their longevity and any demand for keeping. On that basis Defra could not justify retaining all 16 species identified in the revised JNCC list. Defra decided to retain the 7 species of birds of prey the JNCC identified as meeting the criteria (i.e. white-tailed eagle, Montagu's harrier, honey buzzard, osprey, marsh harrier, goshawk, and golden eagle). In addition, Defra decided that specimens of peregrine falcon and merlin that do not have CITES documentation, and are placed on a register for that purpose should continue to be registered as a proportionate response to deter those who may try to evade CITES controls in the trade and possession of these species. Specimens marked in accordance with CITES Regulations will not require additional rings from the Secretary of State.

There were several reasons informing this decision:-

- It is more likely that any illegal take for many of the non-bird of prey species currently subject to registration would most likely be in winter when their numbers are higher, their capture is easier and the possible theft of a few birds would be less detectable. Therefore the effect of such a take should be based against the wintering rather than just breeding populations of those species. This is of particular relevance to snow buntings, fieldfares and redwings;
- The numbers of these birds currently in captivity is relatively low and evidence of illegal taking is negligible for many of the species (serin, black redstart), or demand for aviculturalist use is very low (wryneck, red backed shrike);
- The 9 non-bird of prey species are generally of much lower commercial value than the birds of prey and it would be disproportionate to keep them on Schedule 4 if Defra moved to a full cost recovery system of charging (which is planned);
- The EU ban would mean that non-native species could not be imported into the EU unless under exceptional circumstances. Defra could not justify the addition of non-native species to the Schedule that could not be imported. A registration scheme in England

would not have any impact on preventing the illegal capture and trade in species from third countries;

- Hybrids do not occur naturally in the wild;
- Defra is currently investigating whether the UK can use another mechanism under CITES to prohibit the possession of ruddy ducks and therefore any decision on registration for the ruddy duck should await the work on possible prohibition of possession, and the need for registration should be examined again next year in light of any progress being made on possession controls; and
- A partially deregulated approach would enable Defra to gauge any impacts of removing species from the Schedule.

15. The preferred option is to amend Schedule 4 using some of the species recommended by the JNCC and retaining the peregrine falcon and merlin, i.e. Schedule 4 will be revised by removing 50 species and all hybrids from the Schedule (i.e. new option 3). This equates to a reduction of 6481 birds requiring registration. Captive bred birds and lawfully acquired wild specimens of the species that remain on the Schedule will require registration, although the method of registration will differ for certain specimens of peregrine falcon and merlin. The Wildlife and Countryside (Registration and Ringing of Certain Captive Birds) Regulations 1982 will be amended so that specimens of peregrine falcon and merlin with a certificate issued by the relevant UK Management Authority (AH) under Article 10 of EC Regulation 338/97 and listed on a register kept for that purpose will be considered as registered for the purposes of Section 7 of the 1981 Act. This is because approximately 90% of specimens of peregrine falcon and merlin are subject to CITES controls and are currently registered on the CITES database. The requirement for registration under section 7 of the Act therefore imposes additional regulatory and administrative burdens on keepers of these specimens which is not justified in terms of the threat that illegal taking poses to their conservation status.

1.5 Sectors and groups affected

16. The Proposal will affect private bird keepers, small businesses that breed birds (e.g. birds of prey for the falconry export market) and bird collections/zoos in England. These groups are referred to generically in this document as “keepers”. The proposal will also affect Defra and AH.

2 Costs and benefits

17. This section sets out the baseline scenario and the costs and benefits of the three options that were scrutinised following the consultation exercise.

2.1 Introduction

18. The costs and benefits of the three scrutinised options available to Defra following the EU-wide trade import ban on wild birds are analysed in section 2.3.

2.2 Baseline scenario

19. The baseline scenario essentially assumes the continuance of current policy. The key assumptions which outline this are indicated below.

20. Key assumptions for the baseline scenario:

- The current list of species on Schedule 4 to the Act does not change;

- Keepers will continue to pay for registering specimens for all species currently listed on Schedule 4;
- Keepers would need to apply to AH for rings and AH would need to administer this service;
- New registrations of other birds. This is likely to be an underestimate, as some transfers between owners are likely to take place. However, data is not available on the extent of this;
- Registration fees remain at current levels which range from £6 to £20 depending on the species and whether the bird keeper is a recognised club member or zoo;
- It takes on average 20 minutes to complete an application form, based on indicative evidence from AH;
- Keepers wages are £15.68 per hour, based on the inflated wage rate for managers in farming, horticulture and forestry (which includes animal husbandry) in the Standard Cost Model;
- Inspection time is taken as an average from Table 4; and
- Defra's total costs to administer the bird registration scheme in England would remain in the region of £235,788, plus £50,000 for English policy. The administrative figures are based on Great Britain totals from Table 3 multiplied by England's proportion of birds i.e. 8,135/10,277.

21. Table 3 - Summary of expenditure – Wildlife Licensing and Registration Service Bird Registration (2006-07)

<u>Expenditure item</u>	£
Salaries and Allowances	109,681
ERNIC	8,280
Superannuation costs	21,877
Accommodation overhead	17,256
General overhead	34,197
Central service and local overheads	0
Travel & Subsistence	0
Defra Agency charges	0
Depreciation	0
Notional cost of capital	0
Notional insurance	210
All other non-pay costs	106,371
Full cost	297,873

22. Keepers may also be subject to inspections by AH for example: registration checks; to witness ringing of birds etc. The Wildlife Inspectorate consists of a small headquarter's team and a panel of about 80 part-time fee-paid and home-based Inspectors located throughout the UK. The Wildlife Inspectorate's role is to undertake inspections of traders of CITES species and Schedule 4 birds to ensure that the appropriate wildlife legislation is being followed. Table 4 below shows the number of inspections by Wildlife Inspectors and an estimated average time for each type of inspection.

Table 4 - Inspections in England for the Past Three Years

Inspection Type	Year			Estimated Average Inspection Time
	2005/06	2006/07	2007/08	
Adult Ringing	95	120	101	30 - 45 mins
Close Ringing	97	48	33	30 - 45 mins
Registration Checks	58	128	51	10 birds = 1hr, 10 – 50 birds = 90 mins, 50 – 100 birds = 1 day
Enforcement Assist	1	3	1	10 birds = 1hr, 10 – 50 birds = 90 mins, 50 – 100 birds = 1 day
DNA	1	-	9	1hr
Total	252	299	195	

23. Table 5 summarises the costs to keepers and to Defra for the baseline scenario. The lower range is based on all registrations for keepers of birds of prey costing £14 and the higher range £20. In reality some will pay £14 and some £20. The costs are underestimated, as the costs of transfers of birds are not included, due to limited data, so the actual number of birds registering and associated costs will be greater.

Table 5 - Summary of annual costs for Baseline scenario

<u>Costs to keepers:</u>	<u>£</u>
Fees	37,542-52,788
Time spent completing forms	14,995
Time spent on inspections	3,563
Total costs to keepers	56,100-71,346
Costs to Defra	
Delivery of bird registration scheme in England.	235,788
Policy administration of bird registration scheme in England	50,000
Total costs to Defra	285,788
Total costs	341,888-357,134

2.3 Costs and Benefits

Option 1 – Abolition

24. This option would involve the removal of 59 species from Schedule 4. All 2,869 birds assumed to need registering in the baseline scenario would no longer need to be registered in England.

25. The key assumptions for this option are the same as for the baseline, except that all birds that were previously listed no longer require registration. Essentially all the costs of running the scheme would be saved.

Costs

26. There could be some net costs to this option compared to the base case, through an increased risk to the conservation of species. This cost has not been monetised, but contributed to the decision to maintain some species on the list.

Benefits

27. There would be significant benefits to this option, through cost savings to both keepers and government. The regulatory burden and administrative burden on keepers of registering their birds would disappear if the species no longer required registration. Government would also avoid the delivery costs for England and Defra's policy costs, which would not be required if the scheme was not run in England. Essentially all of the costs in the baseline scenario would become cost savings. These are summarised in Table 6. The lower range is based on all registrations for keepers of birds of prey costing £14 and the higher range £20. In reality some will pay £14 and some £20. The cost savings shown in Table 6 will be an underestimate of the real benefits, as transfers are not included i.e. there would be a greater reduction in the number of birds needing to register.

Table 6 – summary of annual benefits for option 1

Cost savings to keepers	£
Fee savings	37,542-52,788
Time savings on time spent completing forms	14,995
Time savings on attending inspections	3,563
Total costs savings to keepers	56,100-71,346
Cost savings to Defra	
Delivery cost savings	235,788
Policy administration cost savings	50,000
Total cost savings to Defra	285,788
Total monetised benefits	341,888-357,134

Option 2 - Amend Schedule 4 on the basis of revised advice from the Joint Nature Conservation Committee (JNCC) and amend associated Regulations;

28. This option would remove 43 species from Schedule 4 for other birds.

29. A number of key assumptions have been made in assessing the costs and benefits of this option:

- Keepers of species listed would need to register birds with AH and would need to apply to AH for rings and AH would need to administer this service;

- The number of birds that will no longer need registering a year is 2,391. This is based on 2,163 new registrations of birds of prey and 328 new registrations of other birds. This is likely to be an underestimate, as some transfers between owners are likely to take place. However, data is not available on the extent of this;
- Registration fees remain at current levels which would range from £6 to £20 depending on the species and whether the bird keeper is a recognised club member or zoo;
- It takes on average 20 minutes to complete an application form, based on indicative evidence from AH;
- Keepers wages are £15.68 per hour, based on the inflated wage rate for managers in farming, horticulture and forestry (which includes animal husbandry) in the Standard Cost Model;
- Inspection time is taken as an average from Table 4 and inspection time reduces proportionately with the number of new registrations;
- The cost to Defra of policy makers will remain unchanged, as this is not variable with the number of registrations; and
- Delivery costs to AH are based on the total cost per year for delivery in England of £235,788, divided by the number of new registrations in the baseline, multiplied by the number of new registration in this option. It is assumed that this cost per application will not change with the number of applications changing.

Costs

30. There could be some net costs to this option compared to the base case, through an increased risk to species. However, this risk is considered to be negligible, as the JNCC advice is based on the conservation status of the species.

Benefits

31. There will be significant benefits through cost savings. These are highlighted in Table 7. Keepers of those species taken off the list will no longer need to pay fees, which is the most significant cost saving for keepers. The greatest overall cost saving is to Defra is through reductions in delivery costs.
32. A summary of the annual benefits are presented in Table 7. The lower range is based on all registrations for keepers of birds of prey costing £14 and the higher range £20. In reality some will pay £14 and some £20. The cost savings shown in Table 7 will be an underestimate of the real benefits, as transfers are not included i.e. there would be a greater reduction in the number of birds needing to register.

Table 7 – summary of annual benefits for option 2

Cost savings to keepers	£
Fee savings	31,650-44,628
Time savings on time spent completing forms	12,496
Time savings on attending	2,969

inspections	
Total costs savings to keepers	47,116-60,094
Cost savings to Defra	
Delivery cost savings	196,504
Policy administration cost savings	0
Total cost savings to Defra	196,504
Total monetised benefits	243,620-256,598

Option 3 - Amend Schedule 4 but only list some of the species recommended by the JNCC on Schedule 4 and retain certain peregrine falcon and merlin specimens. Amend associated Regulations.

33. This preferred option would remove 50 species from Schedule 4, meaning 2,445 birds are assumed to no longer require registration. This includes 2,117 new registrations for birds of prey species (including 90% of peregrine falcons and merlins which are assumed to be CITES registered) and 328 new registrations for other birds (as all non-bird of prey species are removed from the list).

34. A number of key assumptions have been made in assessing the costs and benefits of this option:

- Keepers of species listed would need to register with AH and would need to apply to AH for rings and AH would need to administer this service;
- The number of birds that will no longer need registering a year is 2,445. This is based on 2,163 new registrations of birds of prey and 328 new registrations of other birds. This includes 2,117 new registrations for birds of prey species (including 90% of peregrine falcons and merlins which are assumed to be CITES registered, based on AH data) and 328 new registrations for other birds (as all non-bird of prey species are removed from the list. It is likely to be an underestimate, as some transfers between owners are likely to take place. However, data is not available on the extent of this.
- Registration fees remain at current levels, though would now range from £14 to £20 depending on the species and whether the bird keeper is a recognised club member or zoo, as all species with lower rates would no longer be listed;
- It takes on average 20 minutes to complete an application form, based on indicative evidence from AH;
- Keepers wages are £15.68 per hour, based on the inflated wage rate for managers in farming, horticulture and forestry (which includes animal husbandry) in the Standard Cost Model;
- Inspection time is taken as an average from Table 4 and inspection time reduces proportionately with the number of new registrations;
- The cost to Defra of policy makers will remain unchanged, as this is not variable with the number of registrations; and
- Delivery costs to AH are based on the total cost per year for delivery in England of £235,788, divided by the number of new registrations in the baseline, multiplied by the number of new

registration in this option. It is assumed that this cost per application will not change with the number of applications changing.

Costs

35. There could be some net costs to this option compared to the base case, through an increased risk to species. However, this risk is considered to be negligible in view of the EU ban on importing wild birds and the extra consideration for peregrine falcons and merlins.

Benefits

36. There would be significant benefits through cost savings under this option, both for keepers and for government.
37. Keepers would pay less in application fees in total, as 2,445 birds would no longer require any registration. These would include species removed from the list and CITES registered Merlins and Peregrine Falcons.
38. Keepers would also have time savings by not needing to fill out application forms to register these birds. In aggregate keepers would also make time savings, as they will not be required to attend as many inspections, assuming inspections decrease proportionately with the number of birds listed. There would also be small non-monetised cost savings to keepers of not needing to spend time putting a ring on their birds if they are marked in accordance with CITES Regulations, though these savings will be negligible, as ringing is a quick process.
39. Government would make cost savings including administration time by Animal Health processing fewer applications, less inspection time and there would also be minor cost savings arising from not needing to buy and dispatch rings for CITES listed birds. These are all assumed to be covered in the amount paid to Animal Health to administer the scheme.
40. Table 8 summarises the annual benefits. The lower range is based on all registrations for keepers of birds of prey costing £14 and the higher range £20. In reality some will pay £14 and some £20. The cost savings shown in Table 8 will be an underestimate of the real benefits, as transfers are not included i.e. there would be a greater reduction in the number of birds needing to register.

Table 8 – summary of annual benefits for option 3

Cost savings to keepers	£
Fee savings	31,606-44,308
Time savings on time spent completing forms	12,779
Time savings on attending inspections	3,037
Total costs savings to keepers	47,421-60,123
Cost savings to Defra	
Delivery cost savings	200,942
Policy administration cost savings	0
Total cost savings to Defra	200,942

2.4 Summary of costs and benefits

41. Table 9 summarises the total monetised costs and benefits that have been monetised for each option. These are estimated over the 5 year period until the policy is due for review in October 2013 and a discount rate of 3.5% has been used.
42. While the proposed option has a lower NPV than option 1, it is thought that this is a better option, due to the potential risks that removing the schedule could pose. These are not represented in the NPV, as costs could not be monetised.

Table 9 – Summary of total monetised costs and benefits

	Total costs (Present value)	Total benefits (Present value)	Net present value
Option 1	0	1,597,669-1,668,914	1,597,669-1,668,914
Option 2	0	1,138,454-1,199,101	1,138,454-1,199,101
Option 3	0	1,160,619-1,219,977	1,160,619-1,219,977

3. Impact tests

43. Assessments of particular relevance are summarised below. Further Impact tests are attached in Annex I.

Small Firms Impact Test

44. The small firms upon which these proposals will impact are small to medium sized enterprises (SMEs). Some of these took part in pre-consultation meetings and also in discussions with Defra during 2007-2008 following the revision of criteria for species selection. The preferred option is deregulatory and is proportionate to the risk. Many businesses will find their costs will fall as they are no longer required to register certain birds in their possession.
45. It is confidently expected that small businesses will welcome the changes that will make Schedule 4 more credible and proportionate, and which aim to reduce burdens to the minimum consistent with meeting the legislation's objectives.

4. Compensatory simplification measures and administrative burdens

46. The amendment to Schedule 4 reduces the number of species and removes all hybrids. This is a deregulatory measure and will contribute to Defra's commitment to reduce administrative burdens by 25% by 2010¹¹.
47. The proposed option reduces administrative burdens to keepers by approximately £14,300 per year in 2005 prices. This estimate includes time savings to keepers through less time completing registration forms and attending inspections. The value of keepers time is based on 2005 wages for managers in farming, horticulture and forestry (which includes animal husbandry) from the standard cost model.

¹¹ Cutting Red Tape Defra Simplification Plan 2007

5. Enforcement and sanctions

48. No new duties are created for the Police (the principle enforcement authority for the Act). The general requirement to register certain birds will be retained along with all the other current provisions of the Act including; the offences to take birds from the wild, penalties for taking birds from the wild and/or selling them and powers to seize unlawfully held wild birds. This will ensure that the necessary protections of the Act are retained but no further sanctions imposed.

6. Monitoring and review

49. The effect of the policy on wild species will be monitored by Natural England, this is not a new duty imposed but would be carried out as part of the range of bird surveillance and monitoring schemes in the UK that NE contribute to, usually in partnership with the other Statutory Nature Conservation Agencies in the UK and non-Governmental organisations. Surveillance schemes may include annual or periodic assessment of population size or distribution and allow trends in both to be derived; they are tailored to provide comprehensive coverage of common and rare species in both breeding and non-breeding seasons.

50. The National Wildlife Crime Unit will continue to collate information on offences against wild birds and provide support, where needed, to police forces to investigate offences.

51. AH Wildlife Inspectors will continue to take samples of CITES specimens which could be used for DNA testing to confirm any claims of lineal ancestry.

52. The retention of Schedule 4 means that Defra will retain the ability to add species back on the Schedule if evidence supported such a move, otherwise it is anticipated that there will not be another review of the Schedule for at least five years.

6. Implementation

53. Amendments to Schedule 4 will be made by Statutory Instrument with a coming into force date of 1 October 2008.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

	No	Yes
	Yes	No
	No	Yes
	No	Yes
	No	Yes
	No	Yes
	No	Yes
	No	Yes
	No	Yes
	No	Yes
	No	Yes
	No	Yes
	No	Yes
	No	Yes

Annex I: Outcome of Impact Tests not referred to in the Evidence Base

Competition assessment

The revision of Schedule 4 reduces the number of species required to be registered will not have a detrimental effect on competition.

Legal Aid

The Proposal does not create new criminal sanctions or civil penalties.

Sustainable Development

This proposal will have very little impact on sustainable development as it is not creating new activities.

Carbon Impact Assessment

The Proposal will have no significant effect on carbon emissions.

Other Environment

The proposal will have little or no implications in relation to climate change, waste management, air quality, landscapes, water and floods, habitat or noise pollution.

Health Impact Assessment

The Proposal will not directly impact on health or well being and will not result in health inequalities.

Race /Disability/Gender equality

There are no limitations on meeting the requirements of the Proposal on the grounds of race, disability or gender. The Proposal does not impose any restriction or involve any requirement which a person of a particular racial background, disability or gender would find difficult to comply with. Conditions of bird registration apply equally to all individuals and businesses involved in the activities covered by the Proposal.

Human Rights

The Proposal is consistent with the Human Rights Act 1998.

Rural proofing

As the proposal is about reducing the level of current regulation, it is not believed that there needs to be any particular consideration of delivery into rural areas. It is expected that the benefits gained will take place in both rural and urban areas.