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THE LAW FOR BIOLOGISTS

If one were to ask a lawyer about the law relating to biology he would probably appear vague and dredge up a few memories from his student days. A practising lawyer will consider a case involving animals or plants as something out of the ordinary; usually when a biologist visits his lawyer it is to obtain advice on personal or business affairs.

This is not to suggest that there are no laws relating to living organisms indeed there is extensive legislation covering a wide variety of circumstances involving animals and plants.

The purpose of this article is to indicate the aspects of English law which are most relevant to the biologist and his work. It is designed as an introduction to the law and a quick survey of the topics to be covered in a series of subsequent articles which will investigate them in greater depth.

It is necessary at the outset to point out that the law to be discussed is the law of England and Wales; Scottish law can often differ substantially and not all English law extends to Northern Ireland. Although legislation relating to animals does not change particularly frequently and every attempt will be made to present the latest law, information provided in this type of article can become out of date. Furthermore, legal subjects written to interest the non-lawyer have to be somewhat generalized and no person with a specific legal problem should rely entirely on what they read, but should consult a solicitor (perhaps with literature in his hand if it is an obscure subject), who can more fully assess all the facts relevant to the problem.

It is also necessary to draw a distinction between two bodies of law, criminal and civil law. The former is comprised in Acts of Parliament and orders and regulations made under them; it is imposed upon people by the state and is sanctioned by punishment in the form of a fine or imprisonment. It regulates all manner of deeds from murder down to technical traffic offences, and most legislation likely to affect the biologist at work will fall within the criminal law. On the other hand, the civil law regulates the rights and duties which arise between individuals, the breach of which may lead the courts to award damages to compensate for some injury suffered, or an injunction (or court order) to cease an offending activity. The biologist who trespasses in search of specimens or who negligently injures someone may find himself sued under the civil law. The civil law appears both in Acts of Parliament and as principles distilled from the decisions of the courts over the years.

The law is fickle in its definition of an animal. It varies with every Act of Parliament and does not always appreciate the subtleties of

taxonomy. For example, this series of articles was prompted by a news story of a battle to persuade an insurance company that an owl was an animal in law as well as in real life. It is an essential precaution to elicit the relevant definition on making one's first acquaintance with a piece of legislation. Despite this advice, the problem will be postponed for detailed treatment as it arises in subsequent articles in the series.

Having dealt with some necessary technicalities it is now possible to proceed to an outline of the law as it affects biologists which will be presented under a series of headings.

Animal Welfare

Biologists working with experimental animals are probably acutely aware of the Cruelty to Animals Act 1876 and the need to comply with the requirements of the Home Office in its administration of that Act.

The Protection of Animals Acts 1911-64 deal with cruelty caused to animals outside the experimental context. They make illegal a wide range of unnecessary suffering which can be caused to animals.

A number of other Acts, such as the Dangerous Wild Animals Act 1976, which deal with the keeping and transport of animals, combine an element of welfare, by regulating the living conditions provided for an animal, with licensing or other control provisions.

Ministry control

The biologist who works with domestic, especially farm, animals will be aware of the legal restrictions upon his freedom to obtain or move his animals, particularly when there are disease outbreaks in his area. The import and export of most species are controlled through licensing systems and health examinations; and animals have to be transported with proper attention to their welfare. This is mainly the province of the Diseases of Animals Acts 1950 and 1975 and orders made under them. There is a wealth of legislation in this area and it is largely administered by the Ministry of Agriculture, Fisheries and Food. The import and export of non-domestic species are the province of the Department of the Environment, exercising its powers under the Exotic Animals (Import and Export) Act 1976.

Wildlife conservation

English law affords protection to a number of indigenous species of insects, mammals, and birds, the most recent being the addition of the otter to the Schedule of protected species in the Conservation of

Wild Creatures and Wild Plants Act 1975.

The same Act protects a number of rare plants growing in this country. Valuable trees can be protected from the woodcutter by a tree preservation order. In the interests of preventing disease in plants there are restrictions on importing species into Britain except under licence in accordance with the Plant Health Act 1967.

In order to protect land, water, and the air, the law also provides controls (through the government departments or local authorities) upon pollution, pests, the use of poisonous substances, and excessive noise (Control of Pollution Act 1974, Pests Act 1954, and Agriculture Act 1947). These may affect the biologist either by protecting the subject of his study or by restricting him in the materials used in, and extent of, his work.

The biologist working in the field must be conservant with the civil law not only regarding trespass but also, if he keeps animals, as to his responsibility for injury or damage which they cause, his liability arising either under the Animals Act 1971 or because of his negligence. Activities of either the biologist, his plants, or his animals which interfere unreasonably with his neighbours will entitle the latter to seek an injunction to restrict or stop altogether the offending activities.

Biomedical law

The biologist who deals with animals will have to cope with illness and injury in them. He must be aware of the law regarding veterinary treatment, which is laid down in the Veterinary Surgeons Act 1966, and the use of drugs and medicinal poisons (Medicines Act 1968, Misuse of Drugs Act 1971). He is able to take otherwise protected species from the wild to care for them when they are sick or injured where this is permitted, for instance, by the Protection of Birds Act 1954.

In the laboratory the biologist may be responsible for poisons and chemicals in accordance with the Poisons Act 1972. Waste products from the laboratory must be disposed of in accordance with the Control of Pollution Act 1974. Deposit of Poisonous Waste Act 1972, and Radioactive Substances Act 1960. Safe waste can usually be disposed of in conjunction with the local authority and safe fluids can be discharged into the public sewer (Public Health Acts 1936 and 1961).

The Health and Safety at Work etc. Act 1974 required that the health, safety, and welfare of all workers is ensured - a duty imposed upon employer and employees alike.

It is not intended to deal with the law affecting the laboratory in any detail since the Health and Safety at Work etc. Act is to be dealt with

by another author and other aspects are extensively covered by A Guide to Laboratory Law (Cooke, 1976).

Conclusion

This introductory article has no more than skimmed over the surface of those laws which may affect the world of the biologist at work. Clearly there is other legislation which can affect him, such as the general law of trade or the traffic regulations, but these would seem to be of such widespread application that the space is better devoted to more detailed consideration of the law most relevant to biology.

It is hoped that this article has at least whetted the appetite for a closer study of the law for biologists in the ensuing series.

Reference

Cooke, A. J. D. (1976) A Guide to Laboratory Law, London: Butterworth

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