
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 174

**The Zoo Licensing Act 1981
Amendment (Scotland) Regulations 2003**

Amendment of the Zoo Licensing Act 1981

20. In section 16 (power to alter licences)–

(a) after subsection (1) insert–

“(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.”;

(b) after subsection (2) insert–

“(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).

(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.”;

(c) for subsection (3) substitute–

“(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.”;

- (d) after subsection (4) insert–

“(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.”; and

- (e) in subsection (6)–

- (i) for “subsection (1) or in pursuance of a direction under subsection (3)” substitute “this section”; and

- (ii) at the end insert “and (7A)”.