

# Lawyers attack DEFRA for “breathtaking complacency” on bird flu risk

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**Lawyers have today attacked DEFRA Minister Ben Bradshaw for dragging his feet on measures to stop bird flu from reaching the UK. The Association of Lawyers for Animal Welfare (ALAW), the specialist group representing animal law specialists, say his continued support for exotic wild bird markets leaves the UK wide open to infection with the killer H5N1 strain.**

While DEFRA’s internal discussions focused on the threat of bird flu being brought into the UK by migrating birds, DEFRA has been ignoring warnings from the Royal Society for the Protection of Birds (RSPB) and other groups that large one day pet markets at which thousands of imported wild-caught birds are offered for sale **represented a far greater risk**. The sound basis for those warnings was illustrated today by the confirmation that a parrot imported into the UK from Senegal was carrying the lethal H5N1 strain, which can be passed from birds to humans.<sup>1</sup>

An exotic bird market takes place somewhere in the country almost every weekend. The format of these events is that of a gigantic bird jumble sale, with multiple independent dealers (many of whom are from outside of the UK) selling pet birds to the public from trestle-table stalls. A market in Staffordshire that took place on 9 October 2005, for example, was licenced by the local authority for the selling of up to 13,000 birds.

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<sup>1</sup> The H5N1 strain does not, however, appear to be present in other birds in Senegal, raising fears that the parrot may have been infected before or during transit by birds from South-East Asia which may have evaded UK quarantine requirements. It may be, therefore, that H5N1 has already been released into the UK.

ALAW and many local authorities believe that pet markets are already illegal. A campaigner in Staffordshire recently won the first legal battle in his fight to have the law on pet markets clarified, with the High Court ruling that he did have an arguable case that the 1951 Pet Animals Act banned such events. The substantive hearing of that claim is not due to be heard until early next year, however – which ALAW fears may be too late to stop bird flu reaching the UK.

Whatever the legal position of bird markets at the moment, **Ben Bradshaw has stubbornly continued to promise bird dealers that, once the Animal Welfare Bill becomes law, he will use his powers under that legislation to allow the markets to continue .**

ALAW Chairman David Thomas, a solicitor at the leading public law firm Bindman and Partners, attacked Bradshaw's inaction:

“Bradshaw’s complacency is breath-taking. As the RSPB has warned, these markets represent the most likely way for bird flu to reach the UK. We had hoped that the parrot death would bring him to his senses. Instead he has proposed an EU ban on wild bird imports, while at the same time planning to allow bird markets that will provide an ideal outlet for the selling of birds which have been illegally imported into the EU via another Member State.”

That criticism was echoed by Elaine Toland, director of the Animal Protection Agency:

“DEFRA’s plan to legalise bird markets is madness. Many of the people visiting these markets are children. The prospect of a single infected bird infecting thousands of other birds at one of these markets in a single day, and of those birds being bought and carried off to private homes across the UK, is truly frightening.”

DEFRA's strategy was thrown into disarray last Friday, however, by a European Commission decision ordering the UK either to stop the bird markets or subject them to individual risk assessments. Ben Bradshaw's response is awaited.