STATUTORY INSTRUMENTS

1977 No. 1721

ANIMALS

DISEASES OF ANIMALS

Badgers (Control Areas) Order 1977

Made - - - -	*22nd October* 1977
Laid before Parliament	*1st November* 1977
Coming into Operation	*22nd November* 1977

Whereas the Minister in satisfied in the case of the areas described in the Schedule to this Order (*a*) that there exists among badgers in the aforesaid areas tuberculosis which has been or is being transmitted from badgers to cattle, and (*b*) that destruction of badgers in the aforesaid areas is necessary in order to eliminate, or substantially reduce the incidence of, tuberculosis in cattle in those areas;

And whereas the Minister is further satisfied that the use of certain methods that would otherwise be unlawful is the most appropriate way of carrying out the destruction of badgers, having regard to all relevant considerations and, in particular, the need to avoid causing unnecessary suffering to badgers;

And whereas the Nature Conservancy Council has been consulted;

Now, therefore, the Minister in exercise of the powers conferred on him by section 9(2), (5) and (6) of the Agriculture (Miscellaneous Provisions) Act 1976(**a**), and section 1 of the Diseases of Animals Act 1950(**b**), and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation and commencement

1. This order, which may be cited as the Badgers (Control Areas) Order 1977, shall come into operation on 22nd November 1977.

Interpretation

2.—(1) In this order, unless the context otherwise requires—

"badger" means an animal belonging to the species Meles meles of the order of Carnivora;

"carcase" includes part of a carcase;

"the Minister" means the Minister of Agriculture, Fisheries and Food;

"the scheduled areas" means the areas described in the Schedule to this order.

(**a**) 1976 c. 55. (**b**) 1950 c. 36.

(2) The Interpretation Act 1889(**a**) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

Application of Order

3. (a) The areas to which this order applies are the scheduled areas.

(b) the disease to which this order applies is tuberculosis;

(c) the species to which this order relates is the species badger.

Destruction of Badgers

4.—(1) The Minister may take steps to secure the destruction of badgers in the scheduled areas.

(2) In the exercise of the power conferred by paragraph (1) above the following methods of destruction may be used—

(*a*) poisoning by hydrocyanic acid gas;

(*b*) shooting with a .22 pistol.

Exhibition of Notices

5. The Minister may, if he thinks fit, cause a notice warning that destruction of badgers is to be, is being, or has been carried out on any premises in the scheduled areas to be exhibited on or near those premises.

Prohibition on interference in connection with destruction of badgers

6. No person shall take into captivity, harbour, conceal or otherwise protect a badger within the scheduled areas with intent to prevent its destruction under this order, or 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.

Ownership and disposal of carcases

7. The carcase of any badger destroyed in the scheduled areas shall be the property of the Minister and shall not be removed from the premises on which it was destroyed or in any way disposed of without the authority of the Minister.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 22nd October 1977.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

(a) 1889 c. 63.

SCHEDULE

Article 3(*a*)

SOUTH-WEST NO. 1 CONTROL AREA

An area comprising: —

In the county of Cornwall

The districts of Penwith and Kerrier.

In the district of Carrick

The parishes of Gwennap, Perranarworthal, Mylor, Kea, Feock, the City of Truro and the towns of Falmouth and Penryn.

SOUTH-WEST NO. 2 CONTROL AREA

An area comprising: —

In the county of Cornwall

The district of North Cornwall

In the district of Restormel

The parishes of Roche, Luxulyan, St Austell with Fowey, Lanlivery, Lostwithiel and St Sampson.

In the district of Caradon

The parishes of Broadoak, St Winnow, Boconnoc, St Pinnock, St Keyne, Duloe, Lanreath, St Veep, Pelynt, Lanteglos, Lansallos, and Looe.

SOUTH-WEST NO. 3 CONTROL AREA

An area comprising: —

In the county of Devon

In the district of Teignbridge

The parishes of Moretonhampstead, North Bovey, Lustleigh, Bovey Tracey, Manaton, Widecombe in the Moor, Buckland in the Moor, Ilsington, Bickington, Ashburton and East Buckfastleigh.

In the district of South Hams

The parishes of Holne and West Buckfastleigh.

In the district of West Devon

The parish of Lydford.

SOUTH-WEST NO. 4 CONTROL AREA

An area comprising: —

The county of Avon

In the county of Gloucestershire

The districts of Tewkesbury, Cheltenham, Gloucester and Stroud.

In the district of Forest of Dean

The parishes of Kempley, Dymock, Bromsberrow, Redmarley

D'Abitot, Pauntley, Oxenhall, Newent, Upleadon, Staunton, Corse, Hartpury, Rudford, Tibberton, Taynton, Churcham, Huntley, Longhope, Mitcheldean, Ruardean, Drybrook, Lydbrook, Blaisdon, Cinderford, Littledean, Westbury on Severn, Ruspidge, Newnham, Awre.

In the district of Cotswold

The parishes of Temple Guiting, Guiting Power, Naunton, Upper Slaughter, Lower Slaughter, Bourton on the Water, Little Rissington, Sevenhampton, Whittington, Andoversford, Dowdeswell, Shipton, Hazelton, Notgrove, Cold Aston, Withington, Compton Abdale, Turkdean, Clapton, Great Rissington, Brimpsfield, Syde, Elkstone, Colesbourne, Rendcomb, Chedworth, Yanworth, Hampnett, Northleach with Easington, Farmington, Sherborne, Windrush, Barrington, Winstone, Duntisbourne Abbots, Duntisbourne Rouse, Bagendon, North Cerney, Coln St Dennis, Aldsworth, Edgeworth, Daglingworth, Baunton, Ampney Crucis, Barnsley, Winson, Bibury, Coln St Aldwyns, Eastleach, Sapperton, Cirencester, Preston, Ampney St Mary, Quenington, Hatherop, Southrop, Rodmarton, Coates, Kemble, Siddington, Driffield, Ampney St Peter, Poulton, Maiseyhampton, Fairford, Lechlade Kempsford, Down Ampney, South Cerney, Somerford Keynes, Poole Keynes, Cherington, Avening, Ashley, Long Newnton, Tetbury, Tetbury Upton, Beverstone, Kingscote, Ozleworth, Westonbirt with Lasborough, Shipton Moyne, Boxwell with Leighterton, Didmarton.

In the county of Wiltshire

The district of North Wiltshire

In the district of Thamesdown

The parishes of Wroughton, Chiseldon and the metropolitan borough of Swindon.

In the district of West Wiltshire

The parishes of Monkton Farleigh, South Wraxall, Atworth, Melksham, Melksham Without, Broughton Gifford, Winsley, Limpley Stoke, Westwood, Bradford on Avon, Staverton, Holt, Wingfield, Trowbridge, Hilperton, Semington, Great Hinton, Keevil, Bulkington, Southwick, North Bradley, West Ashton, Steeple Ashton, Dilton Marsh, Heywood, Westbury, Bratton, Edington, East Coulston, Chapmanslade, Upton Scudamore, Warminster, Bishopstowe, Norton Bavant, Imber, Corsley, Heytesbury, Knook, Upton Lovell, Horningsham, Longbridge Deverill, Sutton Veny, Brixton Deverill, Boyton, Kingston Deverill.

In the district of Salisbury

The parishes of Maiden Bradley with Yarnfield, Kilmington, Stourton with Gasper, Zeals, Mere, West Knoyle, East Knoyle, Chicklade, Berwick St Leonard, Fonthill Gifford, Sedgehill, West Tisbury, Semley, Hinden.

In the district of Kennet

The parishes of Bromham, Rowde, Roundway, Devizes, Seend, Poulshot, Potterne, Broad Hinton, Winterbourne Bassett, Berwick Bassett, Winterbourne Monkton, Avebury, West Overton, East Kennett, Bishops Cannings, Allcannings, Stanton St Bernard,

Etchilhampton, Stert, Patney, Worton, Marston, Erlestoke, Cheverell Magna, Cheverell Parva, Fyfield, Preshute, Ogbourne St Andrew and Ogbourne St George, Alton, Huish, Wilcot, Woodborough, Beechingstoke, Manningford, North Newnton, Wilsford, Marden, Chirton, Urchfont, Easterton, Market Lavington, West Lavington, Rushall, Charlton.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This order provides that the Minister may take steps to secure the destruction of badgers in the areas set out in the Schedule. These areas, which are all in the South-west of England, are areas in respect of which the Minister is satisfied that destruction of badgers is necessary in order to eliminate, or substantially reduce the incidence of, tuberculosis in cattle.

The order authorises two methods of destroying badgers which would otherwise be unlawful, that is poisoning by hydrocyanic acid gas and shooting with a .22 pistol. It provides that warning notices may be exhibited on or near any premises on which the destruction of badgers is to be, is being or has been carried out, and that the carcase of any badger destroyed under this order will be the property of the Minister.

In addition, this order provides that within the areas set out in the Schedule it shall be an offence—

(*a*) to capture, harbour or conceal a badger in order to prevent its destruction under the order,

(*b*) to obstruct, or interfere in any way with, anything which has been, is being or is to be done or used in connection with such destruction, or

(*c*) without the authority of the Minister, to remove or in any way dispose of the carcase of a badger so destroyed.

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