

Department for Environment, Food and Rural Affairs

Direction to close a licensed zoo

This is a model direction for local authorities to use if they want to close permanently all or part of a zoo.

This is provided as a model/template only, it is recommended that you look at the Zoo Licensing Act 1981, and take legal advice, before you use it.

June 2015

[Name of local authority]

Reference No-----

ZOO LICENSING ACT 1981, section 16B

Zoo Closure Direction (Licensed Zoo)

To: [Name of operator of the zoo]

[Name of person appearing to be responsible for the zoo where the operator of the zoo cannot, after the making of reasonable enquiries, be found]

At: [Address of operator of the zoo or of other person appearing to be responsible for the zoo]

Take notice that [name of local authority] ('the authority'), makes this Zoo Closure Direction under section 16B of the Zoo Licensing Act 1981 ('the Act') in respect of the zoo at [name and address of zoo] ('the zoo').

It is hereby directed that the zoo shall be closed.

This Zoo Closure Direction is being made because [delete whichever of the following are inapplicable]–

[(i) the authority has made a direction under section 16A(2) of the Act in respect of the zoo, specifying steps to be taken to ensure that a licence condition is met;

(ii) the period specified in that direction for those steps to be taken has expired; and

(iii) the authority, having given the licence holder an opportunity to be heard, is satisfied that a licence condition specified in that direction in relation to the zoo and which requires any conservation measure specified in section 1A of the Act to be implemented is not met in relation to the zoo.]

[the authority, after the making of reasonable enquiries, is satisfied that the zoo licence holder cannot be found.]

[the authority, having given the licence holder an opportunity to be heard, is satisfied that members of the public have had access to the zoo on fewer than seven days in the period of 12 months ending on [specify date] and it does not appear to the authority that it is the licence holder's intention that members of the public will have access to the zoo on seven days or more during any future period of 12 months.]

[(i) the authority has made a direction under section 16A(2) of the Act in respect of the zoo, specifying steps to be taken to ensure that a licence condition is met;

(ii) the period specified in that direction for those steps to be taken has expired; and

(iii) the authority, having given the licence holder an opportunity to be heard, is satisfied that a licence condition (other than one which requires any conservation measure specified in section 1A of the Act to be implemented) specified in that direction in relation to the zoo or any section of it and is not met in relation to the zoo or that section (including any part of that section, any larger section of which that section is a part, or the whole zoo).]

[(the authority having given the licence holder an opportunity to be heard[and, where the grounds involve the care or treatment of animals, having first consulted such persons as the Secretary of State may have nominated under section 16B(7) of the Act]) any reasonable requirements relating to the premises or conduct of the zoo, and notified by the authority to the licence holder in consequence of the report of any inspection under the Act, have not been complied with in such time as is reasonable in the circumstances.]

[the authority (having given the licence holder an opportunity to be heard [and, where the grounds involve the care or treatment of animals, having first consulted such persons as the Secretary of State may have nominated under section 16B(7) of the Act]) is satisfied that the zoo has been conducted in a disorderly manner or so as to cause a nuisance.]

[(the authority having given the licence holder an opportunity to be heard) the licence holder, or, where it is a body corporate, any director, manager, secretary or other similar officer of its, has been convicted of an offence mentioned in section 4(4) of the Act.]

[(the authority having given the licence holder an opportunity to be heard) a person is employed as a keeper in the zoo who, to the licence holder's knowledge, has been convicted of any offence mentioned in section 4(4) of the Act.]

because, [specify details causing direction to be made under the above provision(s)]

Failure to comply with a direction of which you have been notified without reasonable excuse is an offence under the Act.

This direction shall take effect upon the expiry of the period of 28 days from the date on which it is received (but see following paragraph and notes attached).

Your attention is drawn to the notes overleaf which include details about appeal against the direction. This direction shall not have effect during the period within which you are entitled to appeal against it nor, where you have appealed, during the subsequent period before the appeal is either determined or abandoned.

Signed Date

Designation

Address of local authority:-

Tel:

Fax:

e-mail:

Notes:

Zoo Closure Direction – section 16B Zoo Licensing Act 1981

1. This direction is made under section 16(B) of the Zoo Licensing Act 1981 (“the Act”). This section applies to zoos licensed under the Act. This direction takes effect upon the expiry of the period of 28 days from the date of receipt (unless an appeal is made as described in paragraph 2 below).

2. You may appeal against this direction to a magistrates’ court within 28 days of receipt of this direction. 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 the Act.

The address of the local magistrates’ court is:

[INSERT]

3. If an appeal is brought within the specified time period described above and the local authority's decision is either confirmed or varied, the zoo closure direction will have effect on the day following the day on which the appeal is determined, or on such other day as the court directs. If an appeal is brought within the specified time, but is subsequently abandoned, the zoo closure direction will have effect on the day following the day on which the appeal is abandoned, or on such other day as the court directs.

4. A licence to operate a zoo is revoked from the date on which the zoo closure direction has effect.

5. A zoo closure direction under section 16(B) of the Act shall be made where:

(a) a direction to comply with a condition of a licence to operate a zoo has been made under section 16A(2) of the Act, the specified period for compliance has expired, and the authority (after giving the licence holder an opportunity to be heard) is satisfied that a licence condition which requires any 'conservation measures' (referred to in section 1A of the Act) to be implemented is not met in relation to the zoo;

(b) the local authority is satisfied, after reasonable enquiries have been made, that the licence holder cannot be found;

(c) the local authority (after giving the licence holder an opportunity to be heard) is satisfied that members of the public have had access to the zoo on fewer than 7 days in a period of 12 months ending on the date determined by the local authority, and where it does not appear to the local authority that it is the licence holder's intention that members of the public will have access to it on 7 days or more during any future period of 12 months.

6. A zoo closure direction under section 16(B) of the Act may be made where:

(a) a direction to comply with a condition of a licence to operate a zoo has been made under section 16A(2) of the Act, the specified period for compliance has expired, and the authority (after giving the licence holder an opportunity to be heard) is satisfied that a licence condition other than one which requires a 'conservation measure' to be implemented at the zoo is not met in relation to the zoo or any section of the zoo specified in the direction;

(b) (the authority having given the licence holder an opportunity to be heard and, where the grounds involve the care or treatment of animals, having first consulted such persons as the Secretary of State may have nominated under section 16B(7) of the Act) any reasonable requirements relating to the premises or conduct of the zoo, and notified by the authority to the licence holder in consequence of an inspection report under the Act, are not complied with in a reasonable time period;

(c) the local authority (having given the licence holder an opportunity to be heard and, where the grounds involve the care or treatment of animals, having first consulted such persons as the Secretary of State may have nominated under section 16B(7) of the Act) is satisfied that the zoo has been conducted in a disorderly manner or so as to cause a nuisance;

(d) (the authority having given the licence holder an opportunity to be heard) the licence holder (or, where it is a body corporate, any director, manager, secretary or other similar officer of it) is convicted of any offence mentioned in section 4(4) of the Act; or

(e) (the authority having given the licence holder an opportunity to be heard) a person is employed as a keeper in the zoo who, to the knowledge of the licence holder, has been convicted of any offence mentioned in section 4(4) of the Act.

7. Section 19 of the Act sets out offences and penalties. Section 19(3C) describes an offence by any person notified in writing of a zoo closure direction pursuant to section 19A(1) or (2) of failing, without reasonable excuse, to comply with that direction, for which the penalty on summary conviction is a fine not exceeding level 4 on the standard scale (section 19(4)).



© Crown copyright 2015

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence v.3. To view this licence visit www.nationalarchives.gov.uk/doc/open-government-licence/version/3/ or email PSI@nationalarchives.gsi.gov.uk

This publication is available at www.gov.uk/government/publications

Any enquiries regarding this publication should be sent to us at

Defra.helpline@defra.gsi.gov.uk