

# The VOICE

[ january 2002 issue 14 ]

## CONSUMER LAW

Early last year we sent all members a briefing document outlining the likely changes in the law, that would be brought about by the UK implementing an EC Directive on "The sale of consumer goods and associated guarantees". As a result of the intended implementation, we highlighted the problems that this would cause members. In particular we highlighted the difficulties inherent in a reversal of the burden of proof when customers made complaints. Under the new legislation retailers would be required to prove that any goods (including pets) were in good

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## STAKEHOLDER PENSIONS

Since stakeholder pensions became available in April 2001, 305,000 (out of an estimated 400,000) eligible companies have signed up to a suitable pension scheme.... for those that have not, be warned - the regulator will be contacting you shortly!! (And the maximum fine could be up to £50,000).

It's not too late to avoid trouble... and it will cost you nothing to apply to join the OATA scheme set up in association with Legal & General and IFS. Call Jeremy Miles on 01985 219 732 or email [jmiles@ifs-online.co.uk](mailto:jmiles@ifs-online.co.uk) ■



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## OATA INVOLVED IN MORE REVIEWS THAN YOU CAN SHAKE A STICK AT!

One of the foremost reasons for OATA's existence is to act as interface between the industry and government. In the past OATA has helped to avoid many calamitous proposals reaching the statute books. Among the worst were proposals that would have led to a two year ban on coldwater fish imports, and another which would have required every member of the public wishing to own a sterlet to apply for, pay for and hold a licence.

At the moment OATA is actively involved in the following consultation processes that are in process NOW:

Non-native species policy review: this body could make recommendations, that could alter legislation over which species of animal or perhaps, more especially, may be imported, owned and sold and under what conditions. OATA is represented both in the full review and the "Prevention" working group.

Import of Live Fish Act: gathering information concerning the species for which coldwater/temperate water species licensing controls will apply.

Veterinary Medicines: this review will decide what (or even, if any) fish treatments will be available for the industry and hobby.

Animal Welfare Review: A wide-ranging review of government policy that will include both the Pet Animal and the Cruelty to Animals Acts.

Fish Health Directive: an EU wide process for updating the import legislation.

CITES: consultation on the charges for permits to import corals. Member of three working groups at the Animals Committee concerning Trade in Hard Corals, Alien species and seahorses. ■

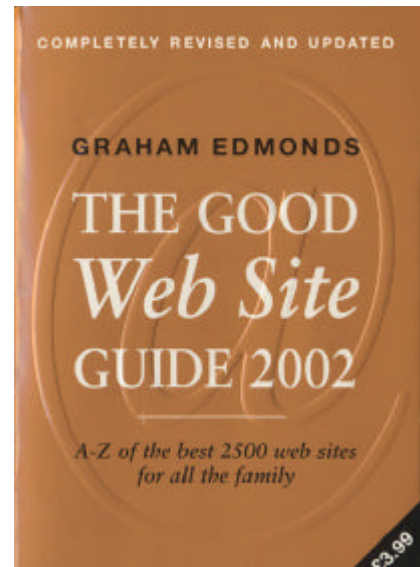
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## INSPECTIONS GALORE!

The title might over exaggerate the situation. But there are likely to be more inspections during 2002 than ever before. During 2000 46 samples of imported fish were taken and tested for SVC. This figure rose to 60 during 2001. All proved negative.

As a result of a European Commission inspection of the working of the import controls at Heathrow, the State Veterinary Service have told OATA they will soon be, if they haven't already started, opening at least one box from every consignment.

These facts make it ever more important that the documents accompanying shipments are accurate and easy to understand for vets, customs and fish disease inspectors. If discrepancies are found, they may end up opening all the boxes in a consignment, which would undoubtedly lead to very significant delays. ■



*Our review appears in the pets section.*

## ACCOLADE FOR OATA WEBSITE

Our "Ornamental Fish" website ([www.ornamentalfish.org](http://www.ornamentalfish.org)) has been listed in "The Good Web Site Guide 2002". The review read "An excellent site beautifully designed and well executed. Although much of it is aimed at the trade and commercial side, there is a great deal of information for the hobbyist about looking after and buying fish."

The site has been created in-house by Laura. Laura has already designed homepages for Brooksby College, Hampshire Carp Hatcheries, Maydencroft Aquatics, Solesbridge Mill Watergardens and Sparsholt College. Email [webmaster@oata.demon.co.uk](mailto:webmaster@oata.demon.co.uk), see the website for further details, or contact the office if you would like a website created. ■

## AQUATICS IMPORTER FINED £30,000

A record fine and costs totalling almost £30K, are to be paid by a wholesaler of live fish who was caught smuggling ornamental fish, including koi carp into the UK.

Pleading guilty to five offences under fish health and import legislation last month, Andrew Green of Sussex and Surrey-based Star Fisheries, admitted: illegally importing live koi carp and goldfish; keeping grass carp and sturgeon without a licence and

The deadly fish virus 'Spring Viraemia of Carp' (SVC) is widespread in Italy, and by bringing stock into the UK having bypassed the necessary checks, Mr Green risked spreading disease among clean British stocks.

Welcoming the court's decision, DEFRA's Fisheries Minister Elliot Morley said:

"This record fine shows how seriously the court regards smuggling of live fish."

"This illicit and ecologically dangerous black market trade must be stamped out. We must protect legitimate trade in live fish and ensure the survival of the UK's valuable and diverse wild fish species."

"We intend to come down hard on those who are prepared to flout the law."

The court victory comes soon after the launch of the Government's new anti-smuggling database.

The Live Fish Movements computer database operated at CEFAS, Weymouth enables scientific experts to protect the health of our wild fish stocks by monitoring and checking commercial fish movements. ■

Source: DEFRA

### FIJI CORALS

The CITES secretariat recently sent out a notification recommending that none of the 157 member countries import or exported CITES listed species from Fiji, Vietnam and Yemen. This issue covers all CITES species and does not apply only to corals.

This could (and almost inevitably will) have a dramatic impact on the export of corals, that is, they will cease.

The reason for the action is that the legislation in Fiji does not meet CITES requirements. OATA is helping provide Fijian exporters with information from the CITES secretariat so they are able to help resolve matters.

We believe that all current import permits will be honoured, but applications for new permits to import corals from Fiji will be refused. ■

"We intend to come down hard on those who are prepared to flout the law."



Elliot Morley,  
DEFRA Fisheries  
Minister welcomed  
the courts  
decision

failing to comply with the conditions of his fish-keeping licence.

Lewes Magistrates Court heard how CEFAS fish health inspectors had tracked and intercepted an Italian lorry entering Mr Green's premises, after dark, in May 2001. Found to hold a consignment of mixed ornamental fish, there were no accompanying health check documents.

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condition when sold.

At that time we reported that this new law would come into force on January 1st. Clearly it hasn't. Along with 11 other member states, the UK has missed the deadline set by the European commission. It appears that another 3 month round of consultation will start this month, with a view to the new law being in place in the autumn of this year. ■