

## Department for Environment, Food and Rural Affairs

# Direction to close an unlicensed zoo

This is a model direction for local authorities to use if they want to close an unlicensed zoo.

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

**June 2015**

[Name of local authority]

Reference No-----

ZOO LICENSING ACT 1981, section 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]

[\*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 –

- 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)).



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