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Our ref RFI2789

Date 02/08/2009

Mr Canning
request-14114-094493d7@whatdotheyknow.com

Dear Mr Canning

REQUEST FOR INFORMATION: Hybrids and red backed shrikes

Thank you for your request for information about hybrids and red backed shrikes which we received on 06/07/2009. We are dealing with your request under the Environmental Information Regulations 2004 (EIRs).

- 1) Did any stakeholders, organisations involved in falconry and anyone who bred hybrid birds of prey before the 24 May 1994 receive any consultation to pass an amendment to the Wildlife and Countryside Act 1981 to make hybrids birds of prey registerable? If so show me a copy of the consultation and the replies including JNCC's reply.
- 2) Did any stakeholders, organisations involved in falconry and anyone who bred hybrid birds of prey before the 24 May 1994 receive no consultation to pass an amendment to the Wildlife and Countryside Act to make hybrids birds of prey registerable?

Following a search of our paper and electronic records, I have established that the information you requested has been destroyed in accordance with our records disposal policy.

The information is therefore exempt under Regulation 12(4)(a) of the Environmental Information Regulations, which relates to information which is not held. In applying this exception we have, as required, considered the public interest on whether we should have held the information.

We have concluded that it is not in the public interest for Defra to hold or seek to secure this information because, while this information may be environmental, it is not necessary

or relevant for the fulfilment of Defra's functions. However under our duty to advise and assist applicants in pursuance of Regulation 9. I can confirm that to the best of our knowledge the information is not held by another public authority.

- 3) How many stakeholders, organisations involved in falconry and anyone who bred hybrid birds of prey before the 24 May 1994 paid to register hybrids before the 24 May 1994 . Please give the information for each year?.
- 4) How many stakeholders , organisations involved in falconry and anyone who bred hybrid birds of prey paid to register hybrids after the 24 May 1994. Please give the information for each year.

Animal Health has written to you previously with respect to these questions. There is nothing further Defra can add.

- 5) What information would a person need to have for Animal Health to be satisfied that a person had lawfully in his possession or control red backed Shrikes. What information do you hold on lawful keeping of red backed shrikes in the UK?

Animal Health has provided the following response to your query: The red backed shrike (*Lanius collurio*) was listed on Schedule 4 to the Wildlife and Countryside Act 1981 by means of SI 1982 No. 1982 which came into force on 28 September 1982, and was removed from that Schedule in England by SI 2008 No. 2356 which came into force on 1 October 2008. During the period that the species was listed a keeper would be required to supply exactly the same information as was required for any other species listed under schedule 4. This information is already published (see website: <http://www.defra.gov.uk/animalhealth/CITES/news/080922-birdregchanges.htm#regeng>)

As the red-backed shrike has now been removed from Schedule 4 Animal Health confirm that they do not hold any information on "lawful keeping of red-backed shrikes"

If you have any queries about this letter, please contact me. I also attach an annexe giving contact details should you be unhappy with the service you have received.

Yours sincerely

Simon Mackown

Email simon.mackown@defra.gsi.gov.uk

Annexe A

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision within 40 working days of the date of this letter. Please write to Clive Porro, Head of Defra's Information Rights Team at, Area1B Ergon House, Horseferry Road, London SW1P 2AL, (email: informationrights@defra.gsi.gov.uk) who will arrange for an internal review of your case. Details of Defra's complaints procedure can be found at: <http://www.defra.gov.uk/corporate/complain/info.htm>

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF