

BADGER CULLING & BOVINE TUBERCULOSIS CONTROL

Appendix 1 to Lead Member Report

- Cattle cannot currently be vaccinated against bovine TB as vaccination is not 100% effective, and it is prohibited by EU legislation.
- Badgers are not an endangered species in the UK, but they are protected by UK legislation. The Protection of Badgers Act 1992 protects badgers and their setts, but makes provision for licences to be granted to kill or trap badgers (using a specified method) or to interfere with their setts for the purpose of preventing the spread of disease provided the methods of capture and dispatch are humane.
- The current Department for Environment, Food and Rural Affairs (Defra) cull policy is based on conclusions drawn from the RBCT that culling over an area of 150km² could be expected to lead to an average 16% reduction in TB incidence in the local area.
- Although vaccination will not treat TB in badgers which are already infected, research has shown that vaccination provides some protection to badgers, reduces the severity of the disease, and significantly reduces the spread of the disease between vaccinated badgers and unvaccinated cubs; and there is evidence that badger vaccination should reduce the risk to cattle from badger-to-cattle transmission. Badger vaccination is therefore considered to be a publically acceptable measure which could help tackle TB in badgers and reduce the occurrence of the disease in cattle, with no known negative effects.
- In 1993, Somerset County Council attempted to introduce a ban on hunting on that County Council's land. The Court of Appeal found the ban on hunting to be unlawful because it was passed on moral grounds rather than administrative grounds. The Court held that the Council's acquisition of land was governed by section 120(1)(b) of the Local Government Act 1972, which provided that: "For the purposes of ...(b) the benefit, improvement or development of their area, a principal council may acquire by agreement any land, whether situated inside or outside their area". The Councillors did not consider whether a ban was for the benefit, improvement or development of their area. Had Councillors considered the statutory test, they would have had to attempt to define what benefit a ban would cause. It was not appreciated that personal views, however strongly held, had to relate to the benefit of the area. Therefore, it is important that the County Council, in due course, makes an evidence-based decision, mindful of the statutory test outlined above.

