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## CHALK TALK

# Do fish have rights?

*The legal freedoms afforded dogs and cats may soon be enjoyed by trout, warns **Simon Cooper***

**F**ISH DON'T GARNER MUCH HUMAN sympathy. The one trillion or so that are killed each year barely cause a raised eyebrow even though the manner of death would cause an outcry if land-based animals were subjected to such a demise. Supermarket poster hoardings regularly depict a jolly fishmonger clutching a dead salmon. I am yet to see the butcher on the adjacent counter proudly presenting a dead lamb. But I'm not so sure this indifference will last forever.

We tend to think of animal rights as a very modern phenomena and to a certain extent that is fair; the pace of legal judgments around the world has only started to increase in recent years. However, the genesis of the Five Freedoms for animals dates back as long ago as 1965 when the UK Government set out standards for livestock husbandry. They are: the requirement for Freedom from hunger or thirst; Freedom from discomfort by providing an appropriate living environment; Freedom from pain, injury or disease; Freedom to express (most) normal behaviour; and Freedom from fear and distress to avoid mental suffering. These have subsequently been adopted by governments, bodies and professions around the globe and the 2006 UK Animal Welfare Act used these five tenets for the legislation that placed a duty of care on anyone who was responsible for an animal, including domestic pets. However, though the fish in your tropical tank are covered by the Act, most fish are not.

That's not to say fish are exempt from legal protection. Britain has led the world with exacting standards in our fish farms where fish have to be rendered unconscious prior to being gutted and prepared for the table. This is primarily

done in one of three ways: percussive stunning as anglers do with a priest; electro-stunning in a water tank; or an ice slurry that renders the fish inert. However, leave land and all such niceties go out the window. Death in nets is long and lingering and should you have the misfortune to be dumped out on deck alive there is every chance you will be gutted alive. Restaurants regularly boast of "line-caught fish" as if this was a virtuous death rather than hours of suffocation impaled on a hook on a line containing hundreds or thousands of others that stretch for miles.

## Where rivers are people

At some point, be it in the name of conservation or piscine welfare, the world will come to see this treatment of ocean fish as unacceptable, but I suspect recreational angling will come under the spotlight sooner. You may scoff that fish have rights, but the courts and legislatures around the world are moving in that direction. In three American states, the feelings of the family pet must be considered during a divorce. The EU Lisbon Treaty states that animals are sentient beings.

But, you might counter, although a fish might be able to perceive or feel things, surely it can't be a legal person?

A company is a legal person able to act in court in its own right. And in New Zealand the Whanganui River was granted legal personhood in 2017. In South America, a chimpanzee and a spectacled bear have been released into the wild from zoos by court orders on the grounds that they had been denied their freedom.

But it couldn't happen here. Well, it might. With animal rights legislation, the UK has long been ahead of the curve. Fox hunting in its post-ban format is back on the political radar. Activism is the new black. The Establishment is no longer the protector of the status quo. It bends to the will of the minority. We, anglers, may be three-million strong, but a well-orchestrated social media campaign by a determined special interest group who sets the agenda of cruelty over conservation (imagine #we♥fish) could win the day.

***"The Establishment is no longer the protector of the status quo. It bends to the will of the minority"***

Don't expect anything as crude as a call for an outright ban. Depending on your point of view, angling spectacularly fails two or three of the Freedom tests for animals. How hard would it be to bring fish into the fold? I'd like to say very, but in my heart of hearts I suspect we'll have a fight on our hands within a generation. **TS**

■ Simon Cooper is managing director of Fishing Breaks, the chalkstream fishing specialists ([fishingbreaks.co.uk](http://fishingbreaks.co.uk)). He is author of the best-selling *Life of a Chalkstream* and *The Otters' Tale*.