



# Badgers Act 1973 (repealed 16.10.1992)

## 1973 CHAPTER 57

### 8 General exceptions.

- (1) A person shall not be guilty of an offence under this Act by reason only of—
- (a) the taking or attempted taking of any badger which had been disabled otherwise than by his act and was taken or to be taken solely for the purpose of tending it;
  - (b) the killing or attempted killing of any badger which appeared to be so seriously injured or in such a condition that to kill it would be an act of mercy;
  - (c) the unavoidable killing or injuring of any badger as an incidental result of a lawful action.

- [<sup>F1</sup>(1A) A person shall not be guilty of an offence under section 1(1) of this Act by reason of—
- (a) the killing or taking or the attempted killing or taking of any badger, or
  - (b) the injuring of any badger in the course of taking it or attempting to kill or take it,

if he shows that his action was necessary for the purpose of preventing serious damage to land, crops, poultry or any other form of property.

- (1B) The defence provided by subsection (1A) above shall not apply in relation to any action taken at any time if it had become apparent, before that time, that that action would prove necessary for the purpose mentioned in that subsection and either—
- (a) a licence under section 9 of this Act authorising that action had not been applied for as soon as reasonably practicable after that fact had become apparent; or
  - (b) an application for such a licence had been determined.]

- (2) It shall not be an offence under section 3 of this Act for any person to have a live badger in his possession or under his control if—
- (a) it has been kept in captivity by that person for a continuous period beginning before the passing of this Act,
  - (b) it is in that person's possession or under his control, as the case may be, in the course of his business as a carrier,
  - (c) .....

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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Badgers Act 1973 (repealed 16.10.1992), Section 8. (See end of Document for details)*

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- (d) it has been taken in circumstances in which, by virtue of subsection (1)(a), above, the taking of the badger did not constitute an offence under this Act and it is necessary for the purpose of tending it for it to remain in that person's possession, or under his control, as the case may be.
- (3) A person shall not be guilty of an offence under this Act by reason only of [<sup>F3</sup>something done in connection with an experiment on a living badger if what is done does not constitute a contravention of the <sup>M1</sup>Cruelty to Animals Act 1876][<sup>F3</sup>doing anything which is authorised under the <sup>M2</sup>Animals (Scientific Procedures) Act 1986].

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#### Textual Amendments

- F1** S. 8(1A)(1B) inserted by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), **Sch. 7 para. 10(1)**
- F2** S. 8(2)(c) repealed by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), s. 73(4), Sch. 7 para. 9(4), **Sch. 17 Pt. II**
- F3** Words from “doing anything” to “1986” substituted (prosp.) for words from “something done” to the end of subsection (3) by Animals (Scientific Procedures) Act 1986 (c. 14, SIF 4:5), ss. 27(2), 30(3), **Sch. 3 para. 9**
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#### Marginal Citations

- M1** 1876 c. 77(4:5).
- M2** 1986 c. 14(4:5).

**Status:**

Point in time view as at 01/02/1991. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Badgers Act 1973 (repealed 16.10.1992), Section 8.