

Badgers

The badger is one of Britain's best-loved but most persecuted animals. Badgers live in social groups in underground setts where they sleep during the day, only emerging in the evening.

They are shy creatures which avoid contact with people; although they are seldom seen, badgers live in many places in and around Cumbria. They are not only found in the countryside and nature reserves but sometimes in large gardens.

For centuries badgers have been victims of persecution by man, and in the past badger baiting was a popular spectator sport. It was made illegal in 1835, but never completely died out and has become more common in the last 20 years or so.

The Protection of Badgers Act 1992 created a number of offences and provides financial and custodial sentences for offenders as well as powers to make banning orders in respect of keeping dogs.

Badger diggers

Badger diggers use dogs (often wearing collars fitted with electronic transmitters for tracking underground) and digging equipment to take badgers from their setts. The captured badgers are then attacked by dogs for sport, whilst the spectators gamble on the performance of the dogs.

Alternatively, badgers may be hunted with powerful hand lamps when they are out foraging during the night and, when located, dogs are set on them. The badger is always killed, whether at the scene or after being taken away in cages.

It is estimated that 10,000 badgers are killed illegally every year. Large sums of money are often involved and it is usually the case that those involved in badger baiting are also involved in other serious crime, so the money used is often the proceeds of crime.

Badger digging and baiting is extremely cruel and the badgers suffer severe injuries before they are killed. The dogs are often badly injured as well. To limit the risk of injury to the dogs, the badger often has dreadful injuries inflicted upon it by the men involved before letting the dogs on to it, such as breaking the badger's jaw or legs with a spade or by stabbing the badger with a knife.

Illegal persecution

Badgers are also victims of other forms of illegal persecution, such as gassing, poisoning and the indiscriminate use of snares: badgers caught in snares suffer dreadful injuries when the wire snare cuts into their flesh and they may die a long, lingering death.

If you see people with digging equipment and dogs in an area where badgers live, do not approach them but note down the registration numbers of any vehicles parked nearby and telephone the police straight away.

Protection of Badgers Act 1992

Badgers are a protected species and as such they are afforded protection under the [Protection of Badgers Act 1992](#).

Under the 1992 Act a person is guilty of an offence if, except as permitted by or under this Act:

- he wilfully kills, injures or takes, or attempts to kill, injure or take, a badger;
- he has in his possession or under his control any dead badger or any part of, or anything derived from, a dead badger;
- he cruelly ill-treats a badger;

- he uses any badger tongs in the course of killing or taking, or attempting to kill or take, a badger;
- he digs for a badger;
- he uses for the purpose of killing or taking a badger any firearm other than a smooth bore weapon of not less than 20 bore or a rifle using ammunition having a muzzle energy not less than 160 foot pounds and a bullet weighing not less than 38 grains;
- he sells a live badger or offers one for sale or has a live badger in his possession or under his control;
- he marks, or attaches any ring, tag or other marking device to, a badger other than one which is lawfully in his possession by virtue of such a licence.

A person is guilty of an offence if, except as permitted by or under this Act, he interferes with a badger sett by doing any of the following things:

- damaging a badger sett or any part of it;
- destroying a badger sett;
- obstructing access to, or any entrance of, a badger sett;
- causing a dog to enter a badger sett;
- disturbing a badger when it is occupying a badger sett;
- intending to do any of those things or being reckless as to whether his actions would have any of those consequences;
- he knowingly causes or permits to be done an act which is made unlawful by subsection (1) of the 1992 Act.

General exemptions

A person is not guilty of an offence for:

- taking or attempting to take a badger which has been disabled otherwise than by his act and is taken or to be taken solely for the purpose of tending it;
- killing or attempting to kill a badger which appears to be so seriously injured or in such a condition that to kill it would be an act of mercy (this does not include where the person caused or allowed the injuries to occur in the first place);
- unavoidably killing or injuring a badger as an incidental result of a lawful action;
- doing anything which is authorised under the Animals (Scientific Procedures) Act 1986.

Exemptions under a Government licence

A person is not guilty of an offence under certain sections of the Act if he shows that his action was necessary for the purpose of preventing serious damage to land, crops, poultry or any other form of property, provided that the person had obtained a licence from Natural England in order to prevent such damage occurring to land and crops etc.

Penalties

If a person is found committing an offence under this section on any land it shall be lawful for the owner or occupier of the land, or any servant of the owner or occupier, or any constable, to require that person forthwith to quit the land and also to give his name and

address; and if that person on being so required wilfully remains on the land or refuses to give his full name or address he is guilty of an offence.

Where a dog has been used or was present during the commission of the offence under the 1992 Act the court can order the destruction of the dog.

If you see people with digging equipment and dogs in a badgers habitual area or lamping during the hours of darkness, do not approach but take a note of vehicle registration numbers nearby and contact the police. If you have any information regarding badger persecution please contact North Yorkshire Police on 0845 6060247.

The Badger Trust

The Badger Trust promotes the conservation and welfare of badgers and the protection of their setts and habitats. They are the leading voice for badgers and represent and support around 80 local voluntary badger groups. The Badger Trust provides expert advice on all badger issues and works closely with MPs, the police and other conservation and welfare organisations.

If you have any information about badger persecution, please contact Cumbria Police on 0845 33 00 247 or ring Crimestoppers on 0800 555111.