



Llywodraeth Cymru
Welsh Government



Llywodraeth Cymru Welsh Government

Rhodfa Padarn
Llanbadarn Fawr
Aberystwyth
Ceredigion
SY23 3UR

PROTECTION OF BADGERS ACT 1992

LICENCE TO TAKE BADGERS

LICENCE NUMBER: xxxxxxxxxxxx

The Welsh Ministers, in exercise of the power conferred by section 10(2)(a) of the Protection of Badgers Act 1992 (as amended) (“the Act”) and for the purpose of preventing the spread of disease, grant the following Licence :

1. Subject to the Terms and Conditions below, a Licensee is permitted to take Badgers and interfere with a Badger Sett within the Area during the Licence Period.

Definitions

2. In this Licence:
 - a. “Area” means the area in Wales shaded and known as **xxxxxxxxxxx** on the map attached to this Licence;
 - b. “Badger” means any animal of the species *Meles meles*;
 - c. “Licensee” means a person named in the Annex to this Licence; and
 - d. “Licence Period” means the period between **00:01** on **xxxxxxxxxxx** and **23.59** on **xxxxxxxxxxx**.

Licence Number: **xxxxxxxxxxx**



Terms and Conditions

3. The Licensee is responsible for ensuring that all operations undertaken pursuant to this Licence comply with all the Terms and Conditions of this Licence.
4. The method of taking Badgers pursuant to this Licence must be in accordance with the terms of a Licence issued by the Welsh Ministers pursuant to section 16(3)(g) of the Wildlife and Countryside Act 1981 (relating to the use of Appropriate Traps (as defined in that Licence) and artificial lighting within the Area). The Licensee must take all reasonable precautions to ensure that unnecessary suffering, injury or death of Badgers does not occur as a result of taking those animals pursuant to this Licence.
5. At least 1 week in advance of any action taken under this Licence the Licensee must notify the Welsh Ministers in writing of the action that will be carried out pursuant to this Licence and by whom the action will be carried out by.
6. The licensee shall only interfere with a Badger Sett so far as is reasonably necessary to ensure the appropriate placement of traps.
7. A Licensee may only pre-bait and position an Appropriate trap or take Badgers in an Appropriate trap pursuant to this Licence if:
 - a. The Licensee held a Certificate of Competence issued by the Animal and Plant Health Agency (APHA); or
 - b. The Licensee has received appropriate training such as pre-baiting and trap setting for Badger vaccination training approved by APHA;

A Licensee may only pre-bait and position an Appropriate trap pursuant to this Licence if:

 - c. When carrying out the activities authorised by this Licence the licensee is accompanied by either (a) or (b) above
8. The Licensee must keep a written record of when and where Badgers are taken pursuant to this Licence. That record must be made available to the Welsh Ministers upon request.
9. The Licensee must ensure that provision has been made for prompt veterinary assistance to be available to treat any injured Badger.
10. Any Badgers taken pursuant to this Licence must, once they have received any appropriate treatment and found to have tested negative for TB, be released as soon as possible at the point of capture.
11. The Licensee must have regard to all good practice guidance and must comply with all legislation which is relevant to the taking of Badgers in the Area.
12. The Licensee must permit an officer of the Welsh Government (on production of his or her authority on demand), accompanied by such individuals as the Welsh Government officer considers appropriate, to be present during any operations carried out pursuant to this Licence. The Licensee must give all reasonable



Llywodraeth Cymru
Welsh Government

assistance to an officer of the Welsh Government and any individuals accompanying that officer.

13. This Licence may be modified or revoked at any time by the Welsh Ministers in writing.

WARNING

Failure to comply with the terms and conditions of this Licence could lead to the commission of an offence under the Protection of Badgers Act 1992. The maximum penalty available for an offence under section 1 of that Act is, at the time of the issue of this Licence, a level 5 fine and/or up to six months imprisonment.

If you have any queries about this License please contact the Land, Nature and Forestry Division, Welsh Government, Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3UR.

This Licence is granted by an authorised official of the Welsh Government's Land, Nature and Forestry Division on behalf of the Minister for Environment, Energy and Rural Affairs, one of the Welsh Ministers.

Date:

Licence Number: xxxxxxxxxx



EXPLANATORY NOTES

1. The Welsh Ministers have issued this Licence in exercise of the power conferred by section 10(2) (a) of the Protection of Badgers Act 1992 (as amended).
2. Section 10(2) (a) of that Act enables the Welsh Ministers (in relation to Wales) to licence the taking of Badgers which would otherwise be an offence pursuant to section 1(1) of that Act.

The limits of this Licence

3. This Licence authorises the named Licensees only to take Badgers and interfere with Badger Setts, for the purpose of preventing the spread of disease, within the Area during the Licence Period.
4. This Licence does not confer any right of entry upon land.
5. Any person not permitted to use this Licence on account of a relevant conviction (see Terms and Condition paragraph 13) may still apply to the Welsh Government for a specific licence for the purpose(s) and activities covered by this Licence. Any such application will be considered on its merits.
6. Please note that this Licence does not permit actions prohibited under any other legislation. For example:

Protected sites: anyone acting under this Licence is not exempt from the provisions of section 28E of the Wildlife and Countryside Act 1981, as amended. This means that owners and occupiers of sites designated as Sites of Special Scientific Interest (SSSI) are obliged to seek the consent of the Natural Resources Body for Wales if they propose to carry out an activity on the site that is listed on the protected site notification as an "operation likely to damage".

Statutory undertakers (as defined under Section 28G of the Wildlife and Countryside Act 1981) are reminded that they are obliged under Section 28H of this Act to give notice to the Natural Resources Body for Wales before carrying out operations likely to damage any of the special interest features of a SSSI and this obligation applies even where the operations are carried out on land not included in the SSSI.

To identify SSSIs and the features for which they are designated, refer to www.magic.gov.uk. Consult the site notification for details of "operations likely to damage", and consider whether your activity is likely to have an impact. Advice may be sought from the Species Protection Team, Natural Resources Wales, Maes y Ffynnon, Penrhosgarnedd, Bangor, LL57 2DW (e-mail trwyddedrhywoqaeth@cyfoethnaturaolcymru.gov.uk), tel. 03000653000.

7. Persons acting under this Licence should have regard to any available good practice guidance and must comply with all other relevant legislation.



Non-native species

8. Under section 14 of the Wildlife & Countryside Act 1981 it is an offence to release into the wild any animal included in Part 1 of Schedule 9 to this Act. Animals of species listed in Schedule 9 caught under this Licence should be treated as follows:

- i. Animals of the following species, which are considered native to Great Britain, **must be released immediately upon discovery**. This is permitted under a general licence issued under the Wildlife & Countryside Act 1981 (<https://naturalresources.wales/media/683661/general-licence-009-english.pdf>).

Barn owl *Tyto alba*

- ii. Animals of all other species listed in Schedule 9 (this includes the Grey Squirrel (*Sciurus carolinensis*), Edible Dormouse (*Glis glis*; also known as *Myoxus glis*) and American Mink (*Neovison vison*, also known as *Mustela vison*) must not be released or allowed to escape into the wild. If caught, these animals should be killed in a quick and humane manner as soon as reasonably practicable after discovery and disposed of appropriately. These animals may only be released under an individual licence obtained, in advance, from Natural Resources Wales.

9. Animals that are listed under Schedule 1 of the Wildlife and Countryside Act 1981 **must be released immediately on discovery**.

General welfare considerations

10. It is an offence, under section 2(1) of the Protection of Badgers Act 1992 to cruelly ill-treat a Badger.
11. Under the Animal Welfare Act 2006 it is an offence to cause any unnecessary suffering to an animal under the control of man (section 4 of the 2006 Act). This applies to the humane dispatch of captured animals and to the treatment of animals held in traps or nets.
12. It is the responsibility of each person relying on this Licence to use appropriate equipment and to ensure that they are competent to use such equipment so as to avoid causing unnecessary suffering.
13. Section 6(b) of the Protection of Badgers Act 1992 provides that it shall not be an offence 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.



Llywodraeth Cymru
Welsh Government

Annex
Licensees
