



Briefing document

The Case for a Ban on Animals as Prizes on Council Owned Land

February 2021

Summary of Points

- Animal ownership is a big responsibility, one that should be planned and well thought out. Animals often do not have their welfare needs met both prior to, during and after being given as a prize.
- Between 2014 and 2020, there were 48 cases reported to the RSPCA of live animals being given as prizes in Wales. While a large number of these were goldfish being given at fairgrounds, other animals including dogs, ducklings and horses were also reported during this period.
- Under the Animal Welfare Act 2006, it is an offence to give an animal as a prize to anyone under the age of 16, except within the family context. RSPCA Cymru believes that this does not go far enough, and would like to see legislation introduced similar to that within the Animal Health and Welfare (Scotland) Act 2006, which states that it is an offence to give an animal as a prize, regardless of age, except within the family context.
- Wales' local authorities have the opportunity to ban the giving of live animals as prizes on Council owned land, ensuring the welfare of these animals is not compromised, as well as raising public awareness of the issue and leading the way on ending this outdated practice.

The RSPCA is opposed to the giving of live animals as prizes and have long discouraged the practice, encouraging members of the public not to attend any showgrounds, fairs or other events where live animals are being given as prizes.

The Legislative Position

The Animal Welfare Act was introduced in England and Wales in 2006, in a bid to improve animal welfare across the two countries. While this legislation remains one of the most important pieces of legislation ever introduced for animals in Wales, it could go further in protecting the welfare of pets currently issued as prizes.

Under Section 11 of the Act - *Transfer of animals by way of sale or prize to persons under 16* - it is an offence to give an animal as a prize to anyone under the age of 16, unless they are accompanied by someone over the age of 16 or it is within the family context¹.

¹ [Animal Welfare Act 2006](#)

RSPCA Cymru believes that this piece of legislation could go further to help ensure the welfare of animals currently issued as prizes.

Animals are being kept and transported in conditions which do not meet their needs, often resulting in their death before the new owners even get them home. As such, RSPCA Cymru advocates a move similar to the Scottish legislation, set out under Section 31 of the Animal Health and Welfare (Scotland) Act 2006, which states that is an offence for an animal to be given as a prize regardless of age, except where given within the family context².

Despite the current law, many are also being given to individuals aged under 16 - potentially highlighting issues around enforcement of the existing provision, and the need to rethink.

The need for a voluntary ban

Ultimately, RSPCA Cymru believes that the introduction of a Scottish-like outright ban on animals as prizes on both public and private land by the Welsh Government is the most effective means to prevent animals being given thoughtlessly as prizes and therefore ensuring the welfare of these animals.

However, in implementing a ban on Council-owned land, Wales' local authorities could deliver a powerful message to the local community, Welsh Government and their counterparts elsewhere on the importance of this issue. Councils, as such, not only have the opportunity to ban the giving of live animals as prizes on their land, but also - in the process - to raise wider public awareness as to the impact that this practice has on the welfare of the animals.

By adopting this ban, local authorities across Wales would be following the likes of Caerphilly, Conwy, Newport and Wrexham. who have already banned the giving of live animals as prizes on Council land.³ It is the view of the RSPCA that the more Local Authorities that make this step, the greater the possibility of us achieving an outright ban on this outdated practice; while also dramatically restricting areas across the country where pets can be given as prizes.

Animals as Prizes and the impact on their welfare

RSPCA Cymru is firmly opposed to the giving of live animals as prizes. Animal ownership is a big responsibility that needs to be planned and well-thought out, in order to help provide the best quality of life for that animal - not a spur of the moment event resulting from a game.

While a range of animals are given as prizes each year in Wales and the rest of the UK, goldfish are the animal most commonly associated with pets as prizes. Goldfish are easily stressed and very often fish that are won as prizes suffer miserably from shock, oxygen starvation or die from changes in water temperature, and many will die before their new owners can get them home.

People who are given goldfish as prizes do not normally have an aquarium set up so may keep them in unsuitable environments (such as fish bowls) and some fish may even get illegally dumped in local waterways. Fish bowls do not allow for appropriate oxygenation of the water and keeping fish in a small volume of water will also lead to high levels of ammonia, which can cause disease. Bowls provide limited

² [Animal Health and Welfare \(Scotland\) Act 2006](#)

³ Newport City Council has confirmed that pets being given as prizes has been banned on Council land for numerous years, however Newport Council have been unable to confirm the exact date such a regulation was introduced.

or no opportunities for enrichment, shelter, company or a stable temperature, all of which are important factors in providing fish with a suitable living environment.

Acquiring an animal to be kept as a pet should be the result of careful planning and prior consideration. The prospective owner should have a clear understanding of the responsibilities involved and carefully consider whether they have, and will continue to have, the facilities, time, financial means and level of interest necessary to ensure a satisfactory standard of care for their animal prior to acquiring it.

Pets as Prizes Statistics

Reported incidents to the RSPCA related to pets as prizes							
Year	2014	2015	2016	2017	2018	2019	2020
Incidents	11	7	9	8	3	7	3

The above table shows a breakdown of reported incidents to the RSPCA relating to pets as prizes in Wales from 2014 to 2020, totalling 48 incidents. While the majority of these cases were goldfish being given as prizes at fairgrounds, RSPCA Cymru has also received calls regarding dogs, horses and other animals being raffled or given as prizes⁴. These statistics only show the number of incidents reported to the RSPCA concerning the welfare of animals given as prizes, and it is likely the figure of incidences witnessed across Wales are far higher.

Case Study One - Barry Island Pleasure Park

Barry Island Pleasure Park is a popular destination for families across South Wales. Thousands of people visit the Island during the summer months, however it is also home to a fairground known for giving goldfish as prizes⁵.

RSPCA has received numerous calls with regards to the giving of goldfish as prizes at the Pleasure Park, with a number of them relating to children aged under 16 years which is an offence under the Animal Welfare Act 2006⁶. We have also received reports of fish in bags that are hanging in direct sunlight and dead fish lying in the plastic bags filled with “green slime” while the games continue.

Case Study Two - Bridgwater Fair Ground

In April 2019, a man was fined, sentenced to a 12-month community order and banned from keeping fish for five years after filming himself swallowing a live goldfish that he had won at Bridgwater fairground, Somerset in September 2018.

The fish had been won as a prize at the fairground prior to the incident, which was filmed and reported to the RSPCA⁷. Following this particular case, Sedgemoor District Council was inundated with requests from animal charities, journalists and individuals asking them to ban the practice of giving live animals as prizes on Council land. Consequently, 2019 will see Bridgwater fairground not offering goldfish as prizes for the first time, which is a big step forward for those involved in animal welfare and the banning of pets

⁴ RSPCA Data on Pets as Prizes reports, 2014 - 2018

⁵ [Tweet - @mangofire2](#)

⁶ [Tweet - @Kimlannucci](#)

⁷ Independent - [Man swallows live goldfish at fun fair, is banned from keeping fish](#)

as prizes⁸.

This case study demonstrates the lack of understanding of, or appreciation for, a goldfish's sentience after it has thoughtlessly been offered as a prize. Spontaneously giving animals away as a prize can clearly encourage individuals to not treat them as a sentient being, but rather as a worthless object that can be thrown away, or in this case purposely destroyed. Subsequently, the individual was prosecuted for causing “unnecessary suffering” to the animal under Section 4 of the Animal Welfare Act 2006, and also fined £300 for his actions⁹.

RSPCA Guide to Caring for Goldfish

While Pets as Prizes is a problem in itself in Wales, a majority of incidents reported to the RSPCA since 2014 have related to the giving of goldfish as prizes at fairgrounds and other events. Goldfish and other fish can make excellent companion animals - with 14% of all households in Wales owning fish¹⁰. However fish can be challenging pets; meeting their complex biological, environmental and behavioural needs takes a great deal of preparation, investment, time and care.

Prospective owners of pets such as fish must thoroughly research the needs of the particular species and what is required in the care of the animal, using expert sources, and only consider keeping one if they can ensure they are fully able to provide for these needs. Owners need to make sure they can give their animal the environment it needs and that they have the facilities, time, financial means and long-term commitment to maintain a good standard of care, as required under the Animal Welfare Act 2006.

The RSPCA believes that all five of the welfare needs of fish would need to be considered before purchasing them as a pet. Information about how to meet these welfare needs is available on the RSPCA's website and our guide on the care of freshwater fish. Some examples of these welfare needs are:

- Goldfish need an aquarium or tank with a filter and regularly changed water - the water should be between 10 and 21 degrees centigrade. Other species of fish kept as pets can require very different water temperatures - and owners should research this requirement thoroughly.
- The number of fish you can keep in an aquarium depends not only on the water quality but also the behavioural needs of the fish. Despite goldfish being a single species, there are many different varieties and not all varieties of goldfish should be kept together in a tank.
- It is important to supplement fish food flakes with other foods for balanced nutrition and enrichment. Goldfish enjoy chopped vegetable matter like lettuce or spinach and they will also nibble on aquatic plants. For other species of pet fish, research should always be done to find the appropriate food.
- It is important to be aware of common signs of illness in goldfish, what might cause these illnesses, and how they should be treated. Fish need to have a vet consulted if their behaviour or appearance changes.

⁸ Somerset County Gazette - [Goldfish prize ban at Bridgwater Fair 2019](#)

⁹ [BBC News - Man fined for swallowing goldfish at Bridgwater Fair](#)

¹⁰ [National Survey for Wales](#)

- You need to provide furnishings and enrichment to provide for the specific behaviours of goldfish. This could include places to hide in their tanks e.g. plants, secure branches, rocks or artificial decorations¹¹.

When preparing to bring a fish home for the first time the RSPCA strongly advises that new owners use 'fishless cycling', which involves running the tank filter for some time before adding any fish and can take at least two weeks.

Giving goldfish as prizes gives no guarantees as to meeting these conditions, and does not equip owners with the necessary knowledge for responsible fish ownership. It is therefore unsurprising that many of the animals will die before they make it to their new home. It is important that we recognise goldfish as deserving of a good quality of life as any other animal.

Example of a Motion to Ban Animals Being Given as Prizes on Council Owned Land

Local authorities implementing local bans can help eliminate the giving of pets as prizes on Council-owned land across Wales. The below is an example of a motion that local authorities across Wales could adopt to support the banning of animals being given as prizes on Council land:

This Council:

- **is concerned about the number of cases reported to the RSPCA each year, regarding pets given as prizes via fairgrounds, social media and other channels in Wales**
- **is concerned for the welfare of those animals that are being given as prizes**
- **recognises that many cases of pets being as prizes may go unreported each year in Wales**
- **supports a move to ban the giving of live animals as prizes, in any form, on [Insert Council name].**

The Council agrees to:

- **ban outright the giving of live animals as prizes, in any form, on [insert Council name] land.**
- **write to the Welsh Government, urging an outright ban on the giving of live animals as prizes on both public and private land in Wales.**

Conclusion

The practice of giving animals as prizes can be extremely detrimental to the welfare of those animals. Many will die before getting back to their new homes, or shortly after; and owners are actively encouraged to take on an animal in a spontaneous, ill-planned manner.

While the majority of cases are goldfish being given as prizes at fairgrounds and alike, RSPCA Cymru receives calls relating to dogs, cats, horses, ducklings and other animals being offered as prizes through a range of channels, particularly social media.

All animals, regardless of shape and size, can suffer, and the environments that fairground goldfish find themselves in are unlikely to be sufficient to provide for their welfare needs which could lead to suffering and even death.

¹¹ [RSPCA Advice & Welfare - Fish](#)