



Zoo Licensing Act 1981

1981 CHAPTER 37

Enforcement

[^{F1}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.

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S - Scotland extent
Changes to legislation: There are currently no known outstanding effects for the Zoo Licensing Act 1981, Section 16F. (See end of Document for details)

- (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.]

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. 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](#)))

[^{F2}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

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- (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 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

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

Textual Amendments

- F2** 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**

Status:

There are multiple versions of this provision on screen. These apply to different geographical extents.

Skip to:

- E+W - England and Wales extent
- S - Scotland extent

Changes to legislation:

There are currently no known outstanding effects for the Zoo Licensing Act 1981, Section 16F.