
STATUTORY INSTRUMENTS

2011 No.693 (W.105)

ANIMALS, WALES

The Badger (Control Area) (Wales) Order 2011

<i>Made</i>	- - - -	<i>8 March 2011</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>9 March 2011</i>
<i>Coming into force</i>	- -	<i>31 March 2011</i>

The Welsh Ministers—

being satisfied that tuberculosis exists among the wild members of the badger species in the control area which has been or is being transmitted from badgers to animals of any kind in that area;

being satisfied that destruction of wild members of the badger species in that area is necessary in order to eliminate or substantially reduce the incidence of tuberculosis in animals of any kind in that area;

after consultation with the Countryside Council for Wales in accordance with section 21(3) of the Animal Health Act 1981⁽¹⁾; and

being satisfied that use of the method or methods of destruction specified in article 3(2) of this Order is the most appropriate way of carrying out that destruction, having regard to all relevant considerations and, in particular, the need to avoid causing unnecessary suffering to wild members of the species in question, in exercise of the powers conferred by sections 1, 21(2), (4) and (5) and 86(1) of the Animal Health Act 1981⁽²⁾, make the following Order:

Title, commencement and interpretation

1.—(1) The title of this Order is the Badger (Control Area) (Wales) Order 2011 and it comes into force on 31 March 2011.

(2) In this Order—

“badger” (“*mochyn daear*”) means a wild animal belonging to the species *Meles meles* of the order Carnivore; and

“control area” (“*ardal reoli*”) means the area, comprising land in the counties of Pembrokeshire, Ceredigion, and Carmarthenshire, coloured in red on the map signed on behalf of the Welsh Ministers and dated 7 March 2011 and marked “Badger Control Area 2011”⁽³⁾.

(1) 1981 c. 22.

(2) Section 86(1) is cited for the meaning given to “the Minister”. Functions under the Animal Health Act 1981 are exercisable by the Welsh Ministers (in relation to Wales), by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); the National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3044) and section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

Application of Order

2. This Order—
 - (a) applies to the control area;
 - (b) applies to tuberculosis; and
 - (c) relates to the species of badger.

Destruction of badgers

3.—(1) An authorised officer may destroy badgers in the control area using one of the methods set out in paragraph (2).

- (2) The badgers must be—
 - (a) trapped in a cage and either—
 - (i) shot; or
 - (ii) given a lethal injection; or
 - (b) shot without being trapped in a cage.

(3) The carcase or part of a carcase of any badger destroyed under this Order is the property of the Welsh Ministers and must not be removed from the land or premises on which the badger was destroyed or in any way disposed of without the authority of the Welsh Ministers.

Prohibitions

4. No person may—
 - (a) take into captivity, harbour, conceal or otherwise protect badgers with intent to prevent their destruction;
 - (b) in any other way obstruct or interfere with anything which has been, is being or is to be done or used in connection with that destruction; or
 - (c) aid, abet, counsel or procure another person to commit such an act.

Revocation

5. The Tuberculosis Eradication (Wales) Order 2009⁽⁴⁾ is revoked.

8 March 2011

Elin Jones
Minister for Rural Affairs, one of the Welsh
Ministers

(3) The map is deposited and available for inspection at the Office of the Chief Veterinary Officer for Wales, Welsh Assembly Government, Government Buildings, Cathays Park, Cardiff, CF10 3NQ. A copy of the map for illustrative purposes only can be accessed at www.wales.gov.uk/bovinetb.

(4) S.I. 2009/2614 (W. 212).

EXPLANATORY NOTE

(This note is not part of the Order)

The Welsh Ministers are satisfied that tuberculosis exists in the wild badger population in the control area; that the disease has been or is being transmitted from badgers to cattle in that area and that the destruction of wild badgers in that area is necessary in order to eliminate or substantially reduce the incidence of tuberculosis in animals of any kind in that area.

The control area comprises land in the counties of Ceredigion, Carmarthenshire and Pembrokeshire. The precise control area is coloured in red on the map signed on behalf of the Welsh Ministers and dated 7 March 2011 and marked “Badger Control Area 2011”. Due to the scale of the map, it is not possible to annex it to this Order. The map is deposited and available for inspection at the Welsh Assembly Government’s offices at Cathays Park, Cardiff, CF10 3NQ. A copy of the map for illustrative purposes only can be accessed on the Welsh Assembly Government’s website at www.wales.gov.uk/bovinetb.

The Order provides that the destruction of wild badgers must be accomplished by trapping and either shooting or giving a lethal injection, or by shooting without trapping. The carcass of a badger so destroyed is the property of the Welsh Ministers and may not be removed without their authority.

The Order provides that no person may—

- (a) take into captivity, harbour, conceal or otherwise protect wild members of the badger species with intent to prevent their destruction;
- (b) in any other way obstruct or interfere with anything which has been, is being or is to be done or used in connection with that destruction; or
- (c) aid, abet, counsel or procure another person to commit such an act.

The penalties for breach of the prohibitions set out in article 4 are set out in the Animal Health Act 1981.

The Order revokes the Tuberculosis Eradication (Wales) Order 2009.

A regulatory impact assessment has been prepared in relation to this Order and a copy can be obtained from the Office of the Chief Veterinary Officer for Wales, Welsh Assembly Government, Government Buildings, Cathays Park, Cardiff, CF10 3NQ.