



Zoo Licensing Act 1981

1981 CHAPTER 37

Enforcement

16 Power to alter licences. E+W

- (1) At any time after the grant of a licence under this Act, it may be altered by the local authority 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 (whether their opinion arises from an inspectors' report or an alteration of standards specified under section 9 or otherwise).

[^{F1}(1A) Subsection (1B) applies where—

- (a) the authority have made a direction under section 16A(2) in respect of a zoo;
- (b) the period specified in that direction by virtue of section 16A(2)(c), including such a direction as varied under section 16A(4), has expired; and
- (c) the authority are satisfied that a condition specified in that direction which requires any conservation measure referred to in section 1A to be implemented at the zoo is not met in relation to—
 - (i) if the zoo was specified under section 16A(2)(b)(i), any section of the zoo;
 - (ii) if a section of the zoo was specified under section 16A(2)(b)(ii), that section of the zoo or any smaller section of the zoo included in that section.

(1B) The authority shall make such alterations to the licence as they consider to be necessary or desirable to ensure that the section of the zoo in relation to which they are satisfied that the condition is not met is closed permanently to the public.]

- (2) Before exercising the power under subsection (1), the local authority shall give the holder of the licence an opportunity to make representations.

[^{F2}(2A) Subsection (2B) applies in place of subsection (2) where the authority propose to make under subsection (1) a significant alteration to a licence (not being one to which subsection (3A) applies), except where the alteration is in accordance with the recommendations in a report pursuant to section 9A(5)(c).

Changes to legislation: There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross Heading: Enforcement. (See end of Document for details)

- (2B) Before making a significant alteration to a licence the authority shall—
- (a) consult the holder of the licence about the alteration they propose to make to the licence;
 - (b) make arrangements for an inspection to be carried out in accordance with section 9A (subject to subsection (2) of that section); and
 - (c) consider the report made to them pursuant to that inspection.]
- [^{F3}(3) Subject to subsections (3A) and (3B), at any time after the grant of a licence under this Act, the Secretary of State may, after consulting the authority, direct them to alter the licence, and the authority shall give effect to such a direction within a reasonable time.
- (3A) If the Secretary of State proposes to direct the authority to make a significant alteration to a licence, he shall first notify them of the proposed alteration and the authority shall—
- (a) consult the holder of the licence about the alteration which the Secretary of State proposes to direct them to make to the licence;
 - (b) make arrangements for an inspection to be carried out in accordance with section 9A (subject to subsection (2) of that section); and
 - (c) send a copy of the report made to them pursuant to that inspection to the Secretary of State.
- (3B) The Secretary of State may not direct the authority to make an alteration to the licence which is inconsistent with the implementation at the zoo of the conservation measures referred to in section 1A.]
- (4) An alteration under this section may be made by varying, cancelling or attaching conditions or by a combination of any of those methods.
- [^{F4}(4A) Subject to subsection (3), the authority shall secure that upon its alteration a licence contains such conditions as the authority think necessary or desirable for requiring the conservation measures referred to in section 1A to be implemented at the zoo.]
- (5) The authority shall secure that the terms of any condition attached to a licence are not inconsistent with the terms of a condition attached or varied in pursuance of a direction of the Secretary of State.
- (6) No alteration made under [^{F5}this section] shall have effect until written notification of it has been received by the holder of the licence; and this subsection is without prejudice to section 18(7) [^{F6}and (7A)].

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

- F1** S. 16(1A)(1B) inserted (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 2, 20(a)** (which insertion is extended (W.) (22.4.2003) by *The Zoo Licensing Act 1981 (Amendment) (Wales) Regulations 2003* (S.I. 2003/992), **regs. 1(1), 2(1), Sch. para. 17(a)** (with reg. 4))
- F2** S. 16(2A)(2B) inserted (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 2, 20(b)** (which insertion is extended (W.) (22.4.2003) by *The Zoo Licensing Act 1981 (Amendment) (Wales) Regulations 2003* (S.I. 2003/992), **regs. 1(1), 2(1), Sch. para. 17(b)** (with reg. 4))

Changes to legislation: There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross Heading: Enforcement. (See end of Document for details)

- F3** S. 16(3)-(3B) substituted (E.) (8.1.2003) for s. 16(3) by S.I. 2002/3080, **regs. 1(1), 2, 20(c)** (which substitution is extended (W.) (22.4.2003) by The Zoo Licensing Act 1981 (Amendment) (Wales) Regulations 2003 (S.I. 2003/992), regs. 1(1), 2(1), **Sch. para. 17(c)** (with reg. 4))
- F4** S. 16(4A) inserted (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 2, 20(d)** (which insertion is extended (W.) (22.4.2003) by The Zoo Licensing Act 1981 (Amendment) (Wales) Regulations 2003 (S.I. 2003/992), regs. 1(1), 2(1), **Sch. para. 17(d)** (with reg. 4))
- F5** Words in s. 16(6) substituted (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 2, 20(e)(i)** (which substitution is extended (W.) (22.4.2003) by The Zoo Licensing Act 1981 (Amendment) (Wales) Regulations 2003 (S.I. 2003/992), regs. 1(1), 2(1), **Sch. para. 17(e)** (with reg. 4))
- F6** Words in s. 16(6) inserted (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 2, 20(e)(ii)** (which insertion is extended (W.) (22.4.2003) by The Zoo Licensing Act 1981 (Amendment) (Wales) Regulations 2003 (S.I. 2003/992), regs. 1(1), 2(1), **Sch. para. 17(e)** (with reg. 4))

Modifications etc. (not altering text)

- C2** S. 16(2)(3) applied (with modifications) (22.4.2003) by The Zoo Licensing Act 1981 (Amendment) (Wales) Regulations 2003 (S.I. 2003/992), regs. 1(1), **3(3)**
- C3** S. 16(4)-(6) applied (with modifications) (22.4.2003) by The Zoo Licensing Act 1981 (Amendment) (Wales) Regulations 2003 (S.I. 2003/992), regs. 1(1), **3(3)**
- C4** S. 16(2)(3)(4)-(6) applied (with modifications) (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 2, 27(3)**

16 Power to alter licences. S

- (1) At any time after the grant of a licence under this Act, it may be altered by the local authority 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 (whether their opinion arises from an inspectors' report or an alteration of standards specified under section 9 or otherwise).

[^{F25}(1A) Subsection (1B) applies where—

- (a) the authority have made a direction under section 16A(2) in respect of a zoo;
- (b) the period specified in the direction by virtue of section 16A(2)(c), including such a direction as varied under section 16A(4) has expired; and
- (c) the authority are satisfied that a condition specified in that direction, which requires any conservation measures referred to in section 1A to be implemented at the zoo, is not met in relation to—
 - (i) if the zoo was specified under section 16A(2)(b)(i), any section of the zoo;
 - (ii) if a section of the zoo was specified under section 16A(2)(b)(ii), that section of the zoo or any smaller section of the zoo included in that section.

(1B) The authority shall make such alterations to the licence as they consider to be necessary or desirable to secure that the section of the zoo in relation to which they are satisfied that the condition is not met is closed permanently to the public.]

- (2) Before exercising the power under subsection (1), the local authority shall give the holder of the licence an opportunity to make representations.

[^{F26}(2A) Subsection (2B) applies in place of subsection (2) where the authority propose to make under subsection (1) a significant alteration to a licence (not being one to which subsection (3A) applies), except where the alteration is in accordance with the recommendations in a report pursuant to section 9A(5)(c).

Changes to legislation: There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross Heading: Enforcement. (See end of Document for details)

- (2B) Before making a significant alteration to a licence the authority shall—
- (a) consult the holder of the licence about the alteration they propose to make to the licence;
 - (b) make arrangements for an inspection to be carried out in accordance with section 9A (subject to subsection (2) of that section); and
 - (c) consider the report made to them pursuant to that inspection.]
- [^{F27}(3) Subject to subsections (3A) and (3B), at any time after the grant of a licence under this Act, the Scottish Ministers may, after consulting the authority, direct them to alter the licence, and the authority shall give effect to such a direction within a reasonable time.
- (3A) If the Scottish Ministers propose to direct the authority to make a significant alteration to a licence, they shall first notify the authority of the proposed alteration and the authority shall—
- (a) consult the holder of the licence about the alteration which the Scottish Ministers propose to direct them to make to the licence;
 - (b) make arrangements for an inspection to be carried out in accordance with section 9A (subject to subsection (2) of that section); and
 - (c) send a copy of the report made to them pursuant to that inspection to the Scottish Ministers.
- (3B) The Scottish Ministers may not direct the authority to make an alteration to the licence which is inconsistent with the implementation at the zoo of the conservation measures referred to in section 1A.]
- (4) An alteration under this section may be made by varying, cancelling or attaching conditions or by a combination of any of those methods.
- [^{F28}(4A) Subject to subsection (3), the local authority shall secure that upon its alteration a licence contains such conditions as the authority think necessary or desirable for requiring the conservation measures referred to in section 1A to be implemented at the zoo.]
- (5) The authority shall secure that the terms of any condition attached to a licence are not inconsistent with the terms of a condition attached or varied in pursuance of a direction of the Secretary of State.
- (6) No alteration made under [^{F29}this section] shall have effect until written notification of it has been received by the holder of the licence; and this subsection is without prejudice to section 18(7) [^{F30}and (7A)].

Extent Information

- E11** This version of this provision extends to Scotland only; a separate version has been created for England and Wales

Textual Amendments

- F25** S. 16(1A)(1B) inserted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **20(a)**
- F26** S. 16(2A) inserted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **20(b)**
- F27** S. 16(3)-(3B) substituted (S.) (1.4.2003) for s. 16(3) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **20(c)**

Changes to legislation: There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross Heading: Enforcement. (See end of Document for details)

- F28** S. 16(4A) inserted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **20(d)**
- F29** Words in s. 16(6) substituted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **20(e)(i)**
- F30** Words in s. 16(6) inserted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **20(e)(ii)**

Modifications etc. (not altering text)

- C13** S. 16 modified (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **27(6)**
- C14** S. 16(2)-(6) applied (with modifications) (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **27(3)**

[^{F7}16A Enforcement of licence conditions E+W

- (1) Subsection (2) applies where the local authority, after giving the licence holder an opportunity to be heard, are not satisfied that a condition attached to a licence granted by them under this Act is met in relation to the zoo or a section of it.
- (2) Unless subsection (3) applies, the authority shall make a direction specifying—
 - (a) the licence condition which they are not satisfied is met;
 - (b) whether they are not satisfied that that condition is met in relation to—
 - (i) the zoo; or
 - (ii) a section of the zoo, and if so, which section;
 - (c) steps to be taken by the licence holder to ensure that that condition is met in relation to the zoo (or, if a section of the zoo is specified under paragraph (b) (ii), in relation to that section) within a period specified in the direction, which may not exceed two years from the date of the direction; and
 - (d) whether the zoo or a section of it is required to be closed to the public during that period or any part of it specified in the direction.
- (3) This subsection applies if the authority have power to make a zoo closure direction under section 16B(5) and they exercise that power.
- (4) The authority may, after giving the licence holder an opportunity to be heard, make a direction under this subsection varying a direction under subsection (2) (including such a direction as varied by a direction under this subsection).
- (5) A direction under subsection (4) may increase the period specified in the direction under subsection (2)(c) or (d), but the period as increased must not exceed two years beginning with the date of the direction under subsection (2).
- (6) A direction under subsection (2) (including such a direction as varied by a direction under subsection (4)) may be revoked by a further direction of the authority.]

Extent Information

- E2** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Changes to legislation: There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross Heading: Enforcement. (See end of Document for details)

Textual Amendments

- F7** S. 16A inserted (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 2, 21** (which insertion is extended (W.) (22.4.2003) by virtue of [The Zoo Licensing Act 1981 \(Amendment\) \(Wales\) Regulations 2003](#) (S.I. 2003/992), **regs. 1(1), 2(1), Sch. para. 18** (with reg. 4))

[^{F31}16A. Enforcement of licence conditions **S**

- (1) Subsection (2) applies where the local authority, after giving the licence holder an opportunity to be heard, are not satisfied that a condition attached to a licence granted by them under this Act is met in relation to the zoo or a section of it.
- (2) Unless subsection (3) applies, the authority shall make a direction specifying—
 - (a) the licence condition which they are not satisfied is met;
 - (b) whether they are not satisfied that that condition is met in relation to—
 - (i) the zoo; or
 - (ii) a section of the zoo, and if so, which section;
 - (c) steps to be taken by the licence holder to ensure that that condition is met in relation to the zoo (or, if a section of the zoo is specified under paragraph (b) (ii), in relation to that section) within a period specified in the direction, which may not exceed two years from the date of the direction; and
 - (d) whether the zoo or a section of it is required to be closed to the public during that period or any part of it specified in the direction.
- (3) This subsection applies if the authority have power to make a zoo closure direction under section 16B(5) and they exercise that power.
- (4) The authority may, after giving the licence holder an opportunity to be heard, make a direction under this subsection varying a direction under subsection (2) (including such a direction as varied by a direction under this subsection).
- (5) A direction under subsection (4) may increase the period specified in the direction under subsection (2)(c) or (d) but the period as increased must not exceed two years beginning with the date of the direction under subsection (2).
- (6) A direction under subsection (2) (including such a direction as varied by a direction under subsection (4)) may be revoked by a further direction of the local authority.]

Extent Information

- E12** This version of this provision extends to Scotland only; a separate version has been created for England and Wales

Textual Amendments

- F31** Ss. 16A-16G inserted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003](#) (S.S.I. 2003/174), **regs. 1(1), 21**

[^{F8}16B Zoo closure direction **E+W**

- (1) The local authority shall make a zoo closure direction in respect of a zoo licensed under this Act where—
 - (a) they have made a direction under section 16A(2) in respect of the zoo;

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- (b) the period specified in the direction by virtue of section 16A(2)(c), including such a direction as varied under section 16A(4), has expired; and
 - (c) they are satisfied, after giving the licence holder an opportunity to be heard, that a condition—
 - (i) specified in that direction and in respect of which the zoo was specified under section 16A(2)(b)(i); and
 - (ii) which requires any conservation measure referred to in section 1A to be implemented at the zoo,is not met in relation to the zoo.
- (2) The authority shall make a zoo closure direction in respect of a zoo licensed under this Act where they are satisfied, after reasonable enquiries have been made, that the licence holder cannot be found.
- (3) The authority shall make a zoo closure direction in respect of a zoo licensed under this Act where, after giving the licence holder an opportunity to be heard—
 - (a) they are satisfied that members of the public have had access to it on fewer than seven days in the period of twelve months ending on the date on which the authority determine that they are so satisfied; and
 - (b) it does not appear to them that it is the licence holder's intention that members of the public will have access to it on seven days or more during any future period of twelve months.
- (4) The authority may make a zoo closure direction in respect of a zoo licensed under this Act where—
 - (a) they have made a direction under section 16A(2) in respect of the zoo;
 - (b) the period specified in that direction by virtue of section 16A(2)(c), including such a direction as varied under section 16A(4), has expired; and
 - (c) they are satisfied, after giving the licence holder an opportunity to be heard, that a condition specified in that direction, other than one which requires any conservation measure referred to in section 1A to be implemented at the zoo, is not met in relation to—
 - (i) if the zoo was specified in that direction, the zoo or any section of it; or
 - (ii) if a section of the zoo was specified in that direction, that section, any part of that section, any larger section which includes that section, or the whole zoo.
- (5) The authority may, after giving the licence holder an opportunity to be heard, make a zoo closure direction in respect of a zoo licensed under this Act if—
 - (a) any reasonable requirements relating to the premises or conduct of the zoo notified by them to the licence holder in consequence of the report of any inspection under this Act are not complied with within such time as is reasonable in the circumstances;
 - (b) they are satisfied that the zoo has been conducted in a disorderly manner or so as to cause a nuisance;
 - (c) the licence holder (or, where the licence holder is a body corporate, the body or any director, manager, secretary or other similar officer of the body) is convicted of any offence mentioned in section 4(4); or
 - (d) any person who, to the knowledge of the licence holder, has been so convicted is employed as a keeper in the zoo.

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- (6) But the authority may not make a zoo closure direction under subsection (5) if a direction under section 16A(2) is in force in respect of the zoo and—
- (a) when that direction was made there were grounds upon which the authority could have made a zoo closure direction under subsection (5) in respect of the zoo, but they chose not to do so; and
 - (b) the grounds upon which they would make a zoo closure direction under subsection (5) are the same as any of those upon which they could have made one when they made the direction under section 16A(2) instead.
- (7) No zoo closure direction may be made under subsection (5)(a) or (b) on grounds involving the care or treatment of animals unless the authority have first consulted such persons on the list as the Secretary of State may nominate for the purposes of this subsection.
- (8) Where the authority make a zoo closure direction in respect of a zoo under this section, the zoo's licence is revoked from the date on which the direction has effect (in accordance with section 18(10)).]

Extent Information

E3 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

F8 S. 16B inserted (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 2, 21** (which insertion is extended (W.) (22.4.2003) by virtue of [The Zoo Licensing Act 1981 \(Amendment\) \(Wales\) Regulations 2003 \(S.I. 2003/992\)](#), **regs. 1(1), 2(1), Sch. para. 18** (with reg. 4))

[^{F31}16B. Zoo closure direction **S**

- (1) The local authority shall make a zoo closure direction in respect of a zoo licensed under this Act where—
- (a) they have made a direction under section 16A(2) in respect of the zoo;
 - (b) the period specified in the direction by virtue of section 16A(2)(c), including such a direction as varied under section 16A(4), has expired; and
 - (c) they are satisfied, after giving the licence holder an opportunity to be heard, that a condition—
 - (i) specified in that direction and in respect of which the zoo was specified under section 16A(2)(b)(i), and
 - (ii) which requires any conservation measure referred to in section 1A to be implemented at the zoo,
 is not met in relation to the zoo.
- (2) The authority shall make a zoo closure direction in respect of a zoo licensed under this Act where they are satisfied, after reasonable enquiries have been made, that the operator cannot be found.
- (3) The authority shall make a zoo closure direction in respect of a zoo licensed under this Act where, after giving the licence holder an opportunity to be heard—

Changes to legislation: There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross Heading: Enforcement. (See end of Document for details)

- (a) they are satisfied that members of the public have had access to it on fewer than seven days in the period of 12 months ending on the date on which the authority determine that they are so satisfied; and
 - (b) it does not appear to them that it is the licence holder's intention that members of the public will have access to it on seven days or more during any future period of 12 months.
- (4) The authority may make a zoo closure direction in respect of a zoo licensed under this Act where—
- (a) they have made a direction under section 16A(2) in respect of a zoo;
 - (b) the period specified in that direction by virtue of section 16A(2)(c), including such a direction as varied under section 16A(4), has expired; and
 - (c) they are satisfied, after giving the licence holder an opportunity to be heard, that a condition specified in that direction, other than one which requires any conservation measure referred to in section 1A to be implemented at the zoo, is not met in relation to—
 - (i) if the zoo was specified in that direction, the zoo or any section of it; or
 - (ii) if a section of the zoo was specified in that direction, that section, any part of that section, any larger section which includes that section, or the whole zoo.
- (5) The authority may, after giving the licence holder an opportunity to be heard, make a zoo closure direction in respect of a zoo licensed under this Act if—
- (a) any reasonable requirements relating to the premises or conduct of the zoo notified by them to the licence holder in consequence of the report of any inspection under this Act are not complied with within such time as is reasonable in the circumstances;
 - (b) they are satisfied that the zoo has been conducted in a disorderly manner or so as to cause a nuisance;
 - (c) the licence holder (or where the licence holder is a body corporate, the body or any director, manager or secretary or similar officer of the body) is convicted of any offence mentioned in section 4(4); or
 - (d) any person who, to the knowledge of the licence holder, has been so convicted is employed as a keeper in the zoo.
- (6) But the authority may not make a zoo closure direction under subsection (5) if a direction under section 16A(2) is in force in respect of the zoo and—
- (a) when that direction was made there were grounds upon which the authority could have made a zoo closure direction under subsection (5) in respect of the zoo, but they chose not to do so; and
 - (b) the grounds upon which they would make a zoo closure direction under subsection (5) are the same as any of the grounds upon which they could have made a zoo closure direction when they made the direction under section 16A(2) instead.
- (7) No zoo closure direction may be made under subsection (5)(a) or (b) on grounds involving the care or treatment of animals unless the authority have first consulted such persons on the list as the Scottish Ministers may nominate for the purposes of this subsection.
- (8) Where the authority make a zoo closure direction in respect of a zoo under this section, the zoo's licence is revoked from the date on which the direction has effect.]

Changes to legislation: There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross Heading: Enforcement. (See end of Document for details)

Extent Information

E13 This version of this provision extends to Scotland only; a separate version has been created for England and Wales

Textual Amendments

F31 Ss. 16A-16G inserted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **21**

[^{F9}16C Zoo closure direction for zoos without licences **E+W**

- (1) This section applies to a zoo—
 - (a) which is being operated without a licence;
 - (b) in relation to which no direction under section 14(1)(a) has effect; and
 - (c) which appears to the local authority to have been operated in contravention of this Act because, during the period of twelve months ending with the date on which the authority determine that it so appears to them, members of the public have had access to it on more days than permitted under section 1.
- (2) If the authority are satisfied, after reasonable enquiries have been made, that the operator of a zoo to which this section applies cannot be found, they shall make a zoo closure direction in respect of the zoo.
- (3) Otherwise, unless the authority inform the Secretary of State that in their opinion a direction should be made under section 14(1) in respect of the zoo, and he makes a direction under section 14(1)(a), the authority shall give to the operator at least 35 days' notice in writing of—
 - (a) their intention to make a zoo closure direction in respect of the zoo; and
 - (b) the operator's opportunity to be heard in accordance with subsection (4)(a).
- (4) Where notice has been given under subsection (3)—
 - (a) the authority shall give the operator of the zoo an opportunity to be heard; and
 - (b) if, after the expiration of the period of at least 35 days referred to in subsection (3) and after giving the operator an opportunity to be heard, it does not appear to the authority that the view they reached as mentioned in subsection 1(c) was incorrect, they shall make a zoo closure direction in respect of the zoo, unless before the expiration of that period notice has been given to the authority under section 2(1) of intention to make an application for a licence for the zoo.
- (5) Where, before the expiration of the period referred to in subsection (3), notice is given to the authority under section 2(1) of intention to make an application for a licence for the zoo, but—
 - (a) an application for a licence for the zoo is not made by the end of a period of three months beginning on the date on which the notice was given under section 2(1); or
 - (b) the application for a licence for that zoo is refused and—
 - (i) no appeal is brought against the refusal within the time mentioned in section 18(2); or

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(ii) if an appeal is brought against the refusal within the time mentioned in section 18(2), it is abandoned, or the court confirms the decision to refuse the application,
the authority shall make a zoo closure direction in respect of the zoo.]

Extent Information

E4 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

F9 S. 16C inserted (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 2, 21** (which insertion is extended (W.) (22.4.2003) by virtue of [The Zoo Licensing Act 1981 \(Amendment\) \(Wales\) Regulations 2003](#) (S.I. 2003/992), **regs. 1(1), 2(1), Sch. para. 18** (with reg. 4))

Modifications etc. (not altering text)

C5 S. 16C restricted (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 28(3)**(which insertion is extended (W.) (22.4.2003) by virtue of [The Zoo Licensing Act 1981 \(Amendment\) \(Wales\) Regulations 2003](#) (S.I. 2003/992), **regs. 1(1), 2(1), Sch. para. 18** (with reg. 4))

C6 S. 16C restricted (22.4.2003) by [The Zoo Licensing Act 1981 \(Amendment\) \(Wales\) Regulations 2003](#) (S.I. 2003/992), **regs. 1(1), 4(3)**

[^{F31}16C. Zoo closure direction for zoos without licences **S**

- (1) This section applies where the local authority are of the view that a zoo is being operated without a licence in contravention of the Act.
- (2) If the authority are satisfied, after reasonable enquiries have been made, that the operator of a zoo to which this section applies cannot be found, they shall make a zoo closure direction in respect of the zoo.
- (3) Otherwise, unless the authority inform the Scottish Ministers that in their opinion a direction should be made under section 14(1) and they make a direction under section 14(1)(a) the authority shall give to the operator of the zoo at least 35 days' notice in writing of—
 - (a) their intention to make a zoo closure direction in respect of the zoo; and
 - (b) the operator's opportunity to be heard in accordance with subsection (4)(a).
- (4) Where notice has been given under subsection (3)—
 - (a) the authority shall give the operator of the zoo an opportunity to be heard; and
 - (b) after the period of notice has expired, and after having given the operator an opportunity to be heard, the authority shall make a zoo closure direction in respect of the zoo unless—
 - (i) it appears to the authority that the view they reached as mentioned in subsection (1) was incorrect; or
 - (ii) notice under section 2(1) of intention to make an application for a licence for the zoo has been given to the authority before the expiration of the period of notice given under subsection (3).
- (5) Where, before the expiration of the period referred to in subsection (3), notice is given to the authority under section 2(1) of intention to make an application for a licence for the zoo, but—

Changes to legislation: There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross Heading: Enforcement. (See end of Document for details)

- (a) an application for a licence for the zoo is not made by the end of a period of three months beginning on the date on which the notice was given under section 2(1); or
- (b) the application for a licence for that zoo is refused and—
 - (i) no appeal is brought against the refusal within the time mentioned in section 18(2); or
 - (ii) if an appeal is brought against the refusal within the time mentioned in section 18(2), it is abandoned or the court confirms the decision to refuse the application,
 the authority shall make a zoo closure direction in respect of the zoo.]

Extent Information

E14 This version of this provision extends to Scotland only; a separate version has been created for England and Wales

Textual Amendments

F31 Ss. 16A-16G inserted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **21**

Modifications etc. (not altering text)

C15 S. 16C restricted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **28(3)**

[^{F10}16D Application of section 16E **E+W**]

- (1) Section 16E applies to—
 - (a) a zoo in respect of which a zoo closure direction has been made, from the date on which the direction has effect (in accordance with section 18(10)); and
 - (b) a zoo whose licence has expired or been surrendered, from the date of its expiration or surrender (as the case may be).
- (2) This Act shall cease to apply to a zoo when the local authority have notified the operator, or, where the operator cannot be found, any person appearing to them to be responsible for the zoo, in writing that they are satisfied that—
 - (a) all animals which are to be disposed of pursuant to section 16E have been disposed of; and
 - (b) satisfactory arrangements for the care of any animals kept in the zoo which are not to be disposed of pursuant to section 16E are in effect, and there are reasonable grounds for believing that satisfactory arrangements will continue to be maintained for such animals.
- (3) Section 16E applies 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), from the date on which those alterations have effect (in accordance with section 18(7A)).
- (4) If a section of a zoo which was closed permanently to the public by virtue of alterations to the zoo's licence under section 16(1B) reopens pursuant to further alterations to the licence, section 16E shall cease to apply to that section.]

Changes to legislation: There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross Heading: Enforcement. (See end of Document for details)

Extent Information

E5 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

F10 S. 16D inserted (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 2, 21** (which insertion is extended (W.) (22.4.2003) by virtue of [The Zoo Licensing Act 1981 \(Amendment\) \(Wales\) Regulations 2003](#) (S.I. 2003/992), **regs. 1(1), 2(1), Sch. para. 18** (with reg. 4))

[^{F31} **16D. Application of section 16E** **S**]

- (1) Section 16E applies to—
 - (a) a zoo in respect of which a zoo closure direction has been made, from the date on which the direction has effect (in accordance with section 18(10));
 - (b) a zoo whose licence has expired or been surrendered, from the date of its expiration or surrender (as the case may be).
- (2) This Act shall cease to apply to a zoo when the local authority have notified the operator, or, where the operator cannot be found, any person appearing to them to be responsible for the zoo, in writing that they are satisfied that—
 - (a) all animals which are to be disposed of pursuant to section 16E have been disposed of;
 - (b) satisfactory arrangements for the care of any animals kept in the zoo which are not to be disposed of pursuant to section 16E are in effect; and
 - (c) there are reasonable grounds for believing that satisfactory arrangements will continue to be maintained for such animals.
- (3) Section 16E applies 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), from the date on which those alterations have effect (in accordance with section 18(7A)).
- (4) If a section of a zoo which was closed permanently to the public by virtue of alterations to the zoo's licence under section 16(1B) reopens pursuant to further alterations to the licence, section 16E shall cease to apply to that section.]

Extent Information

E15 This version of this provision extends to Scotland only; a separate version has been created for England and Wales

Textual Amendments

F31 Ss. 16A-16G inserted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003](#) (S.S.I. 2003/174), **regs. 1(1), 21**

[^{F11} **16E Welfare of animals following closure of zoo** **E+W**]

- (1) Subsections (2) to (7) apply to a zoo to which this section applies unless the local authority are satisfied, after reasonable enquiries have been made, that the operator of the zoo cannot be found.

Changes to legislation: There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross Heading: Enforcement. (See end of Document for details)

- (2) As soon as reasonably practicable after the date from which this section applies, the operator shall give to the authority a plan of the arrangements he proposes to make in relation to the animals kept in the zoo—
- (a) for their future care; or
 - (b) for their disposal and for their care until they are disposed of.
- (3) The operator shall supply the authority with any information they request about the care or disposal of animals kept in the zoo.
- (4) Where the authority notify the operator that they approve a plan prepared under subsection (2), he shall implement it under the supervision of the authority.
- (5) Except with the agreement of the authority, the operator shall not—
- (a) dispose of any animal kept in the zoo before a plan prepared under subsection (2) has been approved by the authority; or
 - (b) dispose of any animal kept in the zoo otherwise than in accordance with a plan so approved.
- (6) Where—
- (a) the authority are not satisfied with a plan prepared under subsection (2);
 - (b) the authority are not satisfied with the way in which such a plan is being implemented;
 - (c) the operator of the zoo has not prepared such a plan within a reasonable period after the date from which this section applies; or
 - (d) the authority consider that urgent steps need to be taken by the operator to safeguard the welfare of animals kept in the zoo,
- the authority may, after giving the operator an opportunity to be heard, 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.
- (7) Where—
- (a) the zoo operator has not complied with a direction under subsection (6) to the satisfaction of the authority; or
 - (b) the authority consider that urgent steps need to be taken by them to safeguard the welfare of animals kept in the zoo,
- the authority shall, after giving the 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.
- (8) Where the authority are satisfied, after reasonable enquiries have been made, that the operator of the zoo cannot be found, they shall 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.
- (9) Subject to section 16G, for the purpose of giving effect to arrangements under subsection (7) or (8) the authority may—
- (a) care for any animal on the premises of the zoo; or
 - (b) remove any animal found on the premises of the zoo and either retain it in the authority's possession or dispose of it.
- (10) Arrangements for the care or disposal of animals under this section shall not be prejudicial to the protection of wild animals and the conservation of biodiversity.

Changes to legislation: There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross Heading: Enforcement. (See end of Document for details)

- (11) The authority may make a direction varying or revoking a direction under subsection (6) (including such a direction as varied by a direction under this subsection), but, unless they are satisfied, after reasonable enquiries have been made, that the operator cannot be found, they shall not do so without first giving him an opportunity to be heard.
- (12) Where this section applies by virtue of section 16D(3), references in this section to a zoo shall be read as references to that section of the zoo which is closed permanently to the public.]

Extent Information

E6 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

F11 S. 16E inserted (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 2, 21** (which insertion is extended (W.) (22.4.2003) by virtue of [The Zoo Licensing Act 1981 \(Amendment\) \(Wales\) Regulations 2003 \(S.I. 2003/992\)](#), **regs. 1(1), 2(1), Sch. para. 18** (with [reg. 4](#)))

[^{F31}16E. Welfare of animals following closure of zoo **S**

- (1) Subsections (2) to (7) apply to a zoo to which this section applies unless the local authority are satisfied, after reasonable enquiries have been made, that the operator of the zoo cannot be found.
- (2) As soon as reasonably practicable after the date from which this section applies, the operator of the zoo shall give to the authority a plan of the arrangements the operator proposes to make in relation to all the animals kept in the zoo—
- (a) for their future care; or
 - (b) for their disposal and for their care until they are disposed of.
- (3) The operator of the zoo shall supply the authority with any information they request about the care or disposal of animals kept in the zoo.
- (4) Where the authority notify the operator of the zoo that they approve a plan prepared under subsection (2), the operator shall implement it under the supervision of the authority.
- (5) Except with the agreement of the authority, the operator of the zoo shall not—
- (a) dispose of any animal kept in the zoo before a plan prepared under subsection (2) has been approved by the authority; or
 - (b) dispose of any animal kept in the zoo other than in accordance with a plan so approved.
- (6) Where—
- (a) the authority are not satisfied with a plan prepared under subsection (2);
 - (b) the authority are not satisfied with the way in which such a plan is being implemented;
 - (c) the operator of the zoo has not prepared such a plan within a reasonable period after the date from which this section applies; or

Changes to legislation: There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross Heading: Enforcement. (See end of Document for details)

- (d) the authority consider that urgent steps need to be taken by the operator to safeguard the welfare of animals kept in the zoo,
the authority may, after giving the operator an opportunity to be heard, make a direction in such terms as they see fit as to the care of animals kept in the zoo or for their disposal and for their care until they are disposed of.
- (7) Where—
- (a) the zoo operator has not complied with a direction under subsection (6) to the satisfaction of the authority; or
 - (b) the authority consider that urgent steps need to be taken by them to safeguard the welfare of animals kept in the zoo,
- the authority shall, after giving the operator an opportunity to be heard, make arrangements in relation to all the animals kept in the zoo for their future care, or for their disposal and for their care until they are disposed of.
- (8) Where the authority are satisfied, after reasonable enquiries have been made, that the operator of the zoo cannot be found, they shall 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.
- (9) For the purpose of giving effect to arrangements under subsection (7) or (8) the authority may—
- (a) care for any animal on the premises of the zoo; or
 - (b) remove any animal found on the premises of the zoo and either retain it in the authority's possession or dispose of it.
- (10) Arrangements for the care or disposal of animals under this section shall not be prejudicial to the interests of the protection of wild animals and the conservation of biodiversity.
- (11) The authority may make a direction varying or revoking a direction under subsection (6) (including such a direction as varied by a direction under this subsection), but unless they are satisfied, after reasonable enquiries have been made, that the operator cannot be found, they shall not do so without first giving him an opportunity to be heard.
- (12) Where this section applies by virtue of section 16D(3), references in this section to a zoo shall be read as references to that section of the zoo which is closed permanently to the public.]

Extent Information

E16 This version of this provision extends to Scotland only; a separate version has been created for England and Wales

Textual Amendments

F31 Ss. 16A-16G inserted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **21**

[^{F12}16F **Power of authority to dispose of animals** **E+W**]

- (1) This section applies where a local authority are required to make arrangements under subsection (7) or (8) of section 16E.
- (2) The authority may sell or otherwise dispose of any animal in relation to which arrangements are required to be made if—
 - (a) after making reasonable inquiries they are satisfied that the animal is owned by the operator of the zoo;
 - (b) after making reasonable inquiries they are unable to identify or unable to find the animal's owner;
 - (c) they have obtained the consent of the owner of the animal;
 - (d) the owner of the animal has been asked for his consent before a date specified in the request, but that date has passed and the authority have not received it, and the owner has not arranged to take possession of the animal or arranged for such possession to be taken by another person; or
 - (e) the owner has arranged to take possession of the animal or for its possession to be taken by another person, but the date for implementation of the arrangements has passed and they remain unimplemented.
- (3) Where an animal is sold or given away under subsection (2), any person to whom the animal is sold or given shall have a good title to it.
- (4) Subsections (5) to (9) apply when the authority have sold all the animals which are to be sold under subsection (2).
- (5) Subject to subsection (8), the authority shall pay to the operator of the zoo a sum equal to the total proceeds of the sales of animals falling within subsection (6), less any part of the charge which the authority are entitled to make under section 15(2A)(d) which has not been paid.
- (6) An animal falls within this subsection if the authority are satisfied that it was owned by the operator of the zoo immediately before its sale under subsection (2) (whether or not they were so satisfied when they exercised their power of sale under that subsection).
- (7) Where the authority have identified a person other than the operator whom they are satisfied was the owner of an animal immediately before its sale under subsection (2), they shall (subject to subsection (8)) pay to that person a sum equal to the proceeds of the sale of that animal, less the costs incurred by them in connection with the sale and in caring for the animal before the sale.
- (8) If the person to whom the authority are required to make a payment under subsection (5) or (7) cannot be found before the end of the period of four months beginning with the date of the sale of the last animal which is to be sold under subsection (2), the proceeds of sale shall vest in the authority.
- (9) Any remaining proceeds of the sales under subsection (2) shall vest in the authority.
- (10) An authority must make any payment they are required to make under subsection (5) or (7) before the end of the period of four months beginning with the date of the sale of the last animal which is to be sold under subsection (2), but they shall not make such a payment before the end of the period of one month beginning with the date of that sale.
- (11) Nothing in this section shall prevent an authority from making arrangements, on the advice of a veterinary surgeon or practitioner, for an animal to be put down without delay where it is necessary or expedient to do so in the interests of its welfare.]

Changes to legislation: There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross Heading: Enforcement. (See end of Document for details)

Extent Information

- E7** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

- F12** S. 16F inserted (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 2, 21** (which insertion is extended (W.) (22.4.2003) by virtue of [The Zoo Licensing Act 1981 \(Amendment\) \(Wales\) Regulations 2003](#) (S.I. 2003/992), **regs. 1(1), 2(1), Sch. para. 18** (with reg. 4))

[^{F31} 16F. Power of authority to dispose of animals **S**

- (1) This section applies where a local authority are required to make arrangements under section 16E(7) or (8).
- (2) The authority may sell or otherwise dispose of any animal in relation to which arrangements are required to be made if—
 - (a) after making reasonable inquiries they are satisfied that the animal is owned by the operator of the zoo;
 - (b) after making reasonable inquiries they are unable to identify or unable to find the animal's owner;
 - (c) they have obtained the consent of the owner of the animal;
 - (d) the owner of the animal has been asked for his consent before a date specified in the request but that date has passed and the authority have not received it and the owner has not arranged to take possession of the animal or arranged for such possession to be taken by another person; or
 - (e) the owner has arranged to take possession of the animal or for its possession to be taken by another person, but the date for implementation of the arrangements has passed and they remain unimplemented.
- (3) Where an animal is sold or given away under subsection (2) above, any person to whom the animal is sold or given shall have a good title to it.
- (4) Subsections (5) to (9) apply when the authority have sold all the animals which are to be sold under subsection (2).
- (5) Subject to subsection (8), the authority shall pay to the operator of the zoo a sum equal to the total proceeds of the sales of animals falling within subsection (6), less any part of the charge which the authority are entitled to make under section 15(2A)(d) which has not been paid.
- (6) An animal falls within this subsection if the authority are satisfied that it was owned by the operator of the zoo immediately before its sale under subsection (2) (whether or not they were so satisfied when they exercised their power of sale under that subsection).
- (7) Where an animal is not owned by the operator and the authority have identified a person whom they are satisfied was the owner of an animal immediately before its sale under subsection (2), they shall (subject to subsection (8)) pay to that person a sum equal to the proceeds of the sale of that animal, less the costs incurred by them in connection with the sale and in caring for the animal before the sale.
- (8) If the person to whom the authority is required to make a payment under subsection (5) or (7) cannot be found before the end of the period of four months beginning with the

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date of the sale of the last animal which is to be sold under subsection (2), the proceeds of sale shall vest in the authority.

- (9) Any remaining proceeds of the sales under subsection (2) shall vest in the authority.
- (10) An authority must make any payment they are required to make under subsection (5) or (7) before the end of the period of four months beginning with the date of the sale of the last animal which is to be sold under subsection (2), but they shall not make such payment before the end of the period of one month beginning with the date of that sale.
- (11) Nothing in this section shall prevent an authority from making arrangements, on the advice of a veterinary surgeon or practitioner, for an animal to be put down without delay where it is necessary or expedient to do so in the interests of its welfare.
- (12) References in this section, other than at subsection (2)(a), to an animal owned by the operator of the zoo include an animal which is owned by the operator jointly with any other person.]

Extent Information

E17 This version of this provision extends to Scotland only; a separate version has been created for England and Wales

Textual Amendments

F31 Ss. 16A-16G inserted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **21**

[^{F13}16G Powers of entry **E+W**

- (1) For the purpose of giving effect to arrangements under section 16E(7) or (8), a person duly authorised by the authority for the purposes of this subsection may, on producing his authority if so required, enter the premises of the zoo for the purposes of—
- inspecting any animal found there to which the arrangements relate;
 - inspecting the accommodation of any such animal;
 - caring for any such animal; or
 - removing any such animal.
- (2) Subsection (1) shall not authorise entry into any part of the premises of the zoo which is used as a private dwelling.
- (3) If a justice of the peace is satisfied by sworn information in writing that—
- it is necessary or desirable for the purpose of giving effect to arrangements under section 16E(7) or (8) for a person duly authorised by the authority for the purposes of this subsection to enter the premises of the zoo for any of the purposes mentioned in subsection (1); and
 - either—
 - any part of the premises to which admission for any of those purposes is sought is used as a private dwelling; or
 - admission to the premises or any part of the premises for any of those purposes has been refused,he may grant a warrant authorising that person to enter the premises, or (as the case may be) the part of the premises used as a private dwelling or to which

Changes to legislation: There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross Heading: Enforcement. (See end of Document for details)

admission has been refused, for all or any of those purposes, with or without constables and any other persons who may be necessary, and if need be by reasonable force.

- (4) A warrant granted under subsection (3) shall also specify—
- (a) the length of time for which it is valid; and
 - (b) the times at which entry may be effected,
- and may contain such restrictions as the justice thinks fit.
- (5) A person duly authorised for the purposes of subsection (3) shall, if so required, produce his authority and warrant before entering the premises of the zoo or part of the premises to which the warrant relates (as the case may be).]

Extent Information

E8 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

F13 S. 16G inserted (E.) (8.1.2003) by [S.I. 2002/3080](#), [regs. 1\(1\), 2, 21](#) (which insertion is extended (W.) (22.4.2003) by virtue of [The Zoo Licensing Act 1981 \(Amendment\) \(Wales\) Regulations 2003](#) (S.I. 2003/992), [regs. 1\(1\), 2\(1\)](#), [Sch. para. 18](#) (with [reg. 4](#)))

[^{F31} 16G. Powers of entry **S**

- (1) For the purpose of giving effect to arrangements under section 16E(7) or (8), a person duly authorised by the local authority for the purposes of this subsection may, on producing his authority if so required, enter the premises of the zoo for the purposes of—
- (a) inspecting any animal found there to which the arrangements relate;
 - (b) inspecting the accommodation of any such animal;
 - (c) caring for any such animal;
 - (d) removing any such animal; or
 - (e) removing any records of any such animal.
- (2) Subsection (1) shall not authorise entry into any part of the premises of the zoo which is used as a private dwelling.
- (3) If a sheriff is satisfied by evidence on oath that—
- (a) it is necessary or desirable for the purpose of giving effect to arrangements under section 16E(7) or (8) for a person duly authorised by the authority for the purposes of this subsection to enter the premises of the zoo for the purposes mentioned in subsection (1); and
 - (b) either—
 - (i) any part of the premises to which admission for any of those purposes is sought is used as a private dwelling; or
 - (ii) admission to the premises or any part of the premises for any of those purposes has been refused,
 that sheriff may grant a warrant authorising that person to enter the premises, or (as the case may be) the part of the premises used as a private dwelling or to which admission has been refused for any or all of those purposes with or

Changes to legislation: There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross Heading: Enforcement. (See end of Document for details)

without constables and any other persons who may be necessary, and if need be by reasonable force.

- (4) A warrant granted under subsection (3) shall also specify—
- (a) the length of time for which it is valid; and
 - (b) the times at which entry may be effected,
- and may contain such restrictions as the sheriff thinks fit.
- (5) A person duly authorised for the purposes of subsection (3) shall, if so required, produce his authority and warrant before entering the premises of the zoo or part of the premises to which the warrant relates (as the case may be).]

Extent Information

E18 This version of this provision extends to Scotland only; a separate version has been created for England and Wales

Textual Amendments

F31 Ss. 16A-16G inserted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **21**

17 Revocation of licence.

- (1) The local authority may, after giving the holder an opportunity to be heard, revoke a licence for a zoo granted by them under this Act—
- (a) if any reasonable requirements relating to the premises or conduct of the zoo notified by them to the holder in consequence of the report of any inspection under this Act are not complied with within such time as is reasonable in the circumstances;
 - (b) if they are satisfied that the zoo has been conducted in a disorderly manner or so as to cause a nuisance, or in breach of any conditions of the licence;
 - (c) if the holder (or, where the holder is a body corporate, the body or any director, manager, secretary or other similar officer of the body) is convicted of any offence mentioned in section 4(4);
 - (d) if any person who, to the knowledge of the holder, has been so convicted is employed as a keeper in the zoo.
- (2) No licence may be revoked under subsection (1)(a) or (b) on grounds involving the care or treatment of animals unless the authority first consults such persons on the list as the Secretary of State may nominate for the purposes of this subsection.
- (3) The local authority shall take reasonable steps to secure that the holder of the licence is notified in writing of their decision to revoke the licence.

Modifications etc. (not altering text)

C7 S. 17 ceases to have effect (E.) (8.1.2003) by virtue of [S.I. 2002/3080](#), **regs. 1(1), 2, 22** (which amendment is extended (W.) (22.4.2003) by [The Zoo Licensing Act 1981 \(Amendment\) \(Wales\) Regulations 2003 \(S.I. 2003/992\)](#), **regs. 1(1), 2(1), Sch. para. 19** (with **reg. 4**)); and (S.) (1.4.2003) by virtue of [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), **regs. 1(1), 22**

Changes to legislation: There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross Heading: Enforcement. (See end of Document for details)

18 Appeals. **E+W**

- [^{F14}(1) A person aggrieved by—
- (a) the refusal to grant a licence;
 - (b) any condition attached to a licence;
 - (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)(c) or 16A(2) or any variation of such a direction;
 - (f) a zoo closure direction;
 - (g) the refusal to approve a plan prepared under section 16E(2);
 - (h) a direction under section 16E(6) or any variation of such a direction; or
 - (i) any arrangements under section 16E(7) or (8),
- may appeal to a magistrates' court ^{F15}....]
- (2) Any such appeal shall be brought within [^{F16}twenty-eight] days from the date on which the person wishing to appeal receives written notification of the authority's decision [^{F17}as to the matter in question]; but an appeal may be brought under this section whether or not the authority's decision was made in pursuance of a direction of the Secretary of State under this Act.
 - (3) On an appeal under this section to a magistrates' court, 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 this Act.
 - (4) On an appeal under this section to the sheriff, he shall have power (without prejudice to any other power which he may have) to confirm, vary or reverse the local authority's decision and to award such expenses as he thinks fit.
 - (5) The procedure on an appeal to a magistrates' court under this section shall be by way of complaint for an order, and the ^{M1}Magistrates' Courts Act 1980 shall apply to the proceedings.
 - (6) The decision of the sheriff on an appeal under this section shall be final.
 - (7) In so far as a condition attached to a licence (whether on its grant or later), or the variation of a condition, imposes a requirement on the holder of the licence to carry out works he would not otherwise be required to carry out, the condition or the variation shall not have effect—
 - (a) during the period within which the holder is entitled to appeal against the attachment or variation, or
 - (b) where such an appeal is brought within that period, during the period before the appeal is determined or abandoned.
- [^{F18}(7A) An alteration to a licence under section 16(1B) has effect—
- (a) if an appeal is brought under this section within the time mentioned in subsection (2), and the authority's decision is confirmed or varied, on the day following the day on which the appeal is determined, or on such other day as the court directs;
 - (b) if an appeal is brought under this section within the time mentioned in subsection (2) but is subsequently abandoned, on the day following the day on which the appeal is abandoned, or on such other day as the court directs; or

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- (c) if no appeal is brought within the time mentioned in subsection (2), on the expiration of that time.]

[^{F19}(8) Subsection (9) applies to the following directions—

- (a) a direction under section 16A(2)(d) which requires the zoo or a section of it to be closed to the public;
- (b) a direction under section 13(8)(c), 16A(2) or 16E(6) which imposes a requirement on the operator of the zoo to carry out works he would not otherwise be required to carry out; and
- (c) a direction under section 13(8)(c) or 16E(6) which imposes a requirement to dispose of any animals or any variation of such a direction.

(9) A direction to which this subsection applies shall not have effect—

- (a) during the period within which the holder is entitled to appeal against it; or
- (b) where such an appeal is brought within that period, during the period before the appeal is determined or abandoned.

(10) A zoo closure direction has effect—

- (a) if an appeal is brought under this section within the time mentioned in subsection (2), and the authority's decision is confirmed or varied, on the day following the day on which the appeal is determined, or on such other day as the court directs;
- (b) if an appeal is brought under this section within the time mentioned in subsection (2) but is subsequently abandoned, on the day following the day on which the appeal is abandoned, or on such other day as the court directs; or
- (c) if no appeal is brought within the time mentioned in subsection (2), on the expiration of that time.]

Extent Information

- E9** This version of this provision extends to England and Wales; a separate version have been created for Scotland only

Textual Amendments

- F14** S. 18(1) substituted (E.) (8.1.2003) by [S.I. 2002/3080](#), [regs. 1\(1\), 2, 23\(a\)](#) (which substitution is extended (W.) (22.4.2003) by virtue of [The Zoo Licensing Act 1981 \(Amendment\) \(Wales\) Regulations 2003](#) (S.I. 2003/992), [regs. 1\(1\), 2\(1\)](#), [Sch. para. 20\(a\)](#) (with reg. 4))
- F15** Words in s. 18(1) repealed (1.4.2005) by [Courts Act 2003](#) (c. 39), s. 110(1), Sch. 8 para. 258, [Sch. 10](#); [S.I. 2005/910](#), art. 3(y)
- F16** Words in s. 18(2) substituted (E.) (8.1.2003) by [S.I. 2002/3080](#), [regs. 1\(1\), 2, 23\(b\)\(i\)](#) (which substitution is extended (W.) (22.4.2003) by virtue of [The Zoo Licensing Act 1981 \(Amendment\) \(Wales\) Regulations 2003](#) (S.I. 2003/992), [regs. 1\(1\), 2\(1\)](#), [Sch. para. 20\(b\)](#) (with reg. 4))
- F17** Words in s. 18(2) substituted (E.) (8.1.2003) by [S.I. 2002/3080](#), [regs. 1\(1\), 2, 23\(b\)\(ii\)](#) (which substitution is extended (W.) (22.4.2003) by virtue of [The Zoo Licensing Act 1981 \(Amendment\) \(Wales\) Regulations 2003](#) (S.I. 2003/992), [regs. 1\(1\), 2\(1\)](#), [Sch. para. 20\(b\)](#) (with reg. 4))
- F18** S. 18(7A) inserted (E.) (8.1.2003) by [S.I. 2002/3080](#), [regs. 1\(1\), 2, 23\(c\)](#) (which insertion is extended (W.) (22.4.2003) by virtue of [The Zoo Licensing Act 1981 \(Amendment\) \(Wales\) Regulations 2003](#) (S.I. 2003/992), [regs. 1\(1\), 2\(1\)](#), [Sch. para. 20\(c\)](#) (with reg. 4))
- F19** S. 18(8)-(10) substituted (E.) (8.1.2003) for s. 18(8)(9) by [S.I. 2002/3080](#), [regs. 1\(1\), 2, 23\(d\)](#) (which substitution is extended (W.) (22.4.2003) by virtue of [The Zoo Licensing Act 1981 \(Amendment\) \(Wales\) Regulations 2003](#) (S.I. 2003/992), [regs. 1\(1\), 2\(1\)](#), [Sch. para. 20\(d\)](#) (with reg. 4))

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Modifications etc. (not altering text)

- C8** S. 18(1)(b)(c)(2)(3)(5)(7) applied (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 2, 27(4)**
- C9** S. 18(1)(b)(c) applied (22.4.2003) by The Zoo Licensing Act 1981 (Amendment) (Wales) Regulations 2003 (S.I. 2003/992), **regs. 1(1), 3(4)**
- C10** S. 18(2)(3) applied (22.4.2003) by The Zoo Licensing Act 1981 (Amendment) (Wales) Regulations 2003 (S.I. 2003/992), **regs. 1(1), 3(4)**
- C11** S. 18(5) applied (22.4.2003) by The Zoo Licensing Act 1981 (Amendment) (Wales) Regulations 2003 (S.I. 2003/992), **regs. 1(1), 3(4)**
- C12** S. 18(7) applied (22.4.2003) by The Zoo Licensing Act 1981 (Amendment) (Wales) Regulations 2003 (S.I. 2003/992), **regs. 1(1), 3(4)**

Marginal Citations

- M1** 1980 c. 43.

18 Appeals. **S**

- [^{F32}(1) A person aggrieved by—
- (a) the refusal to grant a licence;
 - (b) any condition attached to a licence;
 - (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)(c) at 16A(2) or any variation of such a direction;
 - (f) a zoo closure direction;
 - (g) the refusal to approve a plan prepared under section 16E(2);
 - (h) a direction under section 16E(6) or any variation of such a direction; or
 - (i) any arrangements under section 16E(7) or (8),
- may appeal by summary application to the sheriff.]
- (2) Any such appeal shall be brought within [^{F33}twenty-eight] days from the date on which the person wishing to appeal receives written notification of the authority's decision [^{F34}as to the matter in question]; but an appeal may be brought under this section whether or not the authority's decision was made in pursuance of a direction of the Secretary of State under this Act.
- (3) On an appeal under this section to a magistrates' court, 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 this Act.
- (4) On an appeal under this section to the sheriff, he shall have power (without prejudice to any other power which he may have) to confirm, vary or reverse the local authority's decision and to award such expenses as he thinks fit.
- (5) The procedure on an appeal to a magistrates' court under this section shall be by way of complaint for an order, and the ^{M2}Magistrates' Courts Act 1980 shall apply to the proceedings.
- (6) The decision of the sheriff on an appeal under this section shall be final.
- (7) In so far as a condition attached to a licence (whether on its grant or later), or the variation of a condition, imposes a requirement on the holder of the licence to carry out

Changes to legislation: There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross Heading: Enforcement. (See end of Document for details)

works he would not otherwise be required to carry out, the condition or the variation shall not have effect—

- (a) during the period within which the holder is entitled to appeal against the attachment or variation, or
- (b) where such an appeal is brought within that period, during the period before the appeal is determined or abandoned.

[^{F35}(7A) An alteration to a licence under section 16(1B) has effect—

- (a) if an appeal is brought under this section within the time mentioned in subsection (2), and the authority's decision is confirmed or varied, on the day following the day on which the appeal is determined, or on such other day as the court directs;
- (b) if an appeal is brought under this section within the time mentioned in subsection (2) but is subsequently abandoned, on the day following the day on which the appeal is abandoned, or on such other day as the court directs; or
- (c) if no appeal is brought within the time mentioned in subsection (2), on the expiration of that time.]

[^{F36}(8) Subsection (9) applies to the following directions:—

- (a) a direction under section 16A(2)(d) which requires the zoo or a section of it to be closed to the public;
- (b) a direction under section 13(8)(c), 16A(2) or 16E(6) which imposes a requirement on the operator of the zoo to carry out works the operator would not otherwise be required to carry out; and
- (c) a direction under section 13(8)(c) or 16E(6) which imposes a requirement to dispose of any animals or any variation of such a direction.

(9) A direction to which this subsection applies shall not have effect—

- (a) during the period within which the holder is entitled to appeal against it; or
- (b) where such an appeal is brought within that period, during the period before the appeal is determined or abandoned.

(10) A zoo closure direction has effect—

- (a) if an appeal is brought under this section within the time mentioned in subsection (2), and the authority's decision is confirmed or varied, on the day following the day on which the appeal is determined, or on such other date as the courts directs;
- (b) if an appeal is brought under this section within the time mentioned in subsection (2) but is subsequently abandoned on the day following the day on which the appeal is abandoned, or on such other day as the court directs; or
- (c) if no appeal is brought within the time mentioned in subsection (2), on the expiration of that time.]

Extent Information

E19 This version of this provision extends to Scotland only; a separate version have been created for England and Wales

Textual Amendments

F32 S. 18(1) substituted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **23(a)**

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- F33** Words in s. 18(2) substituted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **23(b)(i)**
- F34** Words in s. 18(2) substituted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **23(b)(ii)**
- F35** S. 18(7A) inserted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **23(c)**
- F36** S. 18(8)-(10) substituted (S.) (1.4.2003) for s. 18(8)(9) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **23(d)**

Modifications etc. (not altering text)

- C16** S. 18(2)(4) applied (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **27(4)**
- C17** S. 18(6)(7) applied (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **27(4)**

Marginal Citations

- M2** 1980 c. 43.

19 Offences and penalties. **E+W**

- (1) If a zoo is operated without a licence in contravention of this Act, the operator is guilty of an offence.
- (2) If the operator of a zoo fails without reasonable excuse to comply with any condition for the time being attached to a licence for the zoo granted under this Act and held by him, he is guilty of an offence.
- (3) Any person who intentionally obstructs an inspector acting pursuant to this Act is guilty of an offence.
- [^{F20}(3A) Any person who intentionally obstructs a person duly authorised for the purposes of section 16G(1) or (3) and acting pursuant to that authorisation is guilty of an offence.
- (3B) If the holder of a licence for a zoo fails 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, he is guilty of an offence.
- (3C) If any person notified in writing of a zoo closure direction pursuant to section 19A(1) or (2) fails without reasonable excuse to comply with that direction he is guilty of an offence.
- (3D) If the operator of a zoo fails without reasonable excuse to comply with a local authority's request for information under section 16E(3), he is guilty of an offence.
- (3E) If, contrary to section 16E(5), the operator of a zoo without reasonable excuse and without the agreement of the authority disposes of any animal kept in the zoo—
 - (a) before a plan prepared under section 16E(2) has been approved by the authority; or
 - (b) otherwise than in accordance with such a plan which has been approved by the authority,
 he is guilty of an offence.

Changes to legislation: There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross Heading: Enforcement. (See end of Document for details)

- (3F) If the operator of a zoo fails without reasonable excuse to comply with a direction under section 16E(6) of which he is notified in writing pursuant to section 19A(1), he is guilty of an offence.
- (3G) If, contrary to section 4(8), the holder of a licence for a zoo fails without reasonable excuse to display the zoo licence or a copy of it publicly at each public entrance to the zoo, he is guilty of an offence.]
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding [^{F21}level 4 on the standard scale] for an offence under subsection (1) [^{F22}, (2), (3A), (3B), (3C), (3E), or (3F)] and [^{F23}level 3 on the standard scale] for an offence under subsection (3) [^{F24}, (3D) or (3G)].
- (5) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributed to any neglect on the part of, any director, manager, secretary or any other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, is guilty of that offence and liable to be proceeded against and punished accordingly.

Extent Information

- E10** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

- F20** S. 19(3A)-(3G) inserted (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 2, 24(a)** (which insertion is extended (W.) (22.4.2003) by virtue of [The Zoo Licensing Act 1981 \(Amendment\) \(Wales\) Regulations 2003](#) (S.I. 2003/992), **regs. 1(1), 2(1)**, **Sch. para. 21(a)** (with reg. 4))
- F21** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982](#) (c. 48, SIF 39:1), **s. 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975](#) (c. 21, SIF 39:1), **s. 289G**
- F22** Words in s. 19(4) substituted (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 2, 24(b)(i)** (which substitution is extended (W.) (22.4.2003) by virtue of [The Zoo Licensing Act 1981 \(Amendment\) \(Wales\) Regulations 2003](#) (S.I. 2003/992), **regs. 1(1), 2(1)**, **Sch. para. 21(b)** (with reg. 4))
- F23** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982](#) (c. 48, SIF 39:1), **s. 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975](#) (c. 21, SIF 39:1), **s. 289G**
- F24** Words in s. 19(4) inserted (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 2, 24(b)(ii)** (which insertion is extended (W.) (22.4.2003) by virtue of [The Zoo Licensing Act 1981 \(Amendment\) \(Wales\) Regulations 2003](#) (S.I. 2003/992), **regs. 1(1), 2(1)**, **Sch. para. 21(b)** (with reg. 4))

19 Offences and penalties. **S**

- (1) If a zoo is operated without a licence in contravention of this Act, the operator is guilty of an offence.
- (2) If the operator of a zoo fails without reasonable excuse to comply with any condition for the time being attached to a licence for the zoo granted under this Act and held by him, he is guilty of an offence.
- (3) Any person who intentionally obstructs an inspector acting pursuant to this Act is guilty of an offence.

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- [^{F37}(3A) Any person who intentionally obstructs a person duly authorised for the purposes of section 16G(1) or (3) and acting pursuant to that authorisation is guilty of an offence.
- (3B) If the holder of a licence for a zoo fails without reasonable excuse to comply with a direction given under section 16A(2)(d) to close the zoo, or a section of it to the public, for a period, the holder is guilty of an offence.
- (3C) If any person notified in writing of a zoo closure direction pursuant to section 19A(1) or (2) fails without reasonable excuse to comply with that direction, the operator is guilty of an offence.
- (3D) If the operator of a zoo fails without reasonable excuse to comply with a local authority's request for information under section 16E(3), the operator is guilty of an offence.
- (3E) If, contrary to section 16E(5), the operator of a zoo without reasonable excuse and without the agreement of the local authority disposes of any animal kept in the zoo—
- (a) before a plan prepared under section 16E(2), has been approved by the authority; or
 - (b) otherwise than in accordance with such a plan which has been approved by the authority,
- the operator is guilty of an offence.
- (3F) If the operator of a zoo fails without reasonable excuse to comply with a direction given under section 16E(6), the operator is guilty of an offence.
- (3G) If, contrary to section 4(8), the holder of a licence for a zoo fails without reasonable excuse to display the zoo licence or a copy of it publicly at each public entrance to the zoo the holder of the licence is guilty of an offence.]
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding [^{F38}level 4 on the standard scale] for an offence under subsection (1)[^{F39}, (2), (3A), (3B), (3C), (3E) or (3F)] and [^{F40}level 3 on the standard scale] for an offence under subsection (3)[^{F41}, (3D) or (3G)].
- (5) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributed to any neglect on the part of, any director, manager, secretary or any other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, is guilty of that offence and liable to be proceeded against and punished accordingly.

Extent Information

- E20** This version of this provision extends to Scotland only; a separate versions has been created for England and Wales only

Textual Amendments

- F37** S. 19(3A)-(3G) inserted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **24(a)**
- F38** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. **46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. **289G**
- F39** Words in s. 19(4) substituted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **24(b)(i)**

Changes to legislation: *There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross Heading: Enforcement. (See end of Document for details)*

- F40** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G
- F41** Words in s. 19(4) inserted (S.) (1.4.2003) by The Zoo Licensing Act 1981 Amendment (Scotland) Regulations 2003 (S.S.I. 2003/174), regs. 1(1), 24(b)(ii)

Changes to legislation:

There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross
Heading: Enforcement.