



Conservation of Seals Act 1970

1970 CHAPTER 30

10 Power to grant licences.

- (1) A licence may be granted to any person by [^{F1}the appropriate licensing authority] authorising that person, notwithstanding anything in the foregoing provisions of this Act, but subject to compliance with any conditions specified in the licence,—
- (a) for scientific or educational purposes to kill or take within an area specified in the licence by any means so specified other than by the use of strychnine any number of seals so specified;
 - (b) for the purposes of any zoological gardens or collection specified in the licence to take within an area specified in the licence by any means so specified any number of seals so specified;
 - (c) for—
 - (i) the prevention of damage to fisheries;
 - (ii) the reduction of a population surplus of seals for management purposes; . . . ^{F2}
 - (iii) the use of a population surplus of seals as a resource, [^{F3}or]
 - [^{F4}(iv) the protection of flora or fauna in an area to which subsection (4) of this section applies,]to kill or take within any area specified in the licence by any means so specified other than by the use of strychnine any number of seals so specified.
- (2) A licence granted under this section may be revoked at any time by [^{F1}the appropriate licensing authority] and, without prejudice to any other liability to a penalty which he may have incurred under this or any other Act, any person who contravenes or fails to comply with any condition imposed on the grant of a licence under this section shall be guilty of an offence.
- (3) [^{F1}the appropriate licensing authority]—
- (a) shall consult the Council before granting a licence under this Act; and
 - (b) except in relation to the prevention of damage to fisheries shall not without the consent of [^{F5}Natural England] grant a licence to kill or take seals in [^{F6}an area [^{F7}in, or in waters adjacent to, England]to which subsection (4) of this section applies]

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- [^{F8}(4) This subsection applies to any area which—
- (a) is a nature reserve within the meaning of section 15 of the National Parks and Access to the Countryside Act 1949;
 - [^{F9}(b)]
[^{F10}is a site of special scientific interest;]
 - ^{F11}[(c)]
[^{F10}is an area in respect of which a nature conservation order or land management order made under Part 2 of the Nature Conservation (Scotland) Act 2004 (asp 6) has effect; or]
 - (d) has been designated as [^{F12} a marine conservation zone under section 116 of the Marine and Coastal Access Act 2009] [^{F13} the Wildlife and Countryside Act 1981].]
- [^{F14}(4A) A licence under this section does not authorise the use of any method of killing or taking seals which is inconsistent with [^{F15}][^{F16}regulation 45 of the Conservation of Habitats and Species Regulations 2017] or any other enactment for the time being in force for the purpose of giving effect to Article 15 of the Habitats Directive (as read subject to any derogation permitted by Article 16 of that Directive).]
- ^{F17}(5)
- [^{F18}(6) In subsection (4A), the “Habitats Directive” means the Directive of the Council of the European Communities dated 21st May 1992 (No. 92/43/ EEC) on the conservation of natural habitats and of wild flora and fauna , as amended from time to time.]
- [^{F19}(6) In subsection (4A), the Habitats Directive means the Directive of the Council of the European Communities dated 21st May 1992 (No. 92/43/ EEC) on the conservation of natural habitats and of wild flora and fauna.]
- [^{F20}(7) In this section “the appropriate licensing authority” means—
- (a) the Natural Resources Body for Wales where the area in question is in Wales;
 - (b) in any other case, the Marine Management Organisation.
- (8) In subsection (7)(a), “Wales” has the meaning given by section 158 of the Government of Wales Act 2006.]

Annotations:

Amendments (Textual)

- F1** Words in s. 10 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 107(2)** (with Sch. 7)
- F2** Word repealed by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 73, **Sch. 17 Pt. II**
- F3** Word inserted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 12, **Sch. 7 para. 7(1)**
- F4** S. 10(1)(c)(iv) inserted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 12, **Sch. 7 para. 7(1)**
- F5** Words in s. 10(3)(b) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 107(3)(a)** (with Sch. 7)
- F6** Words substituted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 12, **Sch. 7 para. 7(2)**
- F7** Words in s. 10(3)(b) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 107(3)(b)** (with Sch. 7)
- F8** S. 10(4) inserted by [Wildlife and Countryside Act 1981 \(c.69, SIF 4:5\)](#), s. 12, **Sch. 7 para. 7(3)**
- F9** S. 10(4)(b) substituted (30.1.2001) by 2000 c. 37, ss. 76(1), 103(2), **Sch. 10 Pt. II para. 4**

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- F10** S. 10(4)(b)(c) substituted (S.) (29.11.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), s. 59(2), **Sch. 7 para. 3(a)** (with s. 55(2)); S.S.I. 2004/495, art. 2
- F11** S. 10(4)(c) and the following word repealed (E.W.) (30.1.2001) by 2000 c. 37, ss. 102, 103(2), **Sch. 16 Pt. III** (but by S.I. 2001/114, art. 2, and S.I. 2001/1410, art. 2, the commencement of the said Sch. 16 Pt. III is purported to be 30.1.2001 for E. and 1.5.2001 for W. respectively)
- F12** Words in s. 10(4)(d) substituted (E.W.) (12.1.2010 for specified purposes and 12.12.2014 for remaining purposes) by Marine and Coastal Access Act 2009 (c. 23), s. 324(2)(b)(i), **Sch. 11 para. 1**; The Marine and Coastal Access Act 2009 (Commencement and Consequential Provisions) (Wales) Order 2014 (No. 3088), art. 2(b)
- F13** Words in s. 10(4)(d) substituted (S.) (29.11.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), s. 59(2), **Sch. 7 para. 3(b)** (with s. 55(2)); S.S.I. 2004/495, art. 2
- F14** S. 10(4A) inserted (S.) (15.2.2007) by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007 (S.S.I. 2007/80), regs. 2, 26(a) and s. 10(4A) inserted (E.W.) (21.8.2007) by The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 (S.I. 2007/1843), regs. 2(1), **6(a)**
- F15** Words in s. 10(4A) substituted (E.W.) (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), reg. 1(2), **Sch. 6 para. 2** (with reg. 125)
- F16** Words in s. 10(4A) substituted (E.W.) (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), reg. 1(2), **Sch. 6 para. 3**
- F17** S. 10(5) omitted (1.4.2013) by virtue of The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 107(4)** (with Sch. 7)
- F18** S. 10(6) inserted (S.) (15.2.2007) by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007 (S.S.I. 2007/80), regs. 2, **26(b)**
- F19** S. 10(6) added (E.W.) (21.8.2007) by The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 (S.I. 2007/1843), regs. 2(1), **6(b)**
- F20** S. 10(7)(8) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 107(5)** (with Sch. 7)

Modifications etc. (not altering text)

- C1** S. 10 transfer of functions (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 9**, 324(3); S.I. 2010/298, art. 2, Sch. para. 1

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Changes and effects yet to be applied to :

- s. 10(3)(a) word substituted by [2017 c. 29 Sch. 12 para. 7\(2\)\(b\)](#)