

# Zoo Licensing Act 1981

(as amended by The Zoo Licensing Act 1981  
(Amendment) (England and Wales) Regulations  
2002) ("the 2002 Regulations")

## Introduction

Regulations to amend the Zoo Licensing Act 1981 came into effect on 8 January 2003. They give statutory effect in England to those provisions of Council Directive 1999/22/EC not already implemented by the 1981 Act. For your convenience we have prepared a consolidated text of the Zoo Licensing Act as amended by the 2002 Regulations at Annex A, although, while we have made every effort to eliminate errors, this text should not be regarded as authoritative.

This Circular deals with the new measures that fall to the local authority in their role as the zoo licensing authority. It also incorporates and replaces the guidance contained in Department of the Environment (DOE) Circulars 5/84 and 11/88. This guidance should not be taken as an authoritative statement of the legal effect of the Act.

## Brief summary of the Act

Section 1 deals with the scope of the Act and provides a definition for a zoo. Section 1A sets out the conservation measures zoos have to undertake. Sections 2 and 3 deal with zoo licence applications and their consideration. Section 4 provides for licences to be granted or refused. A licence can only be refused on grounds set out in this section. Section 5 covers the length of time a licence runs for and conditions attached to the licence. Section 6 is concerned with licence renewals. Section 7 provides for the transfer, transmission and surrender of licences. Section 8 requires the Secretary of State to compile a list of people with expertise in zoo matters. Section 9 enables the Secretary of State to specify standards of modern zoo practice. Section 9A sets out the procedures relating to inspections before a licence is to be issued or refused, renewed or significantly altered. Sections 10, 11, 11A and 12 provide for mandatory periodic inspections, discretionary special inspections, including where a zoo is closed, and informal inspections respectively. Section 13 makes special provision for local authority-owned zoos. Section 14 allows

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the Secretary of State to grant certain dispensations to small zoos or zoos where only a small number of different kinds of animals are kept. Section 15 allows local authorities to charge for licensing, inspections and other functions including those connected with the disposal of animals in the event of zoo closure. Section 16 allows for licences to be altered, including for conditions to be added to close permanently a section of a zoo. Section 16A provides the power to direct a zoo to comply with conditions on a licence, and includes the power of closing the zoo or part of the zoo temporarily to the public. Section 16B provides the power to close a zoo permanently. Section 16C provides for permanent closure of an unlicensed zoo operating illegally. Section 16D sets out the circumstances which result in the application of section 16E, which deals with the welfare of animals following the permanent closure of a zoo. Section 16F provides the local authority with the fall-back power to step in and deal with the disposal of animals when a zoo has closed permanently. Section 16G authorises the local authority to enter premises of a permanently closed zoo to deal with the disposal and care of animals. Section 17 has been repealed. Section 18 gives a right of appeal against certain decisions under the Act and section 19 relates to offences and penalties. Section 19A deals with the notification of directions. Section 20 made special transitory arrangement for those zoos that already existed in 1984 when the Zoo Licensing Act 1981 came into force. Section 21 is an interpretation provision. Section 22 makes minor consequential amendments to the Dangerous Wild Animals Act 1976. Section 23 provides for the short title, commencement and the extent of the Act. In addition regulation 27 of the 2002 Regulations requires that all existing licences be altered so as to include conditions to implement the conservation measures set out in section 1A. Regulation 28 provides transitory arrangements for those zoos operating legally without licences before the 2002 Regulations came into force that will need licences following the advent of the 2002 Regulations.

## Financial implications

Local authorities are reminded that section 15 of the Zoo Licensing Act 1981 (as amended) provides for all fees and costs reasonably incurred in administering the Act to be recovered from the zoo operator. All fees charged should reflect those costs reasonably incurred and may not be used as a punitive tool to dissuade zoos from opening. Section 16E provides a new power to ensure that, when a zoo closes permanently, animals are cared for or disposed of in a way that is not prejudicial to the protection of wild animals or the conservation of biodiversity. This would apply whether the closure was voluntary or forced. Any costs incurred may be recovered from the zoo licence holder as a civil debt.

Martin Brasher

## Annex to Circular

### Extent of the Act

1. Section 1 makes clear that all zoos that are open to the public, with or without charge on seven or more days in a twelve-month period need a licence from their local authority to operate. A zoo is defined as any establishment where animals of wild species are exhibited to the public. Circuses and pet shops are excluded from this definition (see paragraph 5 below). Local authorities in England are District, Unitary, Metropolitan, City of London and London Borough councils.
2. Section 1(2B) makes clear that this Act also applies to zoos which are not open on seven or more days in a twelve-month period, but have a licence in force, such as those that are temporarily closed while they comply with a direction issued under s16A of the Act. The Act also applies to zoos that have closed permanently while they make arrangements for the future care or disposal of their animals – see paragraph 109–117 below on section 16E.
3. An animal is defined as any multi-cellular organism that is not a plant or fungus. Animals of wild species are those not normally domesticated in Great Britain. A number of queries have been raised as to whether certain animals should be treated as wild for the purposes of this Act. The term is not further defined in the Act and the Secretary of State is not in a position to give an authoritative interpretation of the law, which is ultimately for the Courts. But to help in decision-making, the Department's informal view on the more common cases raised is set out at Annex E.
4. It should be noted that a collection consisting entirely of animals that are normally domesticated in Great Britain is not a zoo within the meaning of the Act. The attention of the local authority is also drawn to the following extract from a statement made by the Minister during the passage of the Zoo Licensing Bill through Parliament (House of Commons Standing Committee C Report, 13 May 1981 Col 95).

“It has been found impossible to arrive at a definition which is sufficiently embracing to cover all types of what common sense tells us are zoos, yet to exclude, for example, fish tanks in restaurants, parrots in pubs, or the pair of monkeys in the garden of a country café. Many of these... are so obviously not zoos that we do not want to ..... bring about a situation in which we are inundated with requests for exemption requests. No officious local authority official would go round every dentist, building society manager or café proprietor and tell him that he is running a zoo. We must give some credit for the good sense of those who will be applying the Bill. In those few borderline cases where the verdict could go either way, there will have to be an individual decision based on the facts and circumstances of the case.”

5. A circus is defined as a place where animals are kept or introduced wholly or mainly for the purpose of performing tricks or manoeuvres at that place. Following the Court of Appeal judgment into the case of South Kesteven District Council v. Mackie & Others on 12 October 1999, circus winter quarters were held to be within the definition of a circus and

therefore are not considered to be a zoo. A pet shop is defined as a premises holding a licence or requiring a licence under the Pet Animals Act 1951.

6. Section 14 allows exemptions from some or all of the provisions of the Act to be granted for small zoos on an individual basis. The criteria they would normally be expected to meet are listed at Annex D. These criteria are for guidance only and each case will be treated on its merits.

### **Conservation measures for zoos**

7. Section 1A specifies the conservation measures that zoos are required to undertake. These are:
  - (i) research from which conservation benefits accrue to species of wild animals; and/or
  - (ii) training in relevant conservation skills; and/or
  - (iii) the exchange of information relating to the conservation of species of wild animals; and/or
  - (iv) where appropriate, breeding of wild animals in captivity; and/or
  - (v) where appropriate, the repopulation of an area with, or the reintroduction into the wild of, wild animals;
  - (vi) promoting public education and awareness in relation to the conservation of biodiversity, in particular by providing information about the species of wild animals kept in the zoo and their natural habitats;
  - (vii) accommodating their animals under conditions which aim to satisfy the biological and conservation requirements of the species to which they belong, including providing each animal with an environment well adapted to meet the physical, psychological and social needs of the species to which it belongs; and providing a high standard of animal husbandry with a developed programme of preventative and curative veterinary care and nutrition;
  - (viii) preventing the escape of animals and putting in place measures to be taken in the event of any escape or unauthorised release of animals;
  - (ix) preventing the intrusion of pests and vermin into the zoo premises; and
  - (x) keeping up-to-date records of the zoo's collection, including records of the numbers of different animals; acquisitions, births, deaths, disposals and escapes of animals; the causes of any such deaths; and of the health of the animals.
8. Local authorities should note that (i) to (v) are alternatives and zoos need to undertake at least one of these options, whereas (vi) onwards are mandatory. Local authorities must

implement these requirements by attaching appropriate conditions in respect of each requirement to the licences of all zoos. Guidance for existing licences is set out in paragraphs 138 and 139 below.

9. The conditions must be appropriate to the size and nature of the zoos. For instance, there is no expectation that small zoos should undertake major conservation and educational projects. The extent of a zoo's conservation and educational activities should be proportionate to its size and the diversity of its collection. Further advice on this is provided in the Zoos Forum handbook, copies of which can be obtained from the Department's website at [www.defra.gov.uk](http://www.defra.gov.uk)
10. Guidance on accommodation and general zoo practice is set out in the Secretary of State's Standards of Modern Zoo Practice. Examples of conservation measures in which zoos might participate are set out in the Zoos Forum Handbook. A copy of both documents are on the Defra website at [www.defra.gov.uk](http://www.defra.gov.uk)
11. Measures must be taken with the aim of preventing the intrusion of pests and vermin, but it is recognised that not all zoos will be able to prevent all pest intrusions. Measures to prevent the intrusion of outside pests and vermin should be realistic and practical and reflect the nature and type of zoo.

## **How to obtain a licence for a new zoo**

12. Before starting up a new zoo, the applicant must give the local authority at least two months' written notice (giving the particulars required by section 2(2) and 2(2A)) before applying to the authority for a licence. Section 2(2A) introduces a new requirement for applicants of a zoo licence to include in their notice to the local authority a statement of how they propose to implement the section 1A conservation measures at the zoo. The applicant must also publish notice of this intention and the particulars required by section 2(2) and 2(2A) in one local and one national newspaper, and display a copy of the published notice at the site of the proposed zoo. The published notice does not need to contain any of the information in section 2(2)(a)—(d) or 2(2A), although it must state where and when the notice to the local authority may be inspected.
13. Section 2(3) requires local authorities to make any notice of intention available for public inspection free of charge at reasonable hours, until the related application is processed. Local authorities are asked to co-operate with intending applicants in the provision of the information necessary to complete the notices of intention— particularly on matters covered by section 2(2)(c) and (d) and on where and when the notice to the local authority may be inspected.
14. Local authorities are required to take account of representations made in respect of any application by people and organisations set out in section 3 of the Act. There is no duty to consult these people or organisations, but a local authority must act reasonably, and what is reasonable may vary with the circumstances. An inspection of the zoo is also required before the licence can be granted or refused to establish whether or not licensing conditions can be met. Before that inspection, the local authority must consult the applicant about the proposed licence conditions.

15. Local authorities are advised to check with their planning department or any other sources that might be available to them for potential new zoos in their area and to liaise with the operator to ensure proper provision is being made for the animals and that the prospective new zoo is fully aware of what legislative requirements will apply.

### **Grant or refusal of a licence**

16. Local authorities are required, in accordance with section 4 of the Act, to consider an inspector's report in reaching a decision on a new licence application. The report should contain information on the likelihood of the zoo's being able to comply with the proposed licence conditions (including those implementing the requirements in section 1A of the Act). A copy of the report should be sent to the applicant within one month of receipt for comment.
17. Section 4(2) requires local authorities to refuse to grant a licence if they are satisfied that the zoo, or its continuance, would injuriously affect the health or safety of persons living in the neighbourhood of the zoo, or seriously affect the preservation of law and order.
18. Section 4(2A) also requires local authorities to refuse to grant a licence for a zoo if, after inspecting the collection, they are not satisfied that it would be able to meet conditions to take forward conservation measures set out in section 1A of the Act.
19. Local authorities may refuse to grant a licence if they are not satisfied that the standards of accommodation, staffing or management are adequate for the proper care and well-being of the animals as a whole or for any of them, or otherwise for the proper conduct of the zoo. The Secretary of State would not normally expect a licence to be refused in a situation where adequate standards were not met but where there were reasonable prospects that improvements would take place. In practice this is a situation where the local authority will wish to consider imposing a condition or conditions (in accordance with the powers granted to them by section 5 of the Act). In exercising their discretion under section 4(3) of the Act the local authority should feel free to consult the Secretary of State for advice if they need it.
20. Local authorities may refuse a licence application if anyone associated with the zoo has, as stated in section 4(4) of the Act, a conviction under the Zoo Licensing Act 1981 (as amended) or any of the Acts mentioned in section 4(5). In exercising this discretion, local authorities will need to consider the seriousness of the offence committed.
21. If local authorities are not satisfied that planning permission has been granted for a zoo, the licence should be either refused or granted with its operation suspended until the local planning authority confirm that permission has been, or is deemed to be, granted.
22. A licence should be refused only for one of the reasons set out in section 4 of the Act. When a licence is refused, a written statement of the grounds of refusal must be issued to the applicant by post or delivered by hand. The local authority are expected to issue the grounds of refusal promptly to ensure that any unnecessary expense that might arise from undue delay is not incurred. The right of appeal against licence refusal is covered in paragraphs 129-133 below.

23. When a licence is granted, it must be sent to the applicant by post or delivered by hand. The licence and any conditions attached to it (or a copy) must be displayed at each public entrance to the zoo in a way that the public can see the licence and associated conditions.
24. Local authorities are not required to provide copies of zoo licences to interested parties, but they are free to do so if they wish. However, they are asked to send to the Department a copy of the licence, or any letter sent to the zoo upon renewal along with a copy of the inspector's report for information and record purposes. They are also asked to let the inspector have a copy of the licence.

## **Renewal of a licence**

25. An application has to be made to the local authority at least six months before the expiry of the existing licence (unless special circumstances arise which, in the opinion of the authority are sufficient to allow applications later than this). The local authority, in accordance with section 6(4) of the Act, should, nine months or more before the licence expires, give the licence holder advance notice (preferably in writing), of the latest date on which he can make an application for renewal.
26. Before renewing the licence in accordance with section 6(1A), the local authority must make arrangements for an inspection to be carried out in accordance with section 9A of the Act. (see paragraphs 49–58 below for guidance on section 9A). Where an inspection is due under section 10 in the following 12 months, a section 10 inspection and a renewal inspection can be combined using the powers under section 9A(2). It should normally be possible, therefore, to combine the renewal inspection with the inspection required by section 10(3) not later than six months before the end of the final year of licence.
27. The local authority should send a copy of the inspector's report to the zoo operator within one month of receiving it. After considering the inspection report and any response from the operator, the local authority may renew the licence by extending the period of the licence by 6 years.
28. At this stage the authority could instead issue a notice directing the applicant under section 6(1)(b) to apply for a fresh licence. But by issuing the section 6(1)(b) notice without carrying out the renewal inspection, in some cases, it may be possible for the zoo to avoid two inspections in close proximity (see paragraphs 31 and 32 below).

## **Directing the applicant for a renewal of a zoo licence to apply for a fresh licence**

29. The local authority should direct a zoo operator under section 6(1)(b) to apply for a fresh licence only where there is good and sufficient reason for doing so. For example, where there have been radical changes at the zoo's management structure or the animals held there since the previous licence was granted, particularly where the additional animals are considered hazardous. Appendix 12 of the Secretary of State's Standards of Modern Zoo Practice (see [www.defra.gov.uk](http://www.defra.gov.uk)) provides a useful guide as to which animals are considered hazardous.

30. In deciding whether it is appropriate to require an application for a fresh licence, the local authority should be mindful that this could involve the applicant in extra expense and consider whether the need might be met in some other way—perhaps by altering the conditions of a licence under section 16 of the Act. But if the application is necessary, local authorities should ensure that applicants give at least two months’ notice of their intention to make one in accordance with section 2 before it can be accepted.
31. Where the local authority issue a direction under section 6(1)(b) requiring the applicant to apply for a fresh licence after the renewal inspection required under section 6(1A) has been carried out, a further inspection will be required by section 4(1A) if a fresh licence application is made. Section 10(3) requires an inspection not later than six months before the end of the final year of licence. It may well be possible to combine the renewal inspection required by section 6(1A) with this section 10 inspection using the section 9A(2) power.
32. Where the local authority consider they have sufficiently compelling evidence to direct the zoo to apply for a fresh licence without the benefit of the renewal inspection report, they may do so. In such circumstances it may, where application for a fresh licence is made sufficiently early, be possible for the inspection required by section 10(3) (to be carried out not later than six months before the end of the final year of the licence) to be combined with the inspection required by section 4(1A) and an inspection was due under section 10, section 9A(2) allows the local authority to combine this section 10 inspection with the one required under section 4(1A), if the fresh licence application is made.
33. Local authorities are also reminded that they cannot direct the zoo (in accordance with section 6(1)(b) of the Act) to apply for a fresh licence until an application for renewal is made. It is therefore recommended that the local authority advise the zoo of their intentions in this respect when giving notice under section 6(4) of the Act. When the zoo makes an application for a fresh licence, a direction under section 6(1)(b) is not necessary.
34. Where the holder applies for a fresh licence, the existing licence continues in force until the application is processed or withdrawn. This is provided that the application is made before expiry of the existing licence or within six months after the issue of the local authority’s direction to the zoo to apply for a fresh licence.

### **Duration of a licence**

35. The original licence (ie the first licence granted to the zoo) shall run for four years. Any subsequent licence, whether a renewal licence or a fresh licence, as mentioned in sections 5(2) and 6(3) of the Act, shall run for six years. An original licence may be issued to run from a future date so the applicant can have the licence before the zoo is ready to commence, or recommence in the case of temporary closure.

## Licence conditions

36. Section 5(2A) requires local authorities to ensure every licence always contains appropriate conditions to ensure the zoo gives effect to the requirements in section 1A of the Act. An example of such conditions is set out at Annex B. In addition to the requirement to attach licence conditions implementing the measures in section 1A, section 5 also gives the local authority discretion to attach any condition deemed necessary or desirable for the proper conduct of the zoo during the period of the licence.
37. In determining such conditions, the local authority are required to have regard to the Secretary of State's Standards of Modern Zoo Practice specified under section 9 of the Act. However, local authorities are reminded that conditions must not be inconsistent with any that the Secretary of State directs them to attach and that they must not attach conditions that relate only or primarily to the health, safety or welfare of zoo employees. An example of conditions that have routinely been attached to licences, insofar as they are applicable to the kinds of animals kept at the zoo is at Annex "C".
38. Once time-limited conditions dealing with issues not relating to the requirements of section 1A have been complied with, they should be removed from the licence upon renewal.

## Enforcement of licence conditions

39. Where a local authority are not satisfied that a zoo licence holder has complied with a condition (or several conditions) attached to the licence, section 16A requires them, after giving the zoo licence holder the opportunity to be heard, to issue a direction requiring compliance with that condition. There is no need, however, for the authority to make a direction if they decide instead to close the zoo permanently in accordance with powers in subsection 16B(5).
40. Section 16A(2) specifies the contents of a direction. The direction must say what licence condition or conditions have not been complied with. For each condition it must say whether the condition has been breached at the whole zoo or whether only a section of the zoo (for example a department of the zoo or a particular part of the zoo's premises) breaches the condition. The direction must also stipulate the steps the licence holder must take to comply with the condition or conditions and the period for compliance, which must not exceed two years.
41. The direction can also require the zoo, or a part of it, to close to the public while the direction is in force, or for part of that period, if that is considered appropriate. A direction under section 16A cannot require a zoo or a section of a zoo to close permanently. Permanent closures may be required under section 16B or section 16(1A) and (1B) – see paragraphs 93-103 below.

42. Any decision to issue a direction under section 16A closing the zoo, or a section of it for a period of time, should not be taken lightly. Such a direction should be revoked once the zoo has complied with the condition or conditions. However, if the licence holder does not comply within the period specified in the direction (taking into account any extensions of time granted under section 16A(4)) and the condition not met relates to the requirements set out in section 1A of the Act, it will be necessary either to close down the zoo permanently under a direction issued under section 16B or permanently close the affected section of the zoo.
43. A direction issued under section 16A may be varied or revoked by a further direction of the local authority. Any decision to vary the direction by increasing the period of compliance must not extend the period beyond two years from the date when the direction was first issued. There is a right of appeal against these directions – see guidance in paragraphs 129-133 below. Directions requiring the temporary closure of the zoo or imposing requirements on the licence holder to carry out additional works at the zoo will not take effect until an appeal is decided (and is unsuccessful) or abandoned, or where the 28-day period for appeal expires and no appeal is made.

### **Transfer, transmission and surrender of a licence**

44. A licence may be transferred to another person with the approval of the local authority. In exercising this power, the local authority will need to be satisfied that the transferee is suitable to hold the licence and is able to comply with the requirements in section 1A of the Act. As a transferred licence is not a fresh or renewed licence within the terms of the Act, the date of expiry should not be altered.
45. If the holder of the licence were to die, the personal representatives of the deceased are deemed to be the holders of the licence for a period of three months after the death, or longer if the local authority so approve. A longer period may be necessary as probate or letters of administration can take longer than three months to secure.
46. The licensee may surrender the licence at any time to the authority. The provisions of section 16E then apply (see paragraphs 109-117 below).

### **Inspections**

47. There are four types of inspection: “licence”, “periodical”, “special”, and “informal”. Periodical inspections and certain licence inspections involve Secretary of State inspectors. Special, informal and certain licence inspections are conducted by people whom the local authority consider competent for the purpose of the inspection. Local authorities are reminded that they must consult the Secretary of State for the names of inspectors to carry out the periodical inspections and licence inspections before the grant or refusal or renewal of a licence. It should not be assumed that the Secretary of State nominees from the previous inspection remain the same for any subsequent inspection. Local authorities are further reminded that, except where a direction under section 14(1) of the Act has been issued, a mid-term periodical inspection must be arranged in the third year of the renewed or fresh licence.

48. Local authorities' attention is drawn to the provisions of the Health and Safety at Work etc. Act 1974 insofar as its provisions are relevant to zoos. It is hoped that, where practicable and desirable, it will prove possible to arrange an inspection covering both the 1974 and 1981 Acts at the same time. This will minimise inconvenience to the zoo operator and benefits will arise from the coming together of the respective inspectors.

## **Licence Inspection**

49. Section 9A of the Act deals with inspections before the grant or refusal of a new licence, a renewal of a licence and before any significant alteration to a licence.
50. Section 9A(2) allows the local authority to use an inspection provided for under s10 (a periodical inspection) instead of s9A where the s10 inspection is due within 12 months of when arrangements for the s9A inspection would be made. Where local authorities exercise this discretion, whichever are applicable of the requirements in section 9A(10) to (13) must be dealt with under the s10 inspection. By making use of this power, the need for two inspections in close proximity, and associated costs, can be removed. Local authorities are encouraged to combine inspections in this way unless there are good reasons not to do so.
51. Section 9A(3) allows the local authority to combine inspections required prior to the renewal of a licence and a significant change to a licence. Likewise, where more than one inspection is required because significant changes to a licence have been identified, these too can be combined in accordance with s9A(4). Local authorities are again encouraged to combine these inspections unless there are good reasons not to do so.
52. Where an inspection under section 9A, 10 or 12 identifies a circumstance that is likely to lead to a significant change to the licence, a separate inspection relating to the significant change is not necessary. Instead section 9A(5) requires the inspector(s) to consult the licence holder about the alterations to the licence they consider would be needed, consider whether the new conditions they consider necessary will be met if the licence is altered, and cover this matter in the inspection report.
53. Where the inspection is prior to a new licence application or a renewal of a licence (even if the renewal is combined with an inspection for another purpose), section 9A(7) requires the inspector(s) to be nominated by the Secretary of State from his list of inspectors.
54. Where an inspection is to consider a significant change to a licence, section 9A(8) requires it to be conducted by inspectors considered competent by the authority and authorised by them. If the local authority cannot find suitably competent inspectors, they should approach the Secretary of State who should be able to suggest people.
55. Section 9A(9) requires that the zoo operator or licence applicant be given 28 days' notice of the inspection (after consultation with him). It is recommended, however, that at least six weeks be allowed for all parties to agree the inspection date. The local authority should also consult the new or existing zoo in advance of the inspection with conditions they propose to attach to the licence (where application is made for a new licence) or about the proposed alteration to the licence (significant alteration inspections). Following the inspection, the

conditions should be finalised and it is recommended that the applicant be consulted, as appropriate, about changes to be made to these proposed conditions.

56. Where an inspection is carried out before the grant of a licence for a new zoo, section 9A(11) requires the inspector(s) to consider whether the conditions proposed by the authority are likely to be met if the licence is granted. Where an inspection is carried out before the grant of a new licence for an existing zoo, the inspector must consider whether existing licence conditions are met (section 9A(10)) as well as whether the proposed conditions for the new licence are likely to be met if it is granted. Where the inspection is carried out before a licence renewal, section 9A(10) requires the inspector(s) to be satisfied that existing conditions are met and sections 9A(12) requires him to be satisfied that they are likely to continue to be met if the licence is renewed. Where the inspection is carried out before a significant alteration of a licence, under section 9A(10) the inspector must consider if the existing licence conditions are met and under section 9A(13) he must consider if the proposed new or varied conditions are likely to be met and also if the conservation measures in section 1A would be implemented at the zoo if the proposed alterations were made.
57. Section 9A(14) requires the licence holder to supply any records requested by the inspector(s) in respect of conditions relating to the requirements of s1A(f) – see paragraph 7(x) above.
58. Section 9A(15) requires local authorities to send to a proposed or existing zoo a copy of an inspector(s)' report for comment within one month of receipt.

### **Periodical inspections**

59. Section 10 deals with periodical inspection. In the case of an original (initial) licence, a periodical inspection shall take place during the first year and again not later than six months before the end of the fourth year of the period of that licence. For subsequent licences, periodical inspections are required during the third year and no later than six months before the end of the sixth year of the period of the licence.
60. Unless the zoo has received a dispensation under section 14 of the Act, the periodical inspections required under section 10(1) are to be carried out by a team of inspectors. This team shall comprise not more than three appointed by the local authority and two nominated by the Secretary of State after consultation with the local authority. The local authority appointees must appear to the authority to be competent for the purpose and at least one must be a veterinary surgeon or practitioner. Generally, only the one local authority appointee is needed, particularly where smaller zoos are involved. But if more than one is appointed, it is recommended that the additional members are from the Council's Environmental Health Department competent to consider general safety issues of concern to other inspectors.
61. If local authorities encounter difficulty appointing a suitable veterinary surgeon or practitioner, they are free to appoint a vet from the Secretary of State's list (as long as that person is not one of the Secretary of State's nominees). Indeed, if there are any doubts

about the competence of the local vet to advise on the welfare of the zoo animals to be inspected, authorities are actively encouraged to contact the Secretary of State for details of a suitable inspector.

62. The two Secretary of State nominated inspectors will be from the Secretary of State's list of inspectors. One will be a competent veterinary surgeon or practitioner and the other competent to inspect animals and advise, amongst other things, on the management of zoos generally.
63. Prior to making any arrangements for the inspection with the zoo operator, the local authority must contact the Secretary of State for details of the nominated inspectors. These will be nominated in consultation with the local authority. The local authority will then appoint these inspectors and also up to three persons as mentioned above. It is recommended that at least six weeks are allowed for all parties to agree the inspection date. The local authority must ensure that notice of intention to inspect is given to the operator at least 28 days prior to the proposed inspection date (section 10(2) refers). The operator must also be given the names of the inspecting team (section 10(4)(a) refers).
64. Section 10(4)(b) provides that the zoo operator may object (by notice to the local authority) to any one or more of the inspectors, although it is for the local authority or the Secretary of State, as appropriate, to decide whether the inspecting team should be changed. Section 10(4)(c) allows the operator to choose up to three representatives to accompany the inspecting team. The operator or a deputy are asked to be available to meet inspectors to answer any queries they may have; and to direct them to exhibits and areas of the zoos they may wish to visit, including those where any records of the animals are kept in the zoo. The inspecting team may require the attendance of the zoo's veterinary surgeon or practitioner during the inspection (section 10(4)(c) refers).
65. The inspection will cover all features of the zoo which are directly or indirectly relevant to the health, welfare and safety of the public and animals. Also, if the inspection is to be used instead of one needed under section 9A, it will extend to the zoo's compliance with existing licence conditions and/or the likelihood of complying with proposed new or varied conditions including those implementing the requirements set out in section 1A of the Act, see section 9A(2) and (10) – (13) – see paragraph 56 above.
66. The inspection will address the zoo's staff involvement in matters, such as they relate to the above-mentioned features. The inspectors will require to see any records which the operator is required to keep as a condition of the licence relating to conservation measures (section 10(4)(e)). The inspectors' report may include advice and/or recommendations for any improvements designed to ensure the zoo carries out its conservation, public safety and animal welfare activities. For this purpose the inspectors are required to have regard to the Secretary of State's standards drawn up under section 9, and are recommended to have regard to any other associated advice.
67. Section 10(6) of the Act provides a procedure for dealing with any disagreement between inspectors over recommendations in their report relating to animal welfare, conservation and other activities of the zoo. In such a case the disagreement may be referred to the

Secretary of State who may, after consultation with such persons on his list as he thinks fit, give guidance in regard to the recommendations to be made about animal welfare. It is hoped, however, that the inspectors will first try to resolve any disagreement between themselves. The local authority are required to send a copy of the inspectors' report to the operator of the zoo, within one month of receiving it, and to give him the opportunity to make representations or comment on it (section 10(7)).

### Special Inspections

68. The third type of inspection provided for in the Act is the special inspection of a licensed zoo (see section 11). This is at the discretion of the local authority if they consider it to be appropriate having regard to:
- (a) any periodical report on the zoo made to them pursuant to section 10; or
  - (b) any representations made to them on behalf of a properly constituted body concerned with any aspect of the management of zoos or the welfare of animals; or
  - (c) any report on the zoo made to them pursuant to an inspection under the provisions of sections 9A (licence inspections) or 12 (informal inspections); or
  - (d) any other circumstances which in their opinion call for investigation.
69. An inspection under (d) might be necessary to check compliance with licence conditions that require improvements to be made within a specified period of time – particularly if the period expires in the same year as the inspection that led to the condition being added. However, it is hoped that where the specified period expires in a year where the local authority carry out an informal inspection, the timing of such an inspection could be arranged to allow the compliance check(s) to be made. This would remove the need for more than one inspection in the same year.
70. A special inspection can be carried out at any time. The local authority are required to communicate to the zoo operator the purpose and scope of the inspection (section 11(4)). In case the operator wishes to have any representatives present (up to three) the local authority also has to notify the zoo of the date and time so arrangements can be made. The local authority may appoint whomever they consider competent for the purpose of the inspection. However, where the purpose of the inspection relates to the health of animals, a veterinary surgeon or practitioner with experience of the animal kinds kept in the zoo must be appointed (section 11(3)). (Unlike the case of a periodical inspection the zoo operator does not have to be told who the inspector or inspectors are).
71. Where the local authority receive representations or complaints about a zoo (otherwise than in an inspectors' report), they will wish to make preliminary inquiries before deciding to undertake a special inspection, so as to ensure that the circumstances appear to warrant one. It is considered that any such inspection should be carried out by the minimum number of inspectors for the purpose – normally only one. The inspection and report should cover only those matters which are relevant to the reasons for arranging it, and this fact

must be communicated to the inspectors beforehand (section 11(4)). The local authority are required to send a copy of the report to the operator for his comment (section 11(5)).

72. Section 11A permits a local authority to carry out a special inspection at a zoo which has closed permanently (and to which section 16E applies – see paragraphs 109-117 below):
- (a) to supervise implementation of a plan prepared under s16E(2); and/or
  - (b) to help to decide whether a direction is necessary under s16E(6) or to ensure that a such a direction is being complied with; and/or
  - (c) to help to decide whether the authority need to make their own arrangements for the care and disposal of animals at a closed zoo under s16E(7) or (8).
73. Section 10(4)(c) and sections 11(2), (3), and (4) apply to an inspection under s11A. As such, the operator may have up to three representatives at the inspection, and the inspector(s) may require the presence of the zoo's vet. The local authority must authorise inspector(s) whom they consider competent to carry out the inspection. If the inspection relates to the health of the animals, the inspector(s) must include a suitably competent vet or veterinary practitioner, and if there is only one, he must have this veterinary competence. The local authority must communicate to the inspector(s) and the zoo operator the purpose and scope of the inspection.
74. Section 11A(3) provides for the zoo to supply all records of the collection kept by the zoo, should the inspector(s) need to see them. Unless the operator of the zoo cannot be found, the local authority must promptly send a copy of the inspectors' report to him and give him the chance to comment on it.

## **Informal inspections**

75. Section 12 requires the local authority to carry out an informal inspection in any calendar year in which there is neither a periodical nor a special inspection. This has to be carried out by a single inspector whom the local authority consider to be competent for the purpose. To reduce the likelihood of having both an informal and a special inspection in the same year, and thereby minimise the costs to the zoo operator, it is suggested that the informal inspection is held towards the end of the year. At this stage, it should be less likely that a special inspection is necessary.
76. The arrangements for, and conduct of, an informal inspection are for the local authority to decide, but it is recommended that a written report is made, as the local authority may need to arrange a special inspection as a result of the inspector's observations. The local authority may, if it is felt appropriate, carry out the inspection without notice – perhaps even by paying at the gate as though the inspector were just another member of the public. The drawback of this may be that zoo employees are not on hand to assist. However, where the zoo has been granted a dispensation under section 14(1)(b) of the Act (see paragraph 84 below), it is advised that the local authority make prior arrangements, as the inspector will need to be satisfied about the proper conduct of the zoo taking account of the Secretary of State's Standards of Modern Zoo Practice.

77. Whether or not prior arrangements are made for the inspection, it is suggested that, amongst other things, the inspector looks to see:
- (a) whether there are any obvious ways in which the zoo is not being managed satisfactorily, including those matters covered in paragraph 7 above;
  - (b) whether the conditions of the licence are being broken;
  - (c) what progress there has been in carrying out the recommendations in the reports of previous inspections;
  - (d) whether there have been any new exhibits, improvements or other changes since the previous inspection; and
  - (e) that any time limited conditions have been complied with in the time specified.

### **Local Authority Zoos**

78. Section 13 deals with the situation where the local authority are the owner of a zoo. It is recommended that the local authority nominate an officer to be responsible for the zoo. Section 13 applies the Act to authority-owned zoos subject to various additions and modifications. The local authority are required to send to the Secretary of State a copy of the licence, or notification in writing of any extension to it. They must also send her a copy of any inspectors' report, along with any comments they may have on it. The object of this latter requirement is to enable the Secretary of State to direct the inclusion of conditions in a licence (section 5(5)).
79. Section 13(4) and 13(5) gives the Secretary of State (not the authority) the functions of issuing directions permanently closing a zoo under s16B, or a section of a zoo under s16(1A) and (1B), or enforcing licence conditions under s16A. Section 13(6) makes simplified provision for the closure of unlicensed zoos owned by local authorities and operated unlawfully (in place of section 16C). Section 13(8) deals with the future care or disposal of animals at local authority-owned zoos that close permanently (and replaces section 16E for these zoos). The local authority are required to make arrangements for the future care of the animals, or their disposal and care until disposed of. There is a right of appeal against a direction issued under section 13(8) – see paragraphs 129-133 below. The local authority are also required to supply any information on the care or disposal of the animals to the Secretary of State, as requested and the Secretary of State may give the local authority directions about the care or disposal of animals at permanently closed zoos. Section 13(9) to 13(11) provides the Secretary of State with the option of requiring a local authority-owned zoo to be inspected.

### **Dispensation for particular zoos**

80. Section 14 provides the Secretary of State with powers to relax the requirements of the Act for a small zoo or for a zoo exhibiting only a small number of different kinds of animals. Each case will be treated on its individual merits.

81. Under section 14(1)(a), the Secretary of State may issue a direction to the effect that the Act shall not apply to a particular zoo. She will take account of the health, safety or welfare of the animals and visitors to the zoo, even if it is small or has only a few different species in reaching a decision. She must also be satisfied that the direction does not detrimentally impact on the protection of wild fauna or the conservation of biodiversity. She will also want to be satisfied that the animals are not of a hazardous nature. Hazardous animals are generally considered to be those listed in category 1 and/or 2 of Appendix 12 to the Secretary of State's Standards of Modern Zoo Practice.
82. It is for the local authority to seek the 14(1)(a) direction, which should be supported by a letter from a veterinary surgeon or practitioner (not used by the zoo in question) confirming that the collection appears to be run properly and the animals properly cared for.
83. If a 14(1)(a) direction is issued the local authority will have no powers under the Act to inspect the zoo. However, in practice, the local authority may find that they are able to keep a check on it by means of inspections carried out under other legislation, such as the Health and Safety at Work Act 1974. Local authorities are advised to review the exempt status from time to time. If the nature of the zoo changes dramatically through expansion or the acquisition of hazardous species, the local authority are advised to notify the Secretary of State with any information they have which might suggest the direction is no longer appropriate. The Secretary of State has the power, after consulting the local authority and operator, under section 14(3) of the Act to revoke any such direction, thereby requiring the zoo operator to obtain a zoo licence or face prosecution if the zoo continues to operate without one.
84. Under Section 14(1)(b), the Secretary of State may issue a direction to the effect that either a periodical or special inspection or both (but not an informal or licence inspection) shall not be required. As with a 14(1)(a) direction, the Secretary of State will take account of the health, safety or welfare of the animals and visitors to the zoo. Consideration will also be given to the conservation status of the animals as well as how hazardous they are. Again, it is for the local authority to seek this direction.
85. Under section 14(2), the Secretary of State may direct that the periodical inspection is to be carried out only by the inspector or inspectors appointed by her. It is for the zoo operator to seek this direction, but the Secretary of State must seek the views of the local authority.
86. In reaching a decision on any request for a direction under section 14, the Secretary of State will consult such persons on the list referred to in section 8 of the Act as she sees fit. Account will also be taken of the guidance at Annex D, although it should be noted that each case is treated on its individual merits. Any direction made under section 14 of the Act may be varied or revoked by the Secretary of State on having consulted the local authority and such persons on the list as she thinks fit, and only where she is satisfied that doing so is not prejudicial to the protection of wild animals and the conservation of biodiversity. The Secretary of State will notify the local authority and the zoo operator in writing of any direction made or of any revocation or variation to such a direction.

## **Fees and other charges**

87. Section 15 deals with the financial aspects of the licensing and inspection system, issuing directions and disposing of animals. Local authorities have the power to charge such reasonable fees as they may determine in respect of applications for the grant, renewal, or transfer of licences and subsequent action. Local authorities may also charge for reasonable expenses incurred by them in respect of inspections. This charge includes both the costs incurred by the local authority in appointing their own inspectors under sections 9A, 10(4)(a)(i), 11 and 12, and the costs incurred in meeting the cost of services and expenses of those inspectors appointed by the Secretary of State. The local authority may, if so requested by the zoo operator, accept payments by instalments (section 15(3) refers).
88. Local authorities are also entitled to recover such costs as are reasonably incurred in issuing directions under the Act and exercising their duties for treating and disposing of animals in accordance with section 16E of the Act. Where the zoo operator does not pay these costs, the local authority should seek to recover them as a civil debt. Where the local authority have generated revenue from the sale of animals that exceeds the charges they are entitled to make for winding up the zoo, this "profit" must be returned to the zoo operator in accordance with section 16F(5). But proceeds of sale of animals belonging to persons other than the zoo operator must be returned to the owner under section 16F(7) although the authority is entitled to deduct their costs of caring for the animals and of selling them.
89. Under section 15(5) the local authority are required to ensure that the amount of all fees and other sums charged in a particular year is sufficient to cover the reasonable expenditure incurred by the authority in that year by virtue of the Act. Local authorities are asked to make every endeavour to ensure that charges are kept to a minimum in meeting this obligation and are also reminded that it is not within their powers to levy fees and charges which exceed the costs incurred in administering their duties under the Act. In the case of inspectors, local authorities are advised to negotiate rates for fees not exceeding those payable to persons on the Secretary of State's list.

## **Power to alter licences**

90. Section 16 provides the local authority with the power to alter licences. This can be done by varying, cancelling, attaching new conditions or by a combination of these methods if in their opinion it is necessary or desirable to do so for ensuring the proper conduct of the zoo during the period of the licence. Before exercising this power the local authority are required to give the licence holder an opportunity to make representations. Any altered licence shall, in accordance with section 16(4A), include conditions to ensure compliance with section 1A of the Act.
91. Also, before a significant amendment is made to a licence, section 16(2A) and (2B) requires the authority to consult the licence holder about the proposed change, arrange an inspection under section 9A (unless section 9A(5)(c) applies), and consider the inspection report. Where the proposed change stems from a direction from the Secretary of State, the local authority should, in accordance with section 16(3A), send a copy of the inspection report to the Secretary of State.

92. It will be for the local authority to decide what justifies a significant change to the licence, but it might be the introduction of a significantly different animal type into the collection, such as reptiles and/or mammals into a bird park, or the introduction of hazardous or conservation sensitive animals, although this will always be a matter of fact and degree.
93. Section 16(1A) requires a local authority to close permanently a section of a zoo where they have made a section 16A(2) direction about the breach of a particular licence condition, the period specified in the direction has expired and a section of the zoo remains in breach of that licence condition. To determine which section of the zoo must be closed the following rules apply:

where the section 16A(2) direction specified that the *whole* zoo was in breach of a licence condition, and only a section of the zoo remains in breach of the condition at the end of the period mentioned in the direction, that section must be closed

where the section 16A(2) direction specified that *a section of the zoo* was in breach of the licence condition, and the same section remains in breach of the condition at the end of the period mentioned in the direction, that section must be closed

where the section 16A(2) direction specified that *a section of the zoo* was in breach of a licence condition, and a smaller part of that section remains in breach of the condition at the end of the period mentioned in the direction, that smaller part of the section must be closed

Section 16(1B) requires the local authority to effect this permanent closure by altering the licence by attaching appropriate conditions to it.

94. Where the section 16A(2) direction specified that a section of the zoo was in breach of a licence condition, and at the end of the period mentioned in the direction that section was no longer in breach but another section was now in breach of the licence condition, there is no requirement to close any section of the zoo. Instead the authority should take enforcement action for the new breach.
95. Section 1(2C)(a) identifies a section of a zoo as a particular part of the zoo, such as a building or enclosure or area; animals of a particular description, for example tigers or parrots; or animals of a particular description that are kept in a particular part of the zoo. This might cover, for example, the parrots in one enclosure, but not the parrots in another enclosure.
96. Section 18(1) provides a right of appeal to a magistrates' court against a condition(s) being attached to a licence to effect permanent closure – see paragraphs 129-133 below. Section 18(7A) also makes clear that an alteration to a licence made under section 16(1B) shall not have effect until after the appeal period has expired, or if an appeal has been lodged, that it has been decided or abandoned – see paragraph 131. Where a section of the zoo is permanently closed the requirements of section 16E apply (or section 13(8) if the zoo is owned by the local authority) – see paragraphs 109-117 and 79 respectively.

97. The Secretary of State may also direct the local authority to alter the licence. Any condition proposed by the local authority must not be inconsistent with any one attached or varied in pursuance of a direction of the Secretary of State. An alteration to a licence shall not take effect until written notification of it has been received by the licence holder.

## Closure of a licensed zoo

98. Section 16B provides the local authority with the power to close permanently a zoo by giving a zoo closure direction. This is different from the temporary closure to the public direction catered for in section 16A (licence conditions) – see paragraphs 39 to 43 above. Permanent closure of a section of the zoo is provided for by section 16(1A) and (1B).
99. The local authority must permanently close the zoo where:
- a) the local authority are satisfied that a licence condition giving effect to any conservation measure in section 1A of the Act referred to in a direction they have given under section 16A(1) has not been met in respect of the whole zoo within the period specified in that direction – section 16B(1) refers. Before issuing this direction, the local authority must give the licence holder the opportunity to be heard;
  - b) the zoo licence holder cannot be found after reasonable enquiries have been made – section 16B(2) refers;
  - c) the authority are satisfied, after giving the licence holder an opportunity to be heard, that the zoo no longer opens on seven or more days in a twelve-month period and it will not be opening on seven or more days in any future twelve-month period – section 16B(3) refers.
100. The local authority has a discretionary power to close a zoo where:
- a) the local authority are satisfied that a licence condition other than one giving effect to any conservation measure in section 1A of the Act referred to in a direction they have given under section 16A(1) has not been met within the period specified in that direction – section 16B(4) refers. The detailed requirements of section 16B(4)(b) must also be met. Before issuing a direction under section 16B(4), the local authority must give the licence holder the opportunity to be heard;
  - b) the local authority are satisfied that any reasonable requirements relating to the premises or conduct of the zoo as notified to the licence holder in consequence of the report of any inspection under this Act are not complied with in a reasonable period of time – section 16B(5)(a) refers;
  - c) the local authority is satisfied that the zoo has been conducted in a disorderly manner or that a nuisance has been caused, or there has been a breach of any condition of the licence – section 16B(5)(b) refers;

- d) the licence holder has been convicted of an offence mentioned in section 4(4) – section 16B(5)(c) refers, or a keeper at the zoo, in the knowledge of the licence holder, has been so convicted – section 16B(5)(d) refers;
101. Section 16B(6) prevents the local authority issuing a zoo closure direction under section 16B(5) while a direction under section 16A(2) (enforcement of licence conditions) is in force and there has been no material change in circumstances since the section 16A(2) direction was issued. Section 16B(7) adds that for cases involving the care and treatment of animals, local authorities must consult with such persons as the Secretary of State nominates before going ahead with the zoo closure under section 16B(5)(a) or (b).
102. There is a right of appeal against a zoo closure direction under section 18(1)(f) – see paragraphs 129-133 below. Such a direction only takes effect after an appeal is decided (if unsuccessful) or abandoned or where the 28-day period of appeal expires and no appeal is made (section 18(10) – see paragraph 133 below).
103. Where a zoo is closed down under a zoo closure direction, the licence is automatically revoked from the date the zoo closure direction takes effect. A zoo licence holder who does not have a reasonable excuse will be guilty of an offence if the zoo continues to operate once the zoo closure direction takes effect.

## **Closure of an unlicensed zoo**

104. Section 16C applies to unlicensed zoos that have no direction issued under section 14(1)(a) of the Act (zoos to which the Act does not apply) and have been open for more than seven days in the last twelve months in contravention of the Act.
105. Section 16C(2) requires the local authority to issue a zoo closure direction to close any unlicensed zoo that should be licensed when the operator cannot be found after reasonable enquiries have been made.
106. Unless the local authority are minded to make an application to the Secretary of State on behalf of the zoo for a direction under section 14(1)(a), they shall notify the operator, in accordance with section 16C(3), of their intention to close the zoo in at least 35 days time and of the operator's opportunity to be heard under subsection (4)(a).
107. Section 16C(4) requires the local authority to issue a zoo closure direction if they are satisfied after at least 35 days have passed and the operator has had an opportunity to be heard that the establishment is an unlicensed zoo operating unlawfully and the operator has not issued a notice of intention to apply for a zoo licence under section 2 of the Act.
108. Section 16C(5) requires the local authority to issue a zoo closure direction if no licence application is made within three months of the date of the notice of intention to apply; or the application is refused and there is no appeal or the appeal is unsuccessful or abandoned.

## **Welfare of Animals following permanent closure of a zoo**

109. Zoo operators must make arrangements for the future care or disposal of their animals in accordance with section 16E when:
- a zoo closure direction has been made in respect of the zoo and has taken effect (paragraph 102 explains when a zoo closure direction takes effect);
  - the zoo's licence has expired;
  - the zoo's licence has been surrendered.
110. Zoos will also be required to make arrangements for the future care or disposal of part of their collection in accordance with section 16E. Such a requirement arises where a section of the zoo has been closed permanently to the public under section 16(1A) and (1B) (see section 16D(3)). The requirement may, however, be terminated by further alterations to the zoo's licence (see section 16D(4)). For example, where the animals in the permanently closed section of the zoo have been disposed of, and the authority subsequently alter the zoo licence to permit their former accommodation to be converted for a different use.
111. Section 16E(2) requires the zoo operator, as soon as reasonably practicable, to submit to the local authority a plan setting out the proposed arrangements for the welfare of the animals in the zoo he plans to keep and for the disposal of animals he plans to dispose of and their care until that disposal takes place. The local authority should note that it is acceptable for the plan to show that some or all of the animals will be retained in a private collection. Where that is the case, the authority needs to be satisfied that they can be properly looked after.
112. The local authority should note that in accordance with section 16(10), the arrangements for the care or disposal of the animals must not be prejudicial to the protection of wild animals or the conservation of biodiversity.
113. Section 16E(3) requires the zoo to supply to the authority any information requested about the care or disposal of the animals kept there.
114. The local authority must consider the plan and decide whether to approve it or whether improvements are needed before they approve it. The zoo operator is not permitted to implement the plan until the local authority have approved it in accordance with section 16E(4). The local authority must supervise the implementation of the plan once it has been approved.
115. In some cases zoo operators may need to dispose of animals before the plan has been approved. Section 16E(5) allows them to do this if they obtain the approval of the local authority. Section 16E(5) also allows operators to dispose of animals other than in accordance with an approved plan if the authority agrees. For example, the animal was to be moved to a specified new home but before that happened the intended recipient decided it no longer wanted, or could take, the animal.

116. Where the local authority do not approve the plan in the form submitted and are unable to agree changes with the zoo operator, they can make use of their power under section 16E(6) to issue a direction to the zoo operator about the treatment or disposal of animals in the zoo. The local authority can also use the section 16E(6) power to issue a direction to the zoo operator about the future care of the zoo animals or about their disposal and care until they are disposed where they are not satisfied with the way an approved plan is being implemented, or where the zoo operator is taking an unreasonably long time to prepare a plan, or where they consider urgent steps need to be taken by the zoo to safeguard the welfare of the zoo animals. Before issuing this sort of direction, the authority must give the zoo operator the opportunity to be heard. The local authority may vary a section 16E(6) direction under – section 16E(11), but, unless the zoo operator has disappeared, they shall not do so unless the operator is given the opportunity to be heard.
117. There is a right of appeal against a local authority's decision not to approve a plan prepared under section 16E(2); a direction issued under section 16E(6) or any variation of such a direction; and arrangements made by the local authority under section 16E(7) or (8) – see paragraph 129 below. Some directions under section 16E(6) will not take effect immediately they are made – see paragraph 132 below.

### **Powers of the local authority to make their own arrangements for the welfare of animals at a permanently closed zoo**

118. The Act contains a reserve power for local authorities to make their own arrangements for the welfare or disposal of animals at a closed zoo. A local authority would only need to take such steps when a zoo's operator goes missing (section 16E(8)) or there are severe problems with the zoo operator's arrangements (section 16E(7)). It is expected that these circumstances will seldom arise. Where they intend to use this reserve power and the operator has not gone missing, the local authority must give him the opportunity to be heard before they use it.
119. Section 16E(9) makes clear that where the local authority have to make arrangements for the zoo animals in accordance with section 16E(7) or (8), they can care for the animals at the zoo or remove them and retain them in the authority's possession or dispose of them (for more about disposals see paragraphs 120-127 below). Annex F also provides guidance on disposal of animals.

### **Power of authority to dispose of animals**

120. Section 16F (power of authority to dispose of animals) only applies where the local authority are themselves making the arrangements for the care or disposal of the animals in a permanently closed zoo. This section applies in no other circumstances.
121. Section 16F(2) makes clear that the authority may sell, or dispose of the zoo animals by other means (such as loaning them to another zoo, giving them to another zoo or having them put down) where they are satisfied that:

- (a) the animal is owned by the zoo operator, or, if not owned by the zoo operator,
  - (b) they cannot trace the true owner, or
  - (c) they have the consent of the owner, or
  - (d) the owner has failed to respond to a request for permission to dispose of it and hasn't taken responsibility for it, or
  - (e) the owner has arranged to take possession of it, but has failed to do so by the set date.
122. Where the authority are advised by a veterinary surgeon that an animal needs to be put down in the interests of its welfare, nothing in section 16F shall prevent that action.
123. Local authorities are advised to consult the Zoos Federation, the British Association of Leisure Parks, Piers and Attractions and/or the RSPCA for advice on finding possible new homes for animals (contact details at Annex H). It should be noted that where the animal is conservation sensitive, taxon advisory groups should be approached in the first place, via the Zoos Federation, as they should be able to find homes for such animals. More advice on animal disposal can be found in Annex F.
124. Where the local authority are able to sell some or all of the zoo animals, they must pay the zoo operator the balance (if any) of the total proceeds generated by the sale of animals belonging to the operator. The authority is entitled first to deduct the charges they are entitled to make in connection with arranging for the welfare or disposal of animals at the closed zoo. Where the local authority sell animals belonging to a person other than the zoo operator, they must pay to the owner of the animals the total proceeds generated by the sales of any animals disposed of in that manner less their costs of caring for and disposing of the animals. The authority must make these payments within four months of the date of the sale of the last animal to be sold. Such payments shall not be made, however, until one month after the date of the last animal is sold. Where the authority cannot within the four-month period find the operator or other person to whom they are required to make payments in respect of the sale of animals, the proceeds may be retained by the authority.
125. The powers of disposal only apply to animals kept in the zoo which are subject to arrangements under section 16E. The local authority must not sell any pet animals belonging to the zoo operator or the zoo's employees that might be found within the grounds of the zoo.

## **Powers of Entry**

126. Section 16G (powers of entry) only applies where the local authority have to enter the zoo to allow them to undertake their responsibilities for caring for or disposing of the animals in accordance with – section 16E(7) or (8). In no other circumstances does the Act give local authorities such powers. The power of entry can be exercised only for inspecting any animal to which the arrangements relate, or their accommodation, or caring for or removing the animal(s). Section 16G(1) requires the local authority authorised person to be able to show authority before entering the zoo.

127. Where access to the zoo grounds has been denied or the local authority need to enter a private dwelling within the zoo grounds to exercise their functions under section 16E(7) or (8), section 16G(3) provides for the authority to obtain a warrant from a justice of the peace. A warrant may authorise admission by constables and such other persons as are deemed necessary to accompany the authorised person and it may authorise the use of reasonable force to gain entry if necessary. A warrant should state the period for which it is valid and the times at which entry may be gained and could also contain other restrictions on its use.

### **Date from which the Zoo Licensing Act ceases to apply to a closed zoo**

128. The local authority must notify the operator of a closed zoo when they determine that the Zoo Licensing Act need no longer apply. Under section 16D(2) the authority must first be satisfied that all disposals of animals have been completed and satisfactory arrangements for the future care of the animals retained by the operator are in place and will continue to be maintained.

### **Appeals**

129. Section 18 sets out the rights of appeal and the procedure to be followed when an appeal is lodged. There is a right of appeal against:

- (a) the refusal to grant a licence;
- (b) any condition attached to a licence;
- (c) any variation or cancellation of a condition;
- (d) the refusal to approve the transfer of a licence;
- (e) a direction under section 13(8) (direction to local authorities about the welfare or disposal of animals kept in permanently closed local authority owned zoos) or 16A(2) (direction requiring compliance with a licence condition) or any variation of such a direction;
- (f) a zoo closure direction;
- (g) the refusal of an authority to approve a plan prepared under section 16E(2) in relation to a permanently closed zoo;
- (h) a direction under section 16E(6) (direction about the welfare or disposal of animals kept in a permanently closed zoo) or any variation of such a direction; or
- (i) any arrangements under section 16E(7) or (8) (arrangements made by the local authority for the welfare or disposal of animals kept in a permanently closed zoo).

Any such appeals must be made within 28 days of receipt of written notification of the decision of the local authority. Appeals must be made to a magistrates' court acting for the petty sessions area in which the zoo is (or is proposed to be) situated.

130. Section 18(7) deals with appeals against a condition or variation of a condition that requires the licence holder to carry out works which would not otherwise be required to be carried out. In these circumstances, the condition or variation shall not be effective during the period in which an appeal can be lodged (ie 28 days) or (where an appeal is duly brought) during the period of any appeal.
131. Section 18(7A) provides for alterations to a licence under section 16(1B) (permanent closure of a section of a zoo) to have effect once the appeal period has expired; or if an appeal is made, if it is unsuccessful or abandoned, on the day after the appeal is determined or abandoned, or any other such day as the court directs.
132. Section 18(8) and 18(9) provide for the following types of direction to take effect only after the appeal period has expired or the appeal has been determined (if unsuccessful) or abandoned: a direction issued under section 16A(2)(d) requiring the zoo or a part of it to be closed to the public for a period not exceeding two years; a direction issued under section 13(8)(c), 16A(2) or 16E(6) requiring an operator to undertake works he would not normally do; or a direction issued under section 13(8)(c) or 16E(6) requiring animals to be disposed of.
133. Section 18(10) provides that a zoo closure direction issued under section 16B has effect:
  - (a) when the appeal period expires; or where an appeal is made;
  - (b) the day after the court's decision if it upholds or varies the authorities decision, or any other day the court directs; or
  - (c) the day after the appeal is abandoned or any other day that the court directs.

## Offences and penalties

134. Section 19 creates the following criminal offences:
  - (a) operating a zoo without a licence in contravention of the Act;
  - (b) failing without reasonable excuse to comply with any conditions of the licence;
  - (c) intentionally obstructing an inspector in the course of an inspection;
  - (d) intentionally obstructing someone who is authorised in accordance with section 16G to enter the premises of a permanently closed zoo or a dwelling within the zoo grounds;
  - (e) failing without reasonable excuse to comply with a direction issued under section 16A(2)(d) to close a zoo or part of it to the public for a period not exceeding two years;

- (f) failing without reasonable excuse to comply with a zoo closure direction;
- (g) failing without reasonable excuse to supply information requested by the local authority about the care or disposal of zoo animals in the event of zoo closure;
- (h) failing without reasonable excuse and without the agreement of the authority, to dispose of any animal kept at a permanently closed zoo before the plan in section 16E(2) has been approved by the authority, or other than in accordance with the agreed plan;
- (i) failing without reasonable excuse to comply with a direction issued under section 16E(6) (direction about the welfare or disposal of animals kept in a permanently closed zoo);
- (j) failing without reasonable excuse to display the zoo licence or a copy at each entrance to the zoo.

135. Under section 19(4), persons found guilty of any offence except obstructing an inspector, failing to supply information about the care or disposal of zoo animals in the event of zoo closure, or failing to display the licence or a copy of it at each zoo entrance are liable, on summary conviction, to a fine not exceeding level 4 on the standard scale of fines for summary offences, as set out in section 37 of the Criminal Justice Act 1982. For obstructing an inspector, failing to supply the information about the care and disposal of the animals or failing to display the zoo licence the maximum fine is a level 3 fine.

## Directions

136. Section 19A requires the local authority to take reasonable steps to ensure the operator of the zoo, or if the operator cannot be found, the person appearing responsible for the zoo, is notified of a direction in writing.

## Temporary removal of animals from zoo premises

137. Under section 22(2) an animal temporarily removed from the zoo (*eg at a television studio or other location outside the zoo premises*), shall be treated as kept in the zoo when it is in the personal possession of the zoo operator or competent persons acting on his/her behalf. This is to ensure that a separate licence under the Dangerous Wild Animals Act 1976 will not be needed on such temporary excursions. Bearing in mind all the safety and welfare aspects involved, however, it is recommended that the local authority discuss the general arrangements for such excursions with the operator.

## Existing licences

138. Local authorities are required in accordance with regulation 27 to ensure that, for all zoos other than ones which close before 1 May 2003, the licence has before that date conditions attached to it to secure implementation of the conservation measures set out in section 1A of the Act. Consistent with regulation 27(3), the local authority must give the licence holder the opportunity to make representations before attaching these conditions. They do not take effect until the licence holder has received them in writing. As with any other alteration of a licence, the licence holder has a right of appeal under section 18 against the authority's decision.

139. The local authority are reminded to have regard to the Secretary of State's Standards of Modern Zoo Practice when deciding what conditions to attach. Also, that this change to the licence does not amount to a significant change and do it does not warrant a pre-inspection in accordance with section 9A of the Act.

### **Transitional Arrangements for zoos without licences**

140. Regulation 28 makes special provision for any zoos that previously opened for exactly seven days in a twelve-month period. Prior to the 2002 Regulations coming into force, they could operate legally without a licence. Regulation 28 permits these zoos to continue to operate without a licence for a period of six months from when these Regulations came into effect (8 January 2003) and if within that period they apply for a licence, until the application is finally disposed of or withdrawn.
141. Regulation 28 makes clear that section 16C (zoo closure direction for zoos without licences), which deals with unlicensed zoos, does not apply to the zoos that open for exactly seven days for as long as they can rely on the provision in regulation 28(2). Where a licence is granted to these zoos, it shall run for a period of four years.

### **Suggested forms**

142. A set of suggested forms for use in connection with zoo licensing is available from the Department for the Environment, Food and Rural Affairs at Zone 1/16 Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6EB (tel 0117 372 8209).

# Annex A

**This text is for convenience purposes only and whilst every effort has been made to eliminate errors, it should not be taken as an authoritative version.**

## **Zoo Licensing Act 1981 (as amended)**

### **Licences**

#### **1 Licensing of zoos by local authorities**

- (1) Subject to this section it is unlawful to operate a zoo to which this Act applies except under the authority of a licence issued under this Act by the local authority for the area within which the whole or the major part of the zoo is situated.
- (2) In this Act “zoo” means an establishment where wild animals (as defined by section 21) are kept for exhibition to the public otherwise than for purposes of a circus (as so defined) and otherwise than in a pet shop (as so defined).
- (2A) This Act applies to any zoo to which members of the public have access, with or without charge for admission, on seven days or more in any period of twelve consecutive months.
- (2B) This Act also applies in accordance with its terms to any zoo to which members of the public do not have such access if a licence is in force in respect of it or as otherwise provided (in particular, sections 13 and 16C to 16G).
- (2C) In this Act –
  - (a) a section of a zoo means –
    - (i) a particular part of the zoo premises;
    - (ii) animals of a particular description in the zoo; or
    - (iii) animals of a particular description which are kept in a particular part of the zoo premises; and
  - (b) references to the closure of a section of a zoo to the public mean –
    - (i) the closure to the public of a particular part of the zoo premises;
    - (ii) ceasing to exhibit animals of a particular description to the public; or
    - (iii) ceasing to exhibit animals of a particular description to the public in a particular part of the zoo premises.

- (3) The local authorities for the purposes of this Act are –
- (a) in England and Wales, the district councils, the councils of London boroughs and the Common Council of the City of London;
  - (b) in Scotland, the [councils constituted under section 2 of the Local Government etc (Scotland) Act 1994].
- (4) In relation to zoos in operation before the commencement of this Act this section and section 2 have effect subject to the provisions of section 20.

## Conservation measures for zoos

**1A.** The following are conservation measures to be implemented in zoos in accordance with this Act –

- (a) participating in at least one of the following –
  - (i) research from which conservation benefits accrue to species of wild animals;
  - (ii) training in relevant conservation skills;
  - (iii) the exchange of information relating to the conservation of species of wild animals;
  - (iv) where appropriate, breeding of wild animals in captivity; and
  - (v) where appropriate, the repopulation of an area with, or the reintroduction into the wild of, wild animals;
- (b) promoting public education and awareness in relation to the conservation of biodiversity, in particular by providing information about the species of wild animals kept in the zoo and their natural habitats;
- (c) accommodating their animals under conditions which aim to satisfy the biological and conservation requirements of the species to which they belong, including –
  - (i) providing each animal with an environment well adapted to meet the physical, psychological and social needs of the species to which it belongs; and
  - (ii) providing a high standard of animal husbandry with a developed programme of preventative and curative veterinary care and nutrition;
- (d) preventing the escape of animals and putting in place measures to be taken in the event of any escape or unauthorised release of animals;
- (e) preventing the intrusion of pests and vermin into the zoo premises; and

- (f) keeping up-to-date records of the zoo's collection, including records of –
  - (i) the numbers of different animals;
  - (ii) acquisitions, births, deaths, disposals and escapes of animals;
  - (iii) the causes of any such deaths; and
  - (iv) the health of the animals.

## 2 Application for licence

- (1) An application to the local authority for a licence for a zoo shall not be entertained by the local authority unless, at least two months before making it, the applicant has given notice in writing to the local authority of his intention to make the application, has published notice of that intention in one local newspaper circulating in the locality and one newspaper with a national circulation and has exhibited a copy of that notice at the site and the said notice shall state that the notice to the local authority may be inspected as provided by subsection (3).
- (2) Any notice given or published under subsection (1) must identify the situation of the zoo for which the application is to be made; and the notice to the local authority must specify –
  - (a) the kinds of animals listed in taxonomic category of Order and approximate number of each group kept or to be kept for exhibition on the premises and the arrangements for their accommodation, maintenance and well being;
  - (b) the approximate numbers and categories of staff employed or to be employed in the zoo;
  - (c) the approximate number of visitors and motor vehicles for which accommodation is or is to be provided;
  - (d) the approximate number and position of the means of access provided or to be provided to the premises.
- (2A) Any notice given to the authority under subsection (1) must also specify how the conservation measures referred to in section 1A are being or will be implemented at the zoo.
- (3) Any notice given to the local authority under this section shall, until the disposal of the application to which it relates, be kept available by the authority at their offices for public inspection free of charge at reasonable hours.

### 3 Consideration of application

- (1) On the consideration of an application for a licence the local authority shall take into account any representations made by or on behalf of any of the persons mentioned in subsection (2).
- (2) The persons are –
  - (a) the applicant;
  - (b) the chief officer of police (or in Scotland the chief constable) for any area in which the whole or any part of the zoo is situated;
  - (c) any authority discharging, in any area in which the whole or any part of the zoo is situated, the functions of fire authority under the Fire Services Act 1947;
  - (d) the governing body of any national institution concerned with the operation of zoos;
  - (e) where part of the zoo is not situated in the area of the local authority with power to grant the licence, a planning authority for the area in which part is situated (other than a county planning authority or the Greater London Council);
  - (f) any person alleging that the establishment or continuance of the zoo would injuriously affect the health or safety of persons living in the neighbourhood of the zoo;
  - (g) any other person whose representations might, in the opinion of the local authority, show grounds on which the authority has a power or duty to refuse to grant a licence.

### 4 Grant or refusal of licence

- (1) Before granting or refusing to grant a licence for a zoo, the local authority shall –
  - (a) consider inspectors' reports made in pursuance of inspections of the zoo under this Act.
- (1A) Before granting or refusing to grant a licence for a zoo, the local authority shall also –
  - (a) consult the applicant about the conditions they propose would be attached to the licence, if one were granted, under section 5(2A) and (if applicable section 5(3); and
  - (b) make arrangements for an inspection to be carried out in accordance with section 9A (subject to subsection (2) of that section).
- (2) The local authority shall refuse to grant a licence for a zoo if they are satisfied that the establishment or continuance of the zoo would injuriously affect the health or safety of persons living in the neighbourhood of the zoo, or seriously affect the preservation of law and order.

- (2A) The local authority shall also refuse to grant a licence for a zoo if they are not satisfied that the conservation measures referred to in section 1A will be implemented in a satisfactory manner at the zoo.
- (3) The local authority may refuse to grant a licence for a zoo if subsection (2A) does not apply but they are not satisfied that the standards of accommodation, staffing or management are adequate for the proper care and well-being of the animals or any of them or otherwise for the proper conduct of the zoo.
- (4) The local authority may also refuse to grant a licence if –
- (a) the applicant, or
  - (b) (where the applicant is a body corporate) the body or any director, manager, secretary or other similar officer of the body, or
  - (c) any person employed as a keeper in the zoo,
- has been convicted of an offence under this Act or under any of the enactments mentioned in subsection (5) or of any other offence involving the ill-treatment of animals.
- (5) The enactments are –
- the Protection of Animals Acts 1911 to 1964;
  - the Protection of Animals (Scotland) Acts 1912 to 1964;
  - the Pet Animals Act 1951;
  - the Protection of Birds Acts 1954 to 1967;
  - the Animal Boarding Establishments Act 1963;
  - the Riding Establishments Acts 1964 and 1970;
  - the Breeding of Dogs Act 1973;
  - the Conservation of Wild Creatures and Wild Plants Act 1975;
  - the Dangerous Wild Animals Act 1976;
  - the Endangered Species (Import and Export) Act 1976.

- (6) If the local authority are not satisfied that any planning permission required under Part III of [the Town and Country Planning Act 1990] or under [the Town and Country Planning (Scotland) Act 1997], for the establishment of the zoo or for the continuance of the zoo during the period for which the licence would be in force, has been, or is deemed to be, granted, they shall either refuse to grant the licence or grant the licence but suspend its operation until the local planning authority within the meaning of [the said Act of 1990] or, as the case may be, [1997] have notified the local authority that any such planning permission has been or is deemed to be granted.
- (7) Except as provided by this section the local authority shall not refuse to grant a licence pursuant to an application and if they do refuse to grant it they shall send to the applicant by post a written statement of the grounds of their refusal.
- (8) When a licence is granted the local authority shall send it to the applicant by post and the licence or a copy of it shall be publicly displayed at each public entrance to the zoo.

## **5 Periods and conditions of licence**

- (1) An original licence granted under this Act shall be granted for a period of four years beginning with the date specified in the licence as that on which it is granted or any later date specified in the licence as that on which the licence is to commence.
- (2) A fresh licence granted under this Act to the holder of an existing licence shall be granted for a period of six years beginning with the end of the period of the existing licence.
- (2A) A licence under this Act shall be granted subject to conditions requiring the conservation measures referred to in section 1A to be implemented at the zoo.
- (3) Any licence under this Act may be granted subject to such other conditions as the local authority think necessary or desirable for ensuring the proper conduct of the zoo during the period of the licence, including conditions relating to the following –
  - (c) insurance against liability for damage caused by animals.
- (4) In deciding what conditions to attach to a licence, a local authority shall have regard to any standards specified by the Secretary of State under section 9 and sent by him to the authority.
- (5) The Secretary of State may, after consulting the authority, direct them to attach one or more conditions to a licence, and the authority shall give effect to such a direction.
- (5A) But he may not direct the authority to attach a condition which is inconsistent with the implementation at the zoo of the conservation measures referred to in section 1A.
- (6) The authority shall not attach to a licence any condition inconsistent with one they are so directed to attach.
- (7) The authority shall not attach to a licence a condition which relates only or primarily to the health, safety or welfare of persons working in the zoo.

## **6 Renewal of licence**

- (1) Where application for the renewal of an existing licence is made to the local authority not later than six months before the end of the period of the licence or such shorter time as the local authority may in special circumstances allow the local authority may either –
  - (a) extend the period of the existing licence; or
  - (b) direct the applicant to apply for a fresh licence in accordance with section 2.
- (1A) Before extending the period of an existing licence under subsection (1)(a) the authority shall –
  - (a) make arrangements for an inspection to be carried out in accordance with section 9A (subject to subsection(2) of that section); and
  - (b) consider the report made to them pursuant to that inspection.
- (2) Where application for a fresh licence is made by the holder of an existing licence, the existing licence shall, if the application is made before the end of the period of that licence or within six months after notice of a direction given to the applicant under subsection (1)(b), continue in force until the application is disposed of or withdrawn.
- (3) Any extension of the period of an existing licence under subsection (1)(a) shall be granted for a period of six years beginning with the end of the period of the existing licence; and the local authority shall take reasonable steps to secure that the holder of the licence is notified in writing of the extension.
- (4) The local authority shall give notice to the holder of any licence granted by that authority, not later than nine months before the end of the period of the licence, of the latest date on which application for renewal may be made under this section.

## **7 Transfer, transmission and surrender of licence**

- (1) A licence for a zoo may with the approval of the local authority be transferred to another person, and in that case the transferee shall become the holder of the licence from the date specified by the authority and notified by them to the transferor and transferee.
- (2) On the death of the holder of a licence, the personal representatives of the deceased are deemed to be the holders of the licence during the period of three months after the death or such longer period as the local authority may approve.
- (3) The holder of a licence may at any time surrender it to the local authority who shall thereupon cancel the licence.

## **Secretary of State's functions**

### **8 Secretary of State's list**

- (1) The Secretary of State shall, after consultation with the presidents of the British Veterinary Association, the National Federation of Zoological Gardens and the National Zoological Association and with such other persons as he thinks fit, compile a list consisting of two parts, the first part containing the names of veterinary surgeons and veterinary practitioners falling within subsection (2) and the second part containing the names of persons falling within subsection (3).
- (2) The surgeons and practitioners shall have experience of animals of kinds which are kept in zoos or which in the Secretary of State's opinion might be so kept and shall be competent to advise about the implementation in zoos of the conservation measures referred to in section 1A.
- (3) Each of the persons shall be competent in the Secretary of State's opinion to do all the following, namely, to inspect animals in zoos, to advise on keeping them and on their welfare, to advise about the implementation in zoos of the conservation measures referred to in section 1A, and to advise on the management of zoos generally.
- (4) A person's name may be contained in both the first and the second parts of the list.
- (5) After such consultation, the Secretary of State may vary the list by adding names or deleting them (or both).
- (6) Persons on the list may charge the licensing authority such amounts in respect of their services and expenses as the Secretary of State may from time to time determine with the approval of the Minister for the Civil Service.

### **9 Secretary of State's standards**

After consulting such persons on the list and such other persons as he thinks fit, the Secretary of State may from time to time specify standards of modern zoo practice, that is, standards with respect to the management of zoos and the animals in them.

#### **9A. Procedure relating to inspections before the grant, refusal, renewal or significant alteration of licences**

- (1) This section applies where an inspection is to be carried out as mentioned in sections 4(1A), 6(1A) and 16(2B) and (3A).
- (2) Where an inspection under section 10 falls to be carried out within the period of 12 months beginning with the date on which a local authority becomes required to make arrangements for an inspection to be carried out as mentioned in subsection (1) –

- (a) the authority need not arrange for an inspection to be carried out in accordance with this section; and
  - (b) if they do not, subsections (10) to (13) of this section apply in relation to the inspection under section 10 as they would have applied in relation to an inspection in accordance with this section.
- (3) Where –
- (a) an application has been made under section 6(1) for renewal of a zoo's licence and the authority propose to extend the period of the licence; and
  - (b) one or more inspections of the zoo are required by section 16,
- the authority may combine those inspections with the inspection which is required by section 6(1A)(a).
- (4) Where more than one inspection is required under section 16, the authority may combine the inspections.
- (5) Subject to subsection (6), where in the course of an inspection under section 10 or 12 or in accordance with this section it becomes apparent to the inspectors that a significant alteration to the licence is likely to be needed, they shall –
- (a) consult the holder of the licence about that alteration;
  - (b) consider whether any new conditions they consider will be needed to secure that alteration are likely to be met if the licence is altered; and
  - (c) include their findings and recommendations in a report.
- (6) Subsection (5) does not apply where the inspection is an inspection before the significant alteration of a licence, and the significant alteration the inspectors consider likely to be needed is the same or substantially the same as that which the authority propose to make or the Secretary of State proposes to direct the authority to make.
- (7) An inspection required by section 4(1A)(b) or 6(1A)(a) (including an inspection required by section 6(1A)(a) which is combined with another inspection) shall be conducted by one or more inspectors nominated, after consultation with the authority, by the Secretary of State from the list.
- (8) An inspection required by subsection (2B)(b) or (3A)(b) of section 16 (including such an inspection which is combined with another such inspection, but not including such an inspection which is combined with an inspection required by section 6(1A)(a)) shall be conducted by one or more persons who appear to the authority to be competent for the purpose and who are authorised by the authority to conduct the inspection.

## Annex A

- (9) Before carrying out an inspection in accordance with this section, the authority shall, after consultation with the applicant or operator of the zoo (as the case may be), give him at least twenty-eight days' notice of the date on which it is proposed to carry it out.
- (10) Except in the case of an inspection carried out before the grant or refusal of an original licence, the inspector shall consider whether the conditions attached to the licence are met.
- (11) In the case of an inspection carried out before the grant or refusal of a licence, the inspector shall consider whether the conditions proposed by the authority under section 4(1A)(a) are likely to be met if the licence is granted.
- (12) In the case of an inspection carried out before the period of an existing licence is extended, the inspector shall consider whether the conditions attached to the licence are likely to be met if the period of the licence is extended.
- (13) In the case of an inspection carried out before the significant alteration of a licence, the inspector shall consider –
  - (a) whether any new or varied conditions proposed by the authority under section 16(2B)(a) or by the Secretary of State under section 16(3A) are likely to be met if the licence is so altered; and
  - (b) whether the conservation measures referred to in section 1A will be implemented at the zoo if the licence is altered as proposed by the authority or the Secretary of State (as the case may be).
- (14) Except in the case of an inspection carried out before the grant or refusal of an original licence, the inspector may require the production of all records kept by the holder of the licence in pursuance of conditions requiring the conservation measures referred to in section 1A(f) to be implemented at the zoo, and the holder shall produce the records.
- (15) The inspector shall send his report to the authority, and within one month after receiving the report of the inspection the authority shall send a copy to the applicant or operator (as the case may be) and give him an opportunity to comment on it.

## 10 Periodical inspections

- (1) The local authority shall carry out periodical inspections in accordance with this section of any zoo for which a licence granted by that authority is in force.
- (2) Before any such inspection the local authority shall, after consultation with the operator of the zoo, give him at least twenty-eight days notice of the date upon which it is proposed to carry it out.

- (3) Inspections under this section shall be made at the following times –
- (a) in the case of an original licence, during the first year and not later than six months before the end of the fourth year of the period of the licence;
  - (b) in the case of a renewed licence or fresh licence granted to the holder of an existing licence, during the third year and not later than six months before the end of the sixth year of the period of that licence.
- (4) The following provisions apply to any inspection to be carried out under this section –
- (a) the inspection shall be conducted by the following inspectors, namely –
    - (i) not more than three appointed by the local authority, being persons who appear to the authority to be competent for the purpose, at least one of whom shall be a veterinary surgeon or veterinary practitioner; and
    - (ii) two nominated after consultation with the local authority by the Secretary of State from the list, one from the first part of the list and one from the second;
- and the names of all persons inspecting shall be notified to the operator of the zoo;
- (b) the operator may give notice to the local authority of objection to any one or more of the inspectors, and the local authority or the Secretary of State as appropriate may if they think fit give effect to any such objection;
  - (c) representatives of the operator not exceeding three in number may accompany the inspectors on the inspection; and the inspectors may require the attendance of any veterinary surgeon or veterinary practitioner employed in or retained by or for the purposes of the zoo;
  - (d) the inspection shall extend to all features of the zoo directly or indirectly relevant to the health, welfare and safety of the public and the animals, including measures for the prevention of the escape of animals;
  - (e) the inspectors shall require the production of all records kept by the operator in pursuance of conditions of the licence requiring the conservation measures referred to in section 1A(f) to be implemented at the zoo, and the operator shall produce the records.
- (5) The inspectors shall send their report to the local authority, and the report may include advice on the keeping of records and recommendations for any practicable improvements designed to bring any features of the zoo up to the normal standards of modern zoo practice; and for this purpose the inspectors shall have regard to any standards known to them which have been specified by the Secretary of State under section 9.

- (6) Any disagreement between the inspectors over recommendations to be made in their report relating to the welfare of the animals or any of them may be referred to the Secretary of State, who may, after consultation with such persons on the list as he thinks fit, give such guidance as he thinks proper in regard to the recommendations to be made.
- (7) Within one month after receiving the report of the inspection the local authority shall send a copy to the operator of the zoo and give him an opportunity to comment on it.

## **11 Special inspections**

- (1) The local authority may at any time carry out a special inspection of a zoo for which a licence granted by them is in force if they consider it appropriate to do so having regard to –
  - (a) any periodical report on the zoo made to them pursuant to section 10; or
  - (b) any representations made to them on behalf of a properly constituted body concerned with any aspect of the management of zoos or the welfare of animals; or
  - (c) any report on the zoo made to them pursuant to an inspection in accordance with section 9A or under the provisions of section 12; or
  - (d) any other circumstances which in their opinion call for investigation.
- (2) A special inspection under this section shall be conducted by persons who appear to the local authority to be competent for the purpose and who are authorised by the authority to conduct the inspection.
- (3) Where the purpose of the inspection relates to the health of animals, the inspectors shall include (or, if one, the inspector shall be) a veterinary surgeon or veterinary practitioner with experience of animals of kinds kept in the zoo.
- (4) On appointing persons under subsection (2), the authority shall communicate to them and to the operator of the zoo the purpose and scope of the inspection.
- (5) Paragraphs (c) to (e) of subsection (4) and subsections (5) to (7) of section 10 apply to a special inspection as they apply to a periodical inspection except that the references in subsections (4)(d), (4)(e) and (5) to features and records and improvements are references only to features and records and improvements relevant to the purpose and scope of the special inspection.

### **11A Special inspections of closed zoos**

- (1) The local authority may at any time carry out a special inspection of a zoo, or a section of a zoo to which section 16E applies –
  - (a) if they consider it appropriate to do so having regard to their function under section 16E(4) of supervising the implementation of a plan prepared under section 16E(2);

- (b) if they consider it appropriate to do so having regard to their function under section 16E(6); or
  - (c) if they consider it appropriate to do so in order to determine whether to exercise their function under section 16E(7) or (8).
- (2) Subsection (4)(c) of section 10 and subsections (2), (3) and (4) of section 11 apply to an inspection under this section as they apply to an inspection under those sections.
  - (3) The inspectors may require the production of all records of the zoo's collection kept by the operator of the zoo, and the operator shall produce the records.
  - (4) The inspectors shall send their report to the authority, and, except where the operator of the zoo cannot after reasonable enquiries have been made be found, the authority shall send a copy to the operator forthwith and give him an opportunity to comment on it.

## **12 Informal inspections**

- (1) Without prejudice to sections 9A, 10 and 11, the local authority shall make such arrangements as they think fit to ensure that any zoo for which a licence granted by that authority is in force is inspected informally by an inspector once in any calendar year in which no inspection is made under those sections.
- (2) The inspector shall be appointed by the authority and shall be a person appearing to the authority to be competent for the purpose of the inspection.

## **Special Cases**

### **13 Local authority zoos**

- (1) When a local authority is the owner of a zoo to which this Act applies, this Act shall apply with the following additions and modifications.
- (2) As soon as practicable after granting a licence for the zoo, or extending the period of a licence, or receiving an inspectors' report made in pursuance of an inspection of the zoo under this Act, the authority shall send to the Secretary of State a copy of the licence, or notification in writing of the extension, or a copy of the report (as the case may be).
- (3) The authority shall send with the copy of the report any comments on it which they may have.
- (4) Sections 16(1A), 16A, 16B and 18 apply as if –
  - (a) references to the authority were references to the Secretary of State, and
  - (b) the words "granted by them" in section 16A(1) were omitted.

## Annex A

- (5) Section 16(1B) applies as if –
- (a) for “authority shall make such alterations to the licence as they consider” there were substituted “Secretary of State shall direct the authority to make such alterations to the licence as he considers”; and
  - (b) for “they are” there were substituted “he is”.
- (6) The following provisions apply in place of section 16C –
- (a) paragraph (b) applies to a zoo –
    - (i) which is being operated without a licence;
    - (ii) in relation to which no direction under section 14(1) has effect; and
    - (iii) which appears to the Secretary of State to have been operated in contravention of this Act because, during the period of 12 months ending with the date on which the Secretary of State determines that it so appears to him, members of the public have had access to it on more days than permitted under section 1;
  - (b) the Secretary of State shall make a zoo closure direction in respect of the zoo unless –
    - (i) the authority inform the Secretary of State that in their opinion a direction should be made under section 14(1), and he makes a direction under section 14(1)(a); or
    - (ii) the authority grant a licence for the zoo within such period as the Secretary of State considers to be reasonable in the circumstances.
- (7) Section 16D applies as if –
- (a) references to section 16E were references to subsection (8) of this section; and
  - (b) the reference in subsection (2) to the authority were a reference to the Secretary of State.
- (8) The following provisions apply in place of section 16E to a zoo to which, by virtue of subsection (7)(a), this subsection applies –
- (a) the authority shall make arrangements in relation to all the animals kept in the zoo –
    - (i) for their future care; or
    - (ii) for their disposal and for their care until they are disposed of;

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- (b) the authority shall supply the Secretary of State with any information he requests about the care or disposal of animals kept in the zoo;
  - (c) the Secretary of State may, after giving the authority an opportunity to be heard, make a direction in such terms as he sees fit about the care of animals kept in the zoo or their disposal, and the authority shall comply with such a direction;
  - (d) arrangements for the care or disposal of animals under this subsection shall not be prejudicial to the protection of wild animals and the conservation of biodiversity;
  - (e) the Secretary of State may, after giving the authority an opportunity to be heard, make a direction under this paragraph varying a direction under paragraph (c) (including such a direction as varied by a direction under this paragraph);
  - (f) the Secretary of State may, after giving the authority an opportunity to be heard, make a direction revoking a direction under paragraph (c) (including such a direction as varied by a direction under paragraph (e)); and
  - (g) where this subsection applies by virtue of section 16D(3) (read in accordance with subsection (7) above), references in this subsection and in subsections (9) and (10) to a zoo shall be read as references to that section of the zoo which is closed permanently to the public.
- (9) If the Secretary of State considers that an inspection of a zoo to which subsection (8) applies is appropriate having regard to his function under subsection (8)(c) he may require an authority to –
- (a) carry out a special inspection of the zoo to be conducted by one or more inspectors nominated, after consultation with the authority, by the Secretary of State from the list;
  - (b) obtain a report of the inspection; and
  - (c) send a copy of the report to the Secretary of State forthwith.
- (10) For the purposes of an inspection under subsection (9), inspectors may require the production of all records of the zoo's collection kept by the operator, and the operator shall produce the records.
- (11) Subsection (4)(c) of section 10 applies to an inspection under subsection (9) as it applies to an inspection under that section.
- (12) References in this Act to "a zoo closure direction" are to a direction requiring a zoo to be permanently closed to the public.

## 14 Dispensation for particular zoos

- (1) Subject to subsection (1A), if the local authority with power to grant a licence for a zoo inform the Secretary of State that in their opinion a direction should be made under this subsection because of the small number of animals kept in the zoo or the small number of the kinds of animal kept there, he may, after consulting such persons on the list as he thinks fit, direct –
  - (a) that this Act shall not apply to that zoo; or
  - (b) that sections 10 and 11 or either of them shall not apply thereto.
- (1A) The Secretary of State may only make a direction under subsection (1) where he is satisfied that it is not prejudicial to the protection of wild animals and the conservation of biodiversity to do so.
- (2) If the operator of a zoo informs the Secretary of State that in his opinion a direction should be made under this subsection because the number of inspectors provided for by section 10(4)(a) is too large for the zoo (having regard to the small size of the zoo or the small number of the kinds of animal kept there), the Secretary of State may, after consulting the local authority with power to grant a licence for the zoo and such persons on the list as he thinks fit, direct –
  - (a) that in the applications of this Act to the zoo, section 10(4)(a) and (b) shall not apply; and
  - (b) that, instead, any inspection to be carried out under section 10 shall be conducted by such inspector or inspectors as the Secretary of State appoints.
- (3) Subject to subsection (3A), any direction made under subsection (1) or (2) may be revoked or varied by a further direction of the Secretary of State made after he has consulted the local authority and such persons on the list as he thinks fit.
- (3A) The Secretary of State may only vary a direction made under subsection (1) where he is satisfied that it is not prejudicial to the protection of wild animals and the conservation of biodiversity to do so.
- (4) While a direction under subsection (1) has effect, this Act, or sections 10 and 11, or either of them, shall not apply to the zoo (depending on the terms of the direction and any variation made by a further direction under subsection (3)).
- (5) While a direction under subsection (2) has effect, this Act shall apply to the zoo with the modifications specified in the direction (subject to any variation made by a further direction under subsection (3)).
- (6) The Secretary of State shall take reasonable steps to secure that the local authority and any person who operates the zoo are notified in writing of any direction made under subsection (1), (2) or (3).

## **Fees etc**

### **15 Fees and other charges**

- (1) Subject to this section, the local authority may charge such reasonable fees as they may determine in respect of –
  - (a) applications for the grant, renewal or transfer of licences;
  - (b) the grant, renewal, alteration or transfer of licences;
- (2) Any fee charged under paragraph (a) of subsection (1) in respect of an application shall be treated as paid on account of the fee charged under paragraph (b) on the grant, renewal or transfer applied for.
- (2A) Subject to this section, the authority may charge to the operator of the zoo such sums as they may determine in respect of reasonable expenses incurred by them –
  - (a) in connection with inspections in accordance with section 9A and under sections 10 to 12;
  - (b) in connection with the exercise of their powers to make directions under this Act;
  - (c) in the exercise of their function under section 16E(4) of supervising the implementation of plans prepared under section 16E(2); and
  - (d) in connection with the exercise of their function under section 16E(7) or (8).
- (2B) The authority's charge under subsection (2A)(d) shall take into account any sums that have been, or will fall to be, deducted by them from a payment under section 16F(7) in respect of their costs.
- (3) In respect of any fee or other sum charged under this section, the local authority may, if so requested by the operator, accept payment by instalments.
- (4) Any fee or other charge payable under this section by any person shall be recoverable by the local authority as a debt due from him to them.
- (5) The local authority shall secure that the amount of all the fees and other sums charged by them under this section in a year is sufficient to cover the reasonable expenditure incurred by the authority in the year by virtue of this Act.

## 16 Power to alter licences

- (1) At any time after the grant of a licence under this Act, it may be altered by the local authority if in their opinion it is necessary or desirable to do so for ensuring the proper conduct of the zoo during the period of the licence (whether their opinion arises from an inspectors' report or an alteration of standards specified under section 9 or otherwise).
- (1A) Subsection (1B) applies where –
  - (a) the authority have made a direction under section 16A(2) in respect of a zoo;
  - (b) the period specified in that direction by virtue of section 16A(2)(c), including such a direction as varied under section 16A(4), has expired; and
  - (c) the authority are satisfied that a condition specified in that direction which requires any conservation measure referred to in section 1A to be implemented at the zoo, is not met in relation to –
    - (i) if the zoo was specified under section 16A(2)(b)(i), any section of the zoo,
    - (ii) if a section of the zoo was specified under section 16A(2)(b)(ii), that section of the zoo or any smaller section of the zoo included in that section.
- (1B) The authority shall make such alterations to the licence as they consider to be necessary or desirable to ensure that the section of the zoo in relation to which they are satisfied that the condition is not met is closed permanently to the public.
- (2) Before exercising the power under subsection (1), the local authority shall give the holder of the licence an opportunity to make representations.
- (2A) Subsection (2B) applies in place of subsection (2) where the authority propose to make under subsection (1) a significant alteration to a licence, (not being one to which subsection (3A) applies), except where the alteration is in accordance with the recommendations in a report pursuant to section 9A (5)(c).
- (2B) Before making a significant alteration to a licence the authority shall –
  - (a) consult the holder of the licence about the alteration they propose to make to the licence;
  - (b) make arrangements for an inspection to be carried out in accordance with section 9A (subject to subsection (2) of that section); and
  - (c) consider the report made to them pursuant to that inspection.
- (3) Subject to subsections (3A) and (3B), at any time after the grant of a licence under this Act, the Secretary of State may, after consulting the authority, direct them to alter the licence, and the authority shall give effect to such a direction within a reasonable time.

- (3A) If the Secretary of State proposes to direct the authority to make a significant alteration to a licence, he shall first notify them of the proposed alteration and the authority shall –
- (a) consult the holder of the licence about the alteration which the Secretary of State proposes to direct them to make to the licence;
  - (b) make arrangements for an inspection to be carried out in accordance with section 9A (subject to subsection (2) of that section); and
  - (c) send a copy of the report made to them pursuant to that inspection to the Secretary of State.
- (3B) The Secretary of State may not direct the authority to make an alteration to the licence which is inconsistent with the implementation at the zoo of the conservation measures referred to in section 1A.
- (4) An alteration under this section may be made by varying, cancelling or attaching conditions or by a combination of any of those methods.
- (4A) Subject to subsection (3), the authority shall secure that upon its alteration a licence contains such conditions as the authority think necessary or desirable for requiring the conservation measures referred to in section 1A to be implemented at the zoo.
- (5) The authority shall secure that the terms of any condition attached to a licence are not inconsistent with the terms of a condition attached or varied in pursuance of a direction of the Secretary of State.
- (6) No alteration made under this section shall have effect until written notification of it has been received by the holder of the licence; and this subsection is without prejudice to section 18(7) and (7A).

## **16A Enforcement of licence conditions**

- (1) Subsection (2) applies where the local authority, after giving the licence holder an opportunity to be heard, are not satisfied that a condition attached to a licence granted by them under this Act is met in relation to the zoo or a section of it.
- (2) Unless subsection (3) applies, the authority shall make a direction specifying –
- (a) the licence condition which they are not satisfied is met;
  - (b) whether they are not satisfied that that condition is met in relation to –
    - (i) the zoo, or
    - (ii) a section of the zoo, and if so, which section;

- (c) steps to be taken by the licence holder to ensure that that condition is met in relation to the zoo (or, if a section of the zoo is specified under paragraph (b)(ii), in relation to that section) within a period specified in the direction which may not exceed two years from the date of the direction; and
  - (d) whether the zoo or a section of it is required to be closed to the public during that period or any part of it specified in the direction.
- (3) This subsection applies if the authority have power to make a zoo closure direction under section 16B(5) and they exercise that power.
  - (4) The authority may, after giving the licence holder an opportunity to be heard, make a direction under this subsection varying a direction under subsection (2) (including such a direction as varied by a direction under this subsection).
  - (5) A direction under subsection (4) may increase the period specified in the direction under subsection (2)(c) or (d), but the period as increased must not exceed two years beginning with the date of the direction under subsection (2).
  - (6) A direction under subsection (2) (including such a direction as varied by a direction under subsection (4)) may be revoked by a further direction of the authority.

### **16B Zoo closure direction**

- (1) The local authority shall make a zoo closure direction in respect of a zoo licensed under this Act where –
  - (a) they have made a direction under section 16A(2) in respect of the zoo;
  - (b) the period specified in the direction by virtue of section 16A(2)(c), including such a direction as varied under section 16A(4), has expired; and
  - (c) they are satisfied, after giving the licence holder an opportunity to be heard, that a condition –
    - (i) specified in that direction and in respect of which the zoo was specified under section 16A(2)(b)(i); and
    - (ii) which requires any conservation measure referred to in section 1A to be implemented at the zoo,is not met in relation to the zoo.
- (2) The authority shall make a zoo closure direction in respect of a zoo licensed under this Act where they are satisfied, after reasonable enquiries have been made, that the licence holder cannot be found.

- (3) The authority shall make a zoo closure direction in respect of a zoo licensed under this Act where, after giving the licence holder an opportunity to be heard –
  - (a) they are satisfied that members of the public have had access to it on fewer than seven days in the period of 12 months ending on the date on which the authority determine that they are so satisfied; and
  - (b) it does not appear to them that it is the licence holder's intention that members of the public will have access to it on seven days or more during any future period of 12 months.
- (4) The authority may make a zoo closure direction in respect of a zoo licensed under this Act where –
  - (a) they have made a direction under section 16A(2) in respect of the zoo;
  - (b) the period specified in the direction by virtue of section 16A(2)(c), including such a direction as varied under section 16A(4), has expired; and
  - (c) they are satisfied, after giving the licence holder an opportunity to be heard, that a condition specified in that direction, other than one which requires any conservation measure referred to in section 1A to be implemented at the zoo, is not met in relation to –
    - (i) if the zoo was specified in that direction, the zoo or any section of it; or
    - (ii) if a section of the zoo was specified in that direction, that section, any part of that section, any larger section which includes that section, or the whole zoo.
- (5) The authority may, after giving the licence holder an opportunity to be heard, make a zoo closure direction in respect of a zoo licensed under this Act if –
  - (a) any reasonable requirements relating to the premises or conduct of the zoo notified by them to the licence holder in consequence of the report of any inspection under this Act are not complied with within such time as is reasonable in the circumstances;
  - (b) they are satisfied that the zoo has been conducted in a disorderly manner or so as to cause a nuisance;
  - (c) the licence holder (or, where the licence holder is a body corporate, the body or any director, manager, secretary or other similar officer of the body) is convicted of any offence mentioned in section 4(4); or
  - (d) any person who, to the knowledge of the licence holder, has been so convicted is employed as a keeper in the zoo.

- (6) But the authority may not make a zoo closure direction under subsection (5) if a direction under section 16A(2) is in force in respect of the zoo and –
  - (a) when that direction was made there were grounds upon which the authority could have made a zoo closure direction under subsection (5) in respect of the zoo, but they chose not to do so; and
  - (b) the grounds upon which they would make a zoo closure direction under subsection (5) are the same as any of those upon which they could have made one when they made the direction under section 16A(2) instead.
- (7) No zoo closure direction may be made under subsection (5)(a) or (b) on grounds involving the care or treatment of animals unless the authority have first consulted such persons on the list as the Secretary of State may nominate for the purposes of this subsection.
- (8) Where the authority make a zoo closure direction in respect of a zoo under this section, the zoo's licence is revoked from the date on which the direction has effect (in accordance with section 18(10))

## **16C Zoo closure direction for zoos without licences**

- (1) This section applies to a zoo –
  - (a) which is being operated without a licence;
  - (b) in relation to which no direction under section 14(1)(a) has effect; and
  - (c) which appears to the local authority to have been operated in contravention of this Act because, during the period of 12 months ending with the date on which the authority determine that it so appears to them, members of the public have had access to it on more days than permitted under section 1.
- (2) If the authority are satisfied, after reasonable enquiries have been made, that the operator of a zoo to which this section applies cannot be found, they shall make a zoo closure direction in respect of the zoo.
- (3) Otherwise, unless the authority inform the Secretary of State that in their opinion a direction should be made under section 14(1) in respect of the zoo, and he makes a direction under section 14(1)(a), the authority shall give to the operator at least 35 days' notice in writing of –
  - (a) their intention to make a zoo closure direction in respect of the zoo; and
  - (b) the operator's opportunity to be heard in accordance with subsection (4)(a).

- (4) Where notice has been given under subsection (3) –
- (a) the authority shall give the operator of the zoo an opportunity to be heard; and
  - (b) if, after the expiration of the period of at least 35 days referred to in subsection (3) and after giving the operator an opportunity to be heard, it does not appear to the authority that the view they reached as mentioned in subsection 1(c) was incorrect, they shall make a zoo closure direction in respect of the zoo, unless before the expiration of that period notice has been given to the authority under section 2(1) of intention to make an application for a licence for the zoo.
- (5) Where, before the expiration of the period referred to in subsection (3), notice is given to the authority under section 2(1) of intention to make an application for a licence for the zoo, but –
- (a) an application for a licence for the zoo is not made by the end of a period of three months beginning on the date on which the notice was given under section 2(1), or
  - (b) the application for a licence for that zoo is refused and –
    - (i) no appeal is brought against the refusal within the time mentioned in section 18(2); or
    - (ii) if an appeal is brought against the refusal within the time mentioned in section 18(2), it is abandoned, or the court confirms the decision to refuse the application,
- the authority shall make a zoo closure direction in respect of the zoo.

## **16D Application of section 16E**

- (1) Section 16E applies to –
- (a) a zoo in respect of which a zoo closure direction has been made, from the date on which the direction has effect (in accordance with section 18(10)); and
  - (b) a zoo whose licence has expired or been surrendered, from the date of its expiration or surrender (as the case may be).
- (2) This Act shall cease to apply to a zoo when the local authority have notified the operator, or, where the operator cannot be found, any person appearing to them to be responsible for the zoo, in writing that they are satisfied that –
- (a) all animals which are to be disposed of pursuant to section 16E have been disposed of; and

- (b) satisfactory arrangements for the care of any animals kept in the zoo which are not to be disposed of pursuant to section 16E are in effect, and there are reasonable grounds for believing that satisfactory arrangements will continue to be maintained for such animals.
- (3) Section 16E applies to a section of a zoo which is closed permanently to the public by virtue of alterations to the zoo's licence under section 16(1B), from the date on which those alterations have effect (in accordance with section 18(7A)).
- (4) If a section of a zoo which was closed permanently to the public by virtue of alterations to the zoo's licence under section 16(1B) reopens pursuant to further alterations to the licence, section 16E shall cease to apply to that section.

## **16E Welfare of animals following closure of zoo**

- (1) Subsections (2) to (7) apply to a zoo to which this section applies unless the local authority are satisfied, after reasonable enquiries have been made, that the operator of the zoo cannot be found.
- (2) As soon as reasonably practicable after the date from which this section applies, the operator shall give to the authority a plan of the arrangements he proposes to make in relation to the animals kept in the zoo –
  - (a) for their future care; or
  - (b) for their disposal and for their care until they are disposed of.
- (3) The operator shall supply the authority with any information they request about the care or disposal of animals kept in the zoo.
- (4) Where the authority notify the operator that they approve a plan prepared under subsection (2), he shall implement it under the supervision of the authority.
- (5) Except with the agreement of the authority, the operator shall not –
  - (a) dispose of any animal kept in the zoo before a plan prepared under subsection (2) has been approved by the authority; or
  - (b) dispose of any animal kept in the zoo otherwise than in accordance with a plan so approved.
- (6) Where –
  - (a) the authority are not satisfied with a plan prepared under subsection (2);
  - (b) the authority are not satisfied with the way in which such a plan is being implemented;

- (c) the operator of the zoo has not prepared such a plan within a reasonable period after the date from which this section applies; or
- (d) the authority consider that urgent steps need to be taken by the operator to safeguard the welfare of animals kept in the zoo,

the authority may, after giving the operator an opportunity to be heard, make a direction in such terms as they see fit as to the future care of animals kept in the zoo, or for their disposal and for their care until they are disposed of.

(7) Where –

- (a) the zoo operator has not complied with a direction under subsection (6) to the satisfaction of the authority; or
- (b) the authority consider that urgent steps need to be taken by them to safeguard the welfare of animals kept in the zoo,

the authority shall, after giving the operator an opportunity to be heard, make arrangements for the future care of the animals kept in the zoo, or for their disposal and for their care until they are disposed of.

- (8) Where the authority are satisfied, after reasonable enquiries have been made, that the operator of the zoo cannot be found, they shall make arrangements for the future care of the animals kept in the zoo, or for their disposal and for their care until they are disposed of.
- (9) Subject to section 16G, for the purpose of giving effect to arrangements under subsection (7) or (8) the authority may –
  - (a) care for any animal on the premises of the zoo; or
  - (b) remove any animal found on the premises of the zoo and either retain it in the authority's possession or dispose of it.
- (10) Arrangements for the care or disposal of animals under this section shall not be prejudicial to the protection of wild animals and the conservation of biodiversity.
- (11) The authority may make a direction varying or revoking a direction under subsection (6) (including such a direction as varied by a direction under this subsection), but, unless they are satisfied, after reasonable enquiries have been made, that the operator cannot be found, they shall not do so without first giving him an opportunity to be heard.
- (12) Where this section applies by virtue of section 16D(3), references in this section to a zoo shall be read as references to that section of the zoo which is closed permanently to the public.

## **16F Power of authority to dispose of animals**

- (1) This section applies where a local authority are required to make arrangements under subsection (7) or (8) of section 16E.
- (2) The authority may sell or otherwise dispose of any animal in relation to which arrangements are required to be made if –
  - (a) after making reasonable inquiries they are satisfied that the animal is owned by the operator of the zoo;
  - (b) after making reasonable inquiries they are unable to identify or unable to find the animal's owner;
  - (c) they have obtained the consent of the owner of the animal;
  - (d) the owner of the animal has been asked for his consent before a date specified in the request, but that date has passed and the authority have not received it, and the owner has not arranged to take possession of the animal or arrange for such possession to be taken by another person; or
  - (e) the owner has arranged to take possession of the animal or for its possession to be taken by another person, but the date for implementation of the arrangements has passed and they remain unimplemented.
- (3) Where an animal is sold or given away under subsection (2) above, any person to whom the animal is sold or given shall have a good title to it.
- (4) Subsections (5) to (9) apply when the authority have sold all the animals which are to be sold under subsection (2).
- (5) Subject to subsection (8), the authority shall pay to the operator of the zoo a sum equal to the total proceeds of the sales of animals falling within subsection (6), less any part of the charge which the authority are entitled to make under section 15(2A)(d) which has not been paid.
- (6) An animal falls within this subsection if the authority are satisfied that it was owned by the operator of the zoo immediately before its sale under subsection (2) (whether or not they were so satisfied when they exercised their power of sale under that subsection).
- (7) Where the authority have identified a person other than the operator whom they are satisfied was the owner of an animal immediately before its sale under subsection (2), they shall (subject to subsection (8)) pay to that person a sum equal to the proceeds of the sale of that animal, less the costs incurred by them in connection with the sale and in caring for the animal before the sale.
- (8) If the person to whom the authority are required to make a payment under subsection (5) or (7) cannot be found before the end of the period of four months beginning with the

date of the sale of the last animal which is to be sold under subsection (2), the proceeds of sale shall vest in the authority.

- (9) Any remaining proceeds of the sales under subsection (2) shall vest in the authority.
- (10) An authority must make any payment they are required to make under subsection (5) or (7) before the end of a period of four months beginning with the date of the sale of the last animal which is to be sold under subsection (2), but they shall not make such a payment before the end of a period of one month beginning with the date of that sale.
- (11) Nothing in this section shall prevent an authority from making arrangements, on the advice of a veterinary surgeon or practitioner, for an animal to be put down immediately where it is necessary or expedient to do so in the interests of its welfare.

## **16G Powers of entry**

- (1) For the purpose of giving effect to arrangements under section 16E(7) or (8), a person duly authorised by the authority for the purposes of this subsection may, on producing his authority if so required, enter the premises of the zoo for the purposes of –
  - (a) inspecting any animal found there to which the arrangements relate;
  - (b) inspecting the accommodation of any such animal;
  - (c) caring for any such animal; or
  - (d) removing any such animal.
- (2) Subsection (1) shall not authorise entry into any part of the premises of the zoo which is used as a private dwelling.
- (3) If a justice of the peace is satisfied by sworn information in writing that –
  - (a) it is necessary or desirable for the purpose of giving effect to arrangements under section 16E(7) or (8) for a person duly authorised by the authority for the purposes of this subsection to enter the premises of the zoo for any of the purposes mentioned in subsection (1); and
  - (b) either –
    - (i) any part of the premises to which admission for any of those purposes is sought is used as a private dwelling, or
    - (ii) admission to the premises or any part of the premises for any of those purposes has been refused,

he may grant a warrant authorising that person to enter the premises, or (as the case may be) the part of the premises used as a private dwelling or to which admission has been

refused, for all or any of those purposes, with or without constables and any other persons who may be necessary, and if need be by reasonable force.

- (4) A warrant granted under subsection (3) shall also specify –
- (a) the length of time for which it is valid, and
  - (b) the times at which entry may be effected,
- and may contain such restrictions as the justice thinks fit.
- (5) A person duly authorised for the purposes of subsection (3) shall, if so required, produce his authority and warrant before entering the premises of the zoo or part of the premises to which the warrant relates (as the case may be).

## **17 Revocation of Licence** (This section has been repealed)

## **18 Appeals**

- (1) A person aggrieved by –
- (a) the refusal to grant a licence;
  - (b) any condition attached to a licence;
  - (c) any variation or cancellation of a condition;
  - (d) the refusal to approve the transfer of a licence;
  - (e) direction under section 13(8)(c) or 16A(2) or any variation of such a direction;
  - (f) a zoo closure direction;
  - (g) the refusal to approve a plan prepared under section 16E(2);
  - (h) a direction under section 16E(6) or any variation of such a direction; or
  - (i) any arrangements under section 16E(7) or (8),

may appeal to a magistrates' court acting for the petty sessions area in which the zoo is situated.

- (2) Any such appeal shall be brought within twenty-eight days from the date on which the person wishing to appeal receives written notification of the authority's decision as to the matter in question; but an appeal may be brought under this section whether or not the authority's decision was made in pursuance of a direction of the Secretary of State under this Act.

- (3) On an appeal under this section to a magistrates' court, the court may confirm, vary or reverse the local authority's decision and generally give such directions as it thinks proper, having regard to the provisions of this Act.
- (4) On an appeal under this section to the sheriff, he shall have power (without prejudice to any other power which he may have) to confirm, vary or reverse the local authority's decision and to award such expenses as he thinks fit.
- (5) The procedure on an appeal to a magistrates' court under this section shall be by way of complaint for an order, and the Magistrates' Courts Act 1980 shall apply to the proceedings.
- (6) The decision of the sheriff on an appeal under this section shall be final.
- (7) In so far as a condition attached to a licence (whether on its grant or later), or the variation of a condition, imposes a requirement on the holder of the licence to carry out works he would not otherwise be required to carry out, the condition or the variation shall not have effect –
  - (a) during the period within which the holder is entitled to appeal against the attachment or variation, or
  - (b) where such an appeal is brought within that period, during the period before the appeal is determined or abandoned.
- (7A) An alteration to a licence under section 16(1B) has effect –
  - (a) if an appeal is brought under this section within the time mentioned in subsection (2), and the authority's decision is confirmed or varied, on the day following the day on which the appeal is determined, or on such other day as the court directs;
  - (b) if an appeal is brought under this section within the time mentioned in subsection (2) but is subsequently abandoned, on the day following the day on which the appeal is abandoned, or on such other day as the court directs; or
  - (c) if no appeal is brought within the time mentioned in subsection (2), on the expiration of that time.
- (8) Subsection (9) applies to the following directions –
  - (a) a direction under section 16A(2)(d) which requires the zoo or a section of it to be closed to the public;
  - (b) a direction under section 13(8)(c), 16A(2) or 16E(6) which imposes a requirement on the operator of the zoo to carry out works he would not otherwise be required to carry out; and

- (c) a direction under section 13(8)(c) or 16E(6) which imposes a requirement to dispose of any animals or any variation of such a direction.
- (9) A direction to which this subsection applies shall not have effect –
- (a) during the period within which the holder is entitled to appeal against it; or
  - (b) where such an appeal is brought within that period, during the period before the appeal is determined or abandoned.
- (10) A zoo closure direction has effect –
- (a) if an appeal is brought under this section within the time mentioned in subsection (2), and the authority's decision is confirmed or varied, on the day following the day on which the appeal is determined, or on such other day as the court directs;
  - (b) if an appeal is brought under this section within the time mentioned in subsection (2) but is subsequently abandoned, on the day following the day on which the appeal is abandoned, or on such other day as the court directs; or
  - (c) if no appeal is brought within the time mentioned in subsection (2), on the expiration of that time.

## 19 Offences and penalties

- (1) If a zoo is operated without a licence in contravention of this Act, the operator is guilty of an offence.
- (2) If the operator of a zoo fails without reasonable excuse to comply with any condition for the time being attached to a licence for the zoo granted under this Act and held by him, he is guilty of an offence.
- (3) Any person who intentionally obstructs an inspector acting pursuant to this Act is guilty of an offence.
- (3A) Any person who intentionally obstructs a person duly authorised for the purposes of section 16G (1), or (3) and acting pursuant to that authorisation is guilty of an offence.
- (3B) If the holder of a licence for a zoo fails without reasonable excuse to comply with a requirement in a direction under section 16A(2)(d) to close the zoo, or a section of it to the public in accordance with the direction, he is guilty of an offence.
- (3C) If any person notified in writing of a zoo closure direction pursuant to section 19A(1) or (2) fails without reasonable excuse to comply with that direction he is guilty of an offence.
- (3D) If the operator of a zoo fails without reasonable excuse to comply with a local authority's request for information under section 16E(3), he is guilty of an offence.

- (3E) If, contrary to section 16E(5), the operator of a zoo without reasonable excuse and without the agreement of the authority disposes of any animal kept in the zoo –
- (a) before a plan prepared under section 16E(2) has been approved by the authority; or
  - (b) otherwise than in accordance with such a plan which has been approved by the authority,
- he is guilty of an offence.
- (3F) If the operator of a zoo fails without reasonable excuse to comply with a direction given to him under section 16E(6) of which he is notified in writing pursuant to section 19A(1), he is guilty of an offence.
- (3G) If, contrary to section 4(8), the holder of a licence for a zoo fails without reasonable excuse to display the zoo licence or a copy of it publicly at each public entrance to the zoo, he is guilty of an offence.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding [level 4 on the standard scale] for an offence under subsection (1), (2), (3A), (3B), (3C), (3E), or (3F), and [level 3 on the standard scale] for an offence under subsection (3), (3D) or (3G).
- (5) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributed to any neglect on the part of, any director, manager, secretary or any other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, is guilty of that offence and liable to be proceeded against and punished accordingly.

## Directions

### 19A

- (1) Where a local authority make a direction under this Act, they shall take reasonable steps to secure that the operator of the zoo is notified in writing of it.
- (2) But where the operator of the zoo cannot, after reasonable enquiries have been made, be found, the authority shall take reasonable steps to secure that any person appearing to them to be responsible for the zoo is notified in writing of the direction.
- (3) The operator of a zoo or other person notified in writing of a direction pursuant to subsection (2) shall comply with a direction under this Act made in respect of that zoo.

## Supplemental

### 20 Transitory provision for existing zoos

- (1) A person who immediately before the date of the commencement of this Act was operating a zoo on any premises may continue to operate that zoo on those premises without a licence under this Act –
  - (a) during the period of six months beginning with that date; and
  - (b) if within that period application is made for a licence, until that application is finally disposed of or withdrawn and, if the application is refused, for a further period of six months.
- (2) In the case of an application made as mentioned in subsection (1)(b), notice of intention to make the application shall not be required under section 2, but the application shall specify all such particulars as would be required to be included in a notice to the local authority under that section.
- (3) On any such application the local authority shall carry out an inspection of the zoo in accordance with the provisions of section 10 before deciding whether to grant or refuse the licence, and may, if the licence is granted, grant it subject to such conditions as may be specified in the report of the inspectors.
- (4) If the licence is granted –
  - (a) the inspection required by this section is in lieu of the first inspection under paragraph (a) of subsection (3) of section 10;
  - (b) it shall be granted for a period of four years beginning with the date on which the licence is granted.

### 21 Interpretation

- (1) In this Act –

“animals” means animals of the classes Mammalia, Aves, Reptilia, Amphibia, Pisces and Insecta and any other multi cellular organism that is not a plant or a fungus and “wild animals” means animals not normally domesticated in Great Britain;

“circus” means a place where animals are kept or introduced wholly or mainly for the purpose of performing tricks or manoeuvres at that place;

“keeper” includes any person employed under the directions of a keeper;

“the list” means the list compiled by the Secretary of State under section 8;

“pet shop” means premises for whose keeping as a pet shop a licence is in force, or is required, under the Pet Animals Act 1951;

“taxonomic category” means a group or assemblage of species recognised as an entity in scientific classification;

“zoo” has the meaning assigned by section 1(2).

“zoo closure direction” has the meaning assigned by section 13(12).

- (2) Nothing in this Act and nothing done under it shall prejudice or affect the operation of any of the relevant statutory provisions (whenever made) as defined in Part I of the Health and Safety at Work etc. Act 1974.

## **22 Consequential amendments**

- (1) The Dangerous Wild Animals Act 1976 shall be amended as follows –
- (a) in section 5, for paragraph (1) there shall be substituted “(1) a zoo within the meaning of the Zoo Licensing Act 1981 for which a licence is in force (or is not for the time being required) under that Act”;
  - (b) in section 7(4) the definition of zoological garden shall be omitted.
- (2) For the purpose of the said Act an animal shall be treated as kept in a zoo when it is elsewhere in the personal possession of the operator of the zoo, or of competent persons acting on his behalf.

## **23 Short title, commencement and extent**

- (1) This Act may be cited as the Zoo Licensing Act 1981.
- (2) This Act shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint.
- (3) This Act does not extend to Northern Ireland.

## **The Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002 made transitional provision as follows for existing zoos:**

### **“Existing licences**

#### **27**

- (1) This regulation applies to all zoos in England in respect of which a licence is in force under the Act on 8th January 2003, except for zoos which close before 1st May 2003.

- (2) The local authority shall before 1st May 2003 secure that each licence granted by them under the Act contains such conditions as the authority think necessary or desirable to secure that the conservation measures referred to in section 1A of the Act are implemented at the zoo and may alter the licence for that purpose.
- (3) Section 16(2), (3) and (4) to (6) of the Act applies to the alteration of a licence under paragraph (2) as if the references in section 16(2) and (6) to “subsection (1)” were references to that paragraph.
- (4) Section 18(1)(b) and (c), (2),(3), (5) and (7) of the Act applies to the alteration of a licence under paragraph (2).
- (5) In deciding what conditions to attach to a licence under paragraph (2) an authority shall have regard to any standards specified by the Secretary of State under section 9 of the Act.
- (6) An alteration of a licence under paragraph (2) shall not be treated as a significant alteration for the purposes of section 16 of the Act.

### **Transitory provision for zoos without licences**

#### **28**

- (1) This regulation applies to a zoo which by virtue of the amendments made to the Act by these Regulations is required to be licensed under the Act but which immediately before 8th January 2003 was not required to be so licensed.
- (2) Notwithstanding any such amendment, a person who immediately before 8th January 2003 was operating a zoo to which this regulation applies on any premises may continue to operate that zoo on those premises without a licence under the Act –
  - (a) during the period of 6 months beginning with that date; and
  - (b) if within that period application is made for a licence, until that application is finally disposed of or withdrawn.
- (3) Section 16C of the Act does not apply to a zoo to which this regulation applies for so long as a person may by virtue of paragraph (2) continue to operate the zoo without a licence.
- (4) If the licence is granted, it shall be granted for a period of four years beginning with the date on which the licence is granted.”

## Annex B

**Please Note:** In some cases the suggested model condition may need to be adapted for the circumstances of the zoo in question. The breeding of wild animals in captivity, or the re-population and/or re-introduction activities should be applied only where it is appropriate to the zoo. Where it is appropriate, more tailored or specific text might be more suitable.

Local authorities may, of course, vary and adapt the text of any part of the model condition, or design their own condition, but the condition must in all cases meet the requirements of new section 1A of the Act.

Authorities are reminded that under section 16(2) of the Act they are required to give licence holders an opportunity to make representations before altering a zoo licence.

### Example condition

[Name of zoo] must:

- promote public education and awareness about biodiversity conservation. In particular, provide information about the species of wild animals kept in the zoo and their natural habitats.
- accommodate and keep the animals in a manner consistent with the standards set out in the Secretary of State's Standards of Modern Zoo Practice.
- prevent escapes and put in place measures to be taken in the event of any escape or unauthorised release of animals.
- introduce practical measures designed to prevent the intrusion of pests and vermin into the premises of the zoo.
- keep up-to-date records of the animals, including numbers of different animals, acquisitions, births, death, disposals and escapes, causes of deaths and the health of the animals.
- Participate in at least one of the following:
  - Research which benefits the conservation of wild animals
  - Training in relevant conservation skills
  - Exchanging information about the conservation of wild animals
  - Breeding of wild animals in captivity
  - Repopulating an area with wild animals, or re-introducing wild animals

[ zoo] must keep information to show how it has complied with this condition and supply it to the local authority upon request.

## Annex C

### **Discretionary conditions commonly attached to licences**

Discretionary conditions must not conflict with the mandatory conditions giving effect to the conservation measures in section 1A of the Act. But these conditions can complement them if the local authority believe they are necessary to ensure the proper conduct of the zoo.

#### *Insurance*

1. Within one month of the date of the licence and one month of the date of renewal of the policy, where applicable, a copy of the zoo's current public liability insurance policy, and of subsequent renewals thereof, to be sent to the licensing authority.

#### *Hazardous Animals*

2. The licensing authority to be notified in writing, at least one month in advance, of the proposed addition of any animal listed in category 1 of the Hazardous Animal Categorisation (see Appendix 12 of the Secretary of State's Standards of Modern Zoo Practice), which is from a taxonomic family of which Category 1 species have not previously been kept in the zoo.

#### *Temporary Removal of Animals from the Zoo*

3. The licensee/s to notify the licensing authority before the temporary removal from the zoo (other than for veterinary attention or inter-zoo movements) of any animal listed in category 1 of the Hazardous Animal Categorisation of Secretary of State's Standards of Modern Zoo Practice. Such notification to be given as early as possible and, in any case, no later than 12 hours before the removal, unless the zoo operator and licensing authority mutually agree a shorter period. When giving notification, details of the destination and method of transportation of the animal and of the arrangements for its well-being, as well as for the safety of the public whilst it is away from the zoo, to be provided.

#### *Escapes*

4. In the event of any non-domestic animal escaping from the confines of the zoo, notification shall be made to the licensing authority as soon as possible, and, in any case, not later than 24 hours following the escape.

Note 1. These conditions are attached to the licence without prejudice to the application, where relevant, of the Secretary of State's Standards of Modern Zoo Practice specified in accordance powers conferred under section 9 of the Zoo Licensing Act 1981 (as amended)

Note 2. The grant of this licence does not imply that the requirements of any other legislation have been met.

## Annex D

### **Zoo Licensing Act 1981 (as amended) Dispensations/Exemptions**

Although each case is considered on its merits, and other situations may qualify, it may help to know that directions will normally be made when zoos fall into one of the following categories.

#### **Section 14(1)(a) Direction on application from the Local Authority**

- (i) traditional deer parks
- (ii) collections of llamas and alpacas not exceeding 5
- (iii) collections, excluding those of wild mammals, of small, non-hazardous and non-conservation sensitive wild species not normally exceeding 120 specimens.

#### **Section 14(1)(b) Direction on application from the Local Authority**

- (i) collections of llamas and alpacas not exceeding 10
- (ii) collections of non-hazardous and non-conservation sensitive wild species, excluding wild mammals, not normally exceeding 200 specimens.

#### **Section 14(2) Direction on application from the Zoo Operator**

Small collections not included in 14(1)(a) and 14(1)(b) where the hazardous and/or conservation-sensitive species component of the collection not normally exceeds 50 specimens

**ANY CHANGES TO ANIMAL COLLECTIONS MAY AFFECT THE DISPENSATION STATUS.**

### Notes

1. "Hazardous" means any species listed in categories 1 and/or 2 of Appendix 12 of the Secretary of State's Standards of Modern Zoo Practice.
2. "Conservation sensitive" means any species listed in Annex A of Commission Regulation (EC) No. 2307/97 and listed in the Red List of IUCN (all categories other than "least concerned").
3. Any establishment that keeps wild animals for display to the public, taking account of the guidance in paragraph 4 of this Circular, is likely to be considered a zoo and will need to be licensed accordingly. Such establishments will be considered for exemptions or dispensations in accordance with the above guidance.
4. In a farm park, if wild animals are integrated into the domestic collection, and not separated in a meaningful way, then the domestics will have to be included in the inspection. Such an increase in numbers of animals and facilities may well take the collection as a whole into a higher category, or out of dispensation and into full inspection.
5. A "traditional deer park" is a stand-alone collection, on view to the public, holding Red and/or Fallow and/or Roe deer and/or Sika deer in an enclosed area of no less than 50 hectares. If the collection changes by adding other species of deer, or other wild animals, or by making the public enclosures smaller (for example to ease public viewing) then the collection would not be suitable for a 14(1)(a) dispensation.
6. If an establishment has a 14(1)(a) or (b) dispensation, introducing hazardous or conservation sensitive wild species for the purpose of display or demonstration may call into question the appropriateness of the dispensation or exemption. Local authorities are advised to check with Defra if they are concerned about a particular introduction.
7. An establishment not displaying wild animals could take and display wild animals for up to a maximum of six days in any twelve-month period. Any more days would mean the collection was caught by the provisions of the Zoo Licensing Act 1981 (as amended).

## Annex E

### Animals considered normally domesticated or not normally domesticated for the purposes of the Zoo licensing Act 1981

The Secretary of State is not in a position to give an authoritative statement on which animals fall into the “normally non-domestic” and “normally domestic” categories as interpretation of legislation is a matter for the Courts. However, an informal view on the more common cases that have caused uncertainty is set out below.

To explain the thinking, the two categories have been sub-divided into the following five sub-categories. Species not in categories 1 to 4 will almost certainly be in 5. Hybrid species should be treated as not normally domesticated if one of the parents is from sub-categories 3 to 5. Where there is doubt about a species, local authorities, inspectors or operators may check with Defra who may seek views through the Zoos Forum:

Species normally domesticated in Great Britain and therefore not “wild animals” for the purposes of the ZLA.		Species <u>not</u> normally domesticated in Great Britain and therefore to be considered “wild animals” for the purposes of the ZLA.		
<p>1. True domestic breeds of species that have been kept in this country for so long, and in such large numbers, that their status as “normally domesticated in Great Britain” is clearly justified (exotic domestic breeds of the same species as those listed here are included, eg. Vietnamese pot-bellied pigs).</p> <p><b>Examples:</b></p> <p>horses/ponies, donkeys, cattle, sheep, goats, pigs, dogs, cats, ferrets, rabbits, pigeons/doves, chickens, turkeys, ducks, geese.</p>	<p>2. True domestic breeds, and selectively bred wild species, introduced to this country relatively recently, but now so commonly kept outside zoological collections as to justify regarding them as “normally domesticated in Great Britain”.</p> <p><b>Examples:</b></p> <p>guinea pigs, hamsters, gerbils, rats, mice, chinchillas, budgerigars, canaries, guinea fowl, peafowl, goldfish, koi carp, golden orfe.</p>	<p>3. True domestic breeds of species introduced to this country relatively recently, and kept in relatively low numbers, and that therefore should be regarded as “not normally domesticated in Great Britain” (exotic domestic breeds of species in list 1. are included in that list).</p> <p><b>Examples:</b></p> <p>llamas, alpacas, camels, water buffalo, Ankole cattle, yak, reindeer.</p>	<p>4. Wild species, commercially farmed or widely bred by hobbyists (including some species which have been selectively bred and therefore may be considered domestic), but where this is so recent as to render the species “not normally domesticated in Great Britain”</p> <p><b>Examples:</b></p> <p>deer, ostriches, wild boar, American bison, aquarium and pond fish (excluding those in 2.), cage and aviary birds (excluding those in 2.), waterfowl (excluding those in 1.), giant African land snails.</p>	<p>5. True wild species, where domesticity is not seriously suggested.</p> <p><b>Examples:</b></p> <p>All species not listed in 1. to 4.</p>

## Annex F

### **Treatment or disposal of animals in the event of a zoo's closure, including where a zoo is operating in contravention of the act without a licence**

In the event of a zoo or a section of a zoo being closed down permanently, whether that closure is voluntary or otherwise, the zoo operator must make arrangements for the future care of any animals to be retained and the arrangements for the disposal of animals not to be retained. The operator should be satisfied that these arrangements are compatible with the biological needs and conservation requirements of each animal. Any new premises will therefore need to provide adequate accommodation and the new owners should have the expertise and resources to meet the animals' physical, psychological and social needs.

The local authority, if content, will approve these arrangements and supervise their implementation, normally through the submission of information from the operator on how the arrangements are progressing. The local authority would normally become more involved only if the zoo operator has vanished; or they believe the approved arrangements are not being followed properly; or they need to step in as a matter of urgency; or they own the zoo.

If the local authority have to arrange for the animals at the closed zoo to be cared for and perhaps disposed of, they will want to be satisfied that any new premises provide adequate accommodation and the collection has the expertise and resources to meet the animals' physical, psychological and social needs. The Federation of Zoological Gardens of Great Britain and Ireland, the British Association of Leisure Parks, Piers and Attractions (BALPPA), the National Farm Attractions Network, the RSPCA and the European Association of Zoos and Aquaria are useful contacts who might be able to suggest possible homes for zoo animals. Where the animals are conservation sensitive, the relevant groups that oversee the management of breeding such animals (the Taxon Advisory Groups) should be contacted via the Federation of Zoological Gardens. If the animals have been loaned to the zoo, the local authority should contact the owners who should be asked to find appropriate homes for them. Where the local authority sell the animals, guidance on this and the treatment of the sale proceeds is covered in paragraphs 119-124 of the Circular.

Disposal would normally mean moving the animals to other premises, but occasionally euthanasia may prove to be in the best welfare interests of the animal. To help reach a decision on pursuing this avenue, further guidance is given in the matrix at Annex G

If a zoo has failed commercially, the receivers will need to be clear that any animal disposal that they may be involved with will have to be conducted in accordance with Zoo Licensing Act 1981, as amended. This means, for example, that conservation-sensitive species should not necessarily be sold to the highest bidder (if the animals are to be sold) but have to be re-homed in a manner that is consistent with the conservation needs of the species.

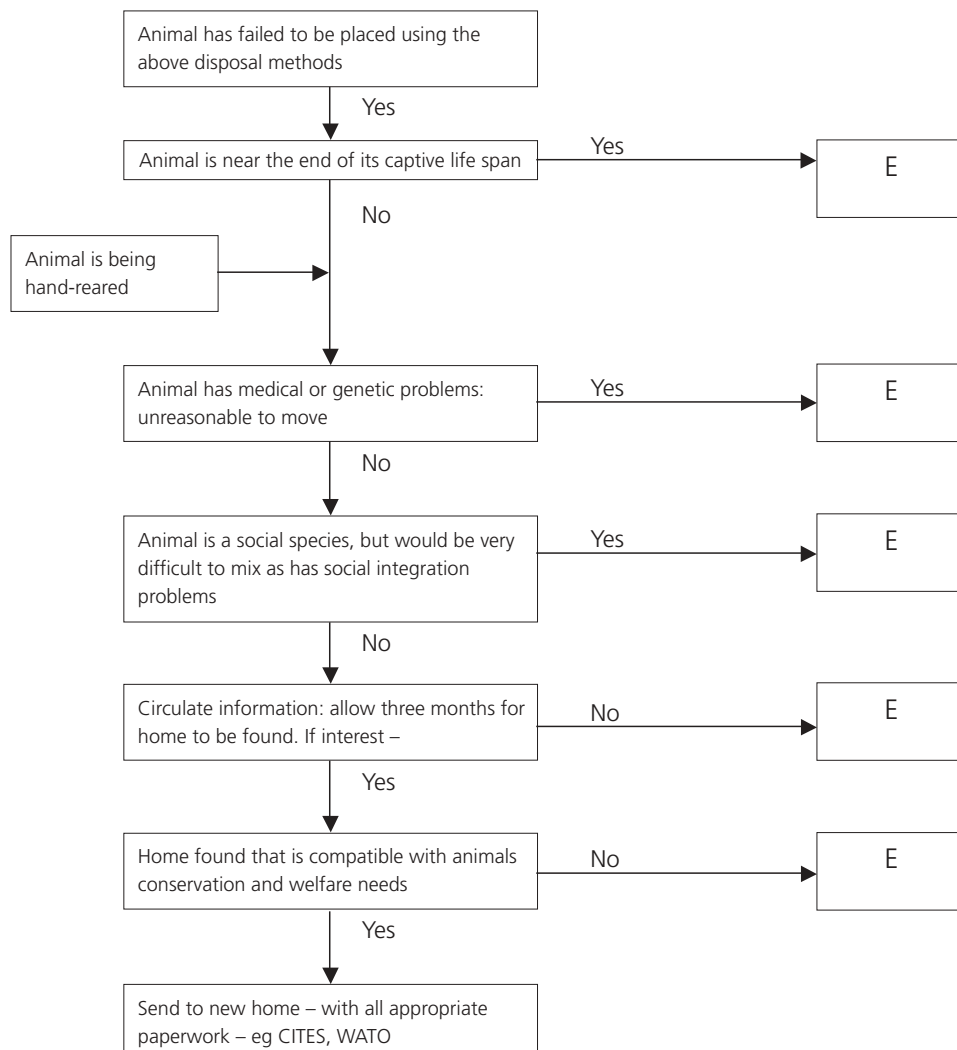
A list of contact organisations that may be able to provide useful advice on certain queries is as Annex "H".

## Annex G

### Decision Tree to help Local Authorities decide if an animal for which they are responsible should be put down

- If after contacting organisations such as the Federation of Zoological Gardens of Great Britain, the British Association of Leisure Parks, Piers and Attractions, the National Farm Attraction Network; the RSPCA; and European Association of Zoos and Aquaria or other international bodies no home can be found for the animal that is compatible with its conservation and welfare needs;
- The Taxon Advisory Groups (contacted through the Federation of Zoos) decide the animal cannot be used in a managed programme;
- The owner of the animal (where it was loaned to the zoo) cannot or will not find a home for it or consents to the disposal.

The animal should enter the flow chart to decide whether or not euthanasia (E) is an appropriate option



## Annex H

### **Organisations that may be able to provide advice**

Department for Environment, Food and Rural Affairs: For advice on the legislation and associated Circular guidance Address: Global Wildlife Division, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6EB (tel: 0117 372 8686)

Federation of Zoological Gardens of Great Britain and Ireland: For general advice and details of possible recipients of animals (all zoo animals). Address: Regent's Park, London NW1 4RY (tel: 020 7586 0230). Please note, the Zoo Licensing Act 1981 (as amended) refers to the Federation in section 8 under its former name of the Federation of Zoological Gardens. The National Zoological Association no longer exists

British Association of Leisure Parks, Piers and Attractions: For general advice and possible recipients of animals (all zoo animals). Address: 57-61 Newington Causeway, London SE1 6BD (tel: 020 7403 4455)

National Farm Attractions Network: For possible recipients of animals (those exotics that tend to be kept on farms, eg ostriches, llamas, wild boar, birds of prey: Address: Victoria House, 31-33 Victoria Street, Kettering, Northamptonshire NN16 0BU (tel: 01536 513397)

Royal Society for the Protection of Animals: For general advice and details of possible recipients of animals (for smaller zoo animals). Address: Wilberforce Way, Southwater, Horsham, West Sussex RH13 7WN (tel: 0870 0101181)

British Veterinary Zoological Society: For advice on veterinary and animal welfare matters. Address: c/o the British Veterinary Association, 7 Mansfield Street, London W1G 9NQ (tel: 0207 636 6541)

European Association of Zoos and Aquaria: For advice on possible placements of animals in European zoos. Address: PO Box 20164, 1000 HD, Amsterdam, the Netherlands (tel: 00 31 205 200750)

Circular 02/2003 – Zoo Licensing Act 1981

Annex to Circular

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