
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 174

**The Zoo Licensing Act 1981
Amendment (Scotland) Regulations 2003**

Amendment of the Zoo Licensing Act 1981

23. In section 18 (appeals)–

(a) for subsection (1) substitute–

“(1) A person aggrieved by–

- (a) the refusal to grant a licence;
- (b) any condition attached to a licence;
- (c) any variation or cancellation of a condition;
- (d) the refusal to approve the transfer of a licence;
- (e) a direction under section 13(8)(c) at 16A(2) or any variation of such a direction;
- (f) a zoo closure direction;
- (g) the refusal to approve a plan prepared under section 16E(2);
- (h) a direction under section 16E(6) or any variation of such a direction; or
- (i) any arrangements under section 16E(7) or (8),

may appeal by summary application to the sheriff.”;

(b) in subsection (2)–

(i) for “twenty-one” substitute “twenty-eight”, and

(ii) for the words from “to refuse” to “case may be” substitute “as to the matter in question”;

(c) After subsection (7) insert–

“(7A) An alteration to a licence under section 16(1B) has effect–

- (a) if an appeal is brought under this section within the time mentioned in subsection (2), and the authority’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 section within the time mentioned in subsection (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 subsection (2), on the expiration of that time.”; and

(d) for subsections (8) and (9) substitute–

“(8) Subsection (9) applies to the following directions:–

- (a) a direction under section 16A(2)(d) which requires the zoo or a section of it to be closed to the public;

- (b) a direction under section 13(8)(c), 16A(2) or 16E(6) which imposes a requirement on the operator of the zoo to carry out works the operator would not otherwise be required to carry out; and
 - (c) a direction under section 13(8)(c) or 16E(6) which imposes a requirement to dispose of any animals or any variation of such a direction.
- (9) A direction to which this subsection 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.
- (10) A zoo closure direction has effect–
- (a) if an appeal is brought under this section within the time mentioned in subsection (2), and the authority’s decision is confirmed or varied, on the day following the day on which the appeal is determined, or on such other date as the courts directs;
 - (b) if an appeal is brought under this section within the time mentioned in subsection (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 subsection (2), on the expiration of that time.”.