

APPENDIX 4.2.
Landmarks in badger protection in Yorkshire during the late 20th century
(Based on Howes (2001)).

The late Lord Hardy of Wentworth, when Peter Hardy, MP for the Rother Valley in his ground-breaking **Badgers Act of 1973** for the first time outlawed the killing and taking of badgers by unauthorised persons and outlawed the use of such barbaric implements as 'Badger Tongs'. At the time this Act, which received widespread support from the wildlife conservation and animal welfare lobbies, was welcomed as a happy ending for the sorry tale of badger persecution. In fact it turned out to be the first of many steps in a running battle of legislation to keep pace with the legal manoeuvrings of an entrenched and determined and field sports culture.

The discovery by Paget and Patchett (1978) that the level of sett occupancy in West Yorkshire had declined from 91% in 1970-76 to 34% in 1977-78 was instrumental in prompting the Home Office to designate the county a '**Special Protection Area**' under the 1973 Act. This designation prevented even authorised persons (i.e. landowners and tenants) from killing badgers except where damage or risk of spread of disease could be shown.

In due course, the Badgers Act was incorporated into the **Wildlife and Countryside Act of 1981** but the increasingly active badger digging fraternity, even if caught 'red handed' found effective defence in claiming they were digging for foxes or rescuing a lost terrier. Thus the demonstration of illegal intent towards badgers frequently could not be proved at law beyond reasonable doubt. To address this weakness the Wildlife and Countryside Act was amended in 1985. Unusually for English Law, the Act shifted the burden of proof from the prosecution and onto the defendant to show that they were *not* acting against the law. Despite this change in evidential proof, successful prosecution still remained difficult and badger digging continued

In 1990, resulting from a Parliamentary briefing paper by the National Federation of Badger Groups and vigorous lobbying by the Coalition for Badgers, a move was made to extend legal protection to badger setts. This became incorporated in the **Badgers Act of 1991** which sought to protect badger setts as well as the badgers from any disturbance. Exceptions however exist for authorised temporary hole blocking by fox hunts and disturbance licensed by English Nature or the Ministry of Agriculture.

In that dogs are central to the process of badger digging, the **Badgers (Further Protection) Act 1991** gave courts powers to confiscate dogs used in badger baiting and digging. Again, legal defences were established, based on the claimed ownership of the dogs.

In practice, a range of legislative instruments were having to be invoked by the prosecuting agencies in defence of badgers, thus the **Badgers Act 1992** was introduced to consolidate these elements into one piece of legislation.

During the early 1980s, in order to assist the relevant Government and law enforcement agencies to implement the evolving legislation in the interest of badger conservation, bodies such as English Nature, the county Wildlife Trusts, the RSPCA, Police Wildlife Liaison officers and others, instigated the formation of local badger groups. This highly successful network currently consists of some 80 badger conservation groups established throughout the UK. These are co-ordinated through the **National Federation of Badger Groups**, a registered charity based at 2 Cloisters Business Centre, 8 Battersea Park Road, London, SW8 4BG Tel: 0171 - 498 3220.

Within the Yorkshire region some thirteen active and enthusiastic groups annually perform Herculean programmes of sett monitoring, sett creation and protection, animal welfare, fund raising, publicity and educational activities. Work also involves research and field work to advise on highway schemes and developments of all kinds. In this respect they provide an invaluable service to local Planning Authorities. They also take part in national data collection exercises to monitor trends in population, distribution and habitat utilisation.

Contact can be made with the Yorkshire groups as follows :-

NORTH YORKSHIRE

Name: Craven Badger Group
Territory: Craven Pennines
Contact: Tel: 01535 - 657158

Name: Dale and Vale Badger Group
Territory: Northern Dales & Vale of Mowbray
Contact: Tel: 01609 - 775833

Name: Harrogate and District Badger Group
Founded: 1992
Territory: Harrogate District (Wetherby to Masham)
Newsletter: 'Badger Times' quarterly since 1992
Contact: Tel: 01423 - 872504

Name: North Riding Badger Group
Territory: North-east Yorkshire
Contact: Tel: 01653 - 628087

Name: Ryedale Badger Group
Territory: Ryedale District and adjacent areas of North and East Yorkshire.
Newsletter: Three times per year.
Contact: Tel: 01653 - 695124

EAST YORKSHIRE

Name: East Yorkshire Badger Protection Group
Territory: East Yorkshire
Contact: Tel: 01377 - 256553

Name: York Badger Group
Founded: 1991
Territory: Areas within the York, Selby, Tadcaster triangle.
Contact: Tel: 01904 - 490820

WEST YORKSHIRE

The **West Yorkshire Badger Monitor**, set up in 1985/6 in conjunction with the West Yorkshire Constabulary to cover the county of West Yorkshire, has now split into groups which separately service the five West Yorkshire Metropolitan districts as follows:-

Name: West Yorkshire Badger Monitor
(Bradford Group)
Territory: Bradford Metropolitan District
Contact: Tel: 01274 - 689629

Name: Calderdale Badger Group
Territory: Calderdale Metropolitan District
Contact: Tel: 01422 - 360777

Name: Kirklees Badger Protection Group
Founded: 1988
Territory: Kirklees Metropolitan District
Newsletter: Yes (un-named)
Contacts: Tel: 01484 - 427237

Name: Leeds Badger Monitor
Territory: Leeds Metropolitan District
Contact: Tel: 0113 - 2287922

Name: Wakefield District Badger Group
Founded 1992
Territory: Wakefield Metropolitan District
Newsletter: *'The Dung Pit'* Occasional since spring 1997.
Contact: Tel: 07702 - 310406

SOUTH YORKSHIRE

Name: South Yorkshire Badger Group
Territory: South Yorkshire (Sheffield City and the Metropolitan
Boroughs of Barnsley, Doncaster and Rotherham).
Contact: Tel: 01226 753271