
STATUTORY INSTRUMENTS

2004 No. 1993

The Dangerous Wild Animals (Northern Ireland) Order 2004

Licences

3.—(1) Subject to Articles 6(7), 7 and 9(9), a person shall not keep a dangerous wild animal except under the authority of a licence granted by the Department.

(2) The Department shall not grant a licence unless an application for it—

- (a) specifies the species (whether one or more) of animal, and the number of animals of each species, proposed to be kept under the authority of the licence;
- (b) specifies the premises where any animal concerned will normally be held;
- (c) contains such further particulars as the Department may reasonably require;
- (d) is made by a person who—
 - (i) in the case of an individual is over the age of 18; and
 - (ii) has not been disqualified under Article 10(2) from keeping any dangerous wild animal; and
- (e) is accompanied by such fee as the Department may by order prescribe.

(3) The Department shall not grant a licence unless it is satisfied that—

- (a) it is not contrary to the public interest on the grounds of safety, nuisance or otherwise to grant the licence;
- (b) the applicant for the licence is a suitable person to hold a licence;
- (c) any animal concerned will at all times when it is being kept only under the authority of the licence—
 - (i) be held in accommodation which secures that the animal will not escape, which is suitable as regards construction, size, temperature, lighting, ventilation, drainage and cleanliness and which is suitable for the number of animals proposed to be held in the accommodation, and
 - (ii) be supplied with adequate and suitable food, drink and bedding material and be visited at suitable intervals;
- (d) appropriate steps will at all such times be taken for the protection of any animal concerned in case of fire or other emergency;
- (e) all reasonable precautions will be taken at all such times to prevent and control the spread of infectious diseases; and
- (f) while any animal concerned is at the premises where it will normally be held, its accommodation is such that it can take adequate exercise.

(4) The Department shall not grant a licence unless the application for it is made by a person who both owns and possesses, or proposes both to own and to possess, any animal concerned, except where the circumstances are in the Department's opinion exceptional.

(5) The Department shall not grant a licence unless—

- (a) a veterinary surgeon or other person authorised under Article 5(1), has inspected the premises where any animal will normally be held under the authority of the licence; and
 - (b) the Department has received and considered a report by the veterinary surgeon or other person—
 - (i) containing such particulars as in the Department’s opinion enable it to decide whether the animal is likely to be properly cared for and whether the premises are such that any animal proposed to be kept under the authority of the licence may suitably be held there; and
 - (ii) describing the condition of the premises and of any animal or other thing found there.
- (6) Subject to paragraphs (2) to (5), the Department may grant or refuse a licence as it thinks fit, but where it decides to grant such a licence it shall specify as conditions of the licence—
- (a) conditions that, while any animal concerned is being kept only under the authority of the licence,—
 - (i) the animal shall not be kept by any person other than a person specified (whether by name or description) in the licence;
 - (ii) the animal shall normally be held at such premises as are specified in the licence;
 - (iii) the animal shall not be moved from those premises or shall only be moved from them in such circumstances as are specified in the licence;
 - (iv) the licence holder shall notify the Department if the animal gives birth or dies;
 - (v) the licence holder shall hold a current insurance policy which insures him and any other person entitled to keep the animal under the authority of the licence against liability for any damage which may be caused by the animal; and
 - (vi) the terms of any such policy shall be satisfactory in the opinion of the Department;
 - (b) conditions restricting the species (whether one or more) of animal, and number of animals of each species, which may be kept under the authority of the licence;
 - (c) a condition that the licence holder shall at all reasonable times make available a copy of the licence to any person entitled to keep any animal under the authority of the licence;
 - (d) a condition that the licence holder shall notify the Department of the sale or other disposal of the animal concerned;
 - (e) a condition relating to the steps to be taken by the licence holder in the event of any escape or release of the animal concerned; and
 - (f) such other conditions as in the opinion of the Department are necessary or desirable for the purpose of securing the objectives specified in sub-paragraphs (c) to (f) of paragraph (3).
- (7) Subject to paragraph (6), the Department may, in granting a licence, specify such conditions of the licence as it thinks fit.
- (8) The Department may at any time vary a licence by—
- (a) specifying any new condition of the licence; or
 - (b) varying or revoking any condition of it (including any condition specified, or previously varied, under this paragraph);
- but any condition of a licence specified by virtue of paragraph (6) may not be revoked and any condition specified by virtue of sub-paragraph (a)(ii) of that paragraph may not be varied.
- (9) Where the Department varies a licence under paragraph (8), then—
- (a) if the variation was requested by the licence holder, the variation shall take effect immediately after the Department decides to make it;

- (b) in any other case, the variation shall not take effect until the licence holder has become aware of the variation and had a reasonable time to comply with it.