



# Zoo Licensing Act 1981

## 1981 CHAPTER 37

### *Special cases*

#### 13 Local authority zoos. **E+W**

- (1) When a local authority is the owner of a zoo to which this Act applies, this Act shall apply with the following additions and modifications.
- (2) As soon as practicable after granting a licence for the zoo, or extending the period of a licence, or receiving an inspectors' report made in pursuance of an inspection of the zoo under this Act, the authority shall send to the Secretary of State a copy of the licence, or notification in writing of the extension, or a copy of the report (as the case may be).
- (3) The authority shall send with the copy of the report any comments on it which they may have.
- [<sup>F1</sup>(4) Sections 16(1A), 16A, 16B and 18 apply as if—
  - (a) references to the authority were references to the Secretary of State; and
  - (b) the words “granted by them” in section 16A(1) were omitted.
- (5) Section 16(1B) applies as if—
  - (a) for “authority shall make such alterations to the licence as they consider” there were substituted “Secretary of State shall direct the authority to make such alterations to the licence as he considers”; and
  - (b) for “they are” there were substituted “he is”.
- (6) The following provisions apply in place of section 16C—
  - (a) paragraph (b) applies to a zoo—
    - (i) which is being operated without a licence;
    - (ii) in relation to which no direction under section 14(1)(a) has effect; and
    - (iii) which appears to the Secretary of State to have been operated in contravention of this Act because, during the period of 12 months ending with the date on which the Secretary of State determines that

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- it so appears to him, members of the public have had access to it on more days than permitted under section 1;
- (b) the Secretary of State shall make a zoo closure direction in respect of the zoo unless—
- (i) 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); or
  - (ii) the authority grant a licence for the zoo within such period as the Secretary of State considers to be reasonable in the circumstances.
- (7) Section 16D applies as if—
- (a) references to section 16E were references to subsection (8) of this section; and
  - (b) the reference in subsection (2) to the authority were a reference to the Secretary of State.
- (8) The following provisions apply in place of section 16E to a zoo to which, by virtue of subsection (7)(a), this subsection applies—
- (a) the authority shall make arrangements in relation to all the animals kept in the zoo—
    - (i) for their future care; or
    - (ii) for their disposal and for their care until they are disposed of;
  - (b) the authority shall supply the Secretary of State with any information he requests about the care or disposal of animals kept in the zoo;
  - (c) the Secretary of State may, after giving the authority an opportunity to be heard, make a direction in such terms as he sees fit about the care of animals kept in the zoo or their disposal, and the authority shall comply with such a direction;
  - (d) arrangements for the care or disposal of animals under this subsection shall not be prejudicial to the protection of wild animals and the conservation of biodiversity;
  - (e) the Secretary of State may, after giving the authority an opportunity to be heard, make a direction under this paragraph varying a direction under paragraph (c) (including such a direction as varied by a direction under this paragraph);
  - (f) the Secretary of State may, after giving the authority an opportunity to be heard, make a direction revoking a direction under paragraph (c) (including such a direction as varied by a direction under paragraph (e)); and
  - (g) where this subsection applies by virtue of section 16D(3) (read in accordance with subsection (7) above), references in this subsection and in subsections (9) and (10) to a zoo shall be read as references to that section of the zoo which is closed permanently to the public.
- (9) If the Secretary of State considers that an inspection of a zoo to which subsection (8) applies is appropriate having regard to his function under subsection (8)(c) he may require an authority to—
- (a) carry out a special inspection of the zoo to be conducted by one or more inspectors nominated, after consultation with the authority, by the Secretary of State from the list;
  - (b) obtain a report of the inspection; and
  - (c) send a copy of the report to the Secretary of State forthwith.

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- (10) For the purposes of an inspection under subsection (9), inspectors may require the production of all records of the zoo's collection kept by the operator, and the operator shall produce the records.
- (11) Subsection (4)(c) of section 10 applies to an inspection under subsection (9) as it applies to an inspection under that section.
- (12) References in this Act to “a zoo closure direction” are to a direction requiring a zoo to be permanently closed to the public.]

#### Extent Information

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

#### Textual Amendments

- F1** S. 13(4)-(12) substituted (E.) (8.1.2003) for s. 13(4)(5) by [S.I. 2002/3080](#), [regs. 1\(1\), 2, 17](#) (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. 14](#) (with [reg. 4](#)))

### 13 Local authority zoos. **S**

- (1) When a local authority is the owner of a zoo to which this Act applies, this Act shall apply with the following additions and modifications.
- (2) As soon as practicable after granting a licence for the zoo, or extending the period of a licence, or receiving an inspectors' report made in pursuance of an inspection of the zoo under this Act, the authority shall send to the Secretary of State a copy of the licence, or notification in writing of the extension, or a copy of the report (as the case may be).
- (3) The authority shall send with the copy of the report any comments on it which they may have.
- [<sup>F7</sup>(4) Sections 16(1A), 16A, 16B, and 18 apply as if—
  - (a) references to the authority were references to the Scottish Ministers; and
  - (b) the words “granted by them” in section 16A(1) were omitted.
- (5) Section 16(1B) applies as if for “authority shall make such alterations to the licence as they consider” there were substituted “the Scottish Ministers shall direct the authority to make such alterations to the licence as they consider”.
- (6) The following provisions apply in place of section 16C:—
  - (a) paragraph (b) applies where the Scottish Ministers are of the view that a zoo is being operated without a licence in contravention of this Act.
  - (b) the Scottish Ministers shall make a zoo closure direction in respect of the zoo unless—
    - (i) the authority inform the Scottish Ministers that in their opinion a direction should be made under section 14(1) in respect of the zoo, and the Scottish Ministers make a direction under section 14(1)(a); or
    - (ii) the authority grant a licence for the zoo within such period as the Scottish Ministers consider to be reasonable in the circumstances.

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- (7) Section 16D applies as if—
- (a) references to section 16E were references to subsection (8) of this section; and
  - (b) the reference in subsection (2) to the authority were a reference to the Scottish Ministers.
- (8) The following provisions apply in place of section 16E to a zoo to which, by virtue of subsection (7)(a), this subsection applies:—
- (a) the authority shall make arrangements in relation to all animals kept in the zoo—
    - (i) for their future care; or
    - (ii) for their disposal and for their care until they are disposed of;
  - (b) the authority shall supply the Scottish Ministers with any information they request about the care or disposal of animals kept in the zoo;
  - (c) the Scottish Ministers may, after giving the authority an opportunity to be heard, give them a direction in such terms as they see fit about the care of animals kept in the zoo or their disposal, and the authority shall comply with such a direction;
  - (d) arrangements for the care or disposal of animals under this subsection shall not be prejudicial to the interests of the protection of wild animals and the conservation of biodiversity;
  - (e) the Scottish Ministers may, after giving the authority an opportunity to be heard, make a direction under this paragraph varying a direction under paragraph (c) (including such a direction as varied by a direction under this paragraph);
  - (f) the Scottish Ministers may, after giving the authority an opportunity to be heard, make a direction revoking a direction under paragraph (c) (including such a direction as varied by a direction under paragraph (e));
  - (g) where this subsection applies by virtue of section 16D(3) (read in accordance with subsection (7) above), references in this subsection and in subsections (9) and (10) to a zoo shall be read as references to that section of the zoo which is closed permanently to the public.
- (9) If the Scottish Ministers consider that an inspection of a zoo to which subsection (8) applies is appropriate having regard to their function under subsection (8)(c) they may require an authority to—
- (a) carry out a special inspection of the zoo to be conducted by one or more inspectors nominated, after consultation with the authority, by the Scottish Ministers from the list;
  - (b) obtain a report of the inspection; and
  - (c) send a copy of the report to the Scottish Ministers forthwith.
- (10) For the purposes of an inspection under subsection (9), inspectors may require the production of all records of the zoo's collection kept by the operator, and the operator shall produce the records.
- (11) Section 10(4)(c) applies to an inspection under subsection (9) as it applies to an inspection under that section.
- (12) References in this Act to “a zoo closure direction” are to a direction requiring a zoo to be closed permanently to the public.]

#### Extent Information

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

#### Textual Amendments

- F7** S. 13(4)-(12) substituted (S.) (1.4.2003) for s. 13(4)(5) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), 17

## 14 Dispensation for particular zoos. **E+W**

- (1) [<sup>F2</sup>Subject to subsection (1A),] if the local authority with power to grant a licence for a zoo inform the Secretary of State that in their opinion a direction should be made under this subsection because of the small [<sup>F3</sup>number of animals kept in] the zoo or the small number of the kinds of animal kept there, he may, after consulting such persons on the list as he thinks fit, direct—
- that this Act shall not apply to that zoo; or
  - that sections 10 and 11 or either of them shall not apply thereto.

[<sup>F4</sup>(1A) The Secretary of State may only make a direction under subsection (1) where he is satisfied that it is not prejudicial to the protection of wild animals and the conservation of biodiversity to do so.]

- (2) If the operator of a zoo informs the Secretary of State that in his opinion a direction should be made under this subsection because the number of inspectors provided for by section 10(4)(a) is too large for the zoo (having regard to the small size of the zoo or the small number of the kinds of animal kept there), the Secretary of State may, after consulting the local authority with power to grant a licence for the zoo and such persons on the list as he thinks fit, direct—
- that in the application of this Act to the zoo, section 10(4)(a) and (b) shall not apply; and
  - that, instead, any inspection to be carried out under section 10 shall be conducted by such inspector or inspectors as the Secretary of State appoints.
- (3) [<sup>F5</sup>Subject to subsection (3A),] any direction made under subsection (1) or (2) may be revoked or varied by a further direction of the Secretary of State made after he has consulted the local authority and such persons on the list as he thinks fit.

[<sup>F6</sup>(3A) The Secretary of State may only vary a direction made under subsection (1) where he is satisfied that it is not prejudicial to the protection of wild animals and the conservation of biodiversity to do so.]

- (4) While a direction under subsection (1)
- has effect, this Act, or sections 10 and 11, or either of them, shall not apply to the zoo (depending on the terms of the direction and any variation made by a further direction under subsection (3)).
- (5) While a direction under subsection (2)
- has effect, this Act shall apply to the zoo with the modifications specified in the direction (subject to any variation made by a further direction under subsection (3)).

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

- (6) The Secretary of State shall take reasonable steps to secure that the local authority and any person who operates the zoo are notified in writing of any direction made under subsection (1), (2) or (3).

#### Extent Information

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

#### Textual Amendments

- F2** Words in s. 14(1) inserted (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 2, 18(a)(i)**
- F3** Words in s. 14(1) substituted (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 2, 18(a)(ii)** (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. 15(a)** (with reg. 4))
- F4** S. 14(1A) inserted (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 2, 18(b)**(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. 15(b)** (with reg. 4))
- F5** Words in s. 14(3) inserted (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 2, 18(c)** (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. 15(c)** (with reg. 4))
- F6** S. 14(3A) inserted (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 2, 18(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. 15(d)** (with reg. 4))

## 14 Dispensation for particular zoos. **S**

- (1) [<sup>F8</sup>Subject to subsection (1A),] if the local authority with power to grant a licence for a zoo inform the Secretary of State that in their opinion a direction should be made under this subsection because of the small [<sup>F9</sup>number of animals kept in] the zoo or the small number of the kinds of animal kept there, he may, after consulting such persons on the list as he thinks fit, direct—
- (a) that this Act shall not apply to that zoo; or
  - (b) that sections 10 and 11 or either of them shall not apply thereto.
- [<sup>F10</sup>(1A) The Scottish Ministers may only make a direction under subsection (1) where they are satisfied that it is not prejudicial to the protection of wild animals and the conservation of biodiversity to do so.]
- (2) If the operator of a zoo informs the Secretary of State that in his opinion a direction should be made under this subsection because the number of inspectors provided for by section 10(4)(a) is too large for the zoo (having regard to the small size of the zoo or the small number of the kinds of animal kept there), the Secretary of State may, after consulting the local authority with power to grant a licence for the zoo and such persons on the list as he thinks fit, direct—
- (a) that in the application of this Act to the zoo, section 10(4)(a) and (b) shall not apply; and
  - (b) that, instead, any inspection to be carried out under section 10 shall be conducted by such inspector or inspectors as the Secretary of State appoints.

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- (3) [<sup>F11</sup>Subject to subsection (3A),] any direction made under subsection (1) or (2) may be revoked or varied by a further direction of the Secretary of State made after he has consulted the local authority and such persons on the list as he thinks fit.
- [<sup>F12</sup>(3A) The Scottish Ministers may only vary a direction made under subsection (1) where they are satisfied that it is not prejudicial to the protection of wild animals and the conservation of biodiversity to do so.]
- (4) While a direction under subsection (1)
- has effect, this Act, or sections 10 and 11, or either of them, shall not apply to the zoo (depending on the terms of the direction and any variation made by a further direction under subsection (3)).
- (5) While a direction under subsection (2)
- has effect, this Act shall apply to the zoo with the modifications specified in the direction (subject to any variation made by a further direction under subsection (3)).
- (6) The Secretary of State shall take reasonable steps to secure that the local authority and any person who operates the zoo are notified in writing of any direction made under subsection (1), (2) or (3).

#### Extent Information

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

#### Textual Amendments

- F8** Words in s. 14(1) inserted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **18(a)(i)**
- F9** Words in s. 14(1) substituted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **18(a)(ii)**
- F10** S. 14(1A) inserted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **18(b)**
- F11** Words in s. 14(3) inserted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **18(c)**
- F12** S. 14(3A) inserted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **18(d)**

**Changes to legislation:**

There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross  
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