

2003 No. 115

NATURE CONSERVATION

The Zoos Licensing Regulations (Northern Ireland) 2003

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The Department of the Environment, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to the keeping of wild animals in zoos, in exercise of the powers conferred on it by that section and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Zoos Licensing Regulations (Northern Ireland) 2003 and shall come into operation on 31st March 2003.

Interpretation

2.—(1) In these Regulations –

“animals” means animals of the classes Mammalia, Aves, Reptilia, Amphibia, Pisces, and Insecta and any other multi cellular organism that is not a plant or a fungus and “animals of wild species” means animals not normally domesticated in the United Kingdom;

“Department” means the Department of the Environment;

“keeper” includes any person employed under the direction of a keeper;

“premises” includes land;

“section of a zoo” means a particular part of the zoo premises, animals of a particular description, or animals of a particular description which are kept in a particular part of the zoo premises, and references to the closure of a section of a zoo to the public mean the closure to the public of a particular part of the zoo premises, ceasing to exhibit animals of a particular description to the public, or ceasing to exhibit animals of a particular description to the public in a particular part of the zoo premises;

“taxonomic category” means a group or assemblage of species recognised as an entity in scientific classification;

“zoo” has the meaning assigned by regulation 3(2);

“zoo closure direction” has the meaning assigned by regulation 18(1).

(2) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Licensing of zoos

3.—(1) Subject to the provisions of this regulation and regulation 4, it is unlawful to operate a zoo to which these Regulations apply except under the authority of a licence issued by the Department, which is the competent authority for the purposes of Council Directive 1999/22/EC(d) relating to the keeping of wild animals in zoos.

(2) In these Regulations “zoo” means a permanent establishment where animals of wild species are kept for exhibition to the public and includes an establishment to which regulation 21 applies.

(3) Subject to paragraph (5) and regulation 4, these Regulations apply to any zoo to which members of the public have or will have access, with or without charge for admission, on seven days or more in any period of twelve consecutive months and any establishment to which regulation 21 applies.

(4) These Regulations also apply to any zoo in respect of which there is in force a requirement in a direction under regulation 17(2)(d) that the zoo or a section of it is required to be closed to the public.

(5) These Regulations shall not apply to a circus or a pet shop.

(a) S.I. 2001/3495

(b) 1972 c. 68

(c) 1954 c. 33 (NI)

(d) O.J. No. L094, 9.4.1999, p. 24-26

(6) In relation to zoos in operation immediately before the commencement of these Regulations, this regulation and regulation 5 have effect subject to the provisions of regulation 25.

(7) The following are conservation measures to be implemented by operators of zoos in accordance with these Regulations –

- (a) participating in at least one of the following:
 - (i) research from which conservation benefits accrue to the species;
 - (ii) training in relevant conservation skills;
 - (iii) the exchange of information relating to species conservation;
 - (iv) where appropriate, captive breeding;
 - (v) where appropriate, repopulation or reintroduction of species into the wild;
- (b) promoting public education and awareness in relation to the conservation of biodiversity, particularly by providing information about the species exhibited and their natural habitats;
- (c) accommodating their animals under conditions which aim to satisfy the biological and conservation requirements of the individual species, inter alia, by providing species specific enrichment of the enclosures;
- (d) maintaining a high standard of animal husbandry with a developed programme of preventive and curative veterinary care and nutrition;
- (e) preventing the escape of animals in order to avoid possible ecological threats to indigenous species;
- (f) preventing the intrusion of outside pests and vermin; and
- (g) keeping up to date records of the zoo's collection appropriate to the species recorded.

(8) In this regulation –

“circus” means any place where animals are kept or introduced wholly or mainly for the purpose of performing tricks or manoeuvres at that place; and

“pet shop” means any premises, structure (whether moveable or not), vehicle, cart or barrow where two or more species of animals are kept primarily for the purpose of sale as pets.

Dispensation for particular zoos

4.—(1) If the operator of a zoo makes application to the Department that in his opinion these Regulations should not apply to the zoo on the grounds that it does not exhibit a significant number of animals or species to the public, the Department, after consulting such persons as it thinks fit, may direct that these Regulations, with the exception of this regulation, shall not apply to that zoo.

(2) An application under paragraph (1) must identify the location of the zoo and specify the kinds of animals listed in taxonomic category of Order and approximate numbers of each group kept or to be kept for exhibition on the premises.

(3) The operator of a zoo that is exempt from the provisions of these Regulations by virtue of a direction issued by the Department under paragraph (1) shall notify the Department of any significant increases in the numbers of animals or species exhibited at the zoo.

(4) Any direction made by the Department under paragraph (1) may be revoked or varied by a further direction of the Department after consulting such persons as it thinks fit.

(5) The Department shall only make a direction under paragraph (1) or (4) if it is satisfied that it would not jeopardise the protection of species of wild animals and the conservation of biodiversity.

(6) The Department shall take reasonable steps to ensure that the operator of the zoo is notified in writing of any direction under paragraph (1) or (4).

Application for licence

5.—(1) Subject to regulation 25, a person intending to operate a zoo shall apply to the Department for a licence to do so.

(2) An application to the Department for a licence to operate a zoo shall not be considered by the Department unless, at least two months before making it, the applicant has given notice in writing to the Department of his intention to make the application and has published notice of that intention in at least two newspapers with a circulation throughout Northern Ireland.

(3) Any notice given to the Department under paragraph (2) must identify the location of the zoo for which the application is to be made and must also specify –

- (a) the kinds of animals listed in taxonomic category of Order and approximate numbers of each group kept or to be kept for exhibition on the premises;
- (b) how the conservation measures referred to in regulation 3(7) are or will be implemented at the zoo;
- (c) the approximate numbers and categories of staff employed or to be employed in the zoo; and
- (d) the number of days in any period of twelve consecutive months on which it is intended that members of the public should have access to the zoo.

(4) Any notice given to the Department under this regulation shall, until the determination or withdrawal of the application to which it relates, be kept available by the Department at its offices at Commonwealth House, 35 Castle Street, Belfast for public inspection free of charge at reasonable hours.

(5) Any newspaper notice published under paragraph (2) shall identify the location of the zoo for which the application is to be made and shall state that the notice to the Department may be inspected as provided for in paragraph (4).

Grant or refusal of licence

6.—(1) In considering an application for a licence the Department shall take into account any representations made by or on behalf of any of the following persons concerning the implementation of the conservation measures referred to in regulation 3(7) at the zoo:

- (a) the applicant;
- (b) the district council for the area within which the whole or any part of the zoo is situated;
- (c) the governing body of any institution concerned with the operation of zoos;
- (d) any other person whose representations might, in the opinion of the Department, show grounds on which the Department may refuse to grant a licence.

(2) Before granting or refusing to grant a licence for a zoo, the Department shall –

- (a) consult the applicant about the conditions it proposes would be attached to the licence under regulation 7(2), if one were granted;
- (b) make arrangements for an inspection to be carried out by a person appointed by the Department under the provisions of regulation 11 to consider whether the conditions proposed by the Department under regulation 7(2) are likely to be met if the licence is granted; and
- (c) consider the report made to it by the inspector pursuant to that inspection.

(3) The Department shall not grant a licence for a zoo unless it is satisfied that the conservation measures referred to in regulation 3(7) will be implemented in a satisfactory manner at the zoo.

(4) The Department may refuse to grant a licence if –

- (a) the applicant, or
- (b) where the applicant is a body corporate, the body or any director, manager, secretary or other similar officer of the body, or
- (c) a person employed as a keeper in the zoo,

has been convicted of an offence under these Regulations or under any of the enactments mentioned in paragraph (5) or of any other offence involving the ill-treatment of animals.

(5) The enactments are –

- (a) the Welfare of Animals Act (Northern Ireland) 1972(a);
- (b) the Wildlife (Northern Ireland) Order 1985(b);
- (c) the Endangered Species (Import and Export) Act 1976(c).

(6) Where an application for a licence is refused the Department shall send to the applicant by post a written statement of the grounds for the refusal.

(7) When a licence is granted the Department shall send it to the applicant by post and the licence or a copy of it shall be displayed by the holder of the licence at each public entrance to the zoo.

Period of an original licence and conditions

7.—(1) An original licence granted under these Regulations shall be granted for a period of four years beginning with the date specified in the licence as that on which it was granted or any later date specified in the licence as that on which the licence is to commence.

(2) A licence under these Regulations shall be granted subject to conditions requiring the conservation measures referred to in regulation 3(7) to be implemented at the zoo, having regard to the Standards specified by the Department under regulation 10.

Renewal of licence and fresh licences

8.—(1) The Department shall give notice in writing to the holder of any licence that it has granted, not later than nine months before the end of the period of the licence, of the latest date on which application for renewal may be made under this regulation.

(2) Where application for the renewal of an existing licence is made to the Department not later than six months before the end of the period of the licence or such shorter time as the Department may in special circumstances allow, the Department shall either—

- (a) renew the licence by extending the period of the existing licence; or
- (b) direct the holder of the licence to make an application for a fresh licence in accordance with regulation 5.

(3) Before extending the period of an existing licence under paragraph (2)(a) the Department shall –

- (a) make arrangements for an inspection to be carried out in accordance with regulation 12; and
- (b) consider the report made to it by the inspector pursuant to that inspection.

(4) Any extension of the period of an existing licence under paragraph (2)(a) shall be granted for a period of six years beginning with the end of the period of the existing licence, and the Department shall take reasonable steps to secure that the holder of the licence is notified in writing of the extension.

(5) Where application for a fresh licence is made by the holder of an existing licence, the existing licence shall, if the application is made before the end of the period of that licence or within six months after notice of a direction given to the applicant under paragraph (2)(b), continue in force until the application is determined or withdrawn.

(6) A fresh licence granted under these Regulations to the holder of an existing licence shall be granted for a period of four years, beginning with the end of the period of the existing licence.

Transfer and surrender of licence

9.—(1) A licence for a zoo may, with the approval of the Department, be transferred to another person, and in that case the transferee shall become the holder of the licence from a date specified by the Department and notified by it to the transferor and transferee.

(a) 1972 c. 7. (N.I.).
(b) S.I. 1985/171 (N.I. 2).
(c) 1976 c. 72.

(2) The Department shall not approve the transfer of a licence under paragraph (1) unless it is satisfied that the conservation measures referred to in regulation 3(7) will continue to be implemented in a satisfactory manner at the zoo and that the circumstances referred to in regulation 6(4) do not apply.

(3) On the death of the holder of a licence, the personal representatives of the deceased are deemed to be the holders of the licence during the period of three months following the death or such longer period as the Department may approve.

(4) The holder of a licence may at any time, with the approval of the Department, surrender it to the Department which shall thereupon cancel the licence.

Department's Standards

10. The Department shall from time to time specify standards of modern zoo practice, that is, standards with respect to the implementation of the conservation measures referred to in regulation 3(7).

Appointment of inspectors

11.—(1) For the purposes of carrying out inspections under these Regulations, the Department shall appoint as inspectors persons who are in its opinion competent to advise about the implementation in zoos of the conservation measures referred to in regulation 3(7).

(2) The Department shall pay to persons appointed under paragraph (1) such amounts in respect of their services and expenses as may from time to time be agreed with the Department.

Inspections of licensed zoos

12.—(1) The Department shall arrange regular inspections of any zoo for which a licence granted by the Department is in force.

(2) Subject to the provisions of this regulation, such inspections shall be carried out at the following times—

- (a) in the case of an original licence or a fresh licence, during the first year and not later than six months before the end of the fourth year of the period of the licence;
- (b) in the case of a renewed licence granted to the holder of an existing licence, during the third year and not later than six months before the end of the sixth year of the period of that licence.

(3) Where in the course of an inspection under paragraph (1) or regulation 8(3)(a) it becomes apparent to the inspector that a significant amendment to the licence is likely to be needed, the inspector shall –

- (a) consult the holder of the licence about the amendment;
- (b) consider whether any new conditions which the inspector considers will be needed to secure that amendment are likely to be met if the licence is amended; and
- (c) include his findings and recommendations in his report.

(4) Where an inspection under paragraph (1) is due to be carried out within the period of twelve months beginning with the date on which the Department is required to arrange an inspection under regulations 8(3)(a) or 16(6)(b), the Department may combine the inspections.

(5) Where an inspection required under regulation 16(6)(b) is due to be carried out within the period of twelve months beginning with the date on which the Department is required to arrange an inspection under regulation 8(3)(a), the Department may combine those inspections.

(6) Where more than one inspection is required under regulation 16(6)(b) within any period of twelve months, the Department may combine the inspections.

(7) In the case of an inspection of the zoo under paragraph (1) the inspector shall consider whether the conditions attached to the licence are being met.

(8) In the case of an inspection carried out under regulation 8(3)(a), the inspector shall consider whether the conditions attached to the licence are likely to be met if the period of the licence is extended.

(9) In the case of an inspection carried out under regulation 16(6)(b), the inspector shall consider whether the conservation measures referred to in regulation 3(7) will be implemented at the zoo if the licence is amended as proposed by the Department.

(10) The following provisions apply to inspections under this regulation and regulations 8(3)(a) and 16(6)(b) –

- (a) the Department shall give the holder of the licence at least 28 days notice in writing of the date on which it is proposed to carry out the inspection and the name of the inspector;
- (b) the holder of the licence may give notice in writing to the Department of any objection to the inspector appointed, and the Department may, if it considers appropriate, give effect to such objection;
- (c) representatives of the holder of the licence not exceeding three in number may accompany the inspector on the inspection, and the inspector may require the attendance of any veterinary surgeon or veterinary practitioner employed in or retained by or for the purposes of the zoo;
- (d) the inspection shall extend to all features of the zoo directly or indirectly relevant to the conservation measures referred to in regulation 3(7);
- (e) the inspector shall require the production of all records kept by the holder of the licence in pursuance of implementing the conservation measures referred to in regulation 3(7) at the zoo and the holder of the licence shall produce the records.

(11) On completion of his inspection under paragraph (1), the inspector shall send his report to the Department and the report may include advice or recommendations for any practicable improvements to ensure implementation of the conservation measures referred to in regulation 3(7) at the zoo.

(12) Within one month after receiving the report of the inspection the Department shall send a copy to the holder of the licence and give him an opportunity to comment on it.

Special inspections

13.—(1) The Department may at any time make arrangements for a special inspection of a zoo for which a licence granted by the Department is in force if it considers it appropriate to do so having regard to any circumstances concerned with implementation of the conservation measures referred to in regulation 3(7), which in the opinion of the Department call for investigation.

(2) On making arrangements for an inspection referred to in paragraph (1) the Department shall notify the inspector and the holder of the licence of the purpose and scope of the inspection.

(3) Sub-paragraphs (c) to (e) of paragraph (10), and paragraphs (11) and (12) of regulation 12 shall apply to an inspection under this regulation.

(4) This regulation does not apply to zoos to which regulation 21 applies.

Special inspections of closed zoos

14.—(1) The Department may at any time make arrangements for a special inspection of a zoo, or a section of a zoo, to which regulation 21 applies –

- (a) if it considers it appropriate to do so having regard to its function under regulation 21(3) of supervising the implementation of a plan prepared under regulation 21(1);
- (b) if it considers it appropriate to do so having regard to its function under regulation 21(5) of making a direction as to the future care or disposal of the animals at the zoo; or
- (c) if it considers it appropriate to do so in order to determine whether to exercise its functions under regulation 21(6) or (7) for making arrangements for the future care or disposal of the animals at the zoo.

(2) Paragraph (10)(c) of regulation 12 applies to an inspection under this regulation as it applies to an inspection under regulation 12.

(3) The inspector may require the production of all records of the zoo's collection kept by the operator of the zoo for the purposes concerned with the inspection carried out under this regulation, and the operator shall produce the records.

(4) On completion of their inspection the inspector shall send his report to the Department, and except where the operator of the zoo cannot, after reasonable enquiries have been made, be found, the Department shall send a copy to the operator forthwith and give him an opportunity to comment on it.

Fees and other charges

15.—(1) The Department shall charge an applicant in respect of its consideration of his application for the grant, renewal, transfer or surrender of a licence, a fee of £100 and the applicant shall pay the charge when he makes his application.

(2) The Department may charge the operator of a zoo such sums as it may determine on account of reasonable expenses incurred by it in connection with –

- (a) inspections under regulations 8(3), 12 to 14 and 16(6);
- (b) the exercise of its powers to make directions under these Regulations;
- (c) the exercise of its function under regulation 21(3) of supervising the implementation of plans prepared under regulation 21(1); and
- (d) the exercise of its function under regulation 21(6) or (7).

(3) Any charge payable under paragraph (2) by any person shall be recoverable by the Department as a debt due from him to it.

(4) The Department shall, so far as is practicable, secure that the amount of all the fees and other sums charged by it under this regulation in a year is sufficient to cover the amount of expenditure incurred by the Department in the year by virtue of these Regulations.

Power to amend licences

16.—(1) At any time after the grant of a licence under these Regulations, the terms and conditions of the licence may be amended by the Department if, in its opinion, it is necessary or desirable to do so for the purpose of ensuring that the conservation measures referred to in regulation 3(7) are implemented at the zoo.

(2) Paragraph (3) applies where –

- (a) the Department has made a direction under regulation 17(2) in respect of a zoo;
- (b) the period specified in that direction by virtue of regulation 17(2)(c), including such a direction as varied under regulation 17(4), has expired; and
- (c) the Department is satisfied that a condition specified in that direction, which is attached to the zoo's licence to ensure the implementation of the conservation measures referred to in regulation 3(7), is not met in relation to –
 - (i) if the zoo was specified under regulation 17(2)(b)(i), any section of the zoo,
 - (ii) if a section of the zoo was specified under regulation 17(2)(b)(ii), that section of the zoo or any smaller section of the zoo included in that section.

(3) The Department shall make such amendments to the licence as it considers necessary or desirable to ensure that the section of the zoo in relation to which it is satisfied that the condition is not met, is closed to the public.

(4) Before exercising the power under paragraph (1), the Department shall give the holder of the licence an opportunity to be heard.

(5) Paragraph (6) applies in place of paragraph (4) where the Department proposes to make under paragraph (1) a significant amendment to a licence, except where the amendment is in accordance with the recommendations in a report pursuant to regulation 12(3)(c).

(6) Before making a significant amendment to a licence the Department shall –

- (a) consult the holder of the licence about the amendment it proposes to make to the licence;

- (b) make arrangements for an inspection to be carried out in accordance with regulation 12; and
- (c) consider the report made to it by the inspector pursuant to that inspection.

(7) An amendment under this regulation may be made by amending, cancelling or attaching conditions to the licence or by a combination of any of those methods.

(8) Without prejudice to regulation 23(5) and (6), the Department shall take reasonable steps to secure that the holder of the licence is notified in writing of amendments to a licence under this regulation.

Enforcement of licence conditions

17.—(1) Paragraph (2) applies where, after giving the holder of a licence an opportunity to be heard, the Department is not satisfied that a condition attached to a licence granted by it under these Regulations is met.

(2) Unless paragraph (3) applies, the Department shall make a direction specifying –

- (a) the licence condition which it is not satisfied is met;
- (b) whether it is not satisfied that that condition is met in relation to –
 - (i) the zoo, or
 - (ii) a section of the zoo, and if so, which section;
- (c) steps to be taken by the holder of the licence to ensure that that condition is met in relation to the zoo (or, if a section of the zoo is specified under sub-paragraph (b)(ii), in relation to that section) within a period specified in the direction which may not exceed two years from the date of the direction;
- (d) whether the zoo or a section of it is required to be closed to the public during that period or any part of it specified in the direction.

(3) This paragraph applies if the Department has made a zoo closure direction in exercise of its powers under regulation 18(5).

(4) The Department may, after giving the holder of the licence an opportunity to be heard, make a direction under this paragraph varying a direction under paragraph (2) (including such a direction as varied by a direction under this paragraph).

(5) A direction under paragraph (4) may increase the period specified in the direction under paragraph (2)(c) or (d), but the period as increased must not exceed two years beginning with the date of the direction under paragraph (2).

(6) A direction under paragraph (2) including such a direction as varied by a direction under paragraph (4) may be revoked by a further direction of the Department.

Zoo closure direction

18.—(1) References in these Regulations to a “zoo closure direction” are to a direction requiring a zoo to be closed to the public forthwith.

(2) The Department shall make a zoo closure direction in respect of a zoo licensed under these Regulations where –

- (a) it has made a direction under regulation 17(2) in respect of the zoo or a section of it;
- (b) the period specified in the direction by virtue of regulation 17(2)(c), including such a direction as varied under regulation 17(4) has expired; and
- (c) it is satisfied, after giving the holder of the licence an opportunity to be heard, that the condition specified in the direction under regulation 17(2) is not met in relation to the zoo or a section of it, as specified in the direction.

(3) The Department shall make a zoo closure direction in respect of a zoo licensed under these Regulations where it is satisfied, after reasonable enquiries have been made, that the holder of the licence cannot be found.

(4) The Department shall make a zoo closure direction in respect of a zoo licensed under these Regulations where, after giving the holder of the licence an opportunity to be heard –

- (a) it is satisfied that members of the public have had access to it on fewer than seven days in the period of twelve months ending on the date on which the Department determines that it is satisfied; and
- (b) it does not appear to it that it is the intention of the holder of the licence that members of the public will have access to it on seven days or more during any future period of twelve months.

(5) Subject to paragraph (6), the Department may, after giving the holder of the licence an opportunity to be heard, make a zoo closure direction in respect of a zoo licensed under these Regulations if –

- (a) the holder of the licence (or where the holder of the licence is a body corporate, the body or any director, manager, secretary or other similar officer of the body) is convicted of any offence mentioned in regulation 6(4); or
- (b) any person who, to the knowledge of the holder of the licence, has been so convicted is employed as a keeper in the zoo.

(6) The Department may not make a zoo closure direction under paragraph (5) if a direction under regulation 17(2) is in force in respect of the zoo and –

- (a) when that direction was made there were grounds upon which the Department could have made a zoo closure direction under paragraph (5) in respect of the zoo, but it chose not to do so; and
- (b) the grounds upon which it would make a zoo closure direction under paragraph (5) are the same as any of those upon which it could have made one when it made the direction under regulation 17(2) instead.

(7) Where the Department makes a zoo closure direction in respect of a zoo under this regulation, the zoo's licence is revoked from the date on which the direction has effect.

(8) A zoo closure direction made under this regulation may be revoked by a further direction of the Department made after it has first consulted such persons as it thinks fit.

Zoo closure direction for zoos without licences

19.—(1) This regulation applies to a zoo –

- (a) which is being operated without a licence in contravention of regulation 3; and
- (b) in relation to which no direction under regulation 4 is in force.

(2) Where the Department is satisfied, after reasonable enquiries have been made, that the operator of a zoo to which this regulation applies cannot be found, it shall make a zoo closure direction in respect of the zoo.

(3) Unless the Department has made a direction under regulation 4(1), the Department shall give to the operator of the zoo (unless after reasonable enquiries have been made, he cannot be found) at least 35 days' notice in writing of its intention to make a zoo closure direction.

(4) Where notice has been given under paragraph (3), unless before the expiry of the period referred to in that paragraph, notice is given to the Department under regulation 5(2) of an intention to make an application for a licence for the zoo, the Department shall make a zoo closure direction in respect of the zoo after the expiry of that period.

(5) Where before the expiry of the period referred to in paragraph (3) notice is given to the Department under regulation 5(2) of an intention to make an application for a licence for the zoo, but –

- (a) an application for a licence for the zoo is not made by the end of a period of two months beginning on the date on which the notice was given under regulation 5(2), or
- (b) the application for a licence for that zoo is refused and –
 - (i) no appeal is brought against the refusal within the time mentioned in regulation 23(2), or
 - (ii) if an appeal is brought against the refusal within the time mentioned in regulation 23(2), it is abandoned, or the court confirms the decision to refuse the application,

the Department shall make a zoo closure direction in respect of the zoo.

(6) A zoo closure direction made under this regulation may be revoked by a further direction of the Department made after it has first consulted such persons as it thinks fit.

Application of regulation 21

20.—(1) Regulation 21 applies to a zoo –

- (a) in respect of which a zoo closure direction has been made, from the date on which the direction has effect in accordance with regulation 23(9); or
- (b) whose licence has expired or been surrendered, from the date of its expiry or surrender (as the case may be).

(2) Regulation 21 applies to a section of a zoo which is closed to the public by virtue of amendments to the zoo's licence under regulation 16(3), from the date on which those amendments take effect in accordance with regulation 23(6).

(3) These Regulations shall cease to apply to a zoo when the Department has notified the operator of the zoo, or, where the operator cannot be found, any person appearing to it to be responsible for the zoo, in writing that it is satisfied that –

- (a) all animals which are to be disposed of pursuant to regulation 21 have been disposed of; and
- (b) satisfactory arrangements for the care of any animals kept in the zoo which are not to be disposed of pursuant to regulation 21 are in effect, and there are reasonable grounds for believing that satisfactory arrangements will continue to be maintained for such animals.

(4) If a section of a zoo which was closed to the public by virtue of amendments to the zoo's licence under regulation 16(3) reopens pursuant to further amendments to the licence, regulation 21 shall cease to apply to that section.

Welfare of animals following closure of a zoo

21.—(1) As soon as reasonably practicable after the date from which this regulation applies, the operator shall give to the Department a plan of the arrangements he proposes to make in relation to all the animals kept in the zoo –

- (a) for their future care; or
- (b) for their disposal and for their care until they are disposed of.

(2) The operator shall supply the Department with any information it may require by notice in writing about the care or disposal of animals kept in the zoo.

(3) Where the Department notifies the operator in writing that it approves a plan prepared under paragraph (1), he shall implement it under the supervision of the Department.

- (4) Except with the agreement of the Department, the operator shall not –
 - (a) dispose of any animal kept in the zoo before a plan prepared under paragraph (1) has been approved by the Department;
 - (b) dispose of any animal kept in the zoo other than in accordance with a plan so approved;
 - (c) make arrangements for the future care of any animal kept in the zoo which do not comply with a plan so approved.

(5) Where –

- (a) the Department is not satisfied with a plan prepared under paragraph (1);
- (b) the Department is not satisfied with the way in which such a plan is being implemented;
- (c) the operator of the zoo has not prepared such a plan within a reasonable period after the date from which this regulation applies; or
- (d) the Department considers that urgent steps need to be taken by the operator to safeguard the welfare of animals kept in the zoo,

the Department may, after giving the operator an opportunity to be heard, make a direction in such terms as it sees fit as to the future care of animals kept in the zoo or for their disposal and for their care until they are disposed of.

(6) Where –

- (a) the zoo operator has not complied with a direction under paragraph (5) to the satisfaction of the Department; or
- (b) the Department considers that urgent steps need to be taken by it to safeguard the welfare of animals kept in the zoo,

the Department shall, after giving the operator an opportunity to be heard, make arrangements for the future care of the animals kept in the zoo, or for their disposal and for their care until they are disposed of.

(7) Where the Department is satisfied, after reasonable enquiries have been made, that the operator of the zoo cannot be found, it shall make arrangements for the future care of the animals kept in the zoo, or for their disposal and for their care until they are disposed of.

(8) Subject to regulation 22 and paragraph (9) of this regulation, for the purpose of giving effect to arrangements under paragraphs (6) or (7) the Department may –

- (a) care for any animal on the premises of the zoo, or
- (b) remove any animal found on the premises of the zoo and either retain it in the Department's possession or dispose of it, by sale, gift or otherwise.

(9) The Department may dispose of any animal in pursuance of paragraph (8)(b) if –

- (a) after making reasonable inquiries it is satisfied that the animal is owned by the operator of the zoo;
- (b) after making reasonable enquiries it is unable to identify or unable to find the owner of the animal;
- (c) it has obtained the consent of the owner of the animal;
- (d) the owner of the animal has been asked for his consent in writing before a date specified in the request, but that date has passed and the Department has 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.

(10) Where an animal is disposed of under paragraph (9), any person to whom the animal is sold or given shall have a good title to it.

(11) Paragraphs (12) to (16) apply when the Department has sold all the animals which are to be sold under paragraph (9).

(12) Subject to paragraph (15), the Department shall pay to the operator of the zoo a sum equal to the total proceeds of the sales of animals falling within paragraph (13), less any part of the fees or charges which the Department is entitled to make under regulation 15 which has not been paid, and less the costs incurred by it in connection with the sale and in caring for the animals before the sale.

(13) An animal falls within this paragraph if the Department is satisfied that it was owned by the operator of the zoo immediately before its sale under paragraph (9), whether or not it was so satisfied when it exercised its power of sale under that paragraph.

(14) Where the Department has identified a person other than the operator who it is satisfied was the owner of an animal immediately before its sale under paragraph (9), it shall (subject to paragraph (15)) pay to that person a sum equal to the proceeds of the sale of that animal, less the costs incurred by it in connection with the sale and in caring for the animal before the sale.

(15) If the person to whom the Department is required to make a payment under paragraph (12) to (14) 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 paragraph (9), the proceeds of sale shall vest in the Department.

(16) Any remaining proceeds of any sales under paragraph (9) shall vest in the Department.

(17) The Department shall make any payment it is required to make under paragraph (12) or (14) 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 paragraph (9), but it shall not make such a payment before the end of the period of one month beginning with the date of that sale.

(18) Nothing in this regulation shall prevent the Department from making arrangements for an animal to be put down without delay where it is necessary or expedient to do so in the interests of its welfare.

(19) Arrangements for the care or disposal of animals under this regulation shall not be prejudicial to the protection of wild animals and the conservation of biodiversity.

(20) The Department may make a direction varying or revoking a direction under paragraph (5) (including such a direction as varied by a direction under this paragraph), but unless it is satisfied, after reasonable enquiries have been made, that the operator cannot be found, it shall not do so without first giving him an opportunity to be heard.

(21) Where this regulation applies by virtue of regulation 20(2), references in this regulation to a zoo shall be read as references to that section of the zoo which is closed to the public.

Powers of entry

22.—(1) For the purpose of giving effect to arrangements under regulation 21, any person authorised in writing by the Department may at any reasonable time and (if required to do so) upon producing evidence that he is authorised, enter the premises of the zoo for the purposes of –

- (a) inspecting any animal found there to which the arrangements relate;
- (b) inspecting the accommodation of any such animal;
- (c) caring for any such animal; or
- (d) removing any such animal.

(2) Paragraph (1) shall not authorise entry into any part of the premises of the zoo which is used as a private dwelling.

(3) If a justice of the peace is satisfied by sworn complaint in writing that –

- (a) it is necessary or desirable for the purpose of giving effect to arrangements under regulation 21(3), (6) or (7) for a person duly authorised by the Department for the purposes of this paragraph to enter the premises of the zoo for any of the purposes mentioned in paragraph (1); and
- (b) either –
 - (i) any part of the premises to which admission for any of those purposes is sought is used as a private dwelling, or
 - (ii) admission to the premises or any part of the premises for any of those purposes has been refused,

he may grant a warrant authorising that person to enter the premises, or (as the case may be) the part of the premises used as a private dwelling or to which admission has been refused, for all or any of those purposes, with or without constables and any other persons who may be necessary, and if need be by reasonable force.

(4) A warrant granted under paragraph (3) shall also specify –

- (a) the length of time for which it is valid, and
- (b) the times at which entry may be effected,

and may contain such restrictions as the justice of the peace thinks fit.

(5) A person duly authorised for the purposes of paragraph (3) shall, if so required, produce his authority and warrant before entering the premises of the zoo or part of the premises to which the warrant relates (as the case may be).

Appeals

- 23.—(1) A person aggrieved by a decision relating to –
- (a) the refusal to grant a licence;
 - (b) any condition attached to a licence;
 - (c) any amendment or cancellation of a condition;
 - (d) the refusal to approve the transfer of a licence;
 - (e) a direction under regulation 17(2) or any variation of such a direction;
 - (f) a zoo closure direction;
 - (g) the refusal to approve a plan prepared under regulation 21(1);
 - (h) a direction under regulation 21(5) or any variation of such a direction; or
 - (i) any arrangements under regulation 21(6) or (7),

may appeal to a court of summary jurisdiction acting for the petty sessions area in which the zoo is situated.

(2) Any such appeal shall be brought within 28 days from the date on which the person wishing to appeal receives written notification of the Department's decision.

(3) On an appeal under this regulation to a court of summary jurisdiction, the court may confirm, vary or reverse the Department's decision and generally give such directions as it thinks proper, having regard to the provisions of these Regulations.

(4) The procedure on appeal to a court of summary jurisdiction under this regulation shall be by way of notice under Part VII of the Magistrates Courts (Northern Ireland) Order 1981(a).

(5) In so far as a condition attached to a licence (whether on its grant or later), or the amendment of a condition, imposes a requirement on the holder of the licence to carry out works he would not otherwise be required to carry out, the condition or amendment shall not have effect –

- (a) during the period within which the holder of the licence is entitled to appeal against the attachment or amendment; or
- (b) where such an appeal is brought within that period, during the period before an appeal is determined or abandoned.

(6) An amendment to a licence under regulation 16(3) has effect –

- (a) if an appeal is brought under this regulation within the time mentioned in paragraph (2), and the Department's decision is confirmed or varied, on the day following the day on which the appeal is determined, or on such other day as the court directs;
- (b) if an appeal is brought under this regulation within the time mentioned in paragraph (2) but is subsequently abandoned, on the day following the day on which the appeal is abandoned, or on such other day as the court directs; or
- (c) if no appeal is brought within the time mentioned in paragraph (2), on the expiration of that time.

(7) Paragraph (8) applies to the following directions or any variations to them –

- (a) a direction under regulation 17(2) which requires the zoo or a section of it to be closed to the public;
- (b) a direction under regulation 17(2) or 21(5) which imposes a requirement on the operator of the zoo to carry out works he would not otherwise be required to carry out; and
- (c) a direction under 21(5) which imposes a requirement to dispose of any animals.

(8) A direction to which this paragraph applies shall not have effect –

- (a) during the period within which the holder is entitled to appeal against it; or
- (b) where such an appeal is brought within that period, during the period before the appeal is determined or abandoned.

(9) A zoo closure direction has effect –

(a) S.I. 1981/1675 (NI 26).

- (a) if an appeal is brought under this regulation within the time mentioned in paragraph (2), and the Department's decision is confirmed or varied, on the day following the day on which the appeal is determined, or on such other day as the court directs;
- (b) if an appeal is brought under this regulation within the time mentioned in paragraph (2) but is subsequently abandoned, on the day following the day on which the appeal is abandoned, or on such other day as the court directs; or
- (c) if no appeal is brought within the time mentioned in paragraph (2), on the expiration of that time.

Offences and penalties

24.—(1) If a zoo is operated without a licence in contravention of these Regulations, the operator of the zoo is guilty of an offence.

(2) If the holder of a licence fails without reasonable excuse to comply with any condition for the time being attached to a licence for the zoo granted under these Regulations and held by him, he is guilty of an offence.

(3) Any person who intentionally obstructs an inspector acting pursuant to these Regulations is guilty of an offence.

(4) Any person who intentionally obstructs a person duly authorised for the purposes of regulation 22(1) or (3) acting pursuant to that authorisation is guilty of an offence.

(5) If the holder of a licence for a zoo fails to comply with a requirement in a direction given to him under regulation 17(2)(d) to close the zoo, or a section of it, to the public for a period, he is guilty of an offence.

(6) If the operator of a zoo fails to comply with a zoo closure direction, he is guilty of an offence.

(7) If the operator of a zoo fails without reasonable excuse to comply with the requirement to supply information under regulations 14(3) or 21(2), he is guilty of an offence.

(8) If, contrary to regulation 21(4), the operator of a zoo makes arrangements for the future care of or disposes of any animal kept in the zoo without the agreement of the Department –

- (a) before a plan prepared under regulation 21(1) has been approved by the Department, or
 - (b) other than in accordance with such a plan which has been approved by the Department,
- he is guilty of an offence.

(9) If the operator of a zoo fails to comply with a direction given to him under regulation 21(5), he is guilty of an offence.

(10) If the holder of a licence fails without reasonable excuse to display the zoo licence or a copy of it at each public entrance to the zoo, he is guilty of an offence.

(11) Where, as part of any information required by the Department under these Regulations, any person knowingly provides false information to the Department, he is guilty of an offence.

(12) A person guilty of an offence under this regulation is liable on summary conviction to a fine not exceeding level 4 on the standard scale for an offence under paragraphs (1), (2), (4), (5), (6), (8), or (9), and level 3 on the standard scale for an offence under paragraphs (3), (7), (10) or (11).

(13) For the purposes of this regulation, section 20(2) of the Interpretation Act (Northern Ireland) 1954 applies with the omission of the words “the liability of whose members is limited”.

Transitional provision for existing zoos

25.—(1) A person who immediately before the date of commencement of these Regulations was operating a zoo on any premises may continue to operate the zoo on those premises without a licence under these Regulations –

- (a) during the period of four months beginning with that date; and
- (b) if within that period application is made for a licence in accordance with regulation 5 or for exemption from these regulations in accordance with regulation 4, until that

application is finally determined or withdrawn and, if the application is refused, for a further period of six months.

(2) Regulation 4 applies to any application under paragraph (1)(b) for exemption from these Regulations and regulations 5 and 6 apply to any application under paragraph (1)(b) for a licence to continue to operate a zoo.

(3) For an application for a licence under paragraph (1)(b) the inspection required by regulation 6 is in lieu of the first inspection under sub-paragraph (a) of paragraph (2) of regulation 12.

Directions

26.—(1) Where the Department makes a direction under these Regulations, it shall take reasonable steps to secure that the operator of the zoo is notified in writing of it.

(2) Where the operator of a zoo cannot be found, the Department shall take reasonable steps to secure that any person appearing to it to be responsible for the zoo is notified in writing of the direction.

Sealed with the Official Seal of the Department of the Environment on 3rd March 2003.

(L.S.)

Judena Goldring

A senior officer of the Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations contain provisions implementing European Council Directive 1999/22/EC relating to the keeping of wild animals in zoos (O.J. No. L094, 9.4.1999 p. 24-26) (“the Directive”).

Regulation 2 defines key terms used in the Regulations.

Regulation 3 makes it unlawful for anyone to operate a zoo except under the authority of a licence issued by the Department and defines what a zoo is. The regulation also gives effect to the conservation measures that zoos are required to adopt by virtue of article 3 of the Directive.

Regulation 4 gives the Department the authority to exempt ‘small’ zoos from the licensing and inspection regime.

Regulation 5 deals with making applications to the Department for a licence to operate a zoo and specifies the information that should be provided by the applicant.

Regulation 6 deals with appraising an application and requires the Department to make arrangements for an inspection of the zoo to be carried out before it can consider granting a licence. It also requires the Department to consult the applicant about the conditions it proposes to attach to a licence, if one is to be granted. The Department can refuse to grant a licence where an applicant or person employed by the zoo has been convicted of a related offence.

Regulation 7 specifies the duration for an original licence granted by the Department. It also requires the Department to impose conditions to any licence it may grant giving effect to the conservation measures specified in regulation 3, having regard to relevant standards that the Department may specify under regulation 10.

Regulation 8 gives the Department the authority to extend the period of an existing licence that has expired or direct the licence holder to apply for a fresh licence and specifies the duration for a renewed or fresh licence. The Department is required to arrange for an inspection of the zoo before it can renew the licence.

Regulation 9 provides for the transfer or surrender of a licence, including the arrangements in the event of the death of a licence holder.

Regulation 10 provides for the Department to specify standards with respect to the implementation of the conservation measures specified in regulation 3.

Regulation 11 provides for the appointment of inspectors to carry out inspections required by the Regulations.

Regulation 12 requires the Department to undertake regular inspections of licensed zoos and determines how they should be organised and how often they should take place. Provision is made to combine inspections required under this regulation and regulations 8 and 16 where more than one falls due within a period of twelve months.

Regulation 13 gives the Department the authority to carry out special inspections of licensed zoos having regard to any circumstances concerned with implementation of the conservation measures referred to in regulation 3, which, in the opinion of the Department, call for investigation.

Regulation 14 gives the Department powers to inspect zoos that have been closed where it has concerns about the arrangements for the future care or disposal of animals in the zoo.

Regulation 15 makes provision for the Department to charge fees for applications for a licence or for the renewal, transfer or surrender of a licence. The Department will also be entitled to charge for the reasonable costs of inspections or costs incurred in relation to the exercise of its powers under regulation 21.

Regulation 16 gives the Department authority to amend the terms and conditions of any licence it has issued. The Department is required to consult the holder of the licence about the proposed amendment and to arrange for an inspection of the zoo before making a significant amendment.

Regulation 17 enables the Department to issue directions to licence holders to comply with licence conditions, which can include excluding the public from a section of a zoo until the conditions are met.

Regulation 18 gives the Department powers to make a zoo closure direction in respect of licensed zoos requiring the zoo to be closed and revoking the licence.

Regulation 19 provides the Department with the power to issue a zoo closure direction in respect of any zoo that is being operated without a licence in contravention of the Regulations.

Regulation 20 provides for the application of the provisions in regulation 21.

Regulation 21 requires zoo operators to arrange for the future care of or disposal of animals in the event of a zoo closure in accordance with a plan approved by the Department. It also gives the Department the authority to take direct action to arrange for the future care of or disposal of the animals in the zoo, if such arrangements have not been approved or are not being conducted in a satisfactory manner.

Regulation 22 provides for powers of entry to a closed zoo. Such powers will be conducted under the warrant of a justice of the peace where access has been refused or part of the premises to which entry is sought is a private dwelling.

Regulation 23 provides various rights of appeal to a magistrates' court connected with functions under the Regulations.

Regulation 24 makes provision for various criminal offences arising from contravention of provisions under the Regulations and specifies the maximum penalties applicable to each offence.

Regulation 25 provides for transitional arrangements for existing zoos, which will have four months in which to apply for a licence from the Department.

Regulation 26 deals with the arrangements for notifying the operator of a zoo about directions made under the Regulations, or if the operator cannot be found, for notifying any person who appears to the Department to be responsible for the zoo.

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