Llywodraeth Cymru
Welsh Government

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Rhodfa Padarn
Llanbadarn Fawr
Aberystwyth
Ceredigion
SY23 3UR

PROTECTION OF BADGERS ACT 1992

LICENCE TO TAKE, MARK and KILL BADGERS

LICENCE NUMBER: WG-CHBD-Take-Mark-Kill-0x-xx

The Welsh Ministers, grant the following Licence, in exercise of the power conferred by section 10(2)(a) of the Protection of Badgers Act 1992 (as amended) ("the Act") for the purpose of preventing the spread of disease and the Welsh Ministers, on behalf of the Natural Resources Body for Wales, pursuant to the power conferred by section 10(1)(c) of the Protection of Badgers Act 1992 (as amended) ("the Act") for the purpose of marking Badgers:

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

Definitions

2. In this Licence:

   a. "Area" means the area in Wales shaded and known as **xxxxxxxxxxxx** 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 **xx xxxx 20xx** and **23.59** on **xx xxxx 20xx**.

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. Before marking or killing a Badger pursuant to this Licence, the animal must have been taken in accordance with this Licence and a licence to use prohibited methods (live capture (cage) traps and artificial lighting) to take Badgers, granted pursuant to section 16(3)(g) of the Wildlife and Countryside Act 1981.
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. To aid identification of any Badger taken in accordance with paragraph 4 above, the Licensee may mark with a permanent marker pen on the belly of the Badger its weight, body length and the ID of the trap that it was caught in.
8. To aid future identification, the Licensee may mark with a microchip any Badger taken in accordance with paragraph 4 above and in accordance with para 13 of the Welsh Government TB measures on Chronic Breakdown farms Live Badger Sampling, Standard Operating Procedure.
9. The Licensee may also mark any Badger taken in accordance with paragraph 4 above, in a temporary (i.e. not permanent) manner by clipping (with curved scissors) a small area of guard hairs on the back of the Badger and then spraying that area with an animal safe livestock paint in order to ensure that any Licensee will be able to tell whether that individual animal has already been captured during the current trapping season. The Licensee must take all reasonable precautions to ensure that the animal safe livestock paint is not sprayed into the eyes, nose or mouth of the Badger.
10. The Licensee must take all reasonable precautions to ensure that unnecessary suffering or injury of Badgers does not occur as a result of taking any action pursuant to this Licence.
11. The Licensee must ensure the keeping of a written record of when and where (including a description e.g. sett type or by run) Badgers are taken, the age and sex (for females if they are lactating) of the Badgers taken, and how many of the

taken Badgers were killed pursuant to this Licence. That record must be made available to the Welsh Ministers upon request.

12. The Licensee will ensure the monitoring of Badger behaviour and the incidence of M. bovis epidemilology in the Area and contiguous farm land is carried out and provide a written report to the Welsh Ministers within 12 months from the end of the Licence Period.
13. The Licensee must ensure that provision has been made for prompt veterinary assistance to be available to treat any injured Badger.
14. 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.
15. Any lactating female Badgers taken pursuant to this Licence must, once they have received any appropriate treatment and even if they found to have tested positive for TB, be released as soon as possible at the point of capture.
16. A Licensee may only mark, anaesthesia, wash, take blood or hair samples, test and euthanasia under this Licence if they are a qualified, registered veterinary surgeon and they are named on the annex of this Licence.
17. 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.

18. The Licensee must have regard to all good practice guidance and must comply with all legislation which is relevant to the taking, marking and/or killing of Badgers in the Area.
19. 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 an officer of the Welsh Government and any individuals accompanying that officer.
20. 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).

21. This Licence may be 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 Licence please contact the Land, Nature 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:

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Welsh Government

EXPLANATORY NOTES

Authority to Issue this Licence

1. Section 10(1)(c) of the Protection of Badgers Act 1992 (as amended) ("the Act") enables the Natural Resources Body for Wales (in relation to Wales) to licence, for the purpose of marking, the taking and marking (with any specified marking device) of Badgers in any specified area. The taking and marking of Badgers would otherwise be an offence pursuant to sections 1(1) and 5(1), respectively, of the Act (which prohibits the taking, injuring or killing of Badgers).

2. On 14 October 2013, the Natural Resources Body for Wales ("NRBW") 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 10(1) 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 10(1)(c) of the Act.

4. The Welsh Ministers have also issued this Licence in exercise of the power conferred by section 10(2)(a) of the Protection of Badgers Act 1992 (as amended).

5. 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

6. This Licence permits the named Licensees to take and mark Badgers within the Area during the Licence Period by the following means:
   - clipping guard hairs and spraying that area with an animal safe livestock paint: and/or
   - permanent marker pen; and or
   - micro-chip.

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7. This Licence authorises the named Licensees for the purpose of preventing the spread of disease, within the Area during the Licence Period to:
   - interfere with Badger Setts;
   - to take Badgers; and
   - to kill Badgers which have tested positive for TB.

8. This Licence does not confer any right of entry upon land.

9. Any person not permitted to use this Licence on account of a relevant conviction (see Terms and Condition paragraph 20) 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.

10. 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, 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) 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 Species Protection Team, Natural Resources Wales, Maes y Ffynnon, Penrhosgarnedd, Bangor, LL57 2DW (e-mail trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk), tel. 03000653000.

11. 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

12. 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/680157/general-licence-009-2017.pdf - Licences to release wild-bred Schedule 9 birds).

       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.

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

General welfare considerations

14. It is an offence, under section 2(1) of the Protection of Badgers Act 1992 to cruelly ill-treat a Badger.

15. 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 treatment of animals held in traps or nets.

16. 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.

17. 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.

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Annex
Licensees