

The VOICE

[march 2002 issue 15]

REVIEWS AND CONSULTATIONS

IMPORT OF LIVE FISH ACT

Many of you who have licences will know that a review and update of the species requiring licences under this act is being undertaken (more details can be seen at www.defra.gov.uk/corporate/consult/livefish-order/index.htm). OATA has been consulted and has responded; the key points of our response are listed below.

While we accept that other legislation has failed to prevent the illegal release of fish, largely for angling, to the wild, care should be taken in using ILFA to overcome these problems. The release of specimens to the wild is entirely different and has differing impacts from the keeping of ornamentals in either aquaria or ponds.

We point out that the inferred comparisons of the situation concerning the problems caused by baitfish (e.g. the fat head minnow, a form of which enters the ornamental sector as the rosy red minnow), and by species released by regulatory authorities for insect control (e.g. the mosquitofish), and ornamental species and forms in the UK is entirely inappropriate.

The general licence (which allows the public to own a listed species without actually applying personally for licences) could be applied to the pumpkinseed.

Species that can merely survive, and not breed in the wild such as the *Myxocyprinus asiaticus* should not be considered for listing in this legislation.

If the list of ornamental species from North America are to a

closely scrutinised, then the decision to continue releasing millions of rainbow trout into fisheries annually



Myxocyprinus asiaticus

should also be reviewed. Neither the rosy red minnow nor the red shiner should require licences to own or keep.

Continued on page 2...

[1] Reviews and consultations

[2]

[3] Progress of the Marine Aquarium Council

[4] OATA Conference ● Nuremburg

Contents

OATA, Unit 5, Narrow Wine St., Trowbridge, Wiltshire BA14 8YY UK

Telephone +44 (0)1225 777177 Fax +44 (0)1225 775523

info@oata.demon.co.uk www.ornamentalfish.org www.aquaticsworldwide.org

...continued from page 1

ANIMAL WELFARE BILL

With the restructuring of government, most facets of animal welfare legislation lies within a single department, namely DEFRA. Ministers in that department have taken the opportunity to review a wide range of laws relating to welfare. The full consultation document can be found on the web at www.defra.gov.uk/corporate/consult/animal_welfare/index.htm. The closing date for responses to this consultation is April 30, thus there is ample time for members to respond individually if they wish. If you choose to do this we would

DEFRA
Department for
**Environment,
Food & Rural Affairs**

pleased to discuss your response with you, and in any event would ask that you send a copy to the office for reference.

The particular pieces of legislation that are under review which are relevant to ornamental fish are the Protection of Animals Act 1911, the Pet Animal Act 1951 and the Abandonment of Animals Act 1960.

The major points raised in our response were:

Pet Animal Act 1951

· In general this legislation if applied, could be adequate to ensure no bad pet shops were permitted to trade. However, local authority Environmental Health departments apply the law and the guidelines from the Local Government Association in a very inconsistent manner. Although OATA has provided information to each authority on the use and interpretation of water quality tests, only 5 of 115 authorities we obtained information about in 1998 were undertaking this most basic check.

· The easiest way to avoid inspection is not to apply for a licence, or lose it through failing to meet the required standard. In this way back garden retailers and where ordinary retailers have lost their licence, say for conviction following cruelty charges, can escape inspection as EHO's have no power of entry onto those premises. We have recommended this loophole be closed.

· Suggestions have been made that the minimum age at which pets can be sold to children under any circumstance be raised to 16. OATA has opposed this and advocated the retention of the current system of sales under set conditions, being permissible to children from the age of 12. Since the age of criminal responsibility is 10 and you can get married or join the army at 16, it appears reasonable to introduce young people to responsibility of pet

ownership during that period.

One day shows

OATA has a neutral opinion on legal one day shows, except to say that any enterprise offering animals for commercial gain should be subject to all the conditions applied to local pet shops. This could be extended to apply to offering fish as prizes at fairs. An exception, which should be clearly stated, is meetings of clubs where successful fish hobbyists (or indeed those who keep any animals as pets) gather to exchange or sell and buy livestock from other hobbyists. The point at which a hobby show becomes commercial and thus requires a licence, will need clarification.

Abandonment of Animals Act 1960

OATA is content with this act. We have, and would again, actively promote its use in appropriate instances of animal abandonment.

Protection of Animals Act 1911

Introduction of an offence of "Likely to cause unnecessary suffering".

As stated above we are content with the Abandonment of Animals Act 1960 in which this language is used. We are clearly of the belief that the law should be able to act to avert unnecessary suffering being caused. That said if this provision is to be

Continued on page 4...

PROGRESS OF THE MARINE AQUARIUM COUNCIL

The Marine Aquarium Council is an independent body which aims to reward companies adopting high standards during the collection, holding, handling and transport of ornamental marine organisms. OATA has had a place on their board of directors since its inception in the mid 90's. Incidentally a majority of the board must come from the conservation community.

Groups such as WWF-US are firmly committed to promoting MAC as can be seen from a paragraph from an open letter from their President Kathryn Fuller:

"As many of you know, WWF, industry representatives, public aquariums, hobbyist groups, and others came together to form MAC several years ago with the intent of securing a healthy future

for marine ornamental fish and corals. This market mechanism holds real promise environmentally and economically, we believe, ensuring trade supply, and supporting local economies. In the Philippines alone, for example, there are an estimated 7,000 collectors benefiting from this high value

\$3.50 per pound compared to crushed coral at 3 cents a pound."

During the latter half of last year there were a number of trial inspections using standards developed over the previous year. As might have been expected these have thrown up a range of issues such that the standards will

be further developed and revised in the light of practical experience over the next two years.

OATA has provided a letter of support for the work of MAC. MAC has asked for similar letters of support from individual businesses. More details are available from

the OATA office or from the MAC website at www.aquariumcouncil.org ■



A coastal village in the Philippines where collectors harvest suitable species

trade in which aquarium fish sell for almost \$250 per pound (weight) compared to food fish at \$3 per pound, and live coral for

...Continued from page 2

incorporated more widely, then the situations in which it can be applied must be strictly delineated. Acts subject to such provision should be proved to be intentional or reckless. Only actions which will lead beyond reasonable doubt to unnecessary suffering should be prosecuted. A provision for a range of defences including the likelihood of the skill and experience of the person(s) involved in mitigating or avoiding undesirable outcomes should be included.

Time allowed for proceedings to be brought to court

If this provision is accepted then the proceedings should have been started within 6 months of the offence. The extra time should be limited to information gathering only.

NON-SPECIFIC ISSUES

Keeping exotic animals as pets

The definition of exotic given in the Concise Oxford Dictionary is "introduced from or originating in a foreign (esp. tropical) country.

Given this definition the application of controls to the keeping of "exotic" animals would amount to a massive infringement of the civil liberties of the between 3 and 3.5 million households, 14% of the total, who own ornamental fish in the UK. Virtually all of the ornamental fish species in trade are not native to the UK and thus may be termed exotic. Clearly education has role to play in avoiding illness or injury. Good personal hygiene would help avoid the majority of perceived problems as it does in everyday activities.

Providing the Secretary of State with the power to make Codes of Recommendation to promote animal welfare

While I understand these are used in agriculture, we don't believe these have a place in the area of pet animals. Industry Codes of Conduct and the LGA Guidelines seem to adequately cover this issue.

The use of bio-technology in animal breeding

OATA does not believe that genetic modification technology a part to play in the ornamental fish industry. This technology is distinct from and does not include selective breeding. ■

OATA CONFERENCE

OATA will be holding a conference on November 25/26th this year centred around "The Deep" in Hull. This public aquarium which will open later this month has a 10 metre deep main aquarium, making it for the time being the deepest in Europe. It has cost some £47 million to build, certainly during a visit recently the OATA staff could see where the money had been spent. Further details and program will be published shortly. ■



NUREMBERG

OATA will have a stand at Nuremberg to promote both its OATA Worldwide subscription service and, of course, the conference. If you attend please visit stand Hall 4, Stand 4-4-06a and say hello. ■