

The League's history with badgers

How we campaigned for increased badger protection & our involvement in the Badgers Act 1991

Brief history of badger legislation

Badger baiting has been illegal since 1835 under the Cruelty to Animals Act, the same legislation which outlawed dog fighting, bear baiting and cockfighting. However it was not until the 1973 Badgers Act that badgers were given legal protection.

The 1973 Act contained numerous amendments made by the House of Lords which weakened the legislation widely considered as not strong enough to protect badgers from fox hunters. It was still legal for the hunt or farmer to dig out, block and get rid of any badgers if they felt that their presence would disrupt the hunt¹.

The Wildlife and Countryside Act 1981 amended the Badgers Act 1973 and protected the species against badger baiters and diggers. This act removed the provision for landowners

to be permitted to kill badgers and increased the penalty fines. A few years later in 1985 a loophole was removed putting the burden of proof on the accused to prove they were not committing an offence however it was considered that even this legislation was not strong enough to deter the badger baiters as the sett was not protected from damage or destruction.

So it was not until the 1991 Badgers Act that badger setts were given full protection and the introduction of dogs to setts was made illegal. This act was further strengthened to allow for the removal, disposal or destruction of dogs used illegally for badger digging.

Due to the numerous pieces of legislation existing relating to badgers a The Protection of Badgers Act was passed in 1992 to consolidate all previous laws.

1. How was the League involved?
2. How did League campaigning help badgers become a protected species?

1970s

The League and its supporters have always been passionately involved in the protection of badgers and in 1972 the League produced a film entitled 'No time for Mercy' shown on the BBC programme 'Down to Earth'¹ and showing the plight of badgers who were being routinely persecuted by badger baiters and diggers.

The following year the Badgers Act 1973 was passed and while the League welcomed the legislation, it was felt that it was not strong enough to protect badgers from persecution from hunts and the campaign to fully protect badgers and their setts continued.



¹ Down to Earth. *Cruel Sports* No.40 Series II October 1972 pp.4

1980s



In 1981 the League was involved in lobbying for improvements to the 1972 Badgers Act. Following reports by observers who patrolled areas where badger setts were located, much like our hunt observers today, and reporting them to the police the League was able to reveal to policy makers that the badger population had been reduced by a staggering 81% in the North West area of The Wirrel.

The danger faced by our observers whilst trying to protect the badgers was demonstrated when a police officer was shot whilst attempting to arrest badger diggers².

CATCHING & HIGHLIGHTING CASES OF CRUELTY

League supporters and our undercover investigations teams highlighted numerous cases of cruelty to badgers in the 80s.

- 🐾 Three men were caught using dogs to savage badgers, photographs of which had been found when an alert police officer was called by a concerned farmer. The three men were all charged under the Badgers Act 1973³.
- 🐾 Four men were found guilty in 1986 of hacking off the head of a live badger. One of the men was the brother of Maurice Dann, an importer of American Pit-bull terriers and who is widely held responsible for the upsurge in dog fighting which highlighted the link between many cruel sports⁴.
- 🐾 The League reported the first case of badger baiters convicted under the amended 1985 Wildlife and Countryside Act. The two men were seen send a terrier down into the badger sett while they covered the entrances with nets. Upon questioning by the police they claimed to be searching for foxes. Our League correspondent, Jim Barrington who was present in court felt that had it not been for the amendment put down by League supporter Dr David Clark (MP for South Shields) the conviction would not have been possible⁵.

Around the same time the League were also battling against numerous badger culls carried out by the then Ministry of Agriculture, Fisheries and Food (MAFF) (later to become DEFRA) to combat the spread of bTB in cattle. Up until the early 1980's MAFF had been pumping cyanide gas into badger setts on farms with cattle infected with bTB. This was clearly a horrific and inhumane method of killing badgers and the League along with many other badger campaigners fought to get this processes stopped. Due to the massive amount of public pressure, the Government finally ended the gassing of badgers and began live trapping and snaring.

The League brought to the publics attention that the MAFF had on numerous occasions been working with hunters, known terriermen and badger baiters to provide them with information on where setts were. Some of these people were even paid to conduct the cull for the MAFF. Interesting now that in 2011 we are again faced with a government hell bent on culling badgers regardless of the science and in spite of the possibility of encouraging those who find causing suffering to badgers a 'sport'⁶.

² Hunting the Badger baiters. Cruel Sports No.3 1981 pp4

³ Seized wedding film was record of badger horror. Cruel Sports No. 4 1981 pp.3

⁴ Live Badger Decapitated: Wildlife Guardian, Issue 2 Summer 1986 pp.7

⁵ Barrington, J. (1986) New Badger Law bites first blood. *Wildlife Guardian* Issue 2 Summer 1986 p12

⁶ *Wildlife Guardian* Issue 2 Summer 1986

CATCHING THE BADGER BAITERS

In 1984 the League worked closely with national paper the Sunday People to do an expose of known and convicted badger baiters. A video of badger baiting was uncovered and released in the press which the League distributed to wildlife authorities and to MPs to highlight the horrendous cruelty involved in this horrific sport. During interviews with convicted baiters the links between badger digging and fox hunting became apparent:

“I’ve done it for about six years and also dug for foxes. I’m a member of the local hunt too. I have dug for badger on many occasions.....badger baiting is an art....To me it’s a country sport, just like foxhunting and I see no reason for it to be banned.”

Andrew Morecombe

After these shocking revelations, the League felt it must take drastic measures to ensure that badgers gained more protection. We drafted a Bill and amendment to the 1981 Wildlife and Countryside Act to stop dogs being used to go into badger setts. Our Political Officer Angela Smith (later to become MP for Basildon 1997-2010, and then Labour Peer, Baroness Smith of Basildon) worked with MPs to bring the matter to the Home Secretary in order to convince the Government to allow time to debate the proposed new legislation.

To ensure that the weight of public opinion was firmly behind this move the League approached all conservation bodies with the video and asked them to also lobby their Member of Parliament. Copies were sent to television stations and short extracts were screened by Central and Anglia TV. Badger groups were sent the video so that they could take it to meetings with Chief Constables to highlight the serious and violent nature of these crimes. Letters were sent to thousands of newspapers and all League supporters were asked to lobby their politicians.



‘LOOK OUT FOR THE BADGER’ CAMPAIGN



In 1989 the League launched its hugely successful ‘Look out for the Badger’ campaign with a dramatic release of 10,000 black and white balloons each representing the estimated number of badgers killed annually by baiters. Special leaflets were distributed and undercover operations began. The aim of the campaign was to change the legislation to offer better protections for badgers.

Dr Stephen Harris from Bristol University conducted a National survey of badger setts which revealed some shocking statistics; of the 42,891 active setts, over 15% were blocked up on any one day and over 10% showed signs of attack by diggers. Dr Harris said “sett blocking is a major cause for concern....the damage to the badger population could be significant⁷”.

Again the League teamed up with a newspaper to expose two significant badger digging gangs. The gangs were infiltrated and filmed digging for and cruelly treating badgers which resulted in a private prosecution brought by the League. The diggers, who were associated with 6 different hunts, were

⁷ Look out for the Badger. *Wildlife Guardian* 1989 Issue 11

fined heavily by Magistrates and attached national press publicity after the league held a press conference at the House of Commons⁸.

Following this most recent demonstration of the cruelty inflicted upon our wildlife two MPs presented a petition signed by 200,000 supporters who were all calling for increased protection for the badger and Tony Banks MP for Newham North West introduced a Bill into the House of Commons in January 1990 to protect badger setts from diggers and from hunts blocking their entrances⁹.

After 9 hours of committee hearings and 2 readings in the commons, two pro-hunt MPs introduced an amendment to allow for hunts to lightly stop badger setts despite a report produced by the National Federation of Badger Groups (now the Badger Trust) and published by the League revealing that fox hunters were the biggest group of sett-wreckers.

Due to the strong influence of these pro-hunting MPs and their concerns that the Bill could potentially result in hunt members being prosecuted the Bill was eventually squashed but undeterred the struggle to protect badgers continued¹⁰.

1990s

Part of the League's 'Look out for the Badger' campaign involved placing undercover investigators into highly dangerous situations, but in the early 1990s the risk paid off in the most influential badger prosecution yet.

THE BUILTH WELLS CASE

The League intercepted a coded message in the bloodsports magazine, *Shooting News* which was advertising the sale of a terrier. Our undercover investigator met up with the terriermen and accompanied them on a trip to Wales during which he filmed three badgers being dug by the gang of baiters out with the aid of terriers. The badgers were dragged from their sett and subjected to over half an hour of baiting by dogs, stabbings and blasts from shot-guns. The three badgers died in agony during the ordeal and the terriers were even horribly injured during the attack.



During the highly publicized private prosecution that followed the five men from Builth Wells were jailed for three months, fined approximately £1,000 and banned for keeping dogs for 5 years. During sentencing the men's activity was described by the magistrate as barbaric. The League's prosecution highlighted to the public and legislators the horrendous cruelty involved in this sport and helped convince MPs to support further legislation to protect badger setts. [The video can be viewed on our youtube channel](#) however we would warn supporters that the footage is extremely upsetting¹¹.

The 'Builth Wells five' were jailed due to the suffering they allowed to be inflicted on their dogs, which highlighted the need for the Badgers Act 1973 to be amended enabling custodial sentences to be passed based on the suffering inflicted on the badgers. The League lobbied parliament and former Labour Solicitor General, the Rt Hon Peter Archer QC MP who then proposed an amendment using the Builth Wells case as an example and commending the League for the proposal¹².

⁸ League traps badger gangs, *Wildlife Guardian* (1989) issue 12 pp1

⁹ Look out for the Badger – Badger setts bill. *Wildlife Guardian* (1990) issue 13 pp8

¹⁰ The Wreckers! (1990) *Wildlife Guardian* Issue 14 pp.1

¹¹ Undercover investigation traps badger baiters. *Wildlife Guardian*. Issue 15 Winter 1990-1991 pp.3

¹² Government promises increased penalties for badger offences (1991) *Wildlife Guardian* Issue 16. Spring 1991 pp.6

ROY HUGHES MP BILL

The League teamed up with a powerful coalition of animal welfare and conservation bodies including; the RSPCA, the Wildlife Trusts, The Badger Trust and WWF in order to support MP Roy Hughes in his private members bill which aimed to gain protection for badger setts. In February 1991 the Bill was launched by Hughes in a high profile press launch¹³.

Bloodsport MPs attempted to block the second reading of the Bill by [filibustering](#) in parliament. Pro-bloodsport MPs planned to then introduce their own Bill, written by the British Field Sports Society (later to become the Countryside Alliance) which would have weakened the existing legislation. However their plans were scuppered by an influx of MPs returning to parliament in response to important developments in the Gulf, which meant that there were enough MPs present to pass the Bill which proceeded to the Committee Stage¹⁴.

It was due to the League's successful 'Look out for the Badger' campaign during which we worked with supportive MPs and our many supporters lobbied their MPs that in the summer of 1991 the Hughes' Badgers Bill entered the House of Lords. During the campaign the League also commissioned polling which revealed that 93% of the public supported increased protection for badger setts¹⁵. The Bill successfully passed through the House of Lords steered by the League's Vice president, Lord Houghton of Sowerby who had to battle against numerous amendments put down by pro-hunting Lords who wished to undermine the bill¹⁶.

SUCCESS

The final success came on July 25th 1991 when the badgers Bill received Royal assent. The Badgers Act 1991 then became law on the 25th October 1991 a week before the start of the fox hunting season. The Act protected badger setts, making it illegal to send terriers into badger setts or digging foxes out of badger setts; although hunts were still permitted to lightly block up badger sett entrances to prevent foxes from taking refuge during the hunt. The Act was also supplemented by two further pieces of legislation the Badgers (further protection) Act 1991 which allowed courts to confiscate the dogs of badger diggers and an addition to the Criminal Justice Act which allowed custodial sentences to be issued under the Badgers Act.

The final protection for badgers came in 2004 after the League's 80 year long struggle to ban the hunting of wild mammals

with dogs. Not only did the Hunting Act protect foxes deer and hares from being cruelly hunted and killed for sport but it also made the stopping up of badger setts completely illegal. **And so the protection of badgers and their setts was finally complete.**



¹³ Powerful coalition fights for badgers (1991) *Wildlife Guardian* Issue 16. Spring 1991 pp1

¹⁴ Gulf news saves badgers (1991) *Wildlife Guardian* Issue 16. Spring 1991 pp.1

¹⁵ 'Look out' for the Lords (1991) *Wildlife Guardian* Issue 17 Summer 1991 pp.1

¹⁶ Double victory for wildlife protection : Safe havens – badger setts protected (1991) *Wildlife Guardian* Issue 18 Autumn 1991 pp.1

Other interesting facts

- 🐾 In 1911 The Protections of Animals Act was passed which for the first time included the notion of 'causing unnecessary suffering' however no protection for wild animals was included. And as early as 1921 the Act was amended making it illegal to hunt captive animals (canned hunting) if they have no reasonable means of escape.
- 🐾 In 1974 a badger cull was planned in West Penwith, Cornwall. Fortunately the then Ministry of Agriculture performed tests to reveal that less than 3% of badgers carried bTB.
- 🐾 During the 80s the Ministry of Agriculture (now DEFRA) used cyanide gas to destroy badger setts who they believed to be responsible for bTB outbreaks¹⁷.

Christina Bengston
Senior Research and Policy Officer
League Against Cruel Sports
March 2012

¹⁷ Farmer bashes badger killers. Cruel Sports No.3 1981 pp5