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respect of all processes undertaken. The operator carrying out the process completes the form and the departmental assessor and line manager check it over and ensure that they agree with the assessment as carried out. The assessment then goes to the COSHH assessor who will review what has happened, will make any alterations or recommendations, obtain further information if necessary, identify any high risk factors and, if necessary, deal with the department on that and consider whether any alternative processes should be used. Once agreed the assessment will then be logged and that will be our record that that process has been assessed. We can then come back periodically to review. We would review COSHH assessments on an annual basis. We require departments, if they change processes, to send us an amendment form and that enables us to update our record. So that, in a very simple way is how we deal with COSHH and it is how I would expect most organisations would operate.

I did mention the need for expert guidance. We do this in-house with our own resources. We do draw in expert guidance. Currently we have engaged the Institute of Occupational Medicine to look at our Taxidermy Department and provide us with a report. We believe that was necessary because there were aspects of that where we did not feel qualified to make judgements and it is important to know where to make judgements. The regulations talk about assessors being competent persons but they don't specify in any detail what they mean by competence. Assessors have got to know the process, they have got to have the relevant technical knowledge, but most importantly, they have got to know the point at which they need to call expert back up.

We see health and safety as a positive factor. A lot of people consider it an intrusion and a bit of a chore and it is to a certain extent but it is important. The law is quite clear. Employers who do not observe the regulations put themselves in danger of prosecutions. It is important for employers, museums or anyone else, to ensure that they have proper procedures in place. It is important for staff working in organisations to ensure that they follow the procedures that are laid down. If you look at the process in that way and see it as a means of providing an effective environment for working and a means not of restricting what can be done but of ensuring that things can be done to the best effect and in an environment where all of those coming in contact, staff, visitors and others, can feel safe and secure and that is objective.

Legal issues in collecting, keeping and using biological material.

Lynn Garvey, Enforcement Co-ordinator, Global Wildlife Division, Department of Environment, Transport and the Regions.

The title of my talk sounds rather mammoth and we might have to limit that a little bit because we only have an hour. We will do a quick cooks tour of as much of the controls as we possibly can.

The first question I suppose we ought to ask is why do we have controls at all? The answer to that I am told is that the removal of plants and animals from the wild for commercial purposes has been identified as the primary factor after habitat destruction that is currently driving species to extinction and we don't want that. The CITES Secretariat have estimated that the total trade in live and dead animals and plants has an annual turnover of a staggering \$20 billion. This is the legal turnover of the wildlife trade. There is also a substantial illegal trade in wildlife estimated by the US Fish and Wildlife Service as being second only to the illegal trade in drugs and arms. So it is an enormous commercial activity that we are talking about. Some figures about the type of wildlife that is being popularly traded, 25-30,000 primates per annum lawfully traded, 2-5 million wild birds are traded every year, 10 million reptiles skins, 7-8 million cacti and a staggering 500 million tropical fish. So that's part of the reason why it's so important that we have controls.

The UK itself, although not a range state to an enormous quantity of wildlife is nonetheless a significant wildlife consumer. The pet trade in this country is booming. Figures for 1993, which is the last time we had a real review on this show that over a million reptiles were imported and consignments of 5,000 iguanas at a time weren't unusual which is quite a staggering figure. In the bird trade significant figures are also available and in one particular year a well-known trade magazine published 94,700 advertisements for a staggering 961 species and that's in one year. Of that particular figure a significant proportion, 80% of them in fact, were CITES species that were being advertised for sale. So it is an enormous market that is going on out there in the United Kingdom. Taxidermy specimens are also popular. They are popular with people like collectors and also they're becoming more popular for public houses it seems and theme managers alike. There appears to be a chain of restaurants going across the south of England who thinks it's fun to use stuffed specimens of wildlife to decorate their walls, floors and even their tables I'm told. So specimens of taxidermy are becoming increasingly popular. We're not quite to the Victorian standards yet but I think we

seem to be seeing a small revival in that collecting sphere anyway. So this boom in wildlife trade has resulted in a growing number of laws and regulations aimed at controlling that trade and ensuring that it is at least sustainable.

The next question we ought to be asking I suppose is what laws affect the UK taxidermy trade in general and specifically the museum collections, which affect you. The laws surrounding wildlife are many and complex. The enforcement is also complex. It is different between Scotland and the rest of the United Kingdom. What we are talking about here is the enforcement of what is basically criminal law and in Scotland you have a totally different system to the system that operates in England, Wales and Northern Ireland. In Scotland your criminal law is based on the old Roman law and you have your sheriff court and in England and Wales they have magistrates' courts and all in all it's very much a different game up here. In addition the way you collect evidence to prove a case in Scotland is different to the way you collect evidence in England and Wales and the police will explain to you the hurdles that they have to get over to prove offences both north of the border and south of the border. So the laws in Scotland, England, Wales and Ireland are enforced differently. The law in Northern Ireland is actually different to the law in England Scotland and Wales, but there is one piece of legislation which applies to the entire United Kingdom you'll be pleased to hear and that is familiarly called The Control of Trade in Endangered Species (Enforcement) Regulation, Statutory Instrument No. 1372, 1997 or COTES for short. The COTES regulation then is the one piece of harmonising legislation we've got for the United Kingdom. This latest regulation actually came into effect from 1st June of last year and it gives the powers of enforcement, it specifies the offences and it creates the penalties appropriate in the United Kingdom to enforce the European Unions principal regulation No. 338 of 97. This is a European Council regulation and it equates roughly with an Act of Parliament. This piece of legislation will give you the dos and don'ts of interpreting the Control of Trade in Endangered Species throughout the European Community. It is aimed at harmonising offences throughout Europe so that each and every member state should be operating in the same way. We should be introducing the same sort of controls although, of course, it is for the member states to introduce individual national legislation to implement their own particular penalties and how they operate in the individual member states. This is the principal regulation 33897. It's further explained by another piece of legislation, the Commission regulation 93897 called the Implementing Regulation and this equates to a sort of statutory instrument under the UK system and what this particular piece of legislation does is explain the

principal regulation. The principal regulation is the dos and don'ts; the implementing regulation is how you do and how you don't do something. It is quite an important piece of legislation and it also contains a number of definitions, which are going to be handy as well.

So what is protected? This is another piece of European legislation, 2307 of 97, which actually came into force in November 1997 and it updates 33897 in that the species list that was attached to 33897 was obviously typed by somebody who had sausages for fingers as there were a number of typos in there and a few omissions which were a bit tragic so this particular regulation came in very, very quickly to put that to rights. So 230797 gives you the full list of species. The species list under the Convention itself is divided into three annexes, Appendix 1, 2 and 3 with Appendix 1 containing the most endangered species in the world, e.g. the Giant Panda. Appendix 2 containing the species that are not quite so threatened as the Appendix 1 species but are non the less seen to be in trade and need to be monitored. Appendix 3 species are those species were an individual country has identified that they are having a problem. For instance the minor bird coming over from Thailand was recognised to be coming out in such quantities that the Thai Government asked for a listing of that species onto Appendix 3 so that if any other member state or party to the conference received an application to import minor birds from Thailand they would flag it up as a problem and come back to the Thais to confirm whether or not this import was with their blessing or not. So we've got three appendices coming out of the Convention itself, now Europe has further muddied the water further on that by interpreting those three appendices into four annexes and it is the annexes which are going to bite in the United Kingdom so that is what you are going to be looking at because the controls are of course paper controls issued by my department and you are going to have to know what annex your species is to know whether or not you need to apply for a relevant piece of paper .

The principal legislation protecting the indigenous wildlife of England, Wales and Scotland is contained in the Wildlife and Countryside Act of 1981, now about to celebrate it's seventeenth birthday. It is still the principal piece of legislation for looking at the protection of indigenous populations but it doesn't cover Northern Ireland where the equivalent is the Wildlife Northern Ireland Order of 1985, coming into course four years after the Wildlife and Countryside Act.

For us I think the most important piece of legislation to look at is the effect of European legislation on CITES specimens collected for or in use in museum collections. The latest information is in the pack I've

already provided for you and that applies not just to museums but to zoos, botanical gardens and other scientific institutes. I'd like to draw your attention to the European Principal Regulation particularly to Article 8 which states that it is an offence to purchase, offer to purchase, acquire for commercial purposes, display to the public for commercial purposes or use for commercial gain, to sell, keep for sale, offer for sale or transport for sale any of the specimens of the species listed in Annex A of the regulations. So what species are listed in Annex A? All of the species that are on the CITES Appendix 1 species list are included in Annex A, including what they call the charismatic mega-fauna of the tiger, the elephant, the rhino and all the other species – around 8,000 in total. Also listed on Annex A and extending the protection from the CITES list are some of the Appendix 2 species which are deemed to be particularly at risk within Europe including the golden eagle, so although it's a CITES Appendix 2 species within Europe it's Annex A listing means that it is treated as if it's an Appendix 1 species, it's given added protection. Not only the live specimens are given protection but also the dead specimens are given protection and also their parts and derivatives are protected (full list in pack provided). Before 1st June 1997 when this latest regulation came into effect the Department of the Environment, Transport and the Regions had issued a number of exemptions one of which permitted zoos, scientific institutes etc including yourselves, the museums, to display to the public and sell to each other Appendix 1 specimens. The new European regulation doesn't allow member states to individually exempt provisions so we have had to phase them out I'm afraid and only the European-wide derogation's can now apply.

This isn't very good news for museums on the face of things; it sounds as if you would have to apply to the Department for an individual certificate for each and every specimen you want to put on display. That would be a horrendous job both for yourselves for having to catalogue and apply for each certificate and for us on the receiving end for having to actually process them. There is hope, however, because in Article 30 of the Implementing Regulation there are general exemptions which allow the sale of artificially propagated plants, live captive bred specimens of species listed in Annex 8 of the Implementing Regulation (non of those species are regularly traded in the United Kingdom) and worked items made from specimens acquired before 1st June 1947. That last derogation is the one that might well apply to some of the items in your museum collections, some of the older stuff is obviously going to be within that particular bracket. There is a further definition of what are a worked specimen and that's contained under Article 2W of the Principal Regulation 33897. It describes a worked specimen as being an item which requires no further work on it and is a household item,

an item of jewellery or ornament. A tanned skin that requires further work on it will not fall into this category. A full mounted specimen that was prepared before 1st June 1947 would.

Additionally, you can look at Article 30 of the Implementing Regulation 93997. This is a general European-wide derogation, which allows zoos, museums, botanical gardens and other scientific institutes to apply for a one-off certificate. The certificate is going to allow you to display for commercial purposes all Annex A specimens covered by the certificate and it allows the sale of the specimens to other scientific institutes holding a similar certificate. It won't allow a general sale or an auction, for that you would have to apply for an individual exemption under Article 10 of the Regulations. But under an Article 30 certificate, if it were a sale, a loan or an exchange with a similar museum or institute then you wouldn't have to apply for a separate certificate. Such a certificate is intended for Annex A specimens that are intended for captive breeding or artificial propagation from which conservation benefits will accrue to the species. The second criteria is the one you are going to be most familiar with which is that they are intended for research or education aimed at the preservation or conservation of the species and that's what museums do best – they are there for educational purposes. There are some criteria for the issue of this Article 30 certificate however, and provided your organisation a member of the federation of zoological gardens of Great Britain and Ireland or you're registered with the Museums and Galleries Commission, or you're a member of the Botanic Gardens Conservation International then the Department is already satisfied that the aims and objectives of these institutions satisfy the requirements of Article 30. So if your organisation is a member you just apply to the Department for your Article 30 certificate and you provide proof of your membership and you should get your Article 30 certificate no trouble. If your organisation isn't a member of one of these worthy bodies then you are going to have to apply for your Article 30 certificate and you will also have to give supporting evidence of your application and that has got to include a brief statement of the nature and purpose of the institution concerned, the details of the number and type of specimens maintained in the collection, details of past success at breeding and propagating.

There is another exemption, which might be of interest to museum collectors, collections and other scientific institutes, which is the use of labels by registered scientific institutions. These proscribed labels are issued by the Department of Environment, Transport and the Regions and they can be used for non-commercial inter-institute loans, donations and exchanges of herbarium specimens, preserved, dried or

embedded museum specimens and live plant material for scientific study. The labels themselves must bear the full five-digit registration number for your scientific institute and you must tell the Department each time you use a label. So if you register for these labels you'll be given a little stock of them and each and every time you use a label you have to report it back to the Department saying what you've used it for, what you've sent out on loan or as a donation or as an exchange. The details of the type of research undertaken also have to be included in the return and how it is meant to help the conservation of the species that has gone out. I should just add that the general exemption that used to apply to CITES species for museums and scientific institutes was phased out from 31st March of this year which means from 1st April you would require this Article 30 certificate to display your Annex A species. We haven't had very many applicants for these so it appears that you're all in breach of serious European regulations.... I strongly recommend that you do it right away.

I want to very briefly move on to the controls under the Wildlife and Countryside Act 1981. This is the primary piece of legislation in England, Wales and Scotland that controls the protection of our indigenous population. Section 1 of that Act prohibits the taking, killing and possession of wild British birds and their eggs with some exceptions. You can't go into a museum without noticing that you have wonderful displays of local birds and their eggs – I just sincerely hope they are all legal. Section 5 and 11 outlaws a variety of methods of taking or killing wild birds and animals respectively and this could of course affect your parts of the museum when you are given donations because mere possession of an illegally taken wildlife subject can in fact make you liable to prosecution as being in possession of it which would be a little bit embarrassing so it would be as wise to be on guard as it were for any specimens coming to you that appear to have been shot, poisoned, pole-trapped or otherwise look as if it's had a rather dodgy end to it's life. Road traffic kills are all right, I think they're the main form of donation. Full details of what is legal and what is not can be gleaned from the Wildlife and Countryside Act. You can of course have possession of certain game birds that have been shot, they're not covered by the Wildlife and Countryside Act, and indeed there are the Corvids that can be trapped using the Lawson trap and legally dispatched by being knocked on the head or other humane methods of dispatch. It is perfectly alright to have those birds but if you have a otter, for instance, that looks as if its perhaps been poisoned or drowned in lobster pots perhaps that ought to start ringing alarm bells when you have thirty coming to you that have been drowned in lobster pots in one bay. Just to be aware that there is a problem and to put you on warning there are controls concerning the possession of these pieces of wildlife

and if you are in any doubt I should make friends very quickly with your local police wildlife liaison officer.

Section 6 and 9 of this particular piece of legislation prohibits the commercial activity relating to British birds and certain other animal and plant species that are listed in Schedule 5 of the Act and it is this last piece that I want to dwell on a little bit at the moment because there has been a very recent change. In fact it was as of midnight on 16th April new or additional statutory protection was given to 15 species of animal and 17 species of plants. The animal species affected include the stag beetle, the basking shark, the water vole and large copper butterfly to name just a few of course. The plant list has been extended to include several species of moss, lichen and fungi as well as more recognisable species such as the bluebell. This particular step was the conclusion of three years review of the levels of protection afforded to British wildlife and it's under the title of the Third Quinquennial Review of Schedule 5 and 8 of the Wildlife and Countryside Act 1981. It is hardly a catchy title, but this title actually hides the fact that there's been an awful lot of work going on out there identifying what species are at risk at the moment within the United Kingdom and requiring some form of protection from commercial activity. In accordance with statutory obligations during 1995 and 1996 the Joint Nature Conservation Council and the three country agencies including the Scottish Natural Heritage reviewed the status of our native wildlife and advised the Secretary of State of their recommendations late in 1996. During 1997 the Department of the Environment having been privy to these recommendations then undertook a period of consultation with other government departments and with non-governmental organisations and other organisations who have a wildlife interest alike to try and find out what rationale was behind each species that was nominated for protection and also the impact that having given that particular species that protection would have. Once the officials were happy that they have considered the case for protecting each species as thoroughly as possible and it takes over a year, so he had to be pretty happy, they then undertake to take in the concerns of other interested parties. Recommendations are then accepted on the review findings and are presented to the Minister for Environment, who is Mr Meacher and that happened in March so it takes quite a while. The Minister signed the implementing order on 20th March and as a consequence the increased level of protection came into effect 21 days later on 16th April except for one species. This was the freshwater pearl mussel, which was given immediate protection. The reason for that was because of the perceived threat of the raids on mussel beds and then being stripped in the 21 day laying period that is the norm. This was particularly brought into practice because of a problem that had

been occurring here in Scotland in fact where a traditional trade had become out of control and had passed from the normal, I understand they're called the tinker population, into wider commercial fields and people were going out there who wouldn't normally have been associated with the trade and actually stripping beds and killing mussels to get at the pearls. So to protect this species from that irresponsible sort of behaviour this particular part of the regulation came into effect immediately and that just proves we can work quickly when have to.

So how are these changes going to effect the activities of museums I can here you mutter. In essence, as of 16th April the possession of any of the 15 animal species will require a licence if it is to be considered lawful. This restriction is brought about by virtue of Section 92 of the 1981 act which states that 'if any person', and that includes yourselves, 'has in his possession or control any live or dead animal included in Schedule 5 or any part of or anything derived from such an animal he shall be guilty of an offence'. I should just point out that these are Level 5 offences triable summarily only which means in England and Wales at magistrates court level that you are liable to a fine of up to £5,000 and in Scotland it's a sheriff court that would hear such a complaint and the maximum fine there is also £5,000. There is no custodial sentence associated with a complaint under the Wildlife and Countryside Act.... Yet, but watch this space. So it's a heinous crime to be in possession of a live or dead animal included in Schedule 5. This Section is time controlled though the same as any other section in the Wildlife and Countryside Act such as say 9.1. which prohibits the killing, taking or injury of an animal and only relates to those actions carried out after, as in this case, the 16th April 1998 when the protection came into place for them. In accordance with Section 9.3 an offence for possession would only be relevant if the animal in question had been taken on or after 16th April 1998. However, were there is reason to question the age of a specimen, your friendly police wildlife liaison officer may well require evidence to confirm that this is the case, so this is an instance where paperwork records might have to be updated somewhat quickly. The sale of both animals and plants taken from the wild on or after 16th April is also restricted. So if you want a licence for any of these 15 species, including your basking sharks which you might be knee deep in suddenly then the licensing authorities you have to apply to depend on where your museum is. So in Scotland you would apply to the Scottish Natural Heritage people, while applicants for licences to sell specimens must be submitted to the Secretary of State for Scotland or Wales or to the Department of Environment, Transport and the Regions if you're in England. The licenses, you'll be pleased to hear, are applied for under the provisions of Section 16 of the 1981 Act and they can be applied for scientific or

educational purposes which of course would apply to museums, however, you should bear in mind that each application will be dealt with on a case by case basis so don't forget to tell us if it is for educational or research or whatever purpose when applying for such a license.

The cautionary tale to this one is that newly protected species are there because the situation with their sustainable wild population has become a worry and that these controls are there to prevent it from becoming worse. The statutory instrument that I'm referring to that has introduced these wonderful new controls is called No. 878 of 1998. It was laid before Parliament on 26th March 1998, it varied Schedules 5 and 8 and it took effect from 16th April except for the freshwater pearl mussel and that took effect from 22nd March, the day that the ink was dry on the statutory instrument as it were.

The work of the Partnership for Action Against Wildlife Crime (PAW)

Nick Williams, DETR.

The subject of my presentation is an exciting initiative aimed at combating wildlife crime and is known as the Partnership for Action Against Wildlife Crime, or PAW for short. My name is Nick Williams, I'm the Chief Wildlife Inspector and also the head of the Wildlife Crime and Inspectorate Unit of the Global Wildlife Division of the Department of the Environment, Transport and the Regions (DETR). My background is in research as a field biologist but I've been stuck behind a desk for the Department for almost a decade now.

Let me start by outlining the structure of my talk. Initially, I am going to give you a brief introduction to the DETR and it's role in this area of wildlife law enforcement. We'll then look a little bit in detail about the background and current structure of the partnership. I'll briefly run through the terms of reference and then I'll talk to you in some detail about ten of the key initiatives and outputs that we've done. Finally, I'll take a look forward and see what is being planned for the future.

DETR was formed almost exactly one year ago, the day after the Labour landslide victory at the general election. It was announced on 2nd May 1997 that we were going to be headed by the Deputy Prime Minister, John Prescott, who is the Secretary of State for environment and transport. Our remit is very wide ranging and its responsibilities include the former DoE, Department of Transport and the regional