

## SCHEDULE

### **(Regulation 17 of the 2002 Regulations)**

14. For subsections (4) and (5) substitute the following subsections—

“(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 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;

*Status: This is the original version (as it was originally made).*

- (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.
- (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.”