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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations contain provisions implementing Council Directive [1999/22/EC](#) relating to the keeping of wild animals in zoos (O.J. No L 094, 9.4.1999, p. 24–26) (“the Directive”). For this purpose they amend the Zoo Licensing Act [1981 \(c. 37\)](#) (“the Act”), in relation to zoos in England only, as follows.

Section 1 of the Act (licensing of zoos by local authorities) is amended to secure that the Act applies to zoos open on seven days in a year in addition to zoos open on more than seven days in a year.

A new section 1A is inserted which gives effect to the conservation measures that zoos are required to adopt by virtue of article 3 of the Directive.

The Regulations amend sections 5 (periods and conditions of licence) and 16 of the Act (power to alter licences) to require appropriate conditions to be attached to all zoo licences which give effect to the conservation measures. Section 2 (application for licence) is amended to require an applicant for a zoo licence to submit to the local authority his proposals for implementing the conservation measures at the zoo. Before attaching any conditions to a new licence or making a significant alteration to an existing licence the authority must consult the applicant or licence holder about the conditions they propose to attach, arrange for the zoo to be inspected and consider the inspector’s report. Section 4 (grant or refusal of licence) is amended to provide that an authority must refuse to grant a licence if they are not satisfied that the zoo will be able to comply with licence conditions giving effect to the conservation measures.

A zoo must be inspected in accordance with section 9A before a decision is taken about granting, refusing, renewing or making a significant alteration to its licence. Inspectors making an inspection in accordance with section 9A (or in the circumstances described in section 9A, under section 10) must consider whether existing, and any proposed, licence conditions will be met.

Section 14 of the Act (dispensation for particular zoos) is amended to secure that exemptions from the requirements of the Act may only be granted where this is not prejudicial to the objectives of the Directive set out in article 1 (protection of wild fauna and conservation of biodiversity).

Section 15 of the Act (fees and other charges) is amended to enable an authority to recover from the zoo operator their reasonable costs under the Act as amended.

Section 16A enables an authority to issue a direction to a zoo licence holder requiring him to comply with one or more licence conditions, and to require the public to be excluded from the zoo or from a section of it for a period of time.

Section 16B, which replaces section 17 (revocation of licence) gives an authority power to make a zoo closure direction requiring the zoo to be closed and revoking its licence. They must make such a direction if a zoo has not complied with a direction under section 16A to comply with a licence condition requiring the conservation measures to be implemented. They must also make a zoo closure direction where the zoo operator cannot be found or where the public are no longer admitted to the zoo on seven or more days in a year. A zoo closure direction can also be made on any of the other grounds which were previously grounds for revocation of a licence under section 17.

The Regulations amend section 16 of the Act (power to alter licences) to enable an authority to alter a zoo’s licence to secure permanent closure of a section of a zoo (defined in section 1(2C)) where, at the end of the period specified in a direction under section 16A requiring compliance with a licence condition which requires the conservation measures to be implemented, a section of the zoo remains in breach of the licence condition.

**Changes to legislation:** *There are currently no known outstanding effects for the The Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002. (See end of Document for details)*

Section 16C requires an authority (except in certain circumstances) to secure the permanent closure of a zoo operating without a licence in contravention of the Act. Section 13(6) requires the Secretary of State (except in certain circumstances) to secure the permanent closure of a zoo owned by an authority which operate the zoo without a licence in contravention of the Act.

Section 16E requires the operator of a closed zoo to prepare a plan of the proposed arrangements for the future care of the animals in the zoo or for their disposal, and seek the authority's approval of it. Arrangements must not be prejudicial to the objectives of the Directive. After the authority have approved the plan the operator must implement it under their supervision. The authority may request information from the zoo operator about the care or disposal of animals in a closed zoo. Section 11A gives the authority power to inspect closed zoos in certain circumstances. If a plan prepared under section 16E does not satisfy the authority, the authority may give directions to the zoo operator. There is a residual duty on the authority to make their own arrangements for the care or disposal of the animals kept in the zoo. Section 16F permits authorities acting pursuant to such arrangements to dispose of animals kept in closed zoos in certain circumstances. Section 16G gives authorities powers to enter the premises of closed zoos to inspect animals and their accommodation, care for animals and to remove animals where they make such arrangements. Section 13(8) and (9) make provision in relation to closed zoos owned by authorities. Once the authority have signified that arrangements for the future care or disposal of the animals in a closed zoo have been implemented to their satisfaction, section 16D(2) provides that the Act will cease to apply to the zoo.

Section 18 of the Act (appeals) is amended to introduce various new rights of appeal to the magistrates' court connected with the new authority functions introduced by the Regulations. The period for bringing an appeal is extended to 28 days.

Various criminal offences are inserted into section 19 of the Act (offences and penalties) including offences connected with authorities' new licence condition enforcement powers, and the new provisions to secure the welfare of animals at closed zoos. The maximum penalties for these offences is level 3 or 4 on the standard scale.

The Regulations include transitional provision concerning the alteration of existing zoo licences, and they also make minor and consequential amendments to the Act.

A Regulatory Impact Assessment has been prepared in relation to these Regulations. A copy may be obtained from Global Wildlife Division, Defra, Zone 1/16 Temple Quay House, 2 The Square, Bristol BS1 6EB. A copy of the transposition note in relation to the implementation of the Directive can be obtained from the same address. Copies of both these documents have been placed in the Library of each House of Parliament.

**Changes to legislation:**

There are currently no known outstanding effects for the The Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002.