

Media release

DEFRA to face legal challenge over bird market licence

Campaigners have welcomed the ruling at the High Court yesterday that DEFRA will be called to account for its issue of a general licence for exotic bird markets – a licensing system described by the judge as “rubbish.” The full court hearing of Malcolm Haynes V Stafford Borough Council and DEFRA will take place on 29th March 2006.

The Animal Protection Agency (APA) – a national pressure group that campaigns against the trade in wild animals as pets – has brought about several high profile exposés of bi-annual bird markets at the Staffordshire Agricultural Showground. Recent publicity prompted local resident, Malcolm Haynes, to instigate judicial review proceedings against the Council for their decision to licence the event – which he believes is not only unlawful but dangerous to animal and public health. The event is also subject to a separate licence from DEFRA.

APA claims that the conditions of the DEFRA licence will not guard against the introduction of the deadly avian flu virus and will be useless in preventing its spread - as there is no system in place to 'contact trace' up to 5,000 visitors expected to attend on Sunday.

Campaigners were not surprised that an injunction to stop the bird market taking place this Sunday (5th March) at the Staffordshire Showground was not granted due to the lateness of the request and the expected considerable financial loss to the organiser. Officers from two local authorities, the police and animal welfare organisations are expected to attend Sunday's event. Shaun Smith, organiser of Sunday's event, told the Court that because of avian flu no birds from mainland European Union countries would be present at the event. However, in contradiction, European traders state that they will indeed be at the market this weekend. Bizarrely, birds imported from avian flu-infected countries in the EU do not have to be quarantined on arrival in the UK!

Elaine Toland, Director of APA, says:

“The issue of bird flu in relation to bird markets has so far been subject to confused, irrational and often non-existent regulation at all levels of Government. The critical remark of the judge, who described DEFRA’s licensing system as “rubbish” succinctly makes this point!”

On 21 October 2005, the European Commission ruled that bird markets be disallowed unless they were subject to the favourable outcome of a risk assessment. However, no specific risk assessment for Sunday’s event will be undertaken.

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