

The Showmen's Guild of Great Britain



President: E. Johnson

Vice Presidents: J. J. Williams, R.R.C. Henderson

Treasurer: A. Ayers

Registered Office:
Guild House
41 Clarence Street
Staines, Middlesex
TW18 4SY
Tel: 01784-461805/6
Fax: 01784-461732

Founded 1889

Ref: KM/AMF

TO ALL SECTIONS

3rd January 2006

GOLDFISH AS PRIZES

Following the reporting at the November Section Annual General Meetings that goldfish would not be allowed to be given as prizes on Fairgrounds, contact was re-established by the Guild with DEFRA, the Government department steering the Animal Welfare Bill through Parliament. As a result the content of the amended Clause 9 of the Bill is reproduced in full as follows:

CLAUSE 9 – TRANSFER OF ANIMALS BY WAY OF SALE OR PRIZE TO PERSONS UNDER 16

- (1) A person commits an offence if he sells an animal to a person whom he has reasonable cause to believe to be under the age of 16 years.
- (2) For the purposes of subsection (1), selling an animal includes transferring, or agreeing to transfer, ownership of the animal in consideration of entry by the transferee into another transaction.
- (3) Subject to subsections (4) to (6), a person commits an offence if –
 - (a) he enters into an arrangement with a person who he has reasonable cause to believe to be under the age of 16 years, and
 - (b) the arrangement is one under which that person has the chance to win an animal as a prize.
- (4) A person does not commit an offence under subsection (3) if –
 - (a) he enters into the arrangement in the presence of the person with whom the arrangement is made, and
 - (b) he has reasonable cause to believe that the person with whom the arrangement is made is accompanied by a person who is not under the age of 16 years.
- (5) A person does not commit an offence under subsection (3) if –
 - (a) he enters into the arrangement otherwise than in the presence of the person with whom the arrangement is made, and
 - (b) he has reasonable cause to believe that a person who has actual care and control of the person with whom the arrangement is made has consented to the arrangement.

- (6) A person does not commit an offence under subsection (3) if he enters into the arrangement in a family context.

In Showmen's terms, the effect of this Clause is as follows:

- 1) Anyone under the age of 16 will still not be allowed to be given a goldfish as a prize at a Fairground. (Clause 9 subsection 3(b))

However,

- 2) If the punter is under 16 years of age but is accompanied by a person over the age of 16 years a goldfish may be given as a prize. (Clause 9 subsection 4(b))

This Bill applies to England & Wales only, the Scottish Parliament's Environment & Rural Development Committee has also been approached since the A.G.M.'s to attempt the obtaining of a similar clause to Clause 9 in the English Bill in their Animal Health and Welfare (Scotland) Bill, which is currently going through the Lead Committee stage in the Scottish Parliament. I reproduce in full the wording of Clause 28 of the Scottish Bill.

CLAUSE 28 – OFFERING ANIMALS AS PRIZES

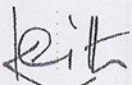
- (1) A person commits an offence if the person offers or gives an animal to another person as a prize.
- (2) Subsection (1) does not apply where the prize is offered or given in a family context.

As you will note, Clause 28 is very short and gives no facility to mirror the English Bill's subsections 3(b) and 4(b).

I have spoken at length to Mark Brough, the clerk steering the Bill through the Scottish Parliament, who advises me any attempt to get the exclusion now in the English Bill into the Scottish Bill would be difficult to achieve, I will not know if there will be any change to Clause 28 until the end of February at the latest.

I will advise the Scottish Section of the outcome of this exercise as soon as I know it.

Yours sincerely,



KEITH MILLER
GENERAL SECRETARY

Goldfish



Know what your goldfish needs.

FOOD AND WATER

- Find out about what food, how often and how much your fish will eat. Avoid overfeeding by giving food 'little and often'.
- Know about how to include plants to promote the growth of aquatic animals for extra food, provide shade and more oxygen in the water for the fish to breathe.

A GOOD HOME

- Make sure you know what space, depth and surface area of water is needed for the number and size of your fish and find out how to acclimatise your fish to its new home.

COMPANY

- Make sure you know how many fish your aquarium or pond can hold, so it is not overcrowded and they can breathe. Find out which types of fish can live together.

TO BEHAVE NORMALLY

- Find out about providing a home with plants and gravel that allows your goldfish to seek shelter and naturally forage for food.

TO BE HEALTHY

- New fish should be housed separately to your other fish for a short period of time so they don't spread disease.
- Get to know your goldfish to help spot signs of something being wrong with the aquarium or the fish being sick or injured – if in doubt, ask your vet and experienced fish keepers for advice.

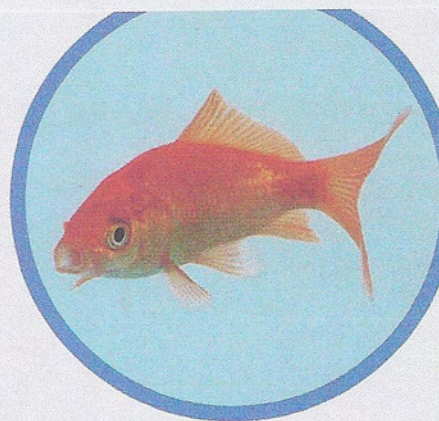
This is very basic information. Find out more about what your goldfish needs. Talk to us on the RSPCA advice line: 0870 33 35 999 or visit: www.rspca.org.uk/petcare

www.rspca.org.uk



GOLDFISH CARE

**Your goldfish
deserves the best
care possible so
make sure you are
also prepared to:**



- check that the person who looks after your fish when you go on holiday also knows how to monitor and maintain the water quality and is aware of the need to avoid over-feeding
- take action quickly if your fish are gaping at the surface – this may indicate low oxygen in the water
- ensure that an outdoor pond is deep enough for goldfish to survive any extreme changes in temperature around their home – such as when the pond ices over.



Be prepared before you bring a new fish home. Find out about the range of water temperatures your fish can live in – sudden changes in the water temperature can be fatal!

Did you know...

the law that protects pets has changed?
You have a legal responsibility to care for your goldfish.

Find out more at: www.rspca.org.uk/petcare or talk to us on the **RSPCA advice line: 0870 33 35 999**

BT calls cost a maximum 8p per minute, with a 3p set-up fee from residential lines. Costs from mobiles and other providers may vary.

The display of RSPCA publications at the premises of other organisations does not imply any endorsement of those premises or organisations by the RSPCA.



RSPCA, Wilberforce Way, Southwater
Horsham, West Sussex RH13 9RS
Tel: 0870 010 1181

A charity registered in England and Wales no. 219099

Text updated 2.07 P135

020706

PICS: OVER PAGE AND MIDDLE: JOE BLOSSOM, TOP: DAVE BEVAN/RSPCA PHOTOLIBRARY

7 Fighting etc

- (1) A person commits an offence if he –
- (a) arranges an animal fight;
 - (b) knowingly participates in making, or carrying out, arrangements for an animal fight; 5
 - (c) makes or accepts a bet on the outcome of an animal fight or on the likelihood of anything occurring or not occurring in the course of an animal fight;
 - (d) takes part in an animal fight.
- (2) A person commits an offence if, without lawful authority or excuse, he is present at an animal fight. 10
- (3) In this section, “animal fight” means an occasion on which a protected animal is placed with an animal, or with a human, for the purpose of fighting, wrestling or baiting.

Promotion of welfare 15**8 Duty of person responsible for animal to ensure welfare**

- (1) A person commits an offence if he does not take such steps as are reasonable in all the circumstances to ensure that the needs of an animal for which he is responsible are met to the extent required by good practice.
- (2) For the purposes of this Act, an animal’s needs shall be taken to include – 20
- (a) its need for a suitable environment,
 - (b) its need for a suitable diet,
 - (c) its need to be able to exhibit normal behaviour patterns,
 - (d) any need it has to be housed with, or apart from, other animals, and
 - (e) its need to be protected from pain, suffering, injury and disease. 25
- (3) The circumstances to which it is relevant to have regard when applying subsection (1) include, in particular –
- (a) any lawful purpose for which the animal is kept, and
 - (b) any lawful activity undertaken in relation to the animal.
- (4) Nothing in this section applies to the destruction of an animal in an appropriate and humane manner. 30

9 Transfer of animals by way of sale or prize to persons under 16

- (1) A person commits an offence if he sells an animal to a person whom he has reasonable cause to believe to be under the age of 16 years.
- (2) For the purposes of subsection (1), selling an animal includes transferring, or agreeing to transfer, ownership of the animal in consideration of entry by the transferee into another transaction. 35
- (3) Subject to subsections (4) to (6), a person commits an offence if –
- (a) he enters into an arrangement with a person whom he has reasonable cause to believe to be under the age of 16 years, and 40
 - (b) the arrangement is one under which that person has the chance to win an animal as a prize.

- (4) A person does not commit an offence under subsection (3) if—
- (a) he enters into the arrangement in the presence of the person with whom the arrangement is made, and
 - (b) he has reasonable cause to believe that the person with whom the arrangement is made is accompanied by a person who is not under the age of 16 years. 5
- (5) A person does not commit an offence under subsection (3) if—
- (a) he enters into the arrangement otherwise than in the presence of the person with whom the arrangement is made, and
 - (b) he has reasonable cause to believe that a person who has actual care and control of the person with whom the arrangement is made has consented to the arrangement. 10
- (6) A person does not commit an offence under subsection (3) if he enters into the arrangement in a family context.

10 Regulations to promote welfare 15

- (1) The appropriate national authority may by regulations make such provision as the authority thinks fit for the purpose of promoting the welfare of animals for which a person is responsible, or the progeny of such animals.
- (2) Without prejudice to the generality of the power under subsection (1), regulations under that subsection may, in particular—
- (a) make provision imposing specific requirements for the purpose of securing that the needs of animals are met;
 - (b) make provision to facilitate or improve co-ordination in relation to the carrying out by different persons of functions relating to the welfare of animals; 20
 - (c) make provision for the establishment of one or more bodies with functions relating to advice about the welfare of animals. 25
- (3) Power to make regulations under subsection (1) includes power—
- (a) to provide that breach of a provision of the regulations is an offence;
 - (b) to apply a relevant post-conviction power in relation to conviction for an offence under the regulations; 30
 - (c) to make provision for fees or other charges in relation to the carrying out of functions under the regulations;
 - (d) to make different provision for different cases or areas;
 - (e) to provide for exemptions from a provision of the regulations, either subject to specified conditions or without conditions; 35
 - (f) to make incidental, supplementary, consequential or transitional provision or savings.
- (4) Power to make regulations under subsection (1) does not include power to create an offence triable on indictment or punishable with—
- (a) imprisonment for a term exceeding 51 weeks, or
 - (b) a fine exceeding level 5 on the standard scale. 40
- (5) Regulations under subsection (1) may provide that a specified offence under the regulations is to be treated as a relevant offence for the purposes of section 20. 45