

Badger's paw print



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## INTRODUCTION

The badger is one of the most charismatic creatures in our countryside. The worst threat they face is from badger baiting, in which people send dogs down badger setts and gamble on which animal survives the resultant fight. The Nature Conservation (Scotland) Act, 2004, amended the Protection of Badgers Act, 1992, further enhancing the measures in place to prevent this cruel 'sport'.

Under this legislation it is an offence to:

- willfully take, kill or injure a badger
- possess a badger, live or dead, or any part of a badger, if obtained in contravention of the Act
- cruelly illtreat or dig for a badger, or use badger tongs
- intentionally or recklessly interfere with a badger sett by damaging, destroying or obstructing it, cause a dog to enter it, or disturb a badger occupying it
- cause or permit, or attempt to commit any of these offences.

A person who is in possession of anything capable of being used for committing an offence against badgers is guilty of the offence.

Any person who appears to be attempting to kill, injure or take a badger is presumed to be doing so unless the contrary is shown.

## SCOTTISH WILDLIFE CRIME OFFICERS

CENTRAL SCOTLAND POLICE  
Inspector Gordon McKenzie  
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DUMFRIES & GALLOWAY CONSTABULARY  
Sergeant Ian Fraser  
Tel: 01387 252112

FIFE CONSTABULARY  
Chief Inspector Alistair McKeen  
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GRAMPIAN POLICE  
Supt Alan Smailes  
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LOTHIAN & BORDERS POLICE  
Constable Jim McGovern  
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NORTHERN CONSTABULARY  
Supt John Darcy  
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STRATHCLYDE POLICE  
Mr Joe Connelly  
Tel: 0141 532 6885

TAYSIDE POLICE  
Mr Alan Stewart  
Tel: 01738 892650

MOD POLICE  
Sergeant John Simpson  
Tel: 01436 674321



The Partnership for Action Against Wildlife Crime (PAW) is a multi-agency body comprising representatives of all the organisations involved in wildlife law enforcement.

It provides opportunities for statutory and non-Government organisations to work together to combat wildlife crime.

Its main objective is to promote the enforcement of wildlife conservation legislation, particularly through supporting the networks of Police Wildlife Crime Officers and Customs Wildlife and Endangered Species Officers.



SCOTTISH EXECUTIVE

## BADGERS AND THE LAW IN SCOTLAND



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PARTNERSHIP FOR ACTION AGAINST wildlife crime

## EXCEPTIONS

An offence is not committed by having a live badger if it has been disabled otherwise than by that person's unlawful act and is kept solely for tending and releasing when no longer disabled.

Nor is the unavoidable killing or injuring of a badger as an incidental result of a lawful action an offence.

Occasionally a badger may be found so seriously injured or disabled that to have it humanely put to sleep would be the best course of action. This is not an offence.



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Badgers are nocturnal animals



Badger's sett



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## BADGER SIGNS

A badger sett is defined as any structure or place which displays signs indicating current\* use by badgers.

Signs of badgers will require expert interpretation. It is therefore advised that a police wildlife crime officer and/or badger expert be consulted at the earliest opportunity.

As an initial guide, signs may include:-

- 'D' shaped entrance holes
- well worn pathways to and from sett
- latrine pits and scratch marks
- paw prints showing 5 digits and claws
- distinctive coarse black and white banded hairs
- active setts normally have spoil heaps outside

\* Scottish Natural Heritage define 'current use' as 'any sett within an occupied badger territory regardless of when it may have been last used'. Therefore a sett is classified as in current use even if only used seasonally or occasionally by badgers, and afforded the same protection in law as one in frequent use.

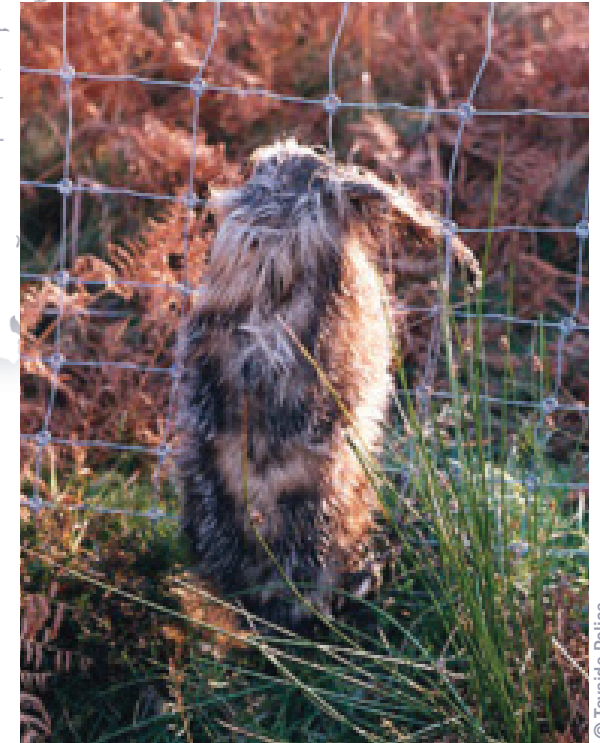
## POLICE POWERS

The main offences under the Protection of Badgers Act, 1992, as amended by the Nature Conservation (Scotland) Act, 2004, are punishable by up to 3 years imprisonment, an unlimited fine, or both.

If a police officer has grounds for **reasonably suspecting** that a person is committing or has committed an offence against badgers, they may stop and search that person, search for, or examine anything the person may have in his possession and seize anything which may be evidence.

If they have **reasonable suspicion** the constable may arrest that person.

To exercise the above powers the officer may without warrant, and with other persons, machinery or equipment, enter any land other than dwellings or lockfast premises.



Badger carelessly caught in snare

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