WELSH STATUTORY INSTRUMENTS

2003 No. 992 (W.141)

ZOOS, WALES

The Zoo Licensing Act 1981 (Amendment) (Wales) Regulations 2003

Made - - - -	*2nd April 2003*
Coming into force - -	*22nd April 2003*

The National Assembly for Wales, being designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to the keeping of wild animals in zoos, in exercise of the powers conferred upon it by the said section 2, hereby makes the following Regulations:

Name, commencement, and interpretation

1.—(1) These Regulations are called the Zoo Licensing Act 1981 (Amendment) (Wales) Regulations 2003 and shall come into force on 22 April 2003.

(2) In these Regulations —

"the Act" ("*y Ddeddf*") means the Zoo Licensing Act 1981(**3**);

"the 2002 Regulations" ("*Rheoliadau 2002*") means the Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002(**4**).

Application of Act: Wales

2.—(1) Section 22A of the Act (inserted by the 2002 Regulations) ceases to have effect, so that the amendments to the Act which were made by regulations 3 to 26 of the 2002 Regulations and which are contained in the Schedule to these Regulations apply also in Wales.

(2) The reference in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999(**5**) to the Act is to be treated as referring to the Act as amended by the 2002 Regulations and these Regulations.

(**1**) S.I.2001/3495.
(**2**) 1972 c. 68. This function was transferred to the Secretary of State for Wales (S.I. 1978/272) and then to the National Assembly for Wales (S.I. 1999/672).
(**3**) 1981 c. 37. The functions of the Secretary of State for Wales were transferred to the National Assembly for Wales (S.I. 1999/672).
(**4**) S.I. 2002/3080.
(**5**) S.I.1999/672.

Existing licences

3.—(1) This regulation applies to all zoos in Wales in respect of which a licence is in force under the Act on 22 April 2003, except zoos which close before 1 October 2003.

(2) The local authority shall before 1 October 2003 secure that each licence granted by them under the Act contains such conditions as the authority think necessary or desirable to secure that the conservation measures referred to in section 1A of the Act are implemented at the zoo, and may alter the licence for that purpose.

(3) Section 16(2), (3) and (4) to (6) of the Act applies to the alteration of a licence under paragraph (2) as if the references in section 16(2) and (6) to "subsection (1)" were references to that paragraph.

(4) Section 18(1)(b) and (c), (2),(3), (5) and (7) of the Act applies to the alteration of a licence under paragraph (2).

(5) In deciding what conditions to attach to a licence under paragraph (2) an authority shall have regard to any standards specified by the National Assembly for Wales under section 9 of the Act.

(6) An alteration of a licence under paragraph (2) shall not be treated as a significant alteration for the purposes of section 16 of the Act.

Transitional provision for zoos without licences

4.—(1) This regulation applies to a zoo in Wales which by virtue of the amendments made to the Act by the 2002 Regulations and these Regulations is required to be licensed under the Act but which immediately before 22 April 2003, was not required to be so licensed.

(2) Notwithstanding any such amendment, a person who immediately before 22 April 2003, was operating a zoo to which this regulation applies on any premises may continue to operate that zoo on those premises without a licence under the Act—

(a) during the period of 6 months beginning with that date; and

(b) if within that period application is made for a licence, until that application is finally disposed of or withdrawn.

(3) Section 16C of the Act does not apply to a zoo to which this regulation applies for so long as a person may by virtue of paragraph (2) continue to operate the zoo without a licence.

(4) If the licence is granted, it shall be granted for a period of four years beginning with the date on which the licence is granted.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**6**).

D. Elis-Thomas
2nd April 2003 — The Presiding Officer of the National Assembly

(**6**) 1998 c. 38.

SCHEDULE Regulation 2(1)

Amendment of section 1 (licensing of zoos by local authorities)

(Regulation 4 of the 2002 Regulations)

(a) (a) in subsection (2) omit the words from "; and this Act" to the end of the subsection; and

(b) after subsection (2) insert the following subsections—

"(2A) This Act applies to any zoo to which members of the public have access, with or without charge for admission, on seven days or more in any period of twelve consecutive months.

(2B) This Act also applies in accordance with its terms to any zoo to which members of the public do not have such access if a licence is in force in respect of it or as otherwise provided (in particular, in sections 13 and 16C to 16G).

(2C) In this Act—

(a) a section of a zoo means—

(i) a particular part of the zoo premises;

(ii) animals of a particular description in the zoo; or

(iii) animals of a particular description which are kept in a particular part of the zoo premises; and

(b) references to the closure of a section of a zoo to the public mean—

(i) the closure to the public of a particular part of the zoo premises;

(ii) ceasing to exhibit animals of a particular description to the public; or

(iii) ceasing to exhibit animals of a particular description to the public in a particular part of the zoo premises.".

Insertion of new section 1A

(Regulation 5 of the 2002 Regulations)

2. After section 1 (licensing of zoos by local authorities) insert the following section—

"**Conservation measures for zoos**

1A. The following are conservation measures to be implemented in zoos in accordance with this Act—

(a) participating in at least one of the following—

(i) research from which conservation benefits accrue to species of wild animals;

(ii) training in relevant conservation skills;

(iii) the exchange of information relating to the conservation of species of wild animals;

(iv) where appropriate, breeding of wild animals in captivity; and

(v) where appropriate, the repopulation of an area with, or the reintroduction into the wild of, wild animals;

(b) promoting public education and awareness in relation to the conservation of biodiversity, in particular by providing information about the species of wild animals kept in the zoo and their natural habitats;

(c) accommodating their animals under conditions which aim to satisfy the biological and conservation requirements of the species to which they belong, including—

(i) providing each animal with an environment well-adapted to meet the physical, psychological and social needs of the species to which it belongs; and

(ii) providing a high standard of animal husbandry with a developed programme of preventative and curative veterinary care and nutrition;

(d) preventing the escape of animals and putting in place measures to be taken in the event of any escape or unauthorised release of animals;

(e) preventing the intrusion of pests and vermin into the zoo premises; and

(f) keeping up-to-date records of the zoo's collection, including records of—

(i) the numbers of different animals;

(ii) acquisitions, births, deaths, disposals and escapes of animals;

(iii) the causes of any such deaths; and

(iv) the health of the animals.".

Amendment of section 2 (application for licence)

(Regulation 6 of the 2002 Regulations)

3. After subsection (2) insert the following subsection—

"(2A) Any notice given to the authority under subsection (1) must also specify how the conservation measures referred to in section 1A are being or will be implemented at the zoo.".

Amendment of section 4 (grant or refusal of licence)

(Regulation 7 of the 2002 Regulations)

(a) (a) in subsection (1) omit paragraph (b) and ", or" immediately preceding it;

(b) after subsection (1) insert the following subsection—

"(1A) Before granting or refusing to grant a licence for a zoo, the local authority shall also—

(a) consult the applicant about the conditions they propose would be attached to the licence, if one were granted, under section 5(2A) and (if applicable) section 5(3); and

(b) make arrangements for an inspection to be carried out in accordance with section 9A (subject to subsection (2) of that section).";

(c) after subsection (2) insert the following subsection—

"(2A) The local authority shall also refuse to grant a licence for a zoo if they are not satisfied that the conservation measures referred to in section 1A will be implemented in a satisfactory manner at the zoo."; and

(d) in subsection (3) after "if" insert "subsection (2A) does not apply but".

Amendment of section 5 (periods and conditions of licence)

(Regulation 8 of the 2002 Regulations)

(a) (a) after subsection (2) insert the following subsection—

"(2A) A licence under this Act shall be granted subject to conditions requiring the conservation measures referred to in section 1A to be implemented at the zoo.";

(b) in subsection (3)—

(i) after "such" where it occurs for the first time insert "other", and

(ii) omit paragraphs (a) and (b);

(c) in subsection (4) omit "(if any)"; and

(d) for subsection (5) substitute the following subsections—

"(5) The Secretary of State may, after consulting the authority, direct them to attach one or more conditions to a licence, and the authority shall give effect to such a direction.

(5A) But he may not direct the authority to attach a condition which is inconsistent with the implementation at the zoo of the conservation measures referred to in section 1A.".

Amendment of section 6 (renewal of licence)

(Regulation 9 of the 2002 Regulations)

(a) (a) after subsection (1) insert the following subsection—

"(1A) Before extending the period of an existing licence under subsection (1)(a) the authority shall—

(a) make arrangements for an inspection to be carried out in accordance with section 9A (subject to subsection (2) of that section); and

(b) consider the report made to them pursuant to that inspection."; and

(b) in subsection (2) omit the words from "and, if" to the end of the subsection.

Amendment of section 7 (transfer, transmission and surrender of licence)

(Regulation 10 of the 2002 Regulations)

7. In subsection (1) for the words from "which application" to the end of the subsection substitute "specified by the authority and notified by them to the transferor and transferee".

Amendment of section 8 (Secretary of State's list)

(Regulation 11 of the 2002 Regulations)

(a) (a) in subsection (2) at the end insert "and shall be competent to advise about the implementation in zoos of the conservation measures referred to in section 1A"; and