

Zoo Licensing Frequently Asked Questions (FAQs)

In operating the Zoo Licensing Act 1981 (ZLA) in England each zoo collection should be assessed on an individual basis by the local authority (LA). Guidance is provided in Government Circular 02/2003 <http://www.defra.gov.uk/wildlife-pets/zoos/documents/zoo-gc022003.pdf>, the Secretary of State's Standards of Modern Zoo Practice (SSSMZP) <http://www.defra.gov.uk/wildlife-pets/zoos/standards.htm>, and the Zoos Forum Handbook <http://www.defra.gov.uk/wildlife-pets/zoos/zf-handbook.htm> .

The ZLA applies to Great Britain only - Northern Ireland has its own legislation. The answers to these FAQs have been prepared under the guidance of Defra (England) but the principles are generally applicable across Great Britain. However, please note that the Secretary of State's functions have been transferred to the devolved administrations and they have their own internal procedures for the licensing process.

The answers below provide additional general information as a guide but each individual situation is different and care should be taken to ensure the ZLA is complied with. The answers are to be taken as an informal opinion and not as authoritative statements, as interpretation of the ZLA is a matter for the Courts.

Other FAQs can be found on the Zoos Inspectorate page of Animal Health's website: <http://www.defra.gov.uk/animalhealth/CITES/zoo-inspect-FAQ.htm>

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

If the LA has decided that the collection does not meet the definition of a zoo under the ZLA, the Act will not apply.

2. What if a collection does fall under the ZLA but might be eligible for a dispensation?

If the LA is of the opinion that the collection does meet the definition of a zoo to which the ZLA applies, but is of a size and nature that the LA thinks the ZLA 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 LA can inform Animal Health which will decide whether or not to grant a dispensation 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. We would advise annual reappraisal.

3. Who should apply for dispensation? The local authority or the zoo?

Dispensations under section 14(1) – the LA should inform Animal Health (acting for the Secretary of State) on behalf of the zoo operator.

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

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

Yes. Animal Health will nominate the inspectors from the lists and the LA 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 we recommend that you use this as a first option when searching for a suitable vet:

<http://www.rcvs.org.uk/Templates/System/FAVSearch.asp?NodeID=89660&FAVSearchType=2#advanced>

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

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.

6. 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 (see Govt Circular 02/2003 Annex D).

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

A 'licence' inspection is required under section 4(1A) before the LA 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 ZLA 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.

8. 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 LA 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 LA 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.

9. 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.

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

Being temporary does not affect whether or not a collection falls within or outwith the ZLA. The ZLA 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 LA would need to weigh up each case on its merits to determine if a dispensation under section 14(1)(a) may be applicable; or if the organisation needs to apply for a zoo licence; or if the ZLA would not apply.

Depending on the nature of the display, the operator may also need to register with the LA under the Performing Animals (Regulation) Act 1925. The Animal Welfare Act 2006 will apply to all captive wild animals as well as animals that are normally domesticated. If the LA takes the decision that the ZLA 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.

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

The definition of a zoo under the ZLA 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 LA 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)). See also Zoos Forum guidance: 'kept for exhibition to the public' <http://www.defra.gov.uk/wildlife-pets/zoos/documents/zoo-exhibit-guide.pdf>

12. 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?

It is Animal Health's view that the correct number of inspectors and make up of an inspection team must meet the statutory requirements of the ZLA. 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 LA (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 LA considers to be competent for the purpose (s.12 (2)).

*Where the zoo has a s.14(2) dispensation (issued by Animal Health 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 it is Animal Health's view that the inspection is invalid and will have to be rearranged. With regard to who pays for

an aborted inspection, again Animal Health's view would be that the LA 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 LA and the inspector upon contracting the work.

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

For full Periodical inspections under section 10 of the Act, the LA is required to notify the operator in advance of the names of all the inspectors appointed for the inspection. The operator can notify the LA of his objection to any one or more of the inspectors, and it is at the discretion of the LA or Animal Health, 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, Animal Health will consider any reasonable representations made to it.

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

14. 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.

15. 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 LA to make a decision about which legislation is applicable and to keep that decision under review.

16. 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 an LA that has greater experience in zoo licensing). It is useful for there to be someone in the LA that is contracting out to act as a point of contact for all involved.

17. 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 ZLA

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states that for the purpose of the ZLA, 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 LA discusses the general arrangements for such excursions with the operator. It may be that the zoo operator will need to register with the LA under the Performing Animals (Regulation) Act 1925.

See also the Zoo Forum's paper on the consideration of the use of hazardous animals in public demonstrations outwith zoo premises:

<http://www.defra.gov.uk/wildlife-pets/zoos/documents/hazardous-animals.pdf>

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