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Zoo Licensing Act 1981

Guide to the Act's provisions



Llywodraeth Cynulliad Cymru
Welsh Assembly Government



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1. Introduction

1.1 The [Zoo Licensing Act 1981](#) ('the Act') requires the inspection and licensing of all zoos in Great Britain. The Act aims to ensure that, where animals are kept in enclosures, they are provided with a suitable environment to provide an opportunity to express most normal behaviour. The Act was amended by the [2002 Regulations](#) to give effect to the provisions of [Council Directive 1999/22/EC](#) which were not already covered by it.

1.2 This guidance deals with measures that fall to the local authority in their role as the zoo licensing authority. It should be read in conjunction with the Act. It replaces Department of the Environment (DOE) Circulars 5/84 and 11/88 and Department for Environment Food and Rural Affairs (Defra) Circular 02/2003. It should not be taken as an authoritative statement of the legal effect of the Act.

1.3 The provisions of the [Animal Welfare Act 2006](#) also apply to animals in zoos.

2. Extent of the Zoo Licensing Act

2.1 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 2.5 below). Local authorities in England are District, Unitary, Metropolitan, City of London and London Borough councils.

2.2 Section 1(2B) makes clear that the 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 paragraphs 23.1-23.9 below on section 16E.

2.3 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. 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 A.

2.4 A collection consisting entirely of animals that are normally domesticated in Great Britain is not a zoo within the meaning of the Act. Attention 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.”

2.5 The Secretary of State is not in a position to give an authoritative interpretation of the law, but to help in decision-making, further guidance on assessing whether collections fall within the scope of the Act is at Annex B.

2.6 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.

2.7 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 C. These criteria are for guidance only and each case will be treated on its merits.

3. Conservation measures for zoos

3.1 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.

3.2 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 32.1 and 32.2 below.

3.3 Conditions attached to licences must be appropriate to and reflect 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. Guidance on the requirements for education in respect of animal presentations is at Annex D. Further advice on this is provided in the [Zoos Expert Committee Handbook](#)

3.4 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 Expert Committee Handbook.

3.5 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.

3.6 Guidance on the zoo licensing process is set out in the following paragraphs and is summarized in the flowcharts at Annex E.

4. How to obtain a licence for a new zoo

4.1 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.

4.2 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.

4.3 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.

4.4 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. They are also advised to liaise with the operator of the new zoo to ensure proper provision is being made for the animals, including for their welfare and that the prospective new zoo is fully aware of what legislative requirements will apply.

5. Grant or refusal of a licence

5.1 Local authorities are required, by 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 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. Although not a requirement of the legislation, local authorities should give consideration to asking the applicant to comment within a set period of time.

5.2 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.

5.3 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.

5.4 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 consult the Department for advice if they need it.

5.5 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 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.

5.6 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.

5.7 A licence should be refused only for one of the reasons set out in section 4 of the Act. When a licence application has been submitted electronically and is refused, a written statement of the grounds of refusal should be issued to the applicant electronically in accordance with [The Provision of Services Regulations 2009](#) and also by post or delivered by hand (section 4 (7) of the Act). The local authority is 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 28.1-28.5 below.

5.8 When a licence has been submitted electronically and is granted, it should be sent to the applicant electronically in accordance with the [The Provision of Services Regulations 2009](#) and also by post or delivered by hand (section 4(8) of the Act). The licence including the 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. A model zoo licence is at Annex F.

5.9 Local authorities are not required to provide copies of zoo licences or refusal letters to interested parties, but are free to do so if they wish (and may be subject to a request under the Freedom of Information Act 2000). Local authorities 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.

6. Renewal of a licence

6.1 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 of the latest date on which he can make an application for renewal. Operators should also have systems in place so that they are ready to submit an application in good time.

6.2 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 31.1-31.10 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 the licence.

6.3 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 six years.

6.4 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 7.4-7.5 below).

7. Directing the applicant for a renewal of a zoo licence to apply for a fresh licence

7.1 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 to the zoo's management structure or to 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](#) provides a useful guide as to which animals are considered hazardous.

7.2 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.

7.3 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 be possible to combine the renewal inspection required by section 6(1A) with this section 10 inspection using the section 9A(2) power.

7.4 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.

7.5 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.

7.6 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.

8. Duration of a licence

8.1 The original licence (i.e. 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.

9. Licence conditions

9.1 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 G. 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.

9.2 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 H.

9.3 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.

10. Enforcement of licence conditions

10.1 Where a local authority is not satisfied that a zoo licence holder has complied with a condition (or several conditions) attached to the licence in relation to the zoo or any section of it, section 16A requires them, after giving the licence holder the opportunity to be heard, to issue a direction requiring compliance with the condition(s). However, there is no need for the authority to make a direction if they decide instead to close the zoo permanently in accordance with section 16B(5).

10.2 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 in relation to the whole zoo or only a section of the zoo (for example, a department of the zoo or a particular part of the zoo's premises). The direction must also stipulate the steps the licence holder must take to comply with the condition or conditions and the period for compliance. A model direction is at Annex J. Flowchart 12 illustrates the compliance and enforcement process.

10.3 The direction can also require the zoo, or a part of it, to be closed to the public while the direction is in force, or for part of that period, if that is considered appropriate. 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. A direction under section 16A cannot require a zoo or a section of a zoo to close permanently, but only so as to require/enable the relevant condition(s) to be fulfilled (e.g. if construction work were required).

10.4 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 under section 18 – see guidance in paragraphs 28.1-28.5 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.

10.5 Where the local authority are satisfied that the licence holder has not complied within the period specified in the direction (taking into account any extensions of time granted under section 16A(4) and depending on the outcome of any appeal under section 18) and the condition not met relates to the requirements set out in section 1A (conservation measures for

zoos) of the Act, the local authority is required either to close down the zoo permanently under a direction issued under section 16B or permanently to close the affected section of the zoo (by altering the licence in accordance with sections 16(1A) and (1B)) – see paragraphs 20.3-21.6 below.

11. Transfer, transmission and surrender of a licence

11.1 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.

11.2 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.

11.3 The licensee may surrender the licence at any time to the authority. The provisions of section 16E then apply (see paragraphs 23.1-23.9 below).

12. Inspections

12.1 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.

12.2 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 (see [Health & Safety Executive: Managing health and safety in zoos](#)). It is hoped that, where practicable and desirable, and particularly for smaller zoos, 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.

13. Licence inspections

13.1 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.

13.2 Section 9A(2) allows the local authority to use an inspection provided for under section 10 (a periodical inspection) instead of section 9A where the section 10 inspection is due within 12 months of when arrangements for the section 9A 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 section 10 inspection. By making use of this power,

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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.

13.3 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 section 9A(4). Local authorities are again encouraged to combine these inspections unless there are good reasons not to do so.

13.4 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.

13.5 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 her list of inspectors.

13.6 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.

13.7 Section 9A(9) requires that the zoo operator or licence applicant be given 28 days' notice of the inspection (after consultation with either as the case may be). 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.

13.8 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 section 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.

13.9 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 section 1A(f) – see paragraph 3.1(x) above.

13.10 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. To make sure that the zoo inspection process proceeds in a timely manner, local authorities may wish to agree with the inspection team a timetable for completing and signing off its report (28 days is suggested). Once the completed report has been sent to the zoo, local authorities are encouraged to request the applicant/operator to provide comments within a specified period of time (28 days is suggested).

14. Periodical inspections

14.1 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.

14.2 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 inspection team must be comprised in accordance with these provisions. If it is not, or if any of the team members are absent, this is likely to invalidate the inspection and it should be aborted. 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 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.

14.3 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 encouraged to contact the Secretary of State for details of a suitable inspector. However this action should be treated as the last option and authorities should endeavour to appoint a suitable vet who is not on the Secretary of State's list. The [Royal College of Veterinary Surgeons](#) (RCVS) has a website with a vet finding facility which is easily accessible and the advanced search allows users to locate vets with expertise in dealing with 'Exotic/Wild' animals.

14.4 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.

14.5 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).

14.6 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).

14.7 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 13.8 above.

14.8 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.

14.9 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 her list as she 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 the operator the opportunity to make representations or comment on it (section 10(7)).

15. Special inspections

15.1 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.

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15.2 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.

15.3 A special inspection can be carried out at any time. The local authority is 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).

15.4 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 inspector(s) beforehand (section 11(4)). The local authority is required to send a copy of the report to the operator for his comment (section 11(5)).

15.5 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 31.2-23.9 below):

- (a) to supervise implementation of a plan prepared under section 16E(2); and/or
- (b) to help to decide whether a direction is necessary under section 16E(6) or to ensure that 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 sections 16E(7) or (8).

15.6 Section 10(4)(c) and sections 11(2), (3), and (4) apply to an inspection under section 11A. 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.

15.7 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.

16. Informal inspections

16.1 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 considers 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.

16.2 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 18.5 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](#)

16.3 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 3.1 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.

17. Local authority zoos

17.1 Section 13 deals with the situation where the local authority is 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)).

17.2 Sections 13(4) and 13(5) give the Secretary of State (not the authority) the functions of issuing directions permanently closing a zoo under section 16B, or a section of a zoo under sections 16(1A) and (1B), or enforcing licence conditions under section 16A. 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 is 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 28.1-28.5 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.

18. Dispensation for particular zoos

18.1 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.

18.2 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](#) .

18.3 It is for the local authority to seek the section 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.

18.4 If a section 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 (see also [Health & Safety Executive: Managing health and safety in zoos](#)). 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 is 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.

18.5 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 section 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.

18.6 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.

18.7 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 C, 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.

19. Fees and other charges

19.1 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).

19.2 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.

19.3 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.

20. Power to alter licences

20.1 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.

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20.2 Also, before a significant amendment is made to a licence, sections 16(2A) and (2B) require 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.

20.3 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.

20.4 Section 16(1A) requires a local authority to close permanently a section of a zoo where they have made a section 16A(2) direction (Annex J) 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:

- (a) 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;
- (b) 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;
- (c) 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.

20.5 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.

20.6 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.

20.7 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 28.1-28.5 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 28.3. 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 23.1-23.9 and 17.2 respectively.

20.8 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.

21. Closure of a licensed zoo

21.1 Section 16B provides the local authority with the power to close permanently a zoo by giving a zoo closure direction (an example of a model direction is at Annex K). This is different to the direction for temporary closure to the public catered for in section 16A (licence conditions) – see paragraphs 10.1-10.5 above. Permanent closure of a section of the zoo is provided for by section 16(1A) and (1B).

21.2 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.

21.3 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 are 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.

21.4 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).

21.5 There is a right of appeal against a zoo closure direction under section 18(1)(f) – see paragraphs 28.1-28.5 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 28.5 below).

21.6 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.

22. Closure of an unlicensed zoo

22.1 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.

22.2 Section 16C(2) requires the local authority to issue a zoo closure direction (an example of a model direction is at Annex L) to close any unlicensed zoo that should be licensed when the operator cannot be found after reasonable enquiries have been made.

22.3 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).

22.4 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.

22.5 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.

23. Welfare of animals following permanent closure of a zoo

23.1 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 21.5 explains when a zoo closure direction takes effect);
- the zoo's licence has expired;
- the zoo's licence has been surrendered.

23.2 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

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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.

23.3 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.

23.4 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.

23.5 Section 16E(3) requires the zoo to supply to the authority any information requested about the care or disposal of the animals kept there.

23.6 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.

23.7 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.

23.8 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 (an example of a model direction for the zoo operator about the treatment or disposal of animals in the zoo is at Annex M. 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 of where the local authority 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 cannot be found, they shall not do so unless the operator is given the opportunity to be heard.

23.9 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 28.1 below. Some directions under section 16E(6) will not take effect immediately they are made – see paragraph 28.4 below.

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

24.1 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 cannot be found (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 are not satisfied that the operator cannot be found, the local authority must give the operator the opportunity to be heard before they use the power.

24.2 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 25.1-25.6 below). Annex N also provides guidance on disposal of animals.

25. Power of authority to dispose of animals

25.1 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.

25.2 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 euthanased) 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.

25.3 Where the authority are advised by a veterinary surgeon that an animal needs to be euthanased in the interests of its welfare, nothing in section 16F shall prevent that action.

25.4 Local authorities are advised to consult the British and Irish Association of Zoos and Aquariums (BIAZA), the British Association of Leisure Parks, Piers and Attractions and/or the RSPCA for advice on finding possible new homes for animals (contact details are at Annex R). It should be noted that where the animal is conservation sensitive, taxon advisory groups should be approached in the first place, via BIAZA, as they should be able to find homes for such animals. More advice on animal disposal can be found at Annex N.

25.5 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 are 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.

25.6 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.

26. Powers of entry

26.1 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.

26.2 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.

27. Date from which the Zoo Licensing Act ceases to apply to a closed zoo

27.1 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.

28. Appeals

28.1 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;

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- (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.

28.2 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.

28.3 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.

28.4 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.

28.5 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.

29. Offences and penalties

29.1 Section 19 creates the following criminal offences:

- (a) operating a zoo without a licence in contravention of the Act;

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- (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 public entrance to the zoo.

29.2 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 public entrance to the zoo 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.

30. Directions

30.1 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.

31. Temporary removal of animals from zoo premises

31.1 Under section 22(2) an animal temporarily removed from the zoo (eg to 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 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. It is also recommended that in order to be satisfied in relation to safety and animal welfare issues, and facilities and management protocols for example for disease-screening and quarantining, the local authority seeks advice from one of the Secretary of State's zoo inspectors (via the Animal Health and Veterinary Laboratories

Agency). Advice on the temporary removal of hazardous animals from zoos for 'outreach' activities is at Annex Q.

32. Existing licences

32.1 Local authorities are required in accordance with regulation 27 (of the Zoo Licensing Act 1981 (Amendment)(England and Wales) Regulations 2002) 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. The conditions 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.

32.2 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 does not warrant a pre-inspection in accordance with section 9A of the Act.

33. Transitional arrangements for zoos without licences

33.1 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.

33.2 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.

Annex A: ‘Normally domesticated’/’not normally domesticated’ animals

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:

Animals considered normally domesticated or not normally domesticated				
Species normally domesticated in Great Britain and therefore not “wild animals” for the purposes of the ZLA.		Species not 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>Examples: 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>Examples: guinea pigs, hamsters, gerbils, rats, mice, chinchillas, budgerigars, canaries, guinea fowl, peafowl, goldfish, koi carp, golden orfe, llamas, alpacas.</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>Examples: 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>Examples: 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>Examples: All species not listed in 1. to 4.</p>

Annex B: Collections which might or might not fall within the definition of a zoo

The Secretary of State is not in a position to give an authoritative statement on what is and what is not covered by the Act as interpretation of legislation is a matter for the Courts. However, the informal views set out below may help local authorities decide whether collections fall within the scope of the Act.

The Act defines a zoo as an establishment ‘...where wild animals are kept for exhibition to the public...’ (otherwise than for the purpose of a circus, or in a pet shop). The 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.

It may help local authorities to consider the following questions:

a) Why are the animals kept? If the purpose, or one of the purposes, of keeping the animals is that people (other than the owner or keeper) should see them then presumably they are ‘kept for exhibition’. If there is doubt as to whether the animals are kept for exhibition it may be helpful to consider whether the animals kept in such a way as to deliberately allow or encourage people to see them.

b) If the animals are kept for exhibition, is it to the public? Animals may be kept for exhibition, but not to the ‘public’. If visitors have to be members of a private club or organisation in order to view the wild animals, then this may fall outside the zoo licensing system. For example, if membership is meaningfully restricted and is therefore considered not to constitute the ‘public’, the local authority may determine that zoo licensing is not required. In such cases, the animals are considered to be part of a private collection. However, it should not be assumed that all and any kind of ‘membership’ will remove the need for a zoo licence.

The following are illustrative examples using the above principles:

Collections that may not be zoos

- a) Wild animals visible to the ‘public’, but not ‘kept for exhibition’:
 - i. Private collections visible from a public road or adjoining land.
 - ii. Animals held for conservation breeding or habitat management grazing in an area where public access is possible e.g. adjacent to a public right of way.
- b) Wild animals ‘kept for exhibition’, but not to the ‘public’:
 - i. Collections that can only be viewed by members of a club or association, where that membership is restricted to a meaningful degree so that it is not considered to be open to the public.
- c) Wild animals not ‘kept for exhibition’ and not visible to the ‘public’:
 - i. Private collection on private premises viewable only by the owner, family, staff and friends.
 - ii. Restricted access premises holding wild animals that are visible to visitors who enter for reasons other than viewing the animals, eg:

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- A private collection in business premises (where the operator can demonstrate that visitors only enter the premises for business purposes, including *de minimis* examples such as a fish tank in a restaurant or dentist's waiting room).
- A college which keeps animals for educational purposes involving its students, but where the animals are not exhibited to the wider public.
- A centre for falconry courses (where the operator can demonstrate that visitors only enter the premises by pre-arranged appointment for training).

Collections that may be zoos

Wild animals 'kept for exhibition to the public':

- i. Zoos, in the generally accepted sense, open to the public.
- ii. Collections in free-access public leisure areas, eg. public parks .
- iii. Collections in free access retail areas eg. shops, garden centres.
- iv. Collections in otherwise non-animal public attractions that charge for admission eg. theme parks, gardens, stately homes, museums.
- v. Premises that normally do not allow access to the public, but that hold open days, with unrestricted access to the public, on seven or more days in any twelve month period, eg. colleges, private collections, sanctuaries, rescue centres.
- vi. Premises that are not open to the public in the generally accepted sense, but can be visited by members of the public by prior appointment (on seven or more days in any twelve month period).

Annex C: 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, 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 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 Appendix I of CITES and/or listed in the following categories of the IUCN Red List of Threatened species (Extinct in the wild; Critically Endangered; Endangered; Vulnerable).
3. Any establishment that keeps wild animals for display to the public, taking account of the guidance in paragraph 2.4 of this guidance, 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

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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.

Annex D: Education requirements of ‘animal presentations’

This guidance relates to education within the context of animal presentations. Attention is also drawn to the [Zoos Expert Committee Handbook](#) chapter on education, and the benchmarks for education.

Regulatory framework: legal requirements and the Secretary of State’s Standards of Modern Zoo Practice

Under the Act it is a statutory requirement for zoos to promote public education and awareness in relation to the conservation of biodiversity:

“promoting public education and awareness in relation to the conservation of biodiversity, particularly by providing information about the species exhibited and their natural habitats”.
[Section 1A(b) vi]

The [Secretary of State's Standards of Modern Zoo Practice](#) (SSSMZP) indicate the minimum standard required:

7.11 A zoo must have a written education strategy and an active education programme.

7.12 Suitable facilities, commensurate to the size of the zoo, should be available for education purposes.

7.13 Accurate information about the species exhibited must be available...

The legislation allows zoos to decide for themselves on what activities and resources to put into education and awareness activity to meet the statutory requirement. Inspectors and licensing authorities need to audit a zoo’s education work, so their focus is upon checking that the education activities taken as a whole are sufficient in relation to the size and type of zoo. Inspectors are able to exercise their informed judgement in each case, for example, by taking account of the quality of work as well as diversity or quantity of activity.

Relevant sections of the SSSMZP: All aspects of the SSSMZP are important to consider when operating and inspecting animal presentations within a zoo. In particular:

Section 5 Provision of Protection from Fear and Distress 5.1 5.2 5.3 5.4 5.6

Section 7 Conservation and Education Measures 7.1 7.8 - 7.14

Appendix 3 – Conservation and Education Measures: 3.12 - 3.15

Appendix 6 – Animal Contact Areas

Appendix 7 – Training of Animals (note especially 7.1 and 7.2)

Appendix 8 – Specialist Exhibits, in particular 8.7

Therefore, a zoo which operates an ‘animal presentation’ must consider the education requirements, as well as those for animal welfare and public safety, in the operation of the presentation.

Definition – what are animal presentations?

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The term animal presentation is used to mean any animal presentation or demonstration activity within a zoo other than the simple viewing of the animals in their enclosure and/or the provision of a 'keepers talk'. This presentation or demonstration may take place within the animals' usual enclosure or elsewhere.

The sorts of activities covered by this include:

- i) sealion presentation/show (including training);
- ii) animals in action/encounter demonstration;
- iii) falconry/bird flying;
- iv) parrot show;
- v) snake/reptile show or encounter;
- vi) aquarium presentation, e.g. shark encounter.

Species: Demonstrations and presentations may involve any of the species in the collection, either singly or in groups, and as single or mixed species demonstrations.

How educational should animal presentations be?

Each zoo should be able to demonstrate that it is fulfilling the requirements of the Act and is actively contributing to education and raising awareness in relation to conservation of biodiversity.

It is important to recognise that 'education' is broad and not restricted to schools, and that education and awareness can be provided successfully using a variety of techniques, including through 'entertaining presentations'. Further guidance on this and what minimum level of education provision proportionate to the size of the collection is expected, is provided in the Zoos Expert Committee Handbook chapter on education, and the 'Benchmarks for Education'.

An animal presentation does not have to be part of the zoo's formal education programme (e.g. for schools) but has an 'informal' educational function in the same way that any species exhibit has. For example, a bird of prey demonstration may be provided for a general public audience, or adapted for a school group.

For the animal presentation to meet the requirements of the Act and SSSMZP with respect to education, it should raise awareness in relation to conservation of biodiversity and provide accurate species information to the public. Therefore, consideration of the way in which animals are presented to the public in a presentation needs to take that into account. At the same time the welfare of the animals involved must not be compromised. Ultimately it will be up to the informed judgement of an inspector to assess this.

Minimum standard

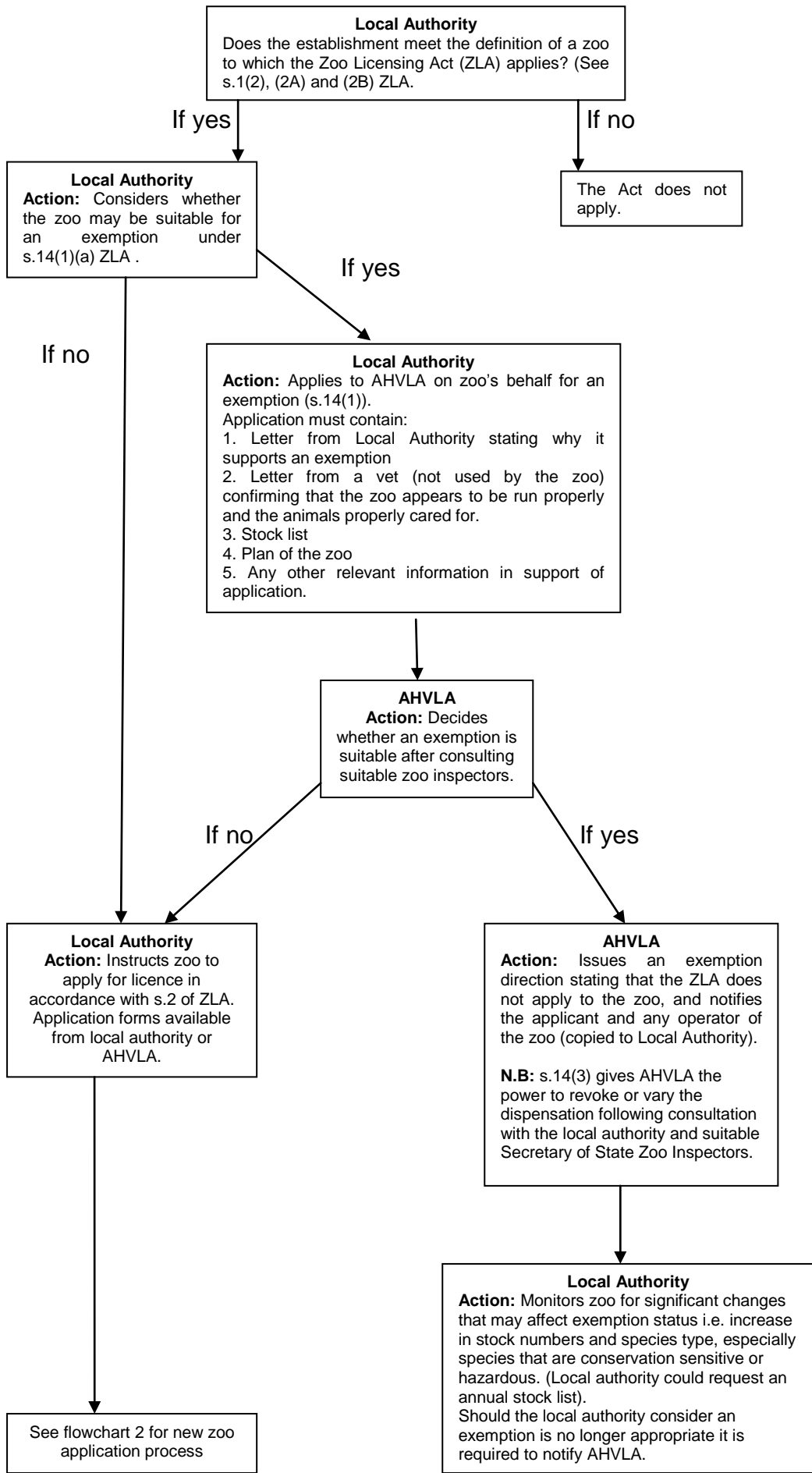
Animal presentations must not compromise animal welfare or human health and safety, and must provide the minimum information for the audience as required by the Act at other animal exhibits in the zoo.

Annex E: Zoo licensing flowcharts

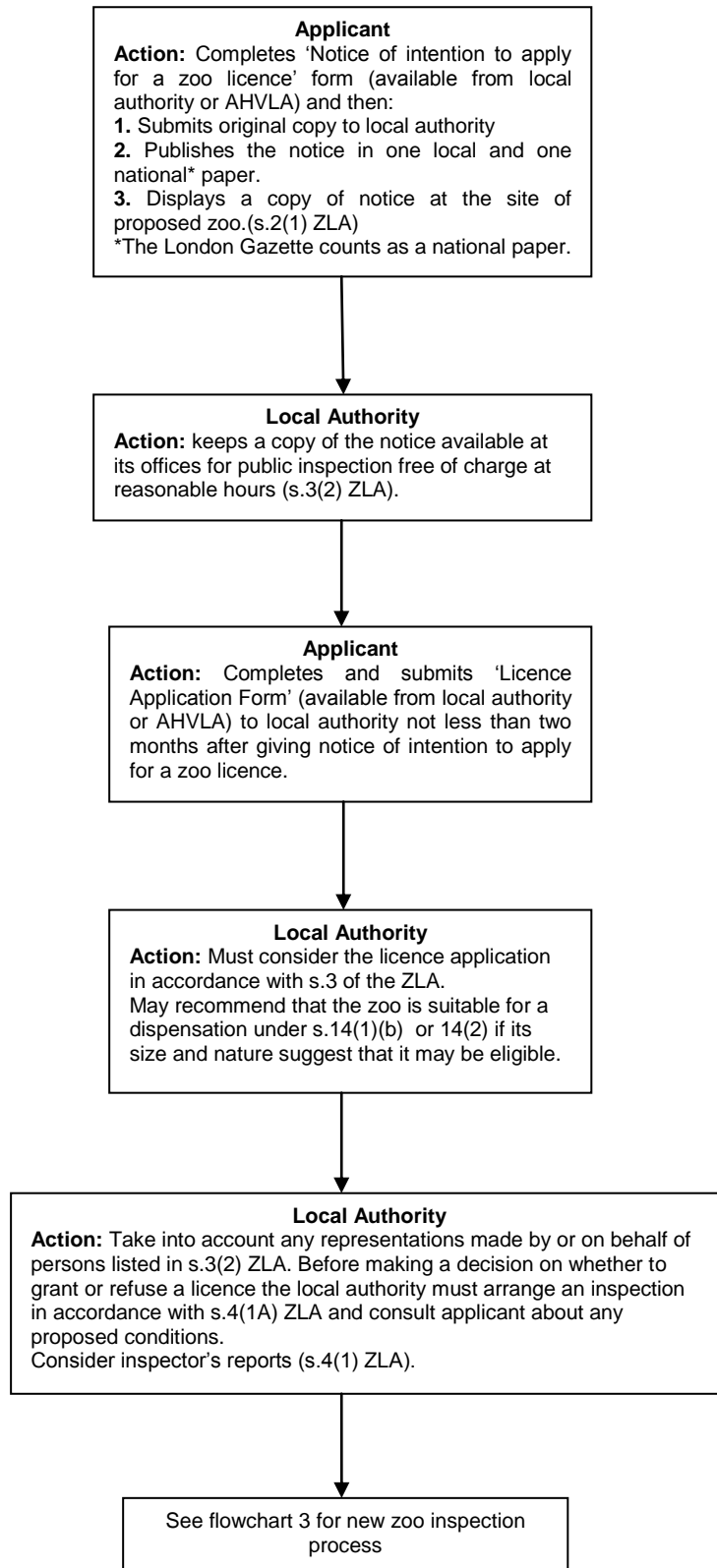
List of flowcharts

1. New zoo – considerations
2. New zoo application
3. New zoo licence inspection process
4. Grant or refusal of new licence
5. Applications for dispensations for a new zoo under section 14(1)(b) and 14(2)
6. Inspection process for zoo with a section 14(1)(b) dispensation
7. Inspection process for zoo with a section 14(2) dispensation
8. Inspection process for zoo without a dispensation
9. Local authority decides not to extend/renew zoo licence
10. Special inspections under section 11
11. Special inspections under section 11A (for a closed zoo under section 16E)
12. Non-compliance with conditions

1. New zoo – considerations



2. New zoo application



3. New zoo licence inspection process

Local Authority/ AHVLA/Applicant

Action: Local authority must arrange a Licence inspection in accordance with s.4(1A) ZLA.
Timing: Inspection needs to be carried out before local authority can decide whether to grant or refuse a licence.
Inspection team: One or more Secretary of State nominated inspector/s

Process:

1. Local authority to write to AHVLA requesting nomination of [an] inspector/s. Requests can be via e-mail and should include a recent stock list.
2. AHVLA to consult with local authority on proposed nomination/s before confirming with local authority in writing and formally notifying the inspector/s.
3. Local authority to notify applicant of all persons nominated to inspect the zoo.
4. Local authority to liaise with applicant and the inspector/s to arrange and then confirm a mutually convenient date for the inspection to take place.
5. After consultation with the applicant or operator the local authority shall give him at least 28 days notice of the date on which it is proposed to carry out the inspection.

In advance of inspection

Local Authority/Applicant

Action:

1. Local authority requests applicant to complete and return Pre-inspection Audit Form (Available from Defra's website or SSSMZP) to local authority in advance of zoo inspection (completion of this form is not a statutory requirement, but applicant should be encouraged to do so as it may save time at the inspection).
2. Inspector considers whether conditions proposed by the local authority under s.4(1A)(a) are likely to be met if licence is granted (s.9A(11) ZLA).
3. Local authority to send to the nominated inspector(s) in advance of inspection date the completed form and any other relevant information such as a copy of the licence application.

Inspection

Secretary of State Inspector/Local Authority

Action:

1. Inspector carries out the Licence inspection on the date agreed using the Inspection report form at Appendix 11A of SSSMZP.
2. Inspector completes report and sends to local authority as soon as is practicable (AHVLA recommends that the inspector returns the report within 28 days of the inspection, or notifies local authority if report will be delayed beyond 28 days).

Following inspection

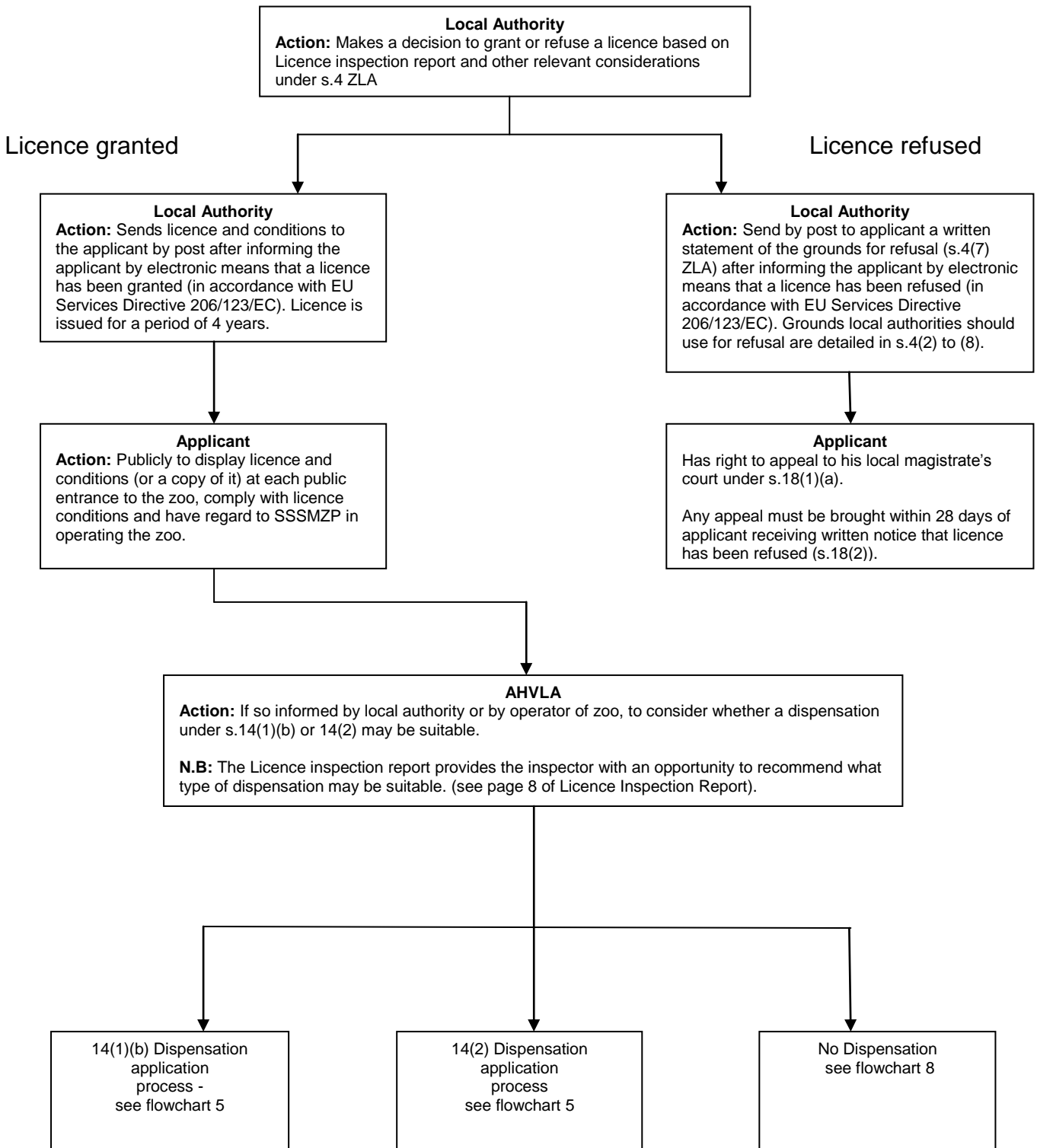
Local Authority/Applicant

Action:

1. Local authority must send:
 - a copy of the report, within one month of receiving it, to the applicant (to allow opportunity for comment).
2. Following receipt of any comments by applicant the local authority must send:
 - a copy of the report signed off by local authority to nominated inspector(s) including any comments from applicant.
 - a copy of the report may be sent to AHVLA for information; this becomes a mandatory requirement if the zoo is local authority owned.
3. After consideration of inspection report the local authority must decide whether to grant or refuse the zoo licence.
4. If granted, the local authority must attach to the licence mandatory conditions that implement the requirements of section 1A of the Act and may also attach any other conditions it thinks necessary or desirable to do so to ensure the proper conduct of the zoo during the period of the licence.
5. Before attaching conditions to the licence the local authority shall consult the applicant and give him an opportunity to make representations.
6. The local authority shall send the new licence with conditions to the applicant operator by post and the applicant must publicly display the licence (or copy) at each public entrance to the zoo.
7. The local authority may send a copy to AHVLA for its information. (This is a mandatory requirement if the zoo is local authority owned).

See flowchart 4 for grant or refusal of licence

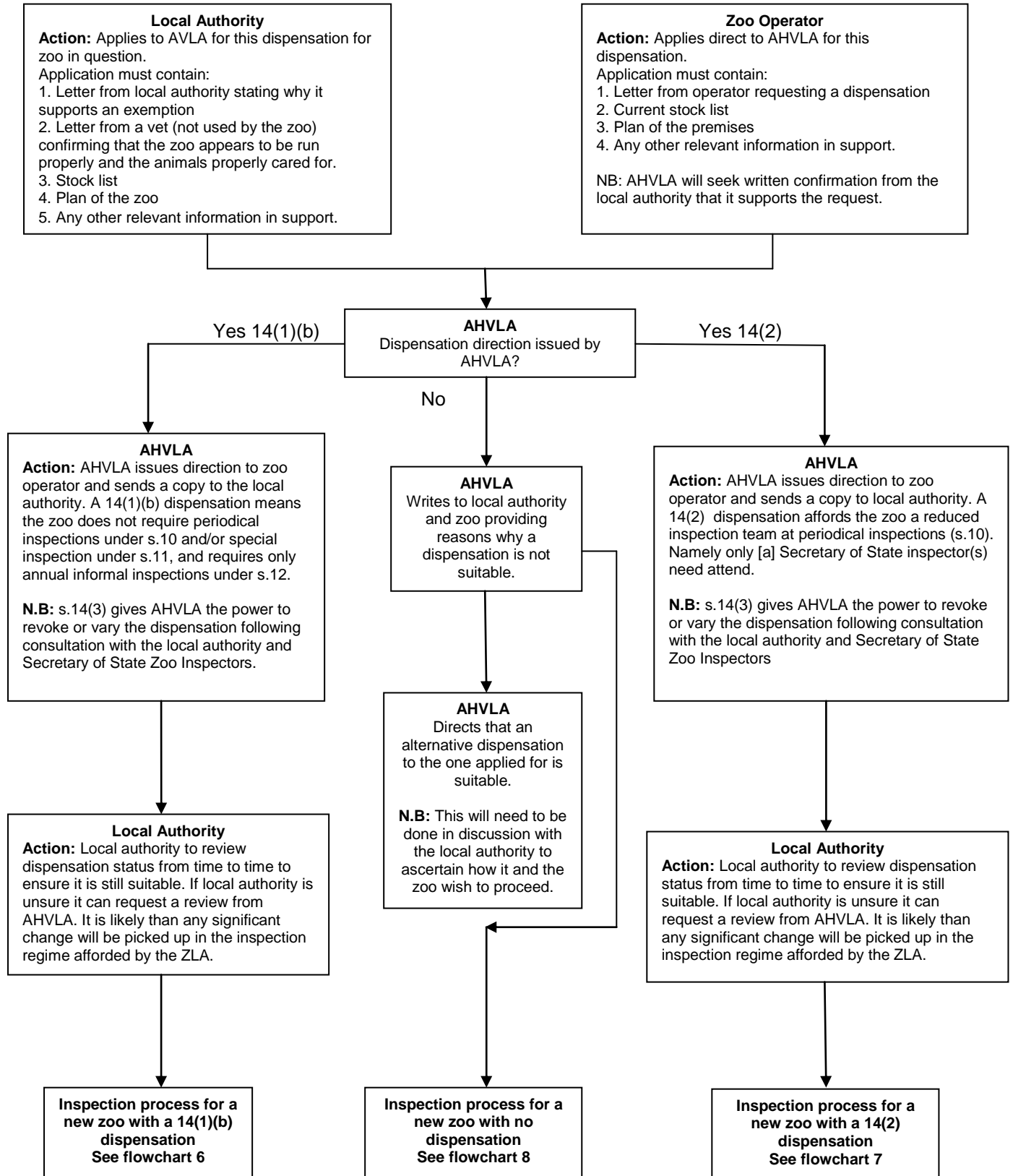
4. Grant or refusal of new licence



5. Applications for dispensations for a new zoo under s.14(1)(b) and 14(2) ZLA

14(1)(b) dispensation

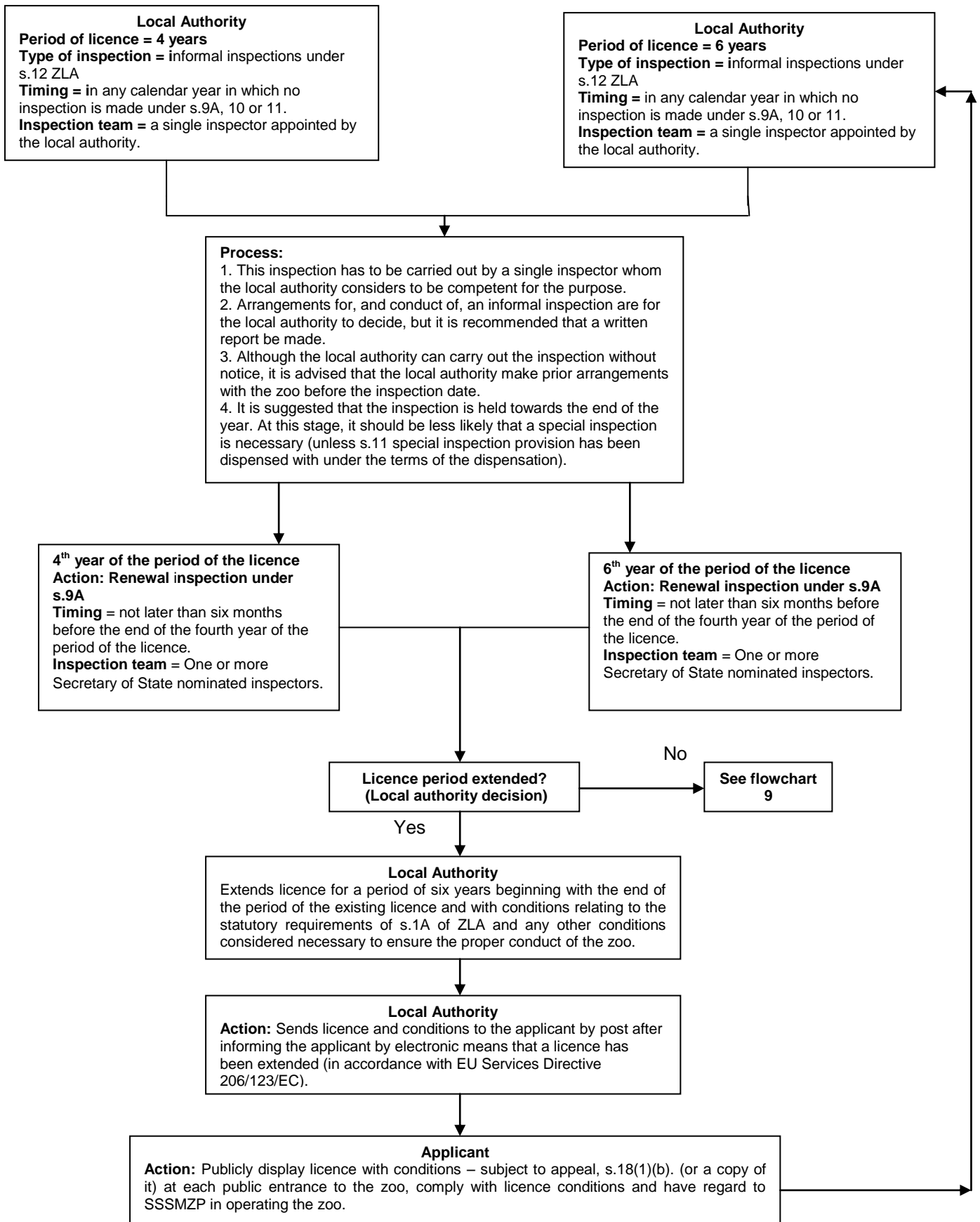
14(2) dispensation



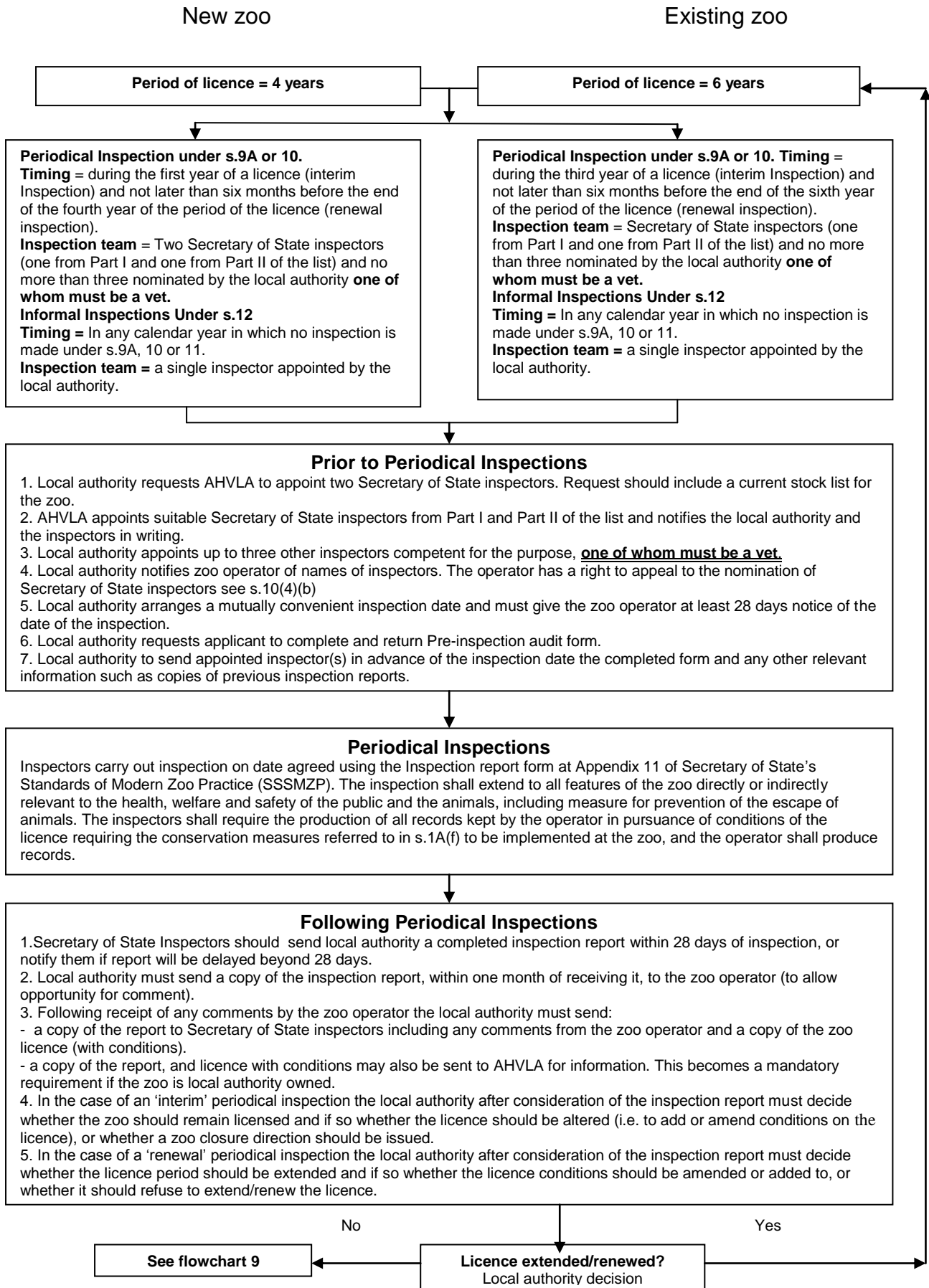
6. Inspection process for zoo with a 14(1)(b) dispensation

New zoo

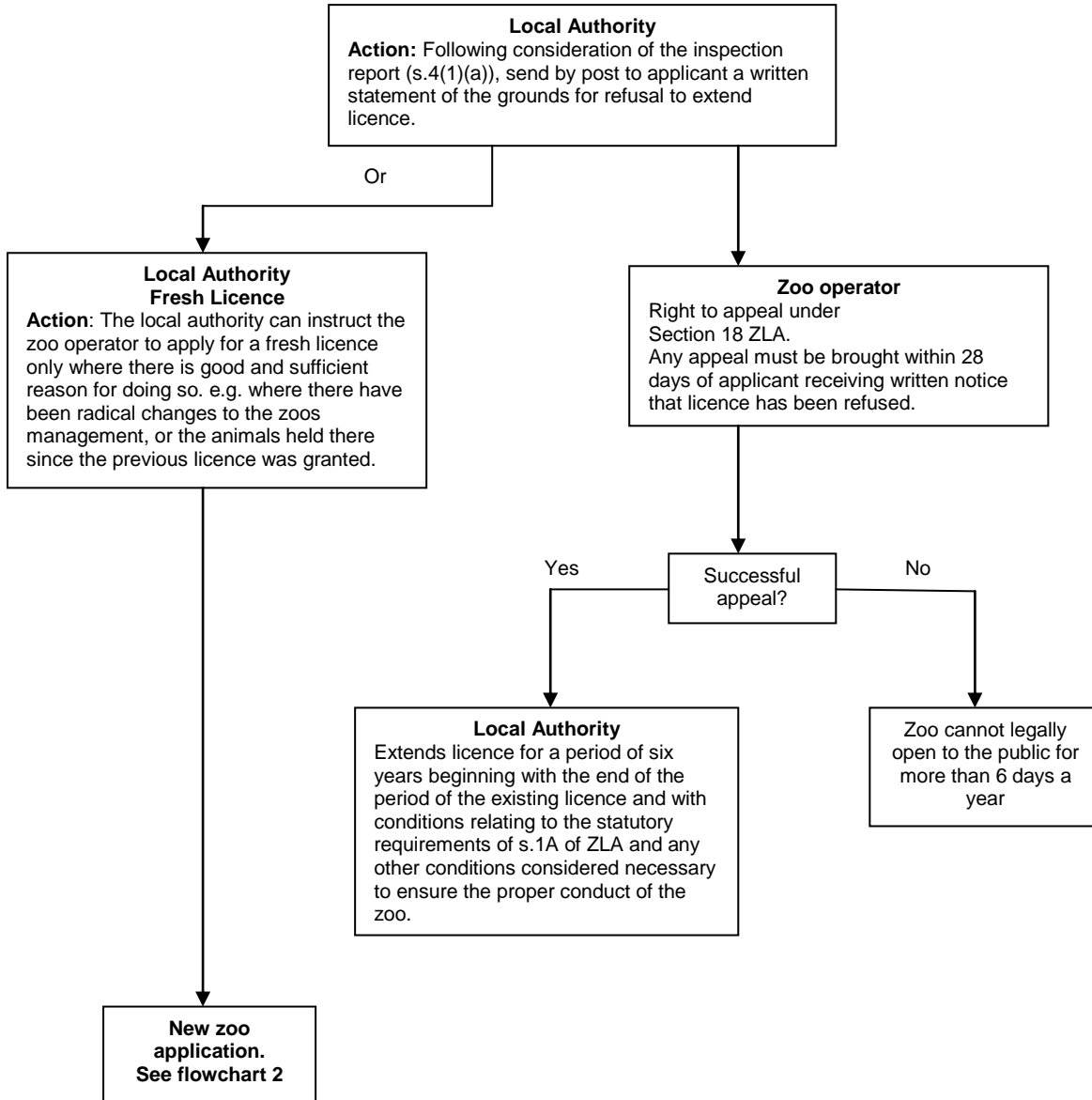
Existing zoo



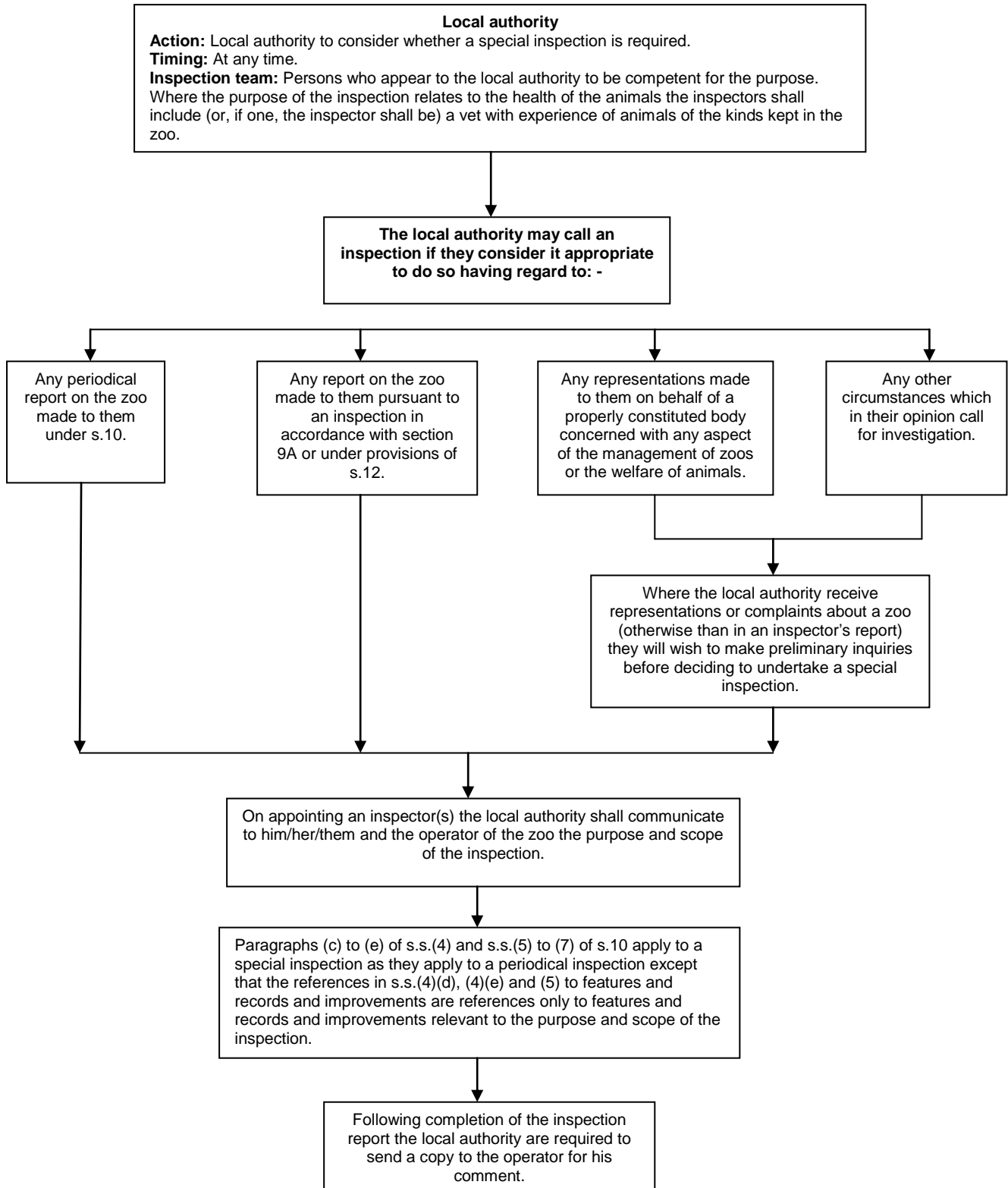
8. Inspection process for zoo without a dispensation



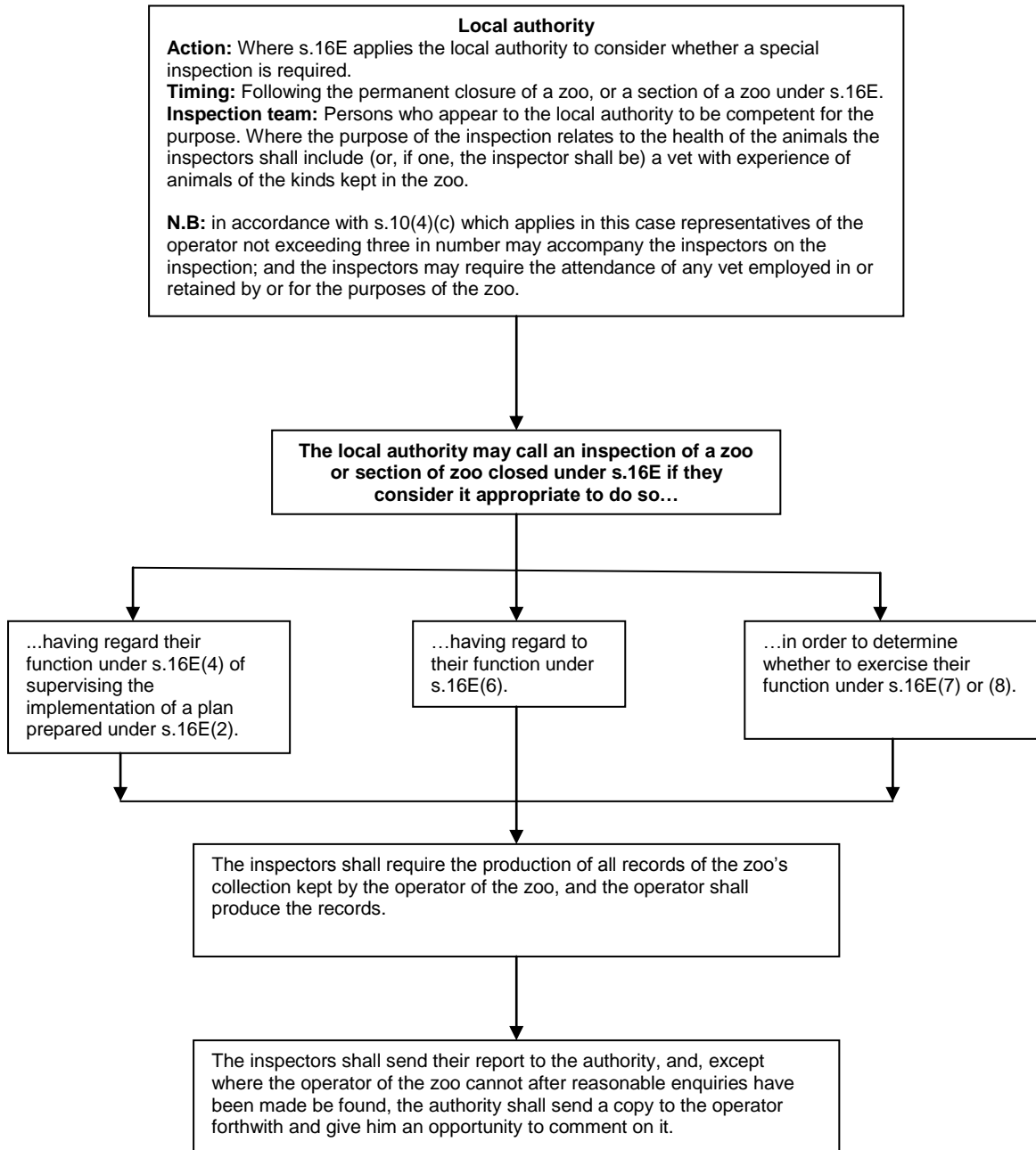
9. Local authority decides not to extend/renew zoo licence



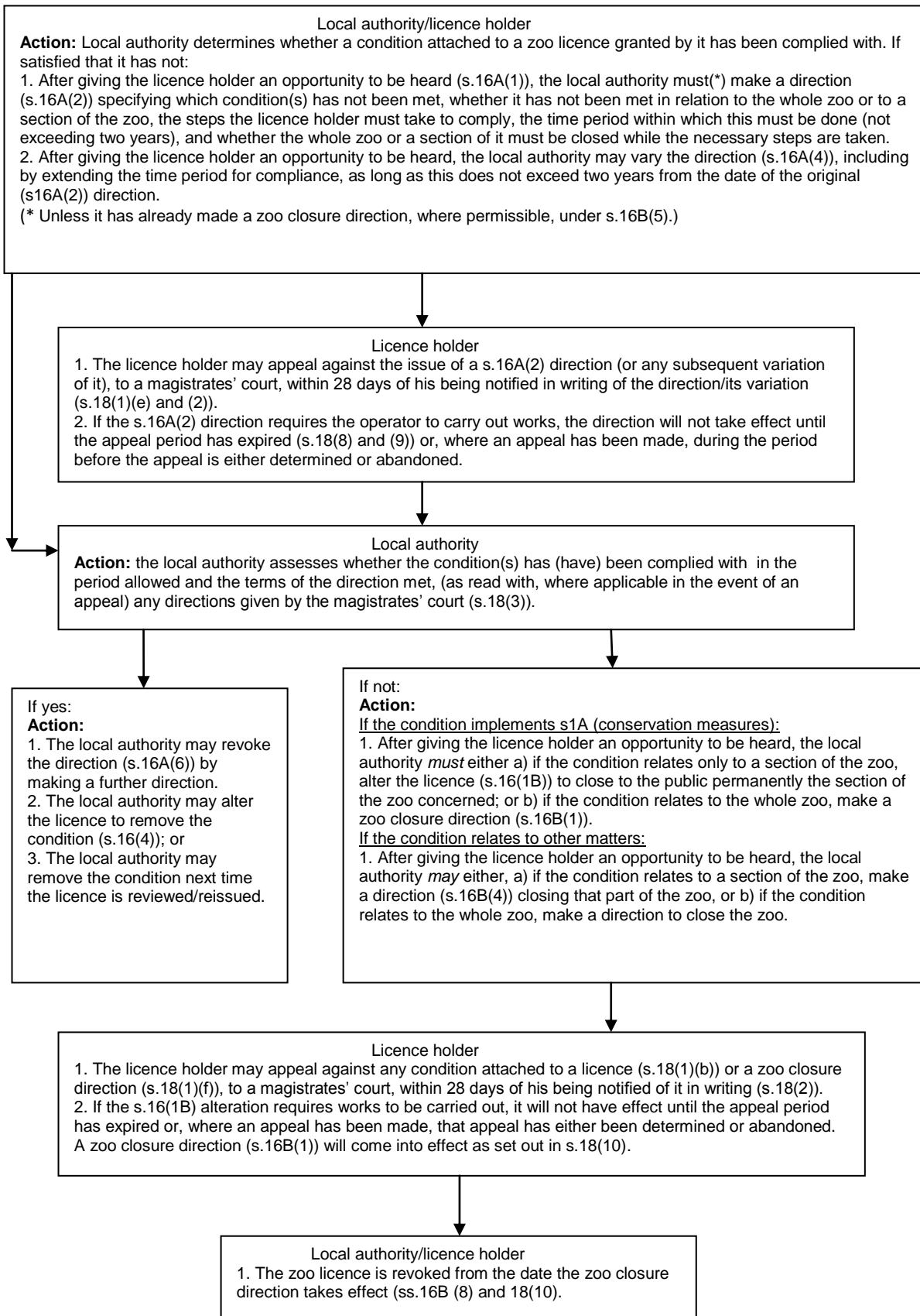
10. Special inspections under section 11



11. Special inspections under section 11A (for a closed zoo under section 16E)



12. Non-compliance with conditions



Annex F: Model zoo licence

This template has been produced as an aid to local authorities in England in preparing zoo licences.

Part 1

This part is self explanatory. An original (new) licence should be granted for a period of four years (section 5(1) of the Act). A fresh licence granted to the holder of an existing licence should be granted for a period of six years beginning with the end of the period of the existing licence (section 5(2) of the Act).

Part 2

These conditions derive from Council Directive 1999/22/EC ('the Zoos Directive') and their gist must appear on every licence. The text may be adapted, but the conditions must in all cases meet the requirements of section 1A of the Zoo Licensing Act 1981 (as amended).

Local authorities may wish to draw the zoo's attention to the provision that an inspector may require the production of all zoo stock records kept by the licence holder in pursuance of conditions requiring the conservation measures to be implemented (section 9(14) of the Act).

Part 3

Other conditions would include any others necessary or desirable for ensuring the proper conduct of the zoo during the period of the licence (section 5(3) of the Act). Any conditions recommended in reports prepared following the inspection of the zoo should be carefully considered, and it is strongly recommended that such conditions are imposed.

In determining additional conditions, regard should be had to the [Secretary of State's Standards of Modern Zoo Practice](#) (section 5(4) of the Act). Examples of conditions that have routinely been attached to licences are given in the template.

Other notes

Conditions should not be attached that are inconsistent with the implementation at the zoo of the conservation measures referred to in section 1A of the Act.

Local authorities may wish to:

- a. draw to the zoo's attention that it is required to display publicly a zoo licence or a copy of it at each public entrance to the zoo (section 4(8) of the Act);
- b. confirm with the zoo the timetable for its next inspection;
- c. draw to the zoo's attention that the issue of a zoo licence does not imply that the requirements of any other legislation have been met.

Compliance with and enforcement of conditions

Steps should be taken to ensure that the conditions attached to a licence are complied with. Options include reviewing the conditions during annual informal inspections (section 12 of the

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Act requires that an informal inspection is carried out in any calendar year in which no formal inspection under section 9A, 10 or 11 takes place). It is recommended that the inspector should look to see (amongst other things) whether the conditions of a licence are being broken and that any time-limited conditions have been complied with in the time specified. It is strongly recommended that a report of the inspection is compiled.

If a condition is being broken or is not being complied with in the time specified the local authority should, after giving the licence holder the opportunity to be heard (section 16A(1) of the Act), make a direction under section 16A(2) to require steps to be taken by the licence holder to ensure that the condition is met within a specified period of time not exceeding two years; and specifying whether the zoo or any part of it must be temporarily closed to the public for a specified period of time.

If a condition is not complied with, it will not normally be appropriate to simply re-impose it upon renewal of the zoo licence. Where the condition concerned is one required to be imposed by section 1A of the Act, failure to enforce it is likely to be viewed as a failure to implement the requirements of EC Directive 1999/22 (whence those conditions derive).

If the section 16A(2) direction to enforce licence conditions is not met, the authority should, after giving the licence holder the opportunity to be heard, make a zoo closure direction under section 16B(2) or (4) of the Act requiring the zoo or part of it to be closed.

This guidance has been prepared to assist local authorities in their implementation of the Act, but it is strongly advised that legal advice is sought, particularly if a section 16 direction is being considered.

[Local Authority Header]

ZOO LICENSING ACT 1981

LICENCE TO OPERATE A ZOO

Part 1

[Name of Licensing authority] being a local authority responsible for licensing zoos under the Zoo Licensing Act 1981 ('the Act')

HEREBY LICENSE

Name of licence applicant:

Office held:

To operate the premises known as:

[Name and address of zoo] ('the Zoo')

Situated within (or the major part of which is within) the area of the said authority, subject to the conditions attached to this licence.

This licence is issued in accordance with the Act for a period of [four/six] years (delete as applicable) and shall remain in force from [start date] until [date of expiry].

Issue date:

Signed:

Name in capitals:

Office held:

On behalf of [name and address of council]

[Local authority footer]

Part 2

Licence conditions (required by section 1A of the Act):

The operator of the Zoo must ensure that the following measures are implemented in the Zoo:

- 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.

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- accommodating and keeping the animals in a manner which meets the standards set out in the Secretary of State's Standards of Modern Zoo Practice.
- preventing the escape of animals and putting in place measures to be taken in the event of any escape or unauthorised release of animals.
- preventing the intrusion of pests and vermin into the premises of the Zoo.
- keeping up-to-date records of the Zoo's collection of animals, including records of the numbers of different animals; acquisitions, births, deaths, disposals and escapes of animals; the causes of any such deaths; and the health of the animals.

participating in at least one of the following:

- research from which conservation benefits accrue to species of wild animals;
- training in relevant conservation skills;
- the exchange of information relating to the conservation of species of wild animals;
- where appropriate, breeding of wild animals in captivity;
- where appropriate, the repopulation of an area with, or the reintroduction into the wild of, wild animals.

Part 3

Other conditions

Additional conditions to ensure the proper conduct of the Zoo in all other respects, during the period of the licence. [In particular, conditions recommended in inspection reports prepared following an inspection of the Zoo should be included wherever appropriate.]

[In addition, where appropriate, conditions could include:]

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.

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Such notification should 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. The notification should include details of the destination, the method of transportation of the animal, the arrangements for its well-being and the arrangements for the safety of the public whilst it is away from the Zoo.

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.

Stock Records

5. An annual stocklist of all animals must be kept and a copy must be forwarded to the local authority no later than 1 April of the year following that to which it relates. The stocklist should be in a multi-column format similar, for example, to Section 9.5 of the Secretary of State's Standards of Modern Zoo Practice, or to those that are produced by ZIMS or ARKS.

Annex G: Licence conditions

The suggested model condition ensures that the requirements of section 1A of the Act are met. It 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 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, deaths, 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 H: Conditions commonly attached to licences

Other 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 believes 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 the Secretary of State's Standards of Modern Zoo Practice. Such notification is 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 with powers conferred under section 9 of the Zoo Licensing Act 1981.

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

Annex J: Model direction to comply with zoo licence conditions

[Name of local authority]

Reference No

ZOO LICENSING ACT 1981, section 16A(2)

Direction to comply with a condition attached to a licence to operate a zoo.

To: [Name of zoo licence holder]

At: [Address of zoo licence holder]

Take notice that [name of local authority], having given you the opportunity to be heard, is not satisfied that in relation to [name and address of licensed zoo] a condition attached to your licence dated [insert date of licence] which requires you to [quote condition applicable] is met.

The above licence condition is not met in relation to:-

[the whole zoo] [a section of the zoo [specify section]]

The [name of local authority] hereby requires you to take the following steps to ensure that the licence condition is met [specify steps to be taken] within [*state period for compliance] from the date of this direction.

[The zoo or section of the zoo specified above shall be closed to the public during the period specified for your compliance with this direction [or for such shorter period as is taken to comply with the direction]. (If the holder of a licence for a zoo fails without reasonable excuse to comply with the requirement in this direction to close the zoo or a section of it to the public in accordance with the direction, he is guilty of an offence (section 19(3B)).)]

OR

[The zoo or section of the zoo specified above need not be closed to the public during the period specified for your compliance with this direction.]

Failure to comply with the direction may (if appropriate) lead either to the closure of the zoo by a Zoo Closure Direction (under section 16B), or to alteration of your licence under section 16(1B) so as to require that a section of it is closed permanently to the public.

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.

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Signed Date

Name and Office Held.....

Address of local authority:-

Tel:

Fax:

e-mail:

* The period for compliance shall not exceed two years from the date of this direction.

Notes

Direction under section 16A(2) of the Zoo Licensing Act 1981 to meet a licence condition

1. This Direction is made under section 16A(2) of the Zoo Licensing Act 1981.
2. The local authority may, after giving the licence holder an opportunity to be heard, make a direction varying this direction (section 16A(4)).
3. A variation to a direction may increase the period specified to carry out the work required provided this does not exceed 2 years from the date of the original direction (section 16A(5)).
4. A direction to comply with a licence condition may be revoked by a further direction of the local authority (section 16A(6)).
5. You may appeal against the direction or any varied direction to a magistrates' court with 28 days of receipt of the direction or any varied 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 (section 18).

Where this direction either requires the holder of the licence to close the zoo, or a section of it, or to carry out works he would not otherwise be required to carry out, (or both), then that direction shall not have effect during the period within which the licence holder is entitled to appeal against it, nor, where such an appeal is brought within that period, during the subsequent period before the appeal is determined or abandoned (section 18(8) and (9)).

The address of the local magistrates' court is: [insert address]

6. If the local authority is satisfied that the licence holder has failed to comply with this direction to meet a licence condition which requires any conservation measure referred to in section 1A of the Act to be implemented at the zoo, the local authority shall either (as appropriate), after giving the licence holder an opportunity to be heard, and after the period for compliance has expired, make a Zoo Closure Direction (section 16B(1)) or, after the period for compliance has expired, make such alterations to the licence as it considers to be necessary or desirable to ensure that the section of the zoo in relation to which it is satisfied that the condition is not met is closed permanently to the public (section 16(1B)).

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7. If the local authority is satisfied that the licence holder has failed to comply with this direction to meet a licence condition, other than one which requires any conservation measure referred to in section 1A of the Act to be implemented at the zoo, the local authority may, after giving the licence holder an opportunity to be heard, and after the period of compliance has expired, make a Zoo Closure Direction (section 16B(4)).
8. Section 19 of the Act sets out offences and penalties. Section 19(3B) describes an offence by a holder of a licence of failing, 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, for which the penalty on summary conviction is a fine not exceeding level 4 on the standard scale (section 19(4)). It is in any event an offence for an operator of a zoo to fail, without reasonable excuse, to comply with any condition for the time being attached to this licence for the zoo under the Act (section 19(2)).

Annex K: Model direction to close a licensed zoo

[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;

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(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:

Department for Environment, Food and Rural Affairs

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

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(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)).

Annex L: Model direction to close an unlicensed zoo

[*Name of local authority*]

Reference No-----

ZOO LICENSING ACT 1981, section 16C

Zoo Closure Direction (zoo without a licence)

To: [*Name of Zoo Operator*][*Name of person appearing to be responsible for the zoo (where operator of the zoo cannot be found)*]

At: [*Address of Zoo Operator/Person responsible*]

Take notice that [*name of local authority*] ('the authority') makes this Zoo Closure Direction under section 16C 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 –

- (i) the zoo is being operated without a licence under the Act;
- (ii) no direction under section 14(1)(a) of the Act (which would disapply the Act) has effect in relation to the zoo;
- (iii) during the period of 12 months ending on [*specify date*], members of the public have had access to the zoo on 7 or more days.

[**Delete whichever of the following is inapplicable*]

[*The authority, having made reasonable enquiries, is satisfied that the operator of the zoo cannot be found]

[*The authority, has given you at least 35 days' notice in writing of –

- its intention to make a zoo closure direction in respect of the zoo;
- your opportunity to be heard, and

at the expiration of that notice period –

- (whether or not you availed yourself of the opportunity to be heard) it does not appear to the authority that the view it reached (as to the access of the public to the zoo on 7 or more days during the specified period of 12 months) was incorrect, and

[*no notice of intention to apply for a licence for the zoo had been given to the authority]

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[*the authority had been given notice in writing of an intention to apply for a licence for the zoo, but no such an application has been made during the period of 3 months from the date on which that notice of intention was given]

[*the authority had been given notice in writing of an intention to apply for a licence for the zoo, but that application for a licence for the zoo has subsequently been refused and [*no appeal has been brought against that refusal within the time period specified] [*an appeal against that refusal, made within the time period specified, [*has been abandoned] [*has resulted in the court's confirming the decision to refuse the application]].

Failure, without reasonable excuse, to comply with a direction by the operator of a zoo (or other person appearing to be responsible for the zoo) to whom it is notified in writing is an offence under the Act.

This direction shall take effect within **28 days** from the date on which it is received (see 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 the authority:-

Tel:

Fax:

e-mail:

Notes

Zoo Closure Direction - section 16C Zoo Licensing Act 1981

1. This direction is made under section 16(C) of the Zoo Licensing Act 1981 (“the Act”). This section applies to zoos subject to the Act but operating without a licence. This direction takes effect within 28 days of receipt.
2. You may appeal against this direction to a magistrates’ court within **28 days** of written receipt of the local authority’s decision to issue the 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 time specified above, and the local authority’s decision is either confirmed or varied, the zoo closure direction (if applicable, as varied) 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 such other day as the court directs.
4. Section 16C of the Act applies to an unlicensed zoo for which no direction under section 14(1)(a) of the Act (which would disapply the Act) has been issued and which appears to the local authority to have been open to the public for 7 or more days in a consecutive period of 12 months.
5. In respect of any such zoo for which the local authority is satisfied, after reasonable enquiries have been made, that the operator of the zoo cannot be found, the authority must make a zoo closure direction for that zoo.
6. In respect of any such zoo for which the operator can be found, the local authority (unless it informs the Secretary of State that, in its opinion a section 14(1)(a) direction (disapplying the Act) should be made, and the Secretary of State then makes that direction) shall give the operator of the zoo at least 35 days’ notice in writing of its intention to issue the zoo closure direction. The operator is to be given the opportunity to be heard in respect of that intention.
7. Where an authority has given notice its intention to make a zoo closure direction in respect of the zoo as described in Note 6 and (whether or not the operator availed him/herself of the opportunity to be heard) it does not appear to the authority that the view it reached (as to the access of the public to the zoo on 7 or more days during the specified period of 12 months) was incorrect, and during the 35 (or more) days notice period –
 - (i) no notice of intention to apply for a licence for the zoo was given to the authority; or
 - (ii) the authority was given notice in writing of an intention to apply for a licence for the zoo, but during the period of 3 months from the date on which that notice of intention was given no such an application has been made; or
 - (iii) the authority was given notice in writing of an intention to apply for a licence for the zoo, but any such application was subsequently refused and either –

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- no appeal has been brought against that refusal within the time period allowed; or
 - an appeal against that refusal, made within the time period allowed, has either been abandoned or has resulted in the court's confirming the decision to refuse the application,
- the authority must make a zoo closure direction for that zoo.

8. Section 19 of the Act sets out offences and penalties. Section 19(1) describes an offence of operating a zoo without a licence in contravention of the Act. 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 a that direction. The penalty on summary conviction for either offence is a fine not exceeding level 4 on the standard scale (section 19(4)).

Annex M: Model direction to ensure the welfare of animals following the closure of a zoo

[Name of local authority]

Reference Number.....

ZOO LICENSING ACT 1981, section 16E(6).

Direction relating to welfare of animals following closure of zoo.

To: [Name of zoo operator or 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 zoo operator or of other person appearing to be responsible for the zoo]

Take notice that [name of local authority] ('the Authority') makes this direction under section 16E(6) of the Zoo Licensing Act 1981 ('the Act') in respect of the zoo at [name and address of zoo] ("the Zoo").

The Authority directs that [specify terms as seen fit as to the future care of animals kept in the zoo, or for their disposal and for their future care until they are disposed of].

This direction is being made following the Authority giving the Zoo operator an opportunity to be heard and because [insert ONE of the following reasons (removing bullet point)]

the Authority are not satisfied with a plan, prepared under section 16E(2) of the Act, of the arrangements proposed to be made in relation to 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.]

the Authority are not satisfied with the way in which a plan, prepared under section 16E(2) of the Act, of the arrangements proposed to be made in relation to 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]

is being implemented.

the Zoo operator has not prepared a plan, under section 16E(2) of the Act, of the arrangements proposed to be made in relation to 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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within a reasonable period after the date from which section 16E applied to the Zoo.

the Authority consider that urgent steps need to be taken by the Zoo operator to safeguard the welfare of animals kept in the Zoo.

This direction shall be complied with to the satisfaction of the Authority. Failure to comply with this direction without reasonable excuse is an offence under the Act.

Your attention is drawn to the notes overleaf, which include details about your right of appeal. This direction shall take effect upon the expiry of the period of 28 days from the date in which it is received. However, where you have appealed, this direction shall not have effect during the subsequent period before the appeal is either determined or abandoned.

Signed Date

Designation

Address of local authority:-

Tel:

Fax:

e-mail:

Notes

Direction for care/disposal of animals following closure of a zoo - Section 16E Zoo Licensing Act 1981

This direction is made under section 16E(6) of the Zoo Licensing Act 1981 (“the Act”).

1. Section 16E of the Act applies:

to a zoo in respect of which a zoo closure direction has been made in accordance with the Act;

to a zoo whose licence has expired or has been surrendered; and

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) of the Act.

2. Under section 16E(6) of the Act, after giving the zoo operator an opportunity to be heard, a Local Authority may make a direction in such terms as they see fit as to the future care of the animals kept in the zoo, or for their disposal and for their care until they are disposed of, where the following circumstances apply:

the Local Authority is not satisfied with a plan, prepared under section 16E(2) of the Act, of the arrangements proposed to be made in relation to the animals kept in the zoo:

for their future care; or

for their disposal and for their care until they are disposed of.

the Local Authority is not satisfied with the way in which a plan, prepared under section 16E(2) of the Act, of the arrangements proposed to be made in relation to the animals kept in the zoo:

for their future care; or

for their disposal and for their care until they are disposed of

is being implemented.

the zoo operator has not prepared a plan, under section 16E(2) of the Act, of the arrangements proposed to be made in relation to the animals kept in the zoo:

for their future care; or

for their disposal and for their care until they are disposed of

within a reasonable period after the date from which section 16E applied to the zoo.

the Local Authority consider that urgent steps need to be taken by the zoo operator to safeguard the welfare of animals kept in the zoo.

3. The Local Authority may, after giving you the opportunity to be heard, make a direction varying or revoking this direction.

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4. This direction takes effect upon the expiry of the period of 28 days from the date on which it is received.

5. You may appeal this direction to a magistrates' court within 28 days from the date of receipt of this direction. The court may confirm, vary or revoke 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]

6. This direction shall not have effect during the period within which you are entitled to appeal or, where such an appeal is brought within that period, during the period before the appeal is determined or abandoned.

7. Where this direction has not been complied with to the satisfaction of the Local Authority or the Local Authority consider that urgent steps need to be taken by them to safeguard the welfare of the animals kept in the zoo, the Local Authority must, after giving the zoo 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. The Local Authority may charge the zoo operator such sums as they may determine in respect of reasonable expenses incurred by them in their exercise of these functions.

8. Section 19 of the Act sets out offences and penalties. Under this section it is an offence to fail without reasonable excuse to comply with a direction given under section 16E(6) for which the penalty on summary conviction is a fine not exceeding level 4 on the standard scale.

Annex N: Treatment or disposal of animals in the event of a zoo's closure

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 British and Irish Association of Zoos and Aquariums (BIAZA), 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 which 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 BIAZA. Where the animals are listed in Appendix I of CITES, local authorities should observe any special conditions attached to any CITES permits/certificates linked to the particular animal. Local authorities should consult AHVLA to help ensure that any conditions are complied with. AHVLA can also advise, in consultation with its CITES Scientific Authority, on suitable recipients that would maximise the conservation potential of the specimen concerned. 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 24.2-25.5 of this guidance.

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 P.

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 the Zoo Licensing Act 1981. 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 at Annex R.

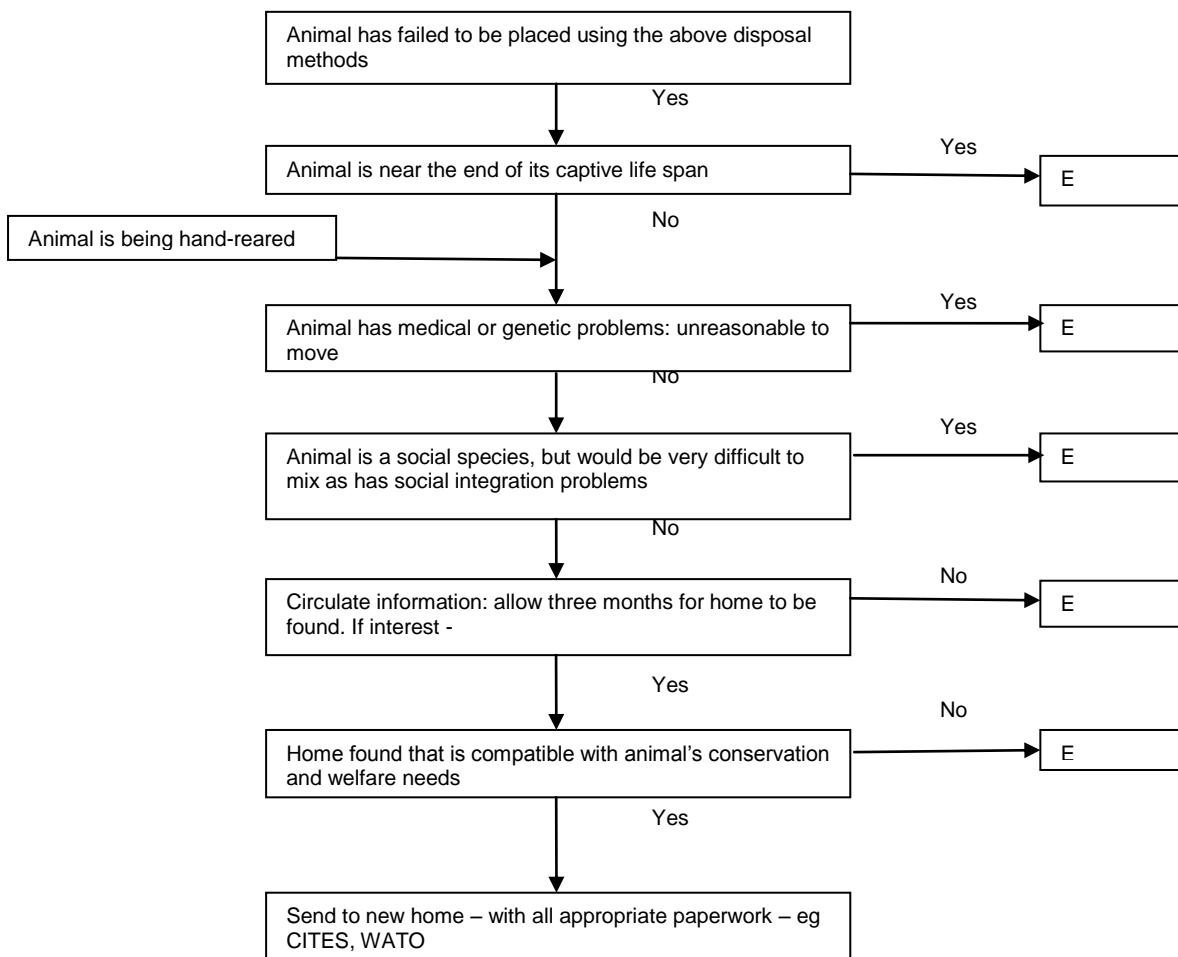
Annex P: Decision tree to help local authorities decide if an animal should be euthanased

If after contacting organisations such as the British and Irish Association of Zoos and Aquariums, 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; and

The Taxon Advisory Groups (contacted through BIAZA) decide the animal cannot be used in a managed programme; and

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 table to decide whether or not euthanasia (E) is an appropriate option.



Annex Q: The use of hazardous animals from zoos in 'outreach' activities

Local authorities will wish to work closely with zoos in their area, and in any other local authority area where a demonstration is to take place. The references and guidance below will help local authorities ensure that they are carried out to a high standard in accordance with the legislation.

1. Current relevant legislation and guidance

1.1 [Secretary of State's Standards of Modern Zoo Practice](#) (SSSMZP)

- a) Section 6 paragraphs 6.4 - 6.6
- b) Appendix 4 paragraph 4.2
- c) Appendix 6 paragraphs 6.7 and 6.8
- d) Appendix 7 paragraphs 7.1 – 7.6 and 7.8
- e) Appendix 12 paragraphs 1.1 – 1.4

1.2 [Managing health and safety in zoos](#) published by the Health and Safety Executive – paragraphs 86, 87, 88, 90, 91, 97 and 99

1.3 [Animals Act 1971](#) section 2

1.4 [Animal Welfare Act 2006](#)

1.5 [Animal Health and Welfare \(Scotland\) Act 2006](#)

2. Local authority approval

2.1 Under the SSSMZP, Appendix 12 paragraph 1.3 states that 'the responsibility for any relaxation of the need to provide non-touch barriers ...lies with the local authority, acting upon the advice of inspectors nominated by the Secretary of State'.

2.2 Under current guidance the production of a risk assessment by the operator that satisfies the local authority allows the animal display to proceed under the zoo's licence (SSSMZP Appendix 12 paragraph 1.4).

2.3 The health and safety aspects of such displays are generally well covered with details of proposed risk assessments identified in 'Managing health and safety in zoos' paragraph 91.

2.4 The zoo operator and the individual in charge should be registered with the local authority (where he resides) under the [Performing Animals \(Regulation Act\) 1925](#) . Appropriate [CITES](#) legislation also applies.

2.5 Subject to certain exceptions, the Animals Act 1971 makes the keeper of an animal liable for damage caused by that animal: the liability is more extensive where the animal belongs to a dangerous species.

3. Ethics of the display

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3.1 The use of the animal in this display could be a subject of the zoo's ethical review process. The review should consider that outreach activities should have conservation and education relevance. This could be part of the report to the inspector to seek local authority satisfaction.

4. Welfare of the animal

4.1 In England zoo inspectors are appointed by the Secretary of State; in Wales by the Welsh Government; and in Scotland by the Minister for Scotland. Northern Ireland has its own arrangements under The Zoos Licensing Regulations (Northern Ireland) 2003.

4.2 The animal is in the remit of the Zoo Licensing Act 1981 and therefore all the welfare requirements are still relevant.

4.3 The risk assessment to the local authority is in relation to public safety. There is currently no assessment of the risks to or effects on the animal. If an inspector is involved in the local authority assessment this could alleviate some of the potential risks to the animal.

4.4 Significant risks could include:

- actual harm from the display
- overuse of the animal – in regard to the number and length of displays in one day and the amount of rest periods for the animal
- how far the animal has to travel ([Welfare of Animals \(Transport\) \(England\) Order 2006](#) – potentially the operator may have to become a licensed transporter)
- holding facilities in transit and at temporary site
- disease risks to animal
- stress indicators.

These potential risks are applicable to all categories, not just to Category 1 animals.

5. Zoo inspection considerations

5.1 Outside individual displays the standard zoo inspections provide opportunity to investigate the use of display animals particularly those used off-site on a regular basis.

5.2 Under Appendix 6, paragraph 6.14 of the SSSMZP a programme for screening for zoonotic disease should be detailed where there may be direct public contact with the animal.

5.3 Isolation facilities and procedures for animals returning from displays off-site should be established. These animals pose a significant risk to the rest of the zoo collection. Animals used for outreach should be treated as being in permanent isolation from the rest of the collection.

Annex R: Organisations that may be able to provide advice

Animal Health and Veterinary Laboratories Agency (AHVLA): For advice on the licensing and inspection of zoos. Address: Zoo Licensing Inspectorate, 1/17 Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6EB (tel: 0117 372 8209; e-mail: zoos.branch@defra.gov.uk).

Department for Environment, Food and Rural Affairs: For advice on the legislation and associated guidance. Address: Wildlife Species Conservation Division, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6EB (tel: 0117 372 3606; e-mail: zoos.branch@defra.gov.uk).

British and Irish Association of Zoos and Aquariums (BIAZA): For general advice and details of possible recipients of animals (all zoo animals). Address: Regents Park, London NW1 4RY (tel: 020 7449 6351). Please note, the Zoo Licensing Act 1981 refers to BIAZA under its former name of the Federation of Zoological Gardens.

British Association of Leisure Parks, Piers and Attractions Limited: For general advice and possible recipients of animals (all zoo animals). Address: Suite 12, 37 Tanner Street, London, SE1 3LF (tel: 0207 403 4455; e-mail: info@balppa.org.)

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; e-mail: info@farmattractions.net).

Royal Society for the Prevention of Cruelty to Animals: For general advice and details of possible recipients of animals (for smaller zoo animals). Address: Wilberforce Way, Southwater, Horsham, West Sussex RH13 9RS (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; e-mail: info@eaza.net).

Annex S: Zoo licensing frequently asked questions

The answers to the questions below provide some additional general information as a guide but each situation is different and care should be taken to ensure the Zoo Licensing Act 1981 (“the Act”) is complied with. In addition, the answers are to be taken as an informal opinion and not as authoritative statements, as interpretation of the Act is a matter for the Courts.

1. If a collection has been assessed and does not fall under the Act what happens next?

If the local authority has decided that the collection does not meet the definition of a zoo under the Act, the Act will not apply. If the local authority is of the opinion that the collection **does** meet the definition of a zoo to which the Act applies, but is of a size and nature that the local authority thinks the Act should not apply (either as a whole, or in respect of s.10, s.11, or both) i.e. the collection contains small numbers of non-conservation sensitive and/or non-hazardous species and these animals are well cared for and the premises well managed, then the local authority can inform the Animal Health and Veterinary Laboratories Agency (AHVLA) (acting for the Secretary of State) which will decide whether or not to grant an exemption under section 14(1)(a) or (b) of the Act.

However, there is the possibility in future that the collection may change, so it should be logged and checked in future. Annual reappraisal is advised.

2. Who should apply for dispensation - the local authority or the zoo?

Dispensations under section 14(1) – the local authority should inform AHVLA (acting for the Secretary of State) on behalf of the zoo operator.

Dispensations under section 14(2) – the zoo operator applies to AHVLA (acting for the Secretary of State).

3. Can the local authority use inspectors on the Secretary of State’s list for their own nominated vet/inspector?

Yes. AHVLA (acting for the Secretary of State) will nominate the inspectors from the lists and the local authority can use a different vet on the list as its nominated vet if it wishes to. However, the Royal College of Veterinary Surgeons website does have a ‘find a vet’ search and it is recommended that this is used as a first option when searching for a suitable vet: [Find a vet](#)

4. Can the vet who looks after the zoo collection be one of the inspectors?

No. This would present a conflict of interest. However, under s.10 (4) Inspectors can require the attendance of the zoo’s vet at the inspection.

5. When does a s.14(1)(b) dispensation apply?

This category might apply to collections of non-hazardous and non-conservation sensitive wild species not normally exceeding 200 specimens.

6. When should a licence inspection take place for a new zoo?

A ‘licence’ inspection is required under section 4(1A) before the local authority can make the decision whether or not to grant a licence for a new zoo. If a licence is issued it must be issued for four years and (unless the zoo has been granted a dispensation from section 10, under

section 14(1)(b)) an inspection under section 10 of the Act must take place within the first year of the period of the licence and again no later than six months before the expiry of the four year licence.

7. Can new conditions be added to a licence after (i) an informal inspection; (ii) periodical inspection; (iii) special inspection; or (iv) at any other time?

Yes, under section 16, at any time after the grant of a licence, it may be altered by the local authority if in its opinion it is necessary or desirable to do so for ensuring the proper conduct of the zoo; this is not necessarily dependent upon any prior inspection. However, before exercising its powers the local authority shall give the licence holder an opportunity to make representations (see section 16(2)). Under section 16(4) an alteration may be made by varying, cancelling or attaching conditions or by a combination of any of those methods.

8. If a farm park decides to display wild boar does it require a zoo licence?

Yes. Wild boar are considered 'not normally domesticated in Great Britain' and therefore bring the farm park under the definition of a zoo. The SSSMZP Hazardous Categorisation list (Appendix 12) has wild boar as category 1 'Greater Risk' and this can often mean that an exemption from the requirements of the Act may not be appropriate; but a dispensation for example under section 14(2) may apply.

9. If an organisation, which is not normally a zoo, sets up a 'temporary' wild animal exhibit does the Act apply? And if not what legislation does apply?

The Act applies to 'an establishment where wild animals are kept for exhibition ... to which members of the public have access, with or without charge for admission, seven or more days in any period of twelve consecutive months'. There are a number of circumstances to consider i.e. the type and number of animals on display, the duration of the temporary exhibit and whether the animals will be kept at the premises where they are to be displayed. The local authority should consider each case on its merits to determine if an exemption from the Act under section 14(1)(a) may be applicable; or if the organisation needs to apply for a zoo licence; or if the Act would not apply.

Depending on the nature of the display, the operator may also need to register with the local authority under the Performing Animals (Regulation) Act 1925. The Animal Welfare Act 2006 will apply to the animals. If the local authority takes the decision that the Act does not apply then the Dangerous Wild Animals Act may apply depending on the species, although this legislation is intended for the licensing of privately kept animals.

10. If an attraction that is not normally a zoo features a bird of prey show does the Act apply?

The definition of a zoo under the Act is a premises where wild animals are kept for exhibition to the public (otherwise than in a circus or a pet shop) and the Act applies to those zoos where such exhibition is available for seven or more days a year.

The word 'kept' is the qualifying factor in this issue. It is up to the local authority to decide where the Act would apply in each individual case, taking into account for instance where the animals are kept for the majority of the 24 hours in the day (see also s.22 (2)).

11. If an inspector is unable to attend at a scheduled inspection, can the inspection take place with those that are in attendance? And if not who pays?

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The correct number of inspectors and make up of an inspection team must meet the statutory requirements of the Act. A licence inspection (relating to inspections before the grant, refusal, renewal or significant alteration of licences) requires one or more inspectors nominated by the Secretary of State from the Secretary of State's list (s.9A); a periodical inspection (where the zoo does not have a dispensation under section 14(2)*) requires not more than three inspectors appointed by the local authority (one of which at least must be a vet) and two nominated by the Secretary of State, one from each part of the Secretary of State's list (s.10 (4) (a)); a special inspection requires persons who appear to the local authority to be competent for the purpose (s.11 (2)); and an informal inspection should be carried out by a single inspector whom the local authority considers to be competent for the purpose (s.12 (2)).

*Where the zoo has a 14(2) dispensation (issued by AHVLA on behalf of the Secretary of State) the periodical inspections are required to be carried out by a reduced inspection team that need only consist of one or more inspectors nominated by the Secretary of State.

If the requisite number of inspectors is not present at an inspection then the inspection is invalid and will have to be rearranged. With regard to who pays for an aborted inspection, the local authority would be responsible for determining this as the inspection would have to be re-scheduled and a payment to the Secretary of State's nominated inspectors would be expected. Issues such as this, and what fee and process are acceptable, are best dealt with between the local authority and the inspector upon contracting the work.

12. Can a zoo operator refuse access to any of the inspection team?

For full Periodical inspections under section 10 of the Act, the local authority is required to notify the operator in advance of the names of all the inspectors appointed for the inspection. The operator can notify the local authority of his objection to any one or more of the inspectors, and it is at the discretion of the local authority or AHVLA (on behalf of the Secretary of State), as appropriate, whether it changes the inspectors. With inspections under section 10 that are subject to a direction under section 14(2), in which ordinarily a single Secretary of State nominated inspector is required, there is no provision under the Act for the operator to object to the inspector; however, AHVLA will consider any reasonable representations made to it.

With regard to refusing access to inspectors, under section 19(3) of the Act, any person who intentionally obstructs an inspector acting pursuant to the Act is guilty of an offence.

13. If a zoo is part of a bigger attraction (eg a theme park) does the inspection take account of / inspect any of the non-zoo part of the attraction?

The Act requires that Periodical inspections shall extend to all features of the attraction directly or indirectly relevant to the health, welfare and safety of the public and the animals, including measures for the prevention of escape of animals. This scenario requires the informed judgement of the inspectors and taking each case on its merits and the degree of separation on site of the 'zoo' and other areas of operation.

14. If a pet shop has a permanent display of exotic animals as well as animals for sale does it require a zoo licence?

Section 1(2) of the ZLA states that a zoo 'means an establishment where wild animals are kept for exhibition to the public...otherwise than in a pet shop'. A 'pet shop' is 'premises for whose keeping as a pet shop a licence is in force, or is required, under the Pet Animals Act 1951'. If the animal is kept for exhibition to the public in premises that has a pet shop licence then no zoo

licence is required. In the first instance, however, it will be for the local authority to make a decision about which legislation is applicable and to keep that decision under review.

15. Can the local authority use the services of another local authority to undertake its zoo licensing activities?

Yes, zoo licensing functions can be contracted out (eg to a local authority that has greater experience in zoo licensing). It is useful for there to be someone in the local authority that is contracting out to act as a point of contact for all involved.

16. Can a zoo take animals out of the collection: for example, to schools? And if so would consideration of these procedures need to be included within the inspection process?

Yes, the animals' usual home is in the zoo and those facilities are subject to the zoo inspection. The 'outreach' work should be operated in accordance with animal care standards (SSSMZP) and with due regard to public health and safety. In addition, Section 22 of the Act states that for the purpose of the 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. It is recommended that the local authority discusses the general arrangements for such excursions with the operator. It may be that the zoo operator will need to register with the local authority under the Performing Animals (Regulation) Act 1925.

17. Do the answers to these questions apply in Scotland, Wales and Northern Ireland?

The Act applies to Great Britain only - Northern Ireland has its own legislation.

The answers to these questions relate to England but are generally applicable across Great Britain (but note that the Secretary of State's functions have been transferred to the devolved administrations).