

Llywodraeth Cymru

Rhodfa Padarn
Llanbadarn Fawr
Aberystwyth
Ceredigion
SY23 3UR



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Welsh Government

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Wildlife and Countryside Act 1981 (as amended)

LICENCE TO USE PROHIBITED METHODS (LIVE CAPTURE CAGE TRAPS AND ARTIFICIAL LIGHT) TO TRAP BADGERS (*Meles meles*)

Licence No: WG-WCA-CHBD-000x-xx Period: xx xxxx 20xx to xx xxxx 20xx
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The Welsh Ministers, on behalf of the Natural Resources Body for Wales, grant the following Licence pursuant to the power conferred by section 16(3)(g) of the Wildlife and Countryside Act 1981 (as amended) ("the Act") for the purpose of preventing the spread of disease:

1. Subject to the Terms and Conditions below, a Licensee is permitted to trap Badgers within the Area during the Licence Period using:
 - (i) an Appropriate Trap; and
 - (ii) any form of artificial light.

Definitions

2. In this Licence:
 - a. "Appropriate Trap" means a live-capture cage trap, in good working order, no less than 86cm in length, 35cm in width and 35cm in height, constructed of galvanised wire mesh of no less than 10 gauge wire and no larger than 5cm mesh size, or be of other suitable construction approved in writing in advance by the Welsh Ministers;
 - b. "Area" means the area in Wales shaded and known as the xxxxxxxxxxxxxx on the map attached to this Licence;
 - c. "Badger" means any animal of the species *Meles meles*;
 - d. "Licensee" means any person from time to time licensed by the Welsh Ministers:
 - i. to take Badgers within the Area (pursuant to section 10(2) of the Protection of Badgers Act 1992); or
 - ii. to take, mark or kill Badgers within the Area (pursuant to section 10(1)(c) and section 10 (2) (a) of the Protection of Badgers Act 1992).
 - e. "Licence Period" means the period between **00:01** on **xx xxxx 20xx** and **23:59** on **xx xxxx 20xx**

Terms and Conditions

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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 Licensee must take all reasonable precautions to ensure that unnecessary suffering, injury or death of Badgers does not occur as a result of trapping those animals pursuant to this Licence.
5. At least 1 week in advance of any action taken under this Licence you must notify the Welsh Ministers in writing of the action that will be carried out and by whom the action will be carried out by.
6. The Licensee must keep a written record of when and where trapping is undertaken pursuant to this Licence. That record must be kept and made available to the Welsh Ministers upon request. The record must include details of the equipment and bait used, the location of that equipment as well as the number of Badgers and other (non-target) species which are caught and details of whether those animals were treated, despatched and/or released.
7. The Licensee must ensure that provision has been made for prompt veterinary assistance to be available to treat any injured Badger.
8. The Appropriate Traps must be installed and operated by the Licensee in accordance with the best practice guidance produced by the Animal Plant Health Agency (APHA).

A Licensee may only take, pre-bait, position and set an Appropriate Traps pursuant to this Licence if:

- a. The Licensee held a Certificate of Competence issued by APHA;
 - b. The Licensee has received appropriate training such as pre-baiting and trap setting for badger vaccination training approved by APHA; or
 - c. When carrying out the activities authorised by this Licence, the Licensee is accompanied by a person who meets the criteria set out in either (a) or (b) above.
9. Each Appropriate Trap must be set to catch Badgers in the late afternoon or evening (and not within 1hr of badgers being released) of one day and must be checked early the following morning (in a manner which ensures compliance with paragraph 10 below).
 10. Once trapped, all animals should be processed as quickly as possible. The Licensee is responsible for ensuring the welfare of the animals trapped and must take full account of climatic conditions at all times. All Appropriate Traps must be checked and Badgers transferred to holding cages by the following times as appropriate throughout the year:

May	up to 9:00 a.m. in the morning after capture
June-Aug	up to 8.00 a.m. on the morning after capture or within 3 hours of first light, whichever is the later
Sep	up to 9.00 a.m. on the morning after capture or within 3 hours of first light, whichever is the later

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Oct-Jan up to 10.00 a.m. on the morning after capture or within 3 hours of first light, whichever is the later

11. Traps must be checked by the person who set them, or by someone who observed the traps being set, unless in extreme circumstances when the person who has set or observed is unable to check the traps themselves in which case the traps can be checked by another person.
12. The Appropriate Traps must not be positioned where they can be easily seen from public access areas or rights of way in order to avoid them being accessed by persons other than those acting under the authority of this Licence or the landowner/occupier or other authorised persons (within the meaning given by section 27(1) of the Wildlife & Countryside Act 1981).
13. Any species other than Badgers which are caught in the Appropriate Traps, with the exception of those for which to release into the wild would be illegal pursuant to section 14 of the Wildlife & Countryside Act 1981, must be removed from the Appropriate Trap and released on site as soon as their presence is known.
14. Where an Appropriate Trap is not actively being used for the live catching of Badgers, it must be rendered incapable of holding or catching any animals and any bait, food or water must be removed. An Appropriate Trap is considered to be in use whilst it is pre-baited, prior to being set to catch.
15. This Licence only authorises the use of Appropriate Traps within the Area during the Licence Period. Any Appropriate Trap which remains in place outside the Licence Period must be removed or securely fixed open or closed to ensure that it is incapable of catching animals.
16. 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 assistance to such an officer of the Welsh Government and any individuals accompanying that officer.
17. No person convicted of an offence to which this paragraph applies may use this Licence unless, in respect of that offence, they are either (1) a rehabilitated person for the purposes of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent; or (2) in respect of such an offence, a court has made an order discharging them absolutely. This paragraph applies to offences under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats &c.) Regulations 1994, the Conservation of Habitats and Species Regulations 2010, the Protection of Badgers Act 1992, the Deer Act 1991, the Hunting Act 2004, the Wild Mammals (Protection) Act 1996 and the Animal Welfare Act 2006 (all as amended).
18. 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 Wildlife and Countryside Act 1981. The maximum penalty available for an offence under section 11 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 Licence 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 Cabinet Secretary for Environment and Rural Affairs, one of the Welsh Ministers.

Date:

EXPLANATORY NOTES

Authority to Issue this Licence

1. Section 16(3)(g) of the Wildlife and Countryside Act 1981 (as amended) (“the Act”) enables the Natural Resources Body for Wales (in relation to Wales) to licence the use of certain methods of taking wild animals acts, the use of which would otherwise be an offence pursuant to section 11 (which prohibits the use of certain methods of killing and taking wild animals) of that Act. Section 11(2) of the Act prohibits the use of traps and artificial light for the taking of the wild mammals listed in Schedule 6 to that Act and the Badger is listed in Schedule 6.
2. On 14 October 2013, the Natural Resources Body for Wales and the Welsh Ministers entered into an Agency Arrangement, pursuant to section 83 of the Government of Wales Act 2006, which enables the Welsh Ministers to exercise the functions of the Natural Resources Body for Wales under section 16(3)(g) of the Act in relation to the Area until 31 January 2020 (unless it is terminated prior to that date in accordance with the terms of that Arrangement).
3. The Welsh Ministers have (pursuant to that Agency Arrangement) issued this Licence in exercise of the powers conferred by section 16(3)(g) of the Wildlife and Countryside Act 1981 (as amended). Section 16(5)(b) enables that Licence to be granted to a class of persons.
4. This Licence permits the named Licensees to use live-capture (cage) traps and artificial light in order to trap Badgers within the Area during the Licence Period. Badgers are also protected against killing or taking by the Protection of Badgers Act 1992. Badgers cannot, therefore, be trapped (pursuant to this Licence) without a further licence to take those animals under the Protection of Badgers Act 1992.
5. This Licence complies with Article 9(1) of the Bern Convention (the exceptions applied in this case are “to prevent serious damage to crops, livestock, forests, fisheries, water and other forms of property”
(www.coe.int/t/dg4/cultureheritage/nature/bern/default_en.asp).

The limits of this Licence

6. This Licence permits action only for the purpose of preventing the spread of disease.
7. This Licence does not confer any right of entry upon land.
8. Any person not permitted to use this Licence on account of a relevant conviction (see Terms and Condition paragraph 15) 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.
9. Please note that, except as provided under section 16(7) of the Act, this Licence does not permit actions prohibited under any other legislation. For example:

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Protected sites: anyone acting under this Licence is not exempt from the provisions of section 28E of the Act, 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 Act) are reminded that they are obliged under Section 28H of the 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 Land Nature Forestry Division, Welsh Government, Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion SY23 3UR

10. 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

11. 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 the 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/680157/general-licence-009-2017.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 the Natural Resources Wales.

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

General welfare considerations

13. Under section 4 of the Animal Welfare Act 2006 it is an offence to cause any unnecessary suffering to an animal under the control of man. This applies to the humane dispatch of captured animals and to the treatment of animals held in traps or nets.
14. It is the Licensee's responsibility, when acting pursuant to this Licence, to use appropriate equipment and ensure that they are competent to use such equipment so as to avoid causing unnecessary suffering.
15. 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.

Trapping guidance

16. The cage traps should be positioned to avoid the risk to trapped animals of injury or exposure and should be baited with suitable bait, such as peanuts.
17. Pre-baiting i.e. wiring the door of the cage trap in the open position whilst supplying the traps with food helps to increase trapping success. Traps should normally be pre-baited for a minimum of 3-10 days before being set to catch. This encourages Badgers to enter the traps and helps to maximise the capture rate. During pre-baiting traps should be checked each day and re-baited as necessary. During this period the trap doors must be securely tied open.