STATUTORY RULES OF NORTHERN IRELAND

2003 No. 115

NATURE CONSERVATION

The Zoos Licensing Regulations (Northern Ireland) 2003

Made - - - -	*3rd March 2003*
Coming into operation	*31st March 2003*

The Department of the Environment, being a Department 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 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;

(**1**) S.I. 2001/3495
(**2**) 1972 c. 68

"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(**3**) 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(**4**) 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.

(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 –

(**3**) 1954 c. 33 (NI)
(**4**) O.J. No. L094, 9.4.1999, p. 24–26

"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(**5**);

(b) the Wildlife (Northern Ireland) Order 1985(**6**);

(c) the Endangered Species (Import and Export) Act 1976(**7**).

(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.

(**5**) 1972 c. 7. (N.I.).
(**6**) S.I. 1985/171 (N.I. 2).
(**7**) 1976 c. 72.

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.

(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.