

# The Protection of Badgers Act 1992 (c. 51)



This is an Act to consolidate the:

- Badgers Act 1973,
- the Badgers Act 1991 and
- Badgers (Further Protection) Act 1991

This Act protects badgers and their setts, and is laid out in three sections:

- Offences
- Exceptions and Licenses
- Enforcement and Penalties

The 1992 Act repeals previous Badgers Acts of 1973 and 1991, and certain sections of other relevant acts such as The Wildlife and Countryside Act 1981, The Environmental Protection Act 1990, The Animals (Scientific Procedures) Act 1986, The Natural Heritage (Scotland) Act 1991, and The Criminal Justice Act 1991.

## Offences

1. Wilfully killing, injures or takes, or attempts to kill, injure or take, a badger.
2. Cruelly ill-treating a badger, digging for badgers, using badger tongs, using a firearm other than the type specified under the exceptions within the Act.
3. Interfering with a badger sett by damaging, destroying, obstructing, causing dog a dog to enter a sett, disturbing an occupied sett - either by intent or by negligence.
4. Selling or offering for sale a live badger, having possession or control of a live badger.
5. Marking a badger or attaching any ring, tag, or other marking device to a badger.

## Exceptions and Licenses

1. Taking a disabled badger for the purposes of tending it.
2. Killing a seriously injured or sickly badger as an act of mercy.
3. Unavoidably killing a badger as an incidental result of a lawful action.

4. Any act which is authorized by the Animals (Scientific Procedures) Act 1986.
5. Killing or taking, or attempting to kill or take, or injuring a badger during any of these actions, as necessary for the purpose of preventing serious damage to land, crops, poultry, or any other form of property. This does not apply if it was apparent before that time that such action would be necessary, and a license had not been applied for, or an application had not been determined.
6. Blocking sett entrances for the purposes of hunting foxes with hounds as detailed in the conditions set within section 8 of the Act.
7. Having possession of a disabled badger for the purposes of tending it.
8. An offence will not be committed if a license is obtained from the appropriate authority in order to carry out any activities prohibited by the Act, so long as the conditions contained in the license are adhered to.
9. A license may be obtained from the appropriate authority in order to kill or take badgers, or interfere with their setts in order to prevent the spread of disease.
10. A license may be obtained from the appropriate authority in order to interfere with a badger sett for the purpose of agricultural or forestry operations, or to construct, maintain or improve water courses, drainage, and tidal defences.
11. Appropriate Authority means the relevant "Conservancy Council", or the relevant "Minister". In Scotland these would be "Scottish Natural Heritage" and the "First Minister

### **Enforcement and Penalties**

1. Where there are reasonable grounds for suspicion that there is an offence, a constable may without warrant stop and search any person or vehicle involved, and seize anything which may be evidence. In Scotland that person may be arrested if they give a satisfactory name and address.
2. A Person convicted of an offence or offences under the terms of the Act is liable to a term of imprisonment not exceeding six months per offence, and or a fine not exceeding level 5 (approx £5000).
3. Persons convicted of offences under the terms of the Act will have any badger, skin, and if the court sees fit, any weapon or article used in the commission of the offence forfeited.

4. Any dog used in the commission of an offence may be destroyed, and the offender disqualified from having custody of a dog, and made pay for the dogs destruction.

### **Web Site**

For more information, please refer to:

- [http://www.legislation.hmso.gov.uk/acts/acts1992/Ukpga\\_19920051\\_en\\_1.htm](http://www.legislation.hmso.gov.uk/acts/acts1992/Ukpga_19920051_en_1.htm)

Wildlife and Countryside Act 1981

<http://www.legislation.gov.uk/ukpga/1981/69/contents>