

Friday 2nd July 2010

Subject: Badger Trust Appeal

THE BADGER TRUST

FOR IMMEDIATE RELEASE

Judgment in the appeal brought by the Badger Trust against the High Court's refusal to grant a judicial review on badger culling is expected to be handed down in Cardiff in the week beginning July 12.

In the meantime, the Welsh Assembly Government (WAG) has been instructed to respond by Monday (July 5) to a third ground of appeal brought by the Trust. This was that the Order made by Elin Jones and endorsed by the WAG applies to the whole of Wales and not just the Intensive Action Pilot Area in ill-defined parts of Pembrokeshire and Ceredigion. Therefore, the Minister could not have been satisfied that the statutory test under section 21 Animal Health Act 1981 was met, because she had not consulted for the whole of Wales and nor did she have evidence of a potential "substantial reduction" for the whole of Wales. The Badger Trust will reply by Wednesday (July 7).

The appeal, heard in Cardiff on Wednesday (June 30th) was against the High Court's rejection in April of the Trust's application for judicial review of the WAG decision to cull badgers as part of its programme to eradicate bovine tuberculosis (bTB). The appeal is also based on two other points of wider legal importance: what is the correct statutory construction of the term "eliminate or substantially reduce" disease as required under legislation to justify the killing of large numbers of wild species; and whether the scale of killing should be balanced against the expected benefit.

David Williams, Chairman of the Badger Trust, said: "We were grateful to the Court for agreeing to an expedited hearing and now await with interest the submissions from the WAG on this vitally important question which, as the judges indicated, has implications not just for Wales but for the whole of the UK. In addition we see this case as a test of the power of wildlife law to protect species often at the mercy of ill-considered policies, devastating planning decisions and cruelty".

The hearing was before Lord Justice Pill, Lady Justice Smith and Lord Justice Stanley Burnton at the Civil Justice Centre, Cardiff on 30 June.

CONTACT

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Badger Trust is the only charity solely dedicated to the conservation of badgers across Great Britain.
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