



Pet Welfare and Abuse inquiry

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The Ornamental Aquatic Trade Association (OATA) represents more than 800 UK businesses which provide fish-keepers with everything they need to set up and maintain a successful home aquarium or garden pond. Our members include retailers, breeders, importers and manufacturers, many of which are SMEs.

Some key facts about the UK ornamental aquatics trade (2021 values)

- Pet Food UK estimates there are around 7 million fish tanks in households and 6 million garden ponds (2023)
- OATA estimates there are over 100M pet fish kept in the UK at any one time
- Around £660M is spent on retail sales
- Of this, over £430M is spent on dry goods (fish food, aquariums, plants, equipment)

Thank you for the opportunity to comment on this Pet Welfare and Abuse inquiry. We would like to provide comments on a number of issues we believe warrant further attention.

Question 6. Is the current regulatory and legal framework to both support the welfare and prevent the abuse of companion animals fit for purpose? Do the available penalties – and the probability of prosecution – act as a sufficient deterrent?

Support bricks and mortar pet shops

OATA has long campaigned for an improvement to pet shop licensing to ensure a consistent set of rules for commercial sellers of animals, enforced by well-trained and knowledgeable inspectors. While the Licensing of Animal Activities (LAIA) regulations across England, Scotland and Wales have gone some way to producing mandatory rules there remains patchy implementation of this legislation from untrained inspectors and it is extremely bureaucratic, which does little to improve animal welfare in sales environments.

The campaign to ban the third party sales of puppies and kittens has somewhat tarnished the reputation of pet shops as good places to acquire a pet. However, OATA believes pet shops are the best place to buy pet fish (previous research has revealed that around three quarters of UK pet shops licensed to sell animals sell fish, while in reality puppies and kittens hardly featured at all). Customers can see and choose the fish they want to buy, staff can talk to customers about their tank set-up to ensure compatibility, shops are now required by law to hand out care information with pet sales and staff must be trained in the species they sell. Whilst these rules also apply to online sales, there appears to be little appetite from local authorities to ensure online commercial sellers are licensed correctly. So bricks and mortar shops, which adhere to the time consuming and expensive requirements of the licensing regime, lose out to sellers who bypass these requirements and therefore can sell cheaper. Discouraging people from buying animals in pet shops has had the unintended consequence of pushing pet sales online where there is little to no oversight of animal welfare. There needs to be much closer scrutiny and enforcement for the online sale of animals.

Promote pre-purchase research

There is also much to be done to educate people to pick the right pet for their lifestyle and care for it properly. Educating people about the pets they take on is key and more needs to be done to encourage this before people buy a pet. OATA has supported The Pet Charity and veterinary community in developing its Pet Know How project which gives information to people before they buy a particular pet. Prospective owners then take an online test which, if passed, produces a certificate to show they have done their research which they can present at a pet shop before buying. Incorporating this tool into pet sales as a requirement would help ensure that people have done some research about the needs of the animal they want to buy before they purchase.

Sending live animals like fish through the post

It is currently illegal to send live animals such as fish through the postal system. The [Welfare of Animals \(Transport\) Orders](#), which separately cover England, Scotland and Wales, make it clear that only authorised transporters which meet certain conditions can carry live animals. However, we still regularly see evidence that live fish are being accepted and sent through the postal system for example, which is not licensed to carry live animals. We have provided evidence to Royal Mail that shows people regularly receive fish through the postal system, with the knowledge of postal workers. It is clear there is no enforcement by officials/regulators (local authorities and Defra) over WATO regulations so providers like Royal Mail and courier services can simply ignore the law, risking serious welfare implications for animals transported this way.

Question 8: What additional measures should the Government take to stop bad practices, improve overall domestic pet welfare, and assist those involved in supporting domestic pet welfare?

We are aware of a number of practices involving ornamental fish which we believe are cruel, result in poor welfare and sometimes death, and create biosecurity risks. These are all activities we believe should be the subject of additional regulatory controls and/or clarification.

1. **Dyed and tattooed fish.** Fish are dyed by a variety of processes including injection, tattooing or interfering with the skin by using lasers or chemicals so dye is readily absorbed. Even the outermost layer of fish skin is, unlike in humans, a living sensitive layer and makes this practice completely unacceptable. It is a contradiction that it remains legal to import dyed or tattooed fish even though the processes used to produce them (even if legal in the country of origin) would attract criminal sanctions over animal cruelty if performed in the UK. Importing these

types of fish should be banned.

2. **Fish as prizes.** [OATA does not support the use of fish such as goldfish as prizes at places like fairs](#). Local retailers have, in some cases, been inundated by members of the public wishing to know what should be done with the fish they have won. Fish are living creatures and so anyone who wants to take on the responsibility of a pet should do so after careful consideration and research before the animal comes home. They should not be an impulse acquisition. It is our view that any business offering fish to the public, whether a pet shop, garden centre or fairground, should meet the conditions laid out in the Licensing of Activities Involving Animals regulations for England, Scotland or Wales. We do not believe these conditions can be achieved in a fairground situation and that the conditions under which they are kept and displayed is cruel. In England and Wales the [Animal Welfare Act 2006](#) only prohibits the transfer of animals by way of sale or prize to persons under 16 (Section 11). While certain councils in England and Wales are banning this activity if it occurs on land they own they cannot prevent this practice if it happens on private land. However in Scotland the [Animal Health and Welfare Act Scotland 2006](#) states in Section 31 *Offering animals as prizes* that it is an offence 'if the person offers or gives an animal to another person as a prize' (except within a family). We believe this practice should be made illegal across the UK. It would require only a minor adjustment to the Animal Welfare Act 2006 to achieve this in England and Wales.
3. **Fish used for table decorations at parties or events, or to 'enhance' flower vases.** This is an unacceptable way to treat a living creature and encourages the attitude 'it's only a fish'. It is cruel and we have concerns that the fish may be disposed of irresponsibly after use. It should be made illegal to use fish in this way.
4. **Fish used in beauty treatments.** Thankfully, the popularity for foot spas containing *Garra ruffa* and other species has decreased substantially over recent years, due to the potential welfare issues caused by this practice. However it is still legal to offer this treatment. It is unlikely the welfare needs of the fish can be achieved in a beauty salon set-up and indeed is likely to be harmful to the fish by being exposed to perfumes, deodorants or medicated creams on feet. Again, at the very least businesses using fish in this way should be subject to the same licensing requirements of animal activities found in the LAIA regulations for England, Scotland and Wales.
5. **Fish used in cultural practices.** OATA is aware that at certain times of the year wholesalers and retailers receive requests from customers wanting to buy large amounts of fish (like goldfish, and also lobsters) to be used for cultural practices, e.g. temporary display or prayer release involving the release of animals into the wild. We are concerned about the welfare of the animals and in particular what happens to the animals after their temporary use because it encourages the attitude 'it's only a fish'. We are also particularly concerned that the animals may be disposed of irresponsibly after use, which is both cruel and illegal.