

For Immediate Release: Tuesday 29<sup>th</sup> June 2010

## **NEWS RELEASE FROM THE BADGER TRUST**

### **Subject: BOVINE TB DOWN IN WALES – AND NO DEAD BADGERS**

Bovine tuberculosis in Wales has been declining without badgers being killed – including in Dyfed where badger culling is proposed. The Badger Trust emphasises this as the Court of Appeal gathers in Cardiff to consider the legality of the Welsh Assembly Government's decision to kill badgers in its efforts to eradicate the disease.

In granting leave to appeal Lord Justice Elias noted that the Trust had real prospects of success [1] and ordered an urgent hearing on Wednesday June 30. The Trust sees this action as an important test case in both wildlife and public law. It is not known when the judgement would be announced.

David Williams, Chairman of the Badger Trust, said: "It is clearly premature for the Welsh Assembly Government to be preparing to kill badgers when its increasingly stringent cattle-based measures seem to be working well; killing badgers cannot make them any less rigorous.

"Wildlife is supposed to be protected up to a reasonable level under the law, but we see this proposal as not only unlawful but scientifically perverse too. If our appeal failed the fault would be in the weakness of wildlife law and not with the wealth of evidence from the authoritative body of scientific papers".

The appeal is being brought by the Badger Trust against the rejection of a judicial review in April of the decision to cull and is based on two points of much 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 the killing should be balanced against the expected benefit.

The Badger Trust has analysed official figures and responds here to recent advice on interpretation from the Welsh Assembly Government [2]. In it, the WAG suggested that herd breakdowns should be given in proportion to tests carried out, and that the number of individual cattle slaughtered should be related to the individual animals tested [2]. These calculations show that in the cull county of Dyfed new herd incidents fell from one in 20 tested in 2008 to one in 30 last year. One individual animal out of 104 tested was slaughtered in 2008 against one out of 141 tested last year.

Defra's figures [3] for 2008 and 2009 show confirmed new incidents of bovine tuberculosis in Dyfed had declined by 50 from 280 (18 percent) up to December 31 last. (Detailed figures for the proposed cull area of Pembrokeshire are not available).

Defra also reveals [3] that the number of new herd incidents in Dyfed fell by 67 from 659 (10 percent) over the same period. This was in spite of 1,194 more herds being tested than the 5,788 in 2008: a rise of 20.6 percent.

Although these figures are subject to revision over time they continue to show a continuing fall in the area. In Wales as a whole the national totals of confirmed new herd incidents over the two years fell by five percent from 541 in 2008 to 513 last year.

The Badger Trust has used the figures for two full years to avoid distortions caused by seasonal effects. Data from 2010 are not yet complete and caution needs to be exercised in

comparing them with earlier statistics. However, the most recent data [4] accessed on June 26 suggest that, in Great Britain as a whole, the number of new confirmed herd incidents in the first quarter of 2010 was lower than that in the corresponding period of 2009.

## NOTES

[1] As required by the Civil Procedure Rules (52.3 (6))

[2] Official presentation to the media from the WAG, June 2010: "Background to TB Statistics"

[3] Defra county animal and herd statistics last updated on May 17, 2010:  
<http://www.defra.gov.uk/foodfarm/farmanimal/diseases/atoz/tb/stats/index.htm>

[4] (<http://www.defra.gov.uk/evidence/statistics/foodfarm/landuselivestock/cattletb/index.htm>)

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