



April 2023

## Guide to the responsible distance selling of live animals

### OATA's position

When selling live animals (e.g. fish) online OATA recommends these guidelines are followed to help ensure the fish are suitable for the intended aquarium they are purchased for, to protect animal welfare and to ensure legal requirements are adhered to.

### Selling live animals

To sell live vertebrate animals commercially (whether online or not) you will need a Licensing of Activities Involving Animals (LAIA) licence from your local authority which requires specified conditions to be met:

- England: [Animal activities licensing: statutory guidance for local authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/animal-activities-licensing-statutory-guidance-for-local-authorities)
- Scotland: [The Animal Welfare \(Licensing of Activities Involving Animals\) \(Scotland\) Regulations 2021: guidance for pet sellers - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/regulations/2021/12/12-the-animal-welfare-licensing-of-activities-involving-animals-scotland-regulations-2021-guidance-for-pet-sellers/guidance/index.html)
- Wales: [Statutory guidance for the pet sales licensing regime | GOV.WALES](https://gov.wales/guidance/statutory-guidance-for-the-pet-sales-licensing-regime)

When shipping live vertebrate animals you are legally obliged to use a courier authorised by the Animal and Plant Health Agency (APHA) (regardless of whether you are selling the animal commercially or in a private sale).

### The law on distance selling

This section aims to help retailers to understand their legal responsibilities if you sell animals online (e.g., through your website), but it is not comprehensive and retailers should familiarise themselves with official advice which can be found on the relevant websites.

Retailers selling online have to follow rules for both distance selling and online selling, alongside the Consumer Rights Act 2015 and rules around advertising. The relevant requirements can be found below:

- Distance selling: [Online and distance selling - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/online-and-distance-selling)
- Online selling: [Online and distance selling : Online selling - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/online-and-distance-selling-online-selling)
- Consumer rights act: [Consumer Rights Act 2015 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/consumer-rights-act-2015)
- Marketing and advertising: [Marketing and advertising: the law - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/marketing-and-advertising-the-law)

There is some very specific information you must give to consumers, including your trading address, pricing, complaint-handling policy and cancellation rights. It must be clear, legible and understandable, and be appropriate for the way you distance sell. This information must be given before you enter into an agreement with the customer. If you do not give certain parts of this information the consumer does not have to pay. This information must be provided to the consumer in a durable form after the sale has taken place, but not after the goods are delivered. This could be in paper form placed in the packaging with the goods or sent via email immediately after payment is received. More information can be found here: [Distance sales | Business Companion \(https://www.businesscompanion.info/en/quick-guides/distance-sales\)](https://www.businesscompanion.info/en/quick-guides/distance-sales)

### **OATA guidelines on the distance selling of live animals**

This section provides additional guidance for retailers to follow when selling live fish online.

#### ***Marketing live animals***

Before selling live animals, we recommend that the seller is able to demonstrate they have corresponded with the buyer to satisfy themselves about the set-up into which they will be introduced and that it will not compromise their health or welfare. Including relevant OATA care sheets with every purchase will help ensure customers receive sufficient husbandry information on their chosen species (this is a legal requirement under LAIA). Care sheets can be found here: [Customer care sheets - OATA - The Ornamental Aquatic Trade Association \(ornamentalfish.org\)](https://www.ornamentalfish.org/customer-care-sheets).

Adverts for animals must have specific information on them, which can be found in the relevant LAIA guidance documents above. Additionally, the Pet Advertising Advisory Group (PAAG) has written minimum standards for the sale of pets, which we recommend members should abide by. These can be found here: [How to buy a pet - Selling a Pet \(paag.org.uk\)](https://www.paag.org.uk/how-to-buy-a-pet). We believe it is beneficial to include as much information as possible on the species being sold in adverts. In addition to the legal requirements in the LAIA guidance, we also recommend the following:

- current size (cm) and potential adult size
- common name
- scientific name
- compatibility (shoaling/community/sociability/incompatibility)
- water parameters: for freshwater: pH, temp, NH<sub>3</sub>/4, NO<sub>2</sub>, NO<sub>3</sub> & for marine: salinity.
- minimum volume/aquarium size
- diet
- origin
- general recommendations
- guarantee information
- price

## *Agreements with the consumer*

The following should be done before payment is taken:

- Advise the customer of the legal implications and responsibility of purchasing live animals.
- Advise the customer that, once live animals as ordered have been dispatched, orders cannot be cancelled and the animals may not ordinarily be returned.
- Once the order is placed provide written confirmation to the customer of receipt of order, delivery date and estimated time of arrival.
- Confirm the customer has a suitable environment for the species bought.
- Confirm the customer is 16 years or over.
- Explain that the customer must be in to accept and sign for delivery at the expected time of delivery.
- If you offer a guarantee with live animals, the terms required to make a claim should be explained.

Retailers must make potential consumers aware that once the animal is received, the customer is responsible for the welfare of that animal.

The purchaser should be made aware that they need to be available to receive the package at the agreed address and time. Fish should never be left unattended during the handover.

## *Packing and shipping*

The rules on animal welfare in transport apply to anyone selling live animals, whether a licensed retailer or a private individual. For guidance on the packaging and shipping of livestock, please see our Transporting Aquatic Livestock code [OATA-Transport-Code-Oct-2022.pdf \(ornamentalfish.org\)](#).

## *Receipt of live animals*

As per the agreement made in marketing the fish, customers should be present to accept and sign for the delivery and fish should not be left unattended. Clear instructions should be provided in the delivery box which describe prompt release of animals into a stable aquarium environment, ensuring switching off aquarium lighting, a suitable acclimation and regular visual checks are undertaken for at least the first 24 hours. We recommend including the relevant OATA care sheets in each box for this purpose, which can be found here: [Customer care sheets – OATA – The Ornamental Aquatic Trade Association \(ornamentalfish.org\)](#).

## *After Sales Service*

We recommend that retailers trading live animals online have an after-sales helpline, where customers can seek advice on their recently purchased animals. If this incurs any additional charges it should be made clear.