



SCOTTISH
BADGERS

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Badgers & The Law

Badgers and their setts are fully protected by law at all times*. Anyone disturbing badgers or damaging or obstructing access to their setts may be committing an offence. A person is also guilty who **causes or permits** such an act be done** (corporate offence) or if they are going equipped*** (attempt). **The burden of proof is on the perpetrator to show that badgers are not present.** It makes no difference whether the damage was **reckless or deliberate**.

Wildlife Incident Reporting Protocol

- Please let Scottish Badgers know about all incidents on **07866 844 232** or <https://www.scottishbadgers.org.uk/report-badger-sett.asp>
- **Do not disturb or touch anything on the scene** as this may be evidence. Record exact place (grid reference), date, time, what you were doing, what you saw i.e. people, dogs, vehicle registrations.
- **Once you have seen a potential crime scene you cannot return** unless accompanied by a police

officer at their request. Police have powers under PBA section 11 to seize evidence, arrest, enter premises, stop and search.

- **If the incident is ongoing and there is a threat to health or property** do not make yourself known and call Police Scotland immediately on **999**. Get an incident number.
- **If there is a trapped or injured animal call the SSPCA on 03000 999 999**. Record details as above and also call Police Scotland.
- Do not cut free an animal from a snare or trap – it likely needs medical help, even if it looks uninjured.
- **If the incident is a disturbed sett** contact Police Scotland on **101**. Ask to speak with a Wildlife Crime Liaison Officer or give details to pass to the local duty officers. Get an incident number. Take a photograph from outside the scene to identify the location and photo's of blocked holes, bait, etc. Wait at the scene for the authorities to arrive or arrange to return with them.
- If evidence might be affected by weather lightly cover it after logging location, what it looks like etc.

- **Attending officers may have little or no wildlife crime knowledge.** Suggest that they ask the accused what steps they took to confirm badgers were not present before proceeding with their operations.
- **The Use of Covert Cameras** is controversial. When enforcement agencies use them they are governed by the Regulation of Investigatory Powers (Scotland) Act 2000. If you are **genuinely researching** badger behaviour and have landowner permission, then video evidence is admissible otherwise there is a high risk of a section 78 Police and Criminal Evidence Act 1984 application to exclude the evidence on the grounds you only intended to gather evidence of criminal behaviour.
- **Snares** are subject to very restricted conditions e.g. a numbered tag should be attached to each snare. It is not legal to set a snare to catch a badger. Do not interfere with a snare but contact the Police if unsure as they have a register of those licenced to use snares. **If an animal is suffering call the SSPCA on 03000 999 999.** Report snaring incidents to www.snarewatch.org.



Snared badger at the vets, SSPCA

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- **Traps.** Use the Science and Advice for Scottish Agriculture (SASA) website for advice on how to identify whether traps are being deployed legally or not in the countryside.
www.sasa.gov.uk
- **Poisoning or gassing.** If an animal or bird has been placed as poisoned bait, do not touch or remove it. Call the police following the same steps as for a disturbed sett. If you have to leave the scene before expert help arrives, lightly cover the item.
- Report to SASA on **0800 321 600** or wiiis-scotland@sasa.gsi.gov.uk which operates a wildlife incident investigation scheme.
- Responsible access rights in Scotland are granted by the Land Reform (Scotland) Act 2003 for recreation, education, and going from place to place. Exclusions include motorised activities, gardens, crop fields and railways.

For more information see our website:
www.scottishbadgers.org.uk/crime.asp
Scottish Charity No. SCIO SC034297

*The Protection of Badgers Act 1992 (PBA), as amended by the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011. Otherwise legal activities such as using snares, poison, gas, mechanised equipment or stupefying substances are not legal if used in a way that they are likely to cause injury to a Schedule 6 wild animal which includes badgers - Wildlife & Countryside Act 1981 as amended by the WANE(S) Act 2011, S11 paras 2-7.

** (PBA section 12). *** (PBA section 11A).

