



# Protection of Badgers Act (UK)



## Relevance:

- What is protected?
- Investigate or disturb a sett - What licence is required, who to contact
- Signs and criteria for active sett

## Key parts of the Legislation:

The Protection of Badgers Act 1992 is a UK law designed to protect badgers and their setts (burrows) from harm or disturbance.

## Key Points:

### 1. Offences:

It is an offence to:

- Wilfully kill, injure, or take a badger.
- Cruelly treat a badger.
- Dig for a badger.
- Damage, destroy, obstruct access to, or disturb a badger sett.
- Use badger tongs or other specified equipment.
- Sell, offer for sale, or possess a live or dead badger or its parts.

A badger sett is defined as "any structure or place which displays signs indicating current use by a badger." Setts are networks of underground tunnels in which badgers live. Most social groups of badgers have a number of setts within the territory that they use. All active setts are protected under the Act.

## What could be a badger sett?

The legal definition of a badger sett refers to a 'structure or place' showing signs of current use by a badger. In most cases a badger sett will be used for breeding, shelter or protection and will consist of a series of tunnels and chambers, sometimes interlinked, and accessed by one or more sett entrances.

Badgers may also occasionally use other types of structure or place for the same purpose, including natural holes or voids in rock or spaces under buildings, all of these structures could constitute a sett if showing signs of current use.

We would not consider that areas regularly used by badgers for other activities such as feeding or access would constitute a sett.

### **What are 'signs of current use'?**

There is no case law to clarify what signs of current use means. It should be considered that the presence of field signs such as bedding, fresh spoil heaps, signs of recent digging, hair, latrines, or footprints in or around the potential sett or evidence of badgers entering or exiting the structure or place in question would indicate current use of the structure / place by a badger.

<https://www.badgertrust.org.uk/why-are-badgers-protected-by-law>

<https://www.rspca.org.uk/adviceandwelfare/wildlife/badgers/law>

<https://www.scottishbadgers.org.uk/information-hub/badgers-and-the-law/>