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Making sense of the legislation relating to buying and selling exotic animals

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ABSTRACT: Exotic animals can be purchased from specialist pet shops, over the Internet or from private breeders. They are subject to the same laws and regulations that govern the sale of any animal and additionally by specific pieces of legislation relating to the import/export and sale of exotic animals. Historically, the trade in species from other countries together with a destruction of their habitat has led to some species being threatened with extinction. These Acts of Parliament or agreements between countries have been put in place to safeguard the populations of animals in their native environment. Restrictions on the sale of some of the most at-risk species means that prospective purchasers should do their research to check if they require specific paperwork to sell, buy or keep the species they are interested in. Any attempts to sell restricted species without the correct paperwork should be reported to try to stamp out the trade in illegally imported animals. There is also legislation in place to protect our native wildlife, and the selling of wild caught animals in the UK is prohibited. The sale of exotics that require no paperwork does not necessarily mean they are suitable as pets.

What is an exotic pet?

There is no legal definition of an 'exotic' pet in the UK. Blood & Studdert (1999) define 'exotic' as 'non-native or non-indigenous' while a pet is defined as a 'non-food animal included in a human household as a companion and on a status almost equivalent to that of a human being'. These definitions fall short when describing exotic animals commonly kept as pets in the UK. Generally speaking, an exotic pet is one that is not kept commonly and for which there is a lack of veterinary expertise for their care (RSPCA 2004).

Not all exotic pets are kept for companionship, and there is a fine line between the pet keeper and the hobbyist. For the hobbyist there is generally less of an emotional bond and it is common for animals in these circumstances to be traded more than once during their lives. Not all exotic pets are non-native as many wild native animals are

deemed desirable by some people as pets and there is legislation in place to protect these species in their natural environment.

What are the sources of exotic pets?

Many pet shops now sell exotic pets and they are also being obtained via the Internet, with all the inherent pitfalls regarding traceability. Zug, Vitt & Caldwell (2001) state that captive breeding of pet-trade or hobbyist species became a large-scale commercial enterprise during the 1990s. Prior to this, most exotic species kept in the pet trade were wild-caught, often leading to some species becoming endangered in their natural habitats. It is for this reason that legislation has been put into place to control or restrict the sale of certain animals. In addition to this, exotic animals are already covered under general legislation regarding the transfer of ownership of any animal.

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So how does a prospective owner of an exotic pet avoid falling foul of legislation? To try to make sense of the various laws, I will consider groups of animals according to the laws that affect them and attempt to give some guidance as to which animals commonly kept as exotic pets might be affected.

Non-endangered species

These are covered by the general laws governing the sale of any animal. The **Pet Animals Act 1951** dictates the conditions under which a person may keep a pet shop under licence from the local authority. Conditions include the following:

- Suitable accommodation with respect to size, temperature, lighting, ventilation and cleanliness should be provided.
- Suitable food and drink should be supplied.
- Mammals should not be sold at too young an age.
- All reasonable precautions should be taken to prevent spread of disease.
- All reasonable precautions should be taken to prevent risk of fire or other emergency.

Although these conditions apply to all animals, they are particularly important when we consider the exotic species. The size of the accommodation is important, as overcrowding leads to stress and possible conflicts and potential for the spread of disease. Temperature is particularly important when dealing with reptiles, which are ectothermic. Lighting should include a UVB source for optimum health of the reptiles. Ventilation is important for all bird species which are sensitive to poor air quality. Respiratory disease can spread rapidly when birds from different sources are kept in the same airspace (**Figure 1**).

A licence under this Act is not required for sales from private breeders, but it is an offence to sell an animal as a pet in a road or other public place or from a stall in a market. It is not unheard of for exotics to be traded in this manner, and potential owners must be wary of any offer to sell an exotic pet in this way.

It is important to know that there is no requirement for staff in the pet shop to be trained in the care of the species



Figure 1. The Budgerigar is not an endangered species

they sell. Information given to potential owners varies considerably from one pet shop to another.

Section 4 of the **Animal Welfare Act 2006** covers the prevention of harm to animals which could be caused by the action, or failure to act, of a person responsible for the animal.

Section 9 of the Act places a duty of care on the person responsible for the animal to provide for its welfare in respect of providing:

- suitable environment
- suitable diet
- ability to exhibit normal behaviours
- housing with or apart from other animals, according to the species
- protection from pain, suffering or injury.

It is therefore the owner's responsibility to ensure that they know the

Table 1. Exotic animals for which there are no restrictions on sale (source: www.speciesplus.net)

Common name	Scientific name
Budgerigar	<i>Melopsittacus undulatus</i>
Peach-faced Lovebird	<i>Agapornis roseicollis</i>
Cockatiel	<i>Nymphicus hollandicus</i>
Ring-necked Parakeet	<i>Psittacula krameri</i>
African Pygmy Hedgehog	<i>Atelerix spp</i>
Chipmunk	<i>Tamias striatus</i>
Sugar Glider	<i>Petaurus breviceps</i>
Degu	<i>Octodon degus</i>
Leopard Gecko	<i>Eublepharis macularius</i>
Bearded Dragon	<i>Pogona vitticeps</i>
Corn Snake	<i>Pantherophis guttatus</i> , formerly <i>Elephae guttatus</i>

requirements of their exotic pet prior to purchasing it in order to avoid falling foul of this law. There is no requirement for the person selling the animal to ensure that the purchaser is able to provide this care, although reputable breeders will often do this.

Under the Animal Welfare Act it is also an offence for a person to transfer ownership of any animal by means of sale or prize to a person under the age of 16. Many children have an enthusiasm for owning exotic pets, particularly small reptiles, and it is important to be aware that a responsible person must accompany any child wishing to purchase such a pet (**Table 1**).

Endangered species

As long ago as the 1960s it was recognised that the trade in certain species of animal and plant was endangering their survival in the wild. The **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)** was set up in 1973 as an agreement between member states to address this problem (CITES 2014). CITES restricts the import/export of certain species of animals, plants or their recognisable parts (for example, tortoiseshell, horn or skins) and is recognised throughout the European Union.

The list of approximately 30,000 species is divided into three categories (Appendices I, II and III) according to the risk to the populations in the wild, and the listed species are identified by way of four Annexes:

- **Annex A** lists those species that are threatened with extinction in the wild and the commercial trade in

wild-caught specimens is prohibited (Table 2).

- **Annex B** lists those species that are not immediately threatened with extinction but may become so if trade is not controlled. There are restrictions on the number of animals that may be taken from the wild (Table 3).
- **Annex C** lists species that individual member states have requested to be included.
- **Annex D** lists non-CITES species which are imported into the EU in large numbers and warrant monitoring (The European Union and Trade in Wild Fauna and Flora 2014).

Many of the exotic species kept as pets are covered by this agreement and most are listed as Annex B. There are restrictions on the export/import of these species but no restrictions on their sale to the general public within the EU.

Article 10 certificates

Some of the exotic animals kept as pets in this country, however, are listed in Annex A and the sale of these is subject to regulation. These species may only be sold commercially in the EU with an

Article 10 certificate, having satisfied the Authorities that they have been legally acquired or captive bred.

There are two types of Article 10 certificate:

- **Transaction Specific Certificate (TSC):** only valid for the person whose name and address appears on the form and valid for one transaction only. These certificates are issued when the specimen cannot be identified individually for reasons of size or practicality. If they are buying an Annex A animal, the purchaser must ensure that they are shown this certificate and ideally given a copy so that they can prove legal acquisition of the animal. The new owner only needs to change this certificate into their name if they intend to use the animal for commercial purposes such as for sale, breeding for sale of offspring or display to paying public; otherwise they just need to keep the TSC for reference.
- **Specimen Specific Certificate (SSC):** issued when the specimen can be marked permanently, by a microchip for example. It is specific to the individual and should remain with it for the rest of its life so the certificate

is passed on to future owners every time the animal is sold.

In the case of tortoises listed in Annex A, a TSC is issued by the seller when the tortoise is under 60mm plastron length (since the mini microchip became available this has been reduced from 100 mm) and should be exchanged for an SSC once the animal is microchipped above this length, if it is to be sold on or used for commercial breeding purposes (Hounslow 2009) (Figure 2).



Figure 2. The Greek Tortoise is listed in Annex A of CITES and can only be sold with an Article 10 certificate

Dangerous wild animals

Some species of exotic animal, by virtue of their size, nature or venom, are not suitable as pets, but many hobbyists wish to keep and breed these species in captivity. Although not related to sales of these animals, a Dangerous Wild Animal licence is required to keep these species under the **Dangerous Wild Animals Act 1976** and a reputable breeder should ensure that a prospective purchaser has such a licence before selling the animal.

This licence is granted by the relevant local authority, provided that they are satisfied that the applicant is suitable, the premises where the animal will be kept are secure, the welfare of the animal is maintained and the safety of people is protected. The Act covers large cats, monkeys such as the Squirrel Monkey, and venomous reptiles and invertebrates, including some spiders, such as the Black Widow, and scorpions.

Native wildlife as pets

Although not strictly 'exotic' by conventional definition, there are a number of species found in the wild in Britain which make desirable pets. With the demands placed on the habitats of these species by man and

Table 2. Some animals kept as exotic pets listed in Annex A (source: www.speciesplus.net)

Common name	Scientific name
Spur-thigh Tortoise	<i>Testudo graeca</i>
Hermann's Tortoise	<i>Testudo hermanni</i>
Margined Tortoise	<i>Testudo marginata</i>
Egyptian Tortoise	<i>Testudo kleinmanni</i>
Radiated Tortoise	<i>Geochelone radiata</i>
Argentinian Boa Constrictor	<i>Boa constrictor occidentalis</i>
Hyacinth Macaw	<i>Anodorhynchus hyacinthinus</i>
Lesser Sulphur-crested Cockatoo	<i>Cacatua sulphurea</i>
Moluccan Cockatoo	<i>Cacatua moluccensis</i>
Peregrine Falcon	<i>Falco peregrinus</i>
Merlin	<i>Falco columbarius</i>

Table 3. Some exotic pets listed in Annex B (source www.speciesplus.net)

Common name	Scientific name
Horsfield's Tortoise	<i>Testudo horsfieldii</i>
Sulcata Tortoise	<i>Geochelone sulcata</i>
Red-footed Tortoise	<i>Geochelone carbonaria</i>
African Grey Parrot	<i>Psittacus erithacus</i>
Senegal Parrot	<i>Poicephalus senegalus</i>
Blue and Gold Macaw	<i>Ara ararauna</i>
Reticulated Python	<i>Python reticulatus</i>
Jackson's Chamaeleon	<i>Trioceros jacksonii</i>

indiscriminate taking of specimens from the wild, many are now under threat. The **Wildlife and Countryside Act 1981** makes it an offence to sell any wild-caught specimen, and some listed species are given extra protection.

Birds

Native birds listed in Schedule 4 of the Wildlife and Countryside Act must be ringed and/or microchipped and registered when kept in captivity to prevent them being unlawfully taken from the wild. All native European birds of prey and owls are listed under CITES Annex A, and a valid Article 10 certificate is considered as registration (RSPB 2014).

Reptiles

There are six reptile species and six amphibian species native to the UK, and full protection under this Act is given to four species, namely the Great Crested Newt (*Triturus cristatus*), the Natterjack Toad (*Epidalea calamita*, formerly known as *Bufo calamita*), the Sand Lizard (*Lacerta agilis*) and the Smooth Snake (*Coronella austriaca*). It is not only an offence to sell or advertise to sell or buy these species but also an offence to possess them (Naturenet 2014).

Alien species

It is also an offence under Section 14 of the Wildlife and Countryside Act to release any alien species into the wild; this is to protect our native wildlife. This is worth mentioning here as many people who purchase exotic pets are under the misapprehension that they will be sold on easily once they get too big to look after in the home; however, the wilful release of such unwanted animals into the wild is illegal (Figure 3).



Figure 3. The Red-eared Terrapin frequently outgrows its tank, but release into the wild is illegal

Conclusion

It is important to note that it is the owner's responsibility to follow the legislation laid down, and ignorance of the law is no excuse. A prospective purchaser should do their research before embarking on the purchase of any exotic animal from any source, and ensure that any relevant paperwork is seen at the time of purchase to try to reduce the sale of illegally obtained specimens.


And a final word of warning. Remember that a lack of sales restriction does not indicate the suitability of the animal as a pet. For example, there has been an increasing trend for the sale of Sulcata Tortoises (*Geochelone sulcata*) (Figure 4). This animal is listed in Annex B and can be bought without restrictions as a 50 yearling, but it turns into a 50 kg monster within 20 years, requiring year-round heating! 



Figure 4. The Sulcata is listed in Annex B of CITES but is not a suitable pet for the novice tortoise owner (Photograph courtesy of T. Lawton)

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Further reading

www.legislation.gov.uk

www.speciesplus.net – for information on all species listed in the Appendices of CITES

NEWS REVIEW by Jean Turner

Bayer 'Focus on Cats' webinar

Bayer Animal Health has announced the launch of a new webinar, 'Focus on Cats', in which leading feline experts discuss the latest topics in feline healthcare.

The 60-minute webinar identifies the need to approach the treatment of feline patients differently from other species in practice, both medically and behaviourally. It outlines the

importance of considering ease of administration for treatment options and also actively focusing on client support, which will in turn help to increase compliance.

Vicky McAlister, Group Product Manager at Bayer Animal Health, says:

The new 'Focus on Cats' webinar provides an overview of common

feline health concerns from some of the UK's leading experts in the field. Bayer Animal Health endeavours to aid veterinary professionals in their continued development, providing them with comprehensive and useful materials to aid their CPD programmes.

The 'Focus on Cats' webinar is available to view now at www.animalhealthwebinars.bayer.co.uk