

SOME EFFECTS OF THE DANGEROUS WILD ANIMALS ACT 1976 WITH REGARD TO THE BRITISH ADDER *VIPERA BERUS* IN CAPTIVITY

MARK JONES

6 Brookside Cottage, The Street, Brampton, Beccles, Suffolk NR34 8DZ

Having held a licence issued by my Local Authority to enable me to keep up to ten Adders in an outdoor enclosure for three years from 1982 to 1984 inclusive, I feel that fellow BHS members may be interested in learning more about the Act and its implications with regard to the species.

Firstly, the licence can be expensive; in the first year it cost £30 and in 1983 and 1984 it cost £50 annually. If I had renewed it for 1985 the fee would have been £60. I understand that, in comparison with some areas, this is not overly expensive, and I have heard of fees of £150 being exacted. This is not the end of the matter, as there is a further expense in the form of an insurance policy against liability for possible damage wreaked by any animal kept under the Act. This, too, can vary considerably.

For the reasons of cost alone, many people who might be interested in carrying out conservation and captive-breeding work with *Vipera berus* could well be discouraged. A further obstacle, particularly in built up areas, is the opposition posed by local residents who usually base their arguments on fear, ignorance and misinformation. There are people who will become virtually hysterical once they learn that an application has gone in to the local authority for a licence under the DWA. At a public parish council meeting which arose from my original licence application, I was asked to explain my case for keeping the snakes in a garden enclosure, and to answer questions about them, and I was shocked by the sheer lack of knowledge displayed by most people about Adders and snakes in general. The hostile majority of the audience included a local doctor and a conservation trust member! The local newspapers had a field day and derived considerable mileage from the whole business, which was drawn out for several weeks until the licence was granted.

Conditions of the licence included not only an escape-proof enclosure (which I had already satisfactorily completed and had inspected by a local vet) but also precautions to prevent casual access by trespassers, and a warning sign. I ended up having to construct a barbed wire fence, with a lockable 5' iron gate, round the entire enclosure, which had been built in a previously unfenced part of the garden. Even so, I think that the health and housing department saw these as minimum precautions, and I know they would have preferred a much higher chain-link fence with solid boarding at the base, etc.

Throughout the entire period during which I held the licence, I had recurring trouble with one particular local resident who could never accept the granting of the licence, and who developed an obsession about the snakes and the enclosure. I should add that I believe this to be based on a personal (and mutual) dislike, and it led to the enclosure and its environs being interfered with on a number of occasions, and to the killing of a harmless Slow-Worm (believed to be an escaped 'Adder' from the enclosure) on another. All this added further complications because, as my local (and not unsympathetic) environmental health officer pointed out, anyone keeping animals under the DWA has to preserve a "whiter than white" track record.

Restrictions were also made on the transporting of Adders. In transit, the snakes had to be contained in cloth collection bags, tied and knotted and placed within a strong wooden box with ventilation and a lock. This was to prevent snakes spilling out all over the place in the possible event of a road accident during transit and was, in my view, one of the few sensible aspects of the licence. There were also restrictions on taking the snakes out of the local authority's area without having previously obtained written permission from both it and the recipient local authority concerned. I found this out the hard way when I lent two snakes to George Cansdale, to appear on a "Blue Peter" children's programme in 1982.

As I mentioned previously, the licence is renewable annually and extends over a calendar year. Before each renewal a council-appointed veterinary surgeon inspects the enclosure or cage, and the licensee is also subjected to regular (and unannounced) visits from the environmental health officer. To be fair I consider that my local authority, the Waveney District Council, has taken a reasonably enlightened view of the whole matter, and has been as helpful as possible within the bounds placed upon it by the Act.

For a number of reasons I decided against renewing the licence for 1985, although all the earlier problems had been sorted out and renewal would have been a formality. One major factor was the cost; I simply could not afford the fee, but other considerations included the long term viability of the enclosure due to its small size (8' x 7') and uncertainty about where I might be resident in the future, or whether I would have the time to spend on the project, which involved rearing young Adders with a view to captive breeding from them.

At this point I feel that I should state that, in my opinion, the British Viper should not be included on the DWA schedule and that my experience of the Act in relation to this species leads me to believe that it is impractical for *Vipera berus* to be subject to this law. It seems obvious that the DWA is directed at exotic species and that, in nearly all cases, the schedule specifically excludes native wild animals even though it may include closely related foreign forms. It is a fact that *Vipera berus* is one of the most widely distributed of the British reptiles; indeed there are large colonies on heathland within ten miles of my home. Where it does occur naturally, it often ventures in to adjacent gardens and even houses. This applies to no other animal on the DWA schedule. If someone has Adders in their garden or on their land as part of the wild fauna, and puts some into an enclosure on that same land, are they then breaking the law? By the same token, if a person encloses wild-living Adders by building an escape-proof wall around their land, does that person need a DWA licence? I have a friend who lives on a heath and is letting a paddock next to her house revert to *Calluna* dominated heath. This is becoming attractive to Adders living on the adjacent bracken-invaded areas. By creating such a habitat, either deliberately or unintentionally, in which the snakes flourish, would my friend be liable to prosecution if anyone was bitten on her premises?

In the normal course of matters, anyone injured by an animal held under a DWA licence and which had escaped, would be able to claim damages. In the case of an escaped Adder, who is going to be able to prove whether it, or a wild-living adder, administered the bite, if the incident took place in an area where the snake occurs naturally? Even if the snake was killed and presented as evidence I doubt that the case could be proven, as one Adder often looks much like the other.

The Adder receives no special protection under the Wildlife and Countryside Act 1981, so how does the DWA affect conservation work with the species? Translocations, introductions and rescuing specimens from "doomed" sites ought to be fairly straightforward operations but one wonders where the Act stands with regard to them. The provisions of the Act are designed to cope with animals permanently kept in one place, and transport stipulations seem to be largely at the discretion of the local authority concerned. Is a licence necessary solely to transport wild Adders from one site to another, and what would it cost?

I feel sure that, due to the small number of people who have bothered to apply for licences to keep and study the species, many facets of the Act which relate to it have not been tested and would prove to be unworkable in practice.

There is a further challenge to the validity of the species' inclusion in the DWA schedule. Quite simply, is it dangerous enough to warrant such legislation? My own understanding is that, since the beginning of the present century, only about a dozen people have died of Adder bite in Britain. Several of those deaths have been related to conditions such as previous bad health, and allergy to the anti-venin administered. Although there are Adders in this district, and serum is kept at all the local hospitals, very few cases of Adder-bite occur in Norfolk and Suffolk, and there have been no fatalities. Some doctors, including my own, do not consider Adder bites to be generally serious, and even animals such as dogs can usually be successfully treated if taken to a vet in time.

The vet who inspected my snake enclosure told me that he considered large dogs to be much more dangerous to humans than Adders, and that any dog over a certain size ought to need a special licence. I have been reliably informed that, in this country alone, dogs kill around ten people every year. Bees and wasps account for a further two or three deaths, and even lightning kills many more people than Adder bite. And as for the chances of being killed in a road accident.....

In conclusion, I would be interested to know firstly, if the Dangerous Wild Animals Act is really intended to apply to the native Adder and, if so, secondly, how and in what respect does it apply. If, upon clarification of the issue, it is obvious that the Act is intended to apply to the Adder I would be pleased to support such moves as can be made to get it removed from the schedule. Such a law can only be negative, impractical and unworkable in this context, and will continue to be a barrier to future conservation work.