



Investigator's guide to badgers

Aide memoire

April 2017

This aide memoire provides a brief understanding of the law and process when investigating offences relating to badgers. It also provides links to further information.

- Offences committed against badgers should be investigated by the police (the only exceptions are where a licence has been issued by Natural England (NE), and that licence has been breached – contact: species.enforcement@naturalengland.org.uk).
- Record all reported incidents and create an incident log. If possible, assign a wildlife crime officer (WCO). If a WCO is not available, assign another investigator and notify the force or area WCO and ask them to liaise with the investigator as soon as possible.
- In cases involving pesticide poisoning (including gassing badger setts) notify NE or the Welsh Government (WG) as part of the Wildlife Incident Investigation Scheme (WIIS). NE or WG will provide assistance to the investigation under the WIIS. Contact NE or WG on 0800 321600 or in emergencies out of hours (England only) NE on 0300 060 6000.
- Cases of digging badger setts may be reported by a member of the public or landowner. For example, they may report that they have seen men with spades digging, they can hear dogs barking and believe it might be a badger sett.
- Hunt monitors may report interference with a badger sett during an organised trail hunt, alleging that the entrance has been deliberately 'blocked' to prevent a fox hiding in the sett to escape from hounds. Blocking a badger sett is an offence that should be investigated.

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- If an offence is suspected (such as digging for badgers or blocking setts during hunts), constables have a limited power of entry onto land, unless they have the consent of the landowner or a warrant to enter land. PCSO's do not currently have the necessary powers.
 - The Protection of Badgers Act 1992 does **not** permit entry onto land without a warrant, even where it is suspected offences are being committed.
 - Entry **without** warrant (other than a dwelling) is permitted under section 19 of the Wildlife and Countryside Act 1981, to prevent certain methods of killing or taking wild animals as listed in Schedule 6. This includes offences such as snaring and poisoning badgers.
 - Search warrants for access to dwellings and land are available under section 19 of the Wildlife and Countryside Act 1981. This includes offences such as digging for a badger, and Sett interference, eg, blocking badger setts by Hunts.
- Badger setts are only protected in law if they are displaying signs indicating current use by a badger. Early attendance at a crime scene by a relevant expert is essential to demonstrate this. Ideally, this will be an independent expert from NE. Evidence showing current use should be filmed for evidential purposes.

For further information, see the POLKA Wildlife Crime Community (this link is available to authorised users who are logged on to POLKA).

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