

07 August 2015

Our ref: RFI 3051



Mail Hub Block B,
Whittington Road,
Worcester,
WR5 2LQ

Mr Carroll
By Email: diamondinc83@aol.com

Dear Mr Carrol,

Access to Information Request – Partial Release - Request Number RFI 3051

Thank you for your request for the information detailed below which we received on 27 July 2015. Your request has been considered under the Environmental Information Regulations 2004.

Please find our response below.

Can you confirm that although you are the Government agency tasked with issuing/administrating general licences, that you are unable to prosecute any breaches to these licences as an authority?

There is nothing to stop Natural England from prosecuting breaches of General Licences that we issue. However, it is agreed between Natural England and the Police Service that they will enforce breaches of the General Licences that we issue that are reported to them.

Regarding the release of so called "non native species", can you similarly confirm that you are unable to prosecute any individuals for the illegal release of these species?

There is nothing to stop Natural England from prosecuting breaches of Section 14 of the Wildlife & Countryside Act 1981 (as amended) which is the piece of legislation to which we believe you are referring. However, it is the Police Service that takes the lead in enforcing wildlife legislation in England that is not in relation to protected site or species Licence enforcement (except General Licences that we issue). For more information, please see: <https://www.gov.uk/enforcement-laws-advice-on-protecting-the-natural-environment-in-england>

Can I request if you hold any recorded information as to prosecution outcomes regarding breach of general licences and also illegal release of "none native species in the UK? Can I request this information for the last five years and the areas where these took place. Could you also indicate the species involved. I would request this in an excel spreadsheet format.

Natural England does not hold this information as we are not the prosecuting authority in these cases. We are therefore applying exception 12(4)(a) – Information Not Held - under the Environmental Information Regulations 2004. This exception is applied when the public body does not hold the information requested. You may wish to contact the [Ministry of Justice](#) and/or the [Police National Wildlife Crime Unit](#) to see if they hold this information.

As you may be aware, under the legislation should you have any concerns with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, please contact me at foi@naturalengland.org.uk and I will instruct a review to be take place. Under Regulation 11(2) this needs to be done no later than 40 working days after the date of this letter.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by Natural England. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Telephone: 01625 545 700, www.ico.gov.uk.

Yours sincerely

Sarah Waterfield
Lead Adviser – Access to Information
Legal Services