

Department for Environment, Food and Rural Affairs

Direction to ensure the welfare of animals following the closure of a zoo

This is a model direction for local authorities to use to help them ensure the welfare of animals following the closure of a zoo.

This is provided as a model/template only, it is recommended that you look at the Zoo Licensing Act 1981, and take legal advice, before using it.

June 2015

[Name of local authority]

Reference Number.....

ZOO LICENSING ACT 1981, section 16E(6).

Direction relating to welfare of animals following closure of zoo.

To: [Name of zoo operator or person appearing to be responsible for the zoo where the operator of the zoo cannot, after the making of reasonable enquiries, be found]

At: [Address of zoo operator or of other person appearing to be responsible for the zoo]

Take notice that [name of local authority] ('the Authority') makes this direction under section 16E(6) of the Zoo Licensing Act 1981 ('the Act') in respect of the zoo at [name and address of zoo] ('the Zoo').

The Authority directs that [specify terms as seen fit as to the future care of animals kept in the zoo, or for their disposal and for their future care until they are disposed of].

This direction is being made following the Authority giving the Zoo operator an opportunity to be heard and because [insert ONE of the following reasons (removing bullet point)]

the Authority are not satisfied with a plan, prepared under section 16E(2) of the Act, of the arrangements proposed to be made in relation to 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.]

the Authority are not satisfied with the way in which a plan, prepared under section 16E(2) of the Act, of the arrangements proposed to be made in relation to 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]

is being implemented.

the Zoo operator has not prepared a plan, under section 16E(2) of the Act, of the arrangements proposed to be made in relation to 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]

within a reasonable period after the date from which section 16E applied to the Zoo.

the Authority consider that urgent steps need to be taken by the Zoo operator to safeguard the welfare of animals kept in the Zoo.

This direction shall be complied with to the satisfaction of the Authority. Failure to comply with this direction without reasonable excuse is an offence under the Act.

Your attention is drawn to the notes overleaf, which include details about your right of appeal. This direction shall take effect upon the expiry of the period of 28 days from the date in which it is received. However, where you have appealed, this direction shall not have effect during the subsequent period before the appeal is either determined or abandoned.

Signed Date

Designation

Address of local authority:-

Tel:

Fax:

e-mail:

Notes

Direction for care/disposal of animals following closure of a zoo - Section 16E Zoo Licensing Act 1981

This direction is made under section 16E(6) of the Zoo Licensing Act 1981 (“the Act”).

1. Section 16E of the Act applies:

to a zoo in respect of which a zoo closure direction has been made in accordance with the Act;

to a zoo whose licence has expired or has been surrendered; and

to a section of a zoo which is closed permanently to the public by virtue of alterations to the zoo's licence under section 16(1B) of the Act.

2. Under section 16E(6) of the Act, after giving the zoo operator an opportunity to be heard, a Local Authority may make a direction in such terms as they see fit as to the future care of the animals kept in the zoo, or for their disposal and for their care until they are disposed of, where the following circumstances apply:

the Local Authority is not satisfied with a plan, prepared under section 16E(2) of the Act, of the arrangements proposed to be made in relation to the animals kept in the zoo:

for their future care; or

for their disposal and for their care until they are disposed of.

the Local Authority is not satisfied with the way in which a plan, prepared under section 16E(2) of the Act, of the arrangements proposed to be made in relation to the animals kept in the zoo:

for their future care; or

for their disposal and for their care until they are disposed of

is being implemented.

the zoo operator has not prepared a plan, under section 16E(2) of the Act, of the arrangements proposed to be made in relation to the animals kept in the zoo:

for their future care; or

for their disposal and for their care until they are disposed of

within a reasonable period after the date from which section 16E applied to the zoo.

the Local Authority consider that urgent steps need to be taken by the zoo operator to safeguard the welfare of animals kept in the zoo.

3. The Local Authority may, after giving you the opportunity to be heard, make a direction varying or revoking this direction.

4. This direction takes effect upon the expiry of the period of 28 days from the date on which it is received.

5. You may appeal this direction to a magistrates' court within 28 days from the date of receipt of this direction. The court may confirm, vary or revoke the Local Authority's decision and generally give such directions as it thinks proper, having regard to the provisions of the Act.

The address of the local magistrates' court is:

[INSERT]

6. This direction shall not have effect during the period within which you are entitled to appeal or, where such an appeal is brought within that period, during the period before the appeal is determined or abandoned.

7. Where this direction has not been complied with to the satisfaction of the Local Authority or the Local Authority consider that urgent steps need to be taken by them to safeguard the welfare of the animals kept in the zoo, the Local Authority must, after giving the zoo 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.

The Local Authority may charge the zoo operator such sums as they may determine in respect of reasonable expenses incurred by them in their exercise of these functions.

8. Section 19 of the Act sets out offences and penalties. Under this section it is an offence to fail without reasonable excuse to comply with a direction given under section 16E(6) for which the penalty on summary conviction is a fine not exceeding level 4 on the standard scale.



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