



**YOUR LEGAL DUTY OF CARE  
FOR  
KEEPING FISH  
UNDER  
THE ANIMAL WELFARE ACT**

**FIRST EDITION**

# INTRODUCTION

## A Summary of Your Legal Duty of Care under the Animal Welfare Act

### Some Key Factors

- You must not cause fish unnecessary suffering.
- You must take all reasonable steps to meet the welfare needs of all the fish in your care.
- It is your responsibility to find out what those needs are and how to meet them.
- If you are the parent or guardian of a child (under 16 years) **you** are responsible for any animal that child looks after, **not the child**.
- If you fail to meet the welfare needs of fish in your or your child's care, you maybe committing an offence and may be prosecuted.
- You can find out more about this Law and other laws relating to fish from DEFRA. Their address and website is at the end of Section 5.

### A fish's Welfare needs:

- The Animal Welfare Act says that a fish's needs include:
- The need of a suitable home and environment.
- The need for a suitable diet.
- The need to exhibit normal (appropriate) behaviour.
- The need to be with, or apart from, other fish.
- To be protected from pain, suffering, injury and disease.

### Important decisions that are your responsibility

The most important thing you must consider in order to keep fish happy and healthy is for you to research their needs. The Law does not tell you what to do.

- There is no one "perfect" way to care for fish. Every fish and every situation is different. You should explore the advice available as is found in the Federation of British Aquarist Societies' Care Sheets on the FBAS Website [www.fbas.co.uk](http://www.fbas.co.uk)
- If you are unsure about anything, you should seek advice from an animal welfare professional, your place of purchase, or from members of any local Fishkeeping Society. They hold a wealth of information and are always ready to help and, lastly, a vet.

(See page 13 of the Basic COPs & General Advice on Fishkeeping).

## Section 1

# A fish's need for a suitable environment

### The Law:

**If you or your child (under 16 years) look after fish, it is your responsibility (Not the child's) to take all reasonable steps to ensure the fish have a suitable and safe environment at all times.**

### Some Key Factors

- Fish's "environment" includes the water, plants, heating, filtration and ornaments in the aquarium or pond in which the fish live.
- Living in crowded conditions can cause fish to suffer and lead to stress, illness or even death.
- Fish need the clean water to which they are accustomed. (This may not be your tap water which may require treating before it is suitable).
- Fish should not be unnecessarily stressed.

### Essential basic care issues that are your responsibility

- Make sure your fish are safe and secure, including when you are not at home.
- Ensure that the size of your aquarium or pond is suitable for them.
- Provide your fish with a clean aquarium or pond and make sure the water quality remains suitable for the fish being kept (in some situations test kits are an essential purchase not an optional extra).
- You should make sure that you provide your fish with suitable but not excessive light, heat or chemical composition of water. All without major fluctuations.
- The filtration of your aquarium or pond should be maintained in an efficient working order.
- If you keep your fish outdoor, you must protect them from different climatic conditions (e.g. strong sunlight, ice).
- If several fish share the same environment, ensure they are suitable to be kept together and that the stocking remains appropriate. Overstocking can lead to poor water quality, stress, disease and death.

## Section 2

# A fish's need for a suitable diet

### **The Law:**

**If you keep fish you must take all reasonable steps to ensure the appropriate food is available and fed to them to meet all their dietary needs.**

### **Some Key Factors**

- Fish needs an appropriately balanced diet to remain fit and healthy.
- Individual fish's dietary requirements may vary with the species and size.
- By feeding more than they need, fish may suffer by becoming fat and excess food (uneaten) will lead to the deterioration of the water quality.

### **Essential basic care issues that are your responsibility**

- Feed your fish on regular basis, depending on water temperature and the biology of the species concerned (a little and often is a good rule of thumb).
- Adjust the amount of food you offer your fish to ensure they remain fit and healthy.
- Ensure that you remove all excess uneaten food in 15 minutes. Uneaten food will release chemicals that will foul the water which will become toxic to fish resulting in sickness or their death.
- Provide a selection of suitable foods meeting all the nutrient requirements of the fish; it is doubtful one type of food does this (a varied diet is a beneficial diet).
- If your fishes' eating habits suddenly change, seek help. Consult your local retailer, the FBAS website or even a vet. You could be feeding an inappropriate food, or your fish could be ill.
- Fish are poikilothermic. They take their body temperature from the surrounding water. We are monothermic and maintain a single temperature and like all mammals use approximately 87% of our food intake just to maintain this. Remember when feeding fish - they do not need that 87%!

It is estimated more fish are killed by over-feeding and fouling their water than by any other action.

## Section 3

# A fish's need to exhibit normal behaviour

### The Law:

**If you look after fish you must take all reasonable steps to ensure that it has the opportunity and conditions to behave normally**

### Some Key Factors

- "Normal" behaviour means the appropriate behaviour for the species.
- An unhappy fish may show reduced feeding, colour changes, closed finnage or any abnormal behaviour like hiding in the corner of the aquarium because of stress.
- The Introduction of territorial fish to an existing aquarium can cause stress to all existing inmates. Always ask before adding to you fish stock that any new comers are compatible with your existing fish.
- Stress can be caused by such things as rapid changes in water temperature or quality, strong or rapidly changing light and loud noise can lead fish becoming stress.

### Essential basic care issues that are your responsibility

- Choose an aquarium's type and size that is suitable for your fish and your pocket. The larger the aquarium the better.
- Be observant. If your fish behaviour changes, it could be distressed, ill or injured.
- If your fish often shows stress-related behavior (e.g. jumping or gasping at the water surface, swimming in an "abnormal" way, flicking its self against plants or other items like air tubes), are the scales damage, the fins closed, or any physical damage, wounds on the body etc. Seek help, consult your local retailer, the FBAS website or even a vet. You could be feeding an inappropriate food, the water condition maybe poor, the fish could be being bullied or quite simply your fish could be ill.

## Section 4

# Fish may need to be with, or apart from, other fish

### **The Law:**

**If you look after a fish you must take all reasonable steps to ensure that it has the company it requires or not. It should be kept apart from other fish that may frighten or harm it or it may harm.**

### **Some Key Factors**

- Some fish live in schools and others are solitary and prefer to be alone.
- Some fish will intimidate or even fight with fish of their own or related species. Territorial fish will chase off or fight with any fish that enters their territory. Even quite small fish can literally herd all the other fish into a corner and take over the majority of the aquarium.

### **Essential basic care issues that are your responsibility**

- Ensure that you purchase fish suitable for the aquarium or pond in which you want to keep them. If unsure always seek advice.
- Ensure that you do not exceed the correct stocking density in your aquarium or pond. Remember when purchasing them that the fish will grow and increase in size.
- Check that any fish you purchase are compatible with those you already have or are considering adding to your aquarium or pond at a later date.
- Make sure you don't buy fish that would fight with their own or other species or are known to be very territorial, or fish that require significantly different water parameters (e.g. temperature, salinity, pH) than the fish already in your aquarium or pond.
- When you are away, ensure that your fish are cared for by a responsible person (e.g. a neighbour coming to feed them correctly). Remember most people over-feed fish, so ensure anyone looking after your fish understands their feeding regime.

If you are away for just two weeks, then, providing the fish are well-fed and healthy, that filters etc are clean and fully operational and the water is in good condition it may be best not to involve a non-fishkeeper to look after them.

## Section 5

# A fish's need to be protected from pain, suffering, injury and disease

### The Law:

**If you look after a fish you must take all reasonable steps to ensure that it is protected from pain, suffering, injury and disease.**

### Some Key Factors

- Most fish health problems are caused by poor water quality.
- Fish are vulnerable to a range of infectious diseases and other illnesses.
- Individual fish and different species could show suffering in different ways.
- A change in the way a fish behaves can be an early sign that it is ill or in pain.

### Essential basic care issues that are your responsibility

- Learn how to ensure that water quality in your aquarium or pond remains in a good condition.
- Obtain your fish from a reputable source (e.g. OATA members). Seek expert advice if in doubt.
- Closely examine your fish for signs of injury or illness every day. Look for continually folded fins, and inappropriate behaviour.
- If you suspect that your fish is in pain, ill or injured remove it at once to a smaller quarantine aquarium for treatment. In an emergency a clean 5 litre ice cream container can be used as a treatment tank, by floating it in the aquarium, filling it with aquarium water and providing fine bubble aeration if possible. Before treatment consult your retailer, the FBAS website or even a vet promptly to ascertain the problem and the appropriate treatment.
- You should only administer any chemical treatment to fish if they show obvious signs of distress, injury or disease. Remember more fish are killed than cured by un-needed and badly administered fish treatments.
- Be alert to risks and take sensible precautions to prevent your fish from being exposed to danger or diseases. It is a good idea to select new fish carefully and quarantine them for at least 7 days (14 if possible) before introducing them to your aquarium or pond. Herons love ponds - removable netting may be required.

- Ask your retailer for advice about things you can do to protect your fishes' health and about treatments to control parasites. Do not flood an aquarium or pond with chemicals, just in case. Treatments should only be used if there is a specific need of them.
- Treat sick fish in a separate smaller tank (a 1 litre ice cream container can be floated in the main tank and used for smaller fish) so that they can be treated, rather than trying to treat it in the aquarium or pond.

Only use the measured dosage as listed with the cure, never over-treat. A small treatment tank could also be used to quarantine any new additions.

## Section 6

# Neither fish nor plants are to be disposed of by introduction into any Natural Pond, Lake, River or Waterway

### The Law:

**If you keep none native fish and plants in an aquarium or pond under no circumstances are either to be disposed of in a situation where they may affect the native fish or plants, especially if they died through a disease. You must take all the steps necessary to ensure that both non-native fish and plants are disposed of in the correct manner.**

### Some Key Factors

- Unwanted none-native fish and plants **are not to be flushed down a toilet or put in a river, pond, lake or any waterway.**  
One way to dispose of unwanted live fish and plants is to ask the original vendor if they will take it back from you without cost. Alternatively, offer them to a local Aquarist Society on the same terms.  
Some Angling Clubs will take unwanted Native Fish to stock their waters.
- Dead fish and unwanted plants are best cremated. Normal sewage treatment may not prevent fish diseases in the effluent going through the water treatment system before being returned into the local river. Already two non-native plants, Pennywort and *Azolla* are present in our waterways. Further introductions must be prevented.
- Some local authorities offer a disposal system for small animals including fish and plants.
- Today most homes have a Microwave Unit. An excellent means of disposing of dead fish and unwanted plants is placed them in between a single sheet of newspaper, Micro-waved for 4 minutes at 600watts then wrapped in the paper and put in your rubbish bin.



# Some Useful Contacts

## **FBAS (FEDERATION OF BRITISH AQUARIST SOCIETIES)**

[www.fbas.co.uk](http://www.fbas.co.uk)

There is a mass of **FREE** information available on all the aspects of fish keeping on the FBAS website together with downloadable Care Sheets dealing with most groups of fish and an active two way advice feature (you email your problem to us - we will try to answer it).

## **DEFRA (Department for Environment Food & Rural Affairs)**

DEFRA Helpline by telephone on 08459 335577 or by email at [helpline@defra.gsi.gov.uk](mailto:helpline@defra.gsi.gov.uk)

DEFRA, Information Resource Centre, Lower Ground Floor, Ergon House, c/o Nobel House, 17 Smith Square London SW1P 3JR

## **OATA (Ornamental Aquatic Trade Association)**

An organization of manufacturers of both Aquatic Equipment and Outlets dealing in Pet Fish Sales including Pet Shops and Garden Centres, that, as members of OATA, maintain a high standard.

1<sup>st</sup> Floor Suite, Wessex House, 40 Station Road, Westbury, Wiltshire BA13 3JN  
Telephone 0870 043 4913

## **CITES - LISTED FISH**

### **(Convention on International Trade in Endangered Species)**

Certain species of fish are listed by the EU Wildlife Trade Regulations and these with others appear on the CITES, 'A', 'B' and 'C' Lists.  
A full list with explanation is available on the FBAS website.

Beware if purchasing fish on a private basis, as some species are restricted. Purchase from a commercial fish outlet that is an OATA member or from members of local Aquarist Societies who wish to sell on surplus stock.

If in doubt do not purchase.

For sources of further information see all four sections of the FBAS Booklet:

**The Animal Law and You, The Basic Codes of Practice & General Fish-keeping Advice, and Information Concerning Protected, Endangered & Licensable Species.**



## **FORMATION of an AQUARIST SOCIETY**

**BOOKLET No. 8**

**Want to start an Aquarist  
Society in your area?**

**This is the booklet for you  
with all the help you need**