



# Zoo Licensing Act 1981

## 1981 CHAPTER 37

### *Inspections*

#### **[<sup>F1</sup>9A Procedure relating to inspections before the grant, refusal, renewal or significant alteration of licences E+W**

- (1) This section applies where an inspection is to be carried out as mentioned in sections 4(1A), 6(1A) and 16(2B) and (3A).
- (2) Where an inspection under section 10 falls to be carried out within the period of 12 months beginning with the date on which a local authority become required to make arrangements for an inspection to be carried out as mentioned in subsection (1)—
  - (a) the authority need not arrange for an inspection to be carried out in accordance with this section; and
  - (b) if they do not, subsections (10) to (13) of this section apply in relation to the inspection under section 10 as they would have applied in relation to an inspection in accordance with this section.
- (3) Where—
  - (a) an application has been made under section 6(1) for renewal of a zoo's licence and the authority propose to extend the period of the licence; and
  - (b) one or more inspections of the zoo are required by section 16,the authority may combine those inspections with the inspection which is required by section 6(1A)(a).
- (4) Where more than one inspection is required under section 16, the authority may combine the inspections.
- (5) Subject to subsection (6), where in the course of an inspection under section 10 or 12 or in accordance with this section it becomes apparent to the inspectors that a significant alteration to the licence is likely to be needed, they shall—
  - (a) consult the holder of the licence about that alteration;
  - (b) consider whether any new conditions they consider will be needed to secure that alteration are likely to be met if the licence is altered; and

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*Changes to legislation: There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross Heading: Inspections. (See end of Document for details)*

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- (c) include their findings and recommendations in a report.
- (6) Subsection (5) does not apply where the inspection is an inspection before the significant alteration of a licence, and the significant alteration the inspectors consider likely to be needed is the same or substantially the same as that which the authority propose to make or the Secretary of State proposes to direct the authority to make.
- (7) An inspection required by section 4(1A)(b) or 6(1A)(a) (including an inspection required by section 6(1A)(a) which is combined with another inspection) shall be conducted by one or more inspectors nominated, after consultation with the authority, by the Secretary of State from the list.
- (8) An inspection required by subsection (2B)(b) or (3A)(b) of section 16 (including such an inspection which is combined with another such inspection, but not including such an inspection which is combined with an inspection required by section 6(1A)(a)) shall be conducted by one or more persons who appear to the authority to be competent for the purpose and who are authorised by the authority to conduct the inspection.
- (9) Before carrying out an inspection in accordance with this section, the authority shall, after consultation with the applicant or operator of the zoo (as the case may be), give him at least twenty-eight days' notice of the date on which it is proposed to carry it out.
- (10) Except in the case of an inspection carried out before the grant or refusal of an original licence, the inspector shall consider whether the conditions attached to the licence are met.
- (11) In the case of an inspection carried out before the grant or refusal of a licence, the inspector shall consider whether the conditions proposed by the authority under section 4(1A)(a) are likely to be met if the licence is granted.
- (12) In the case of an inspection carried out before the period of an existing licence is extended, the inspector shall consider whether the conditions attached to the licence are likely to be met if the period of the licence is extended.
- (13) In the case of an inspection carried out before the significant alteration of a licence, the inspector shall consider—
- (a) whether any new or varied conditions proposed by the authority under section 16(2B)(a) or by the Secretary of State under section 16(3A) are likely to be met if the licence is so altered; and
  - (b) whether the conservation measures referred to in section 1A will be implemented at the zoo if the licence is altered as proposed by the authority or the Secretary of State (as the case may be).
- (14) Except in the case of an inspection carried out before the grant or refusal of an original licence, the inspector may require the production of all records kept by the holder of the licence in pursuance of conditions requiring the conservation measures referred to in section 1A(f) to be implemented at the zoo, and the holder shall produce the records.
- (15) The inspector shall send his report to the authority, and within one month after receiving the report of the inspection the authority shall send a copy to the applicant or operator (as the case may be) and give him an opportunity to comment on it.]

*Changes to legislation: There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross Heading: Inspections. (See end of Document for details)*

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F1** S. 9A inserted (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 2, 12** (which insertion is extended (W.) (22.4.2003) by virtue of [The Zoo Licensing Act 1981 \(Amendment\) \(Wales\) Regulations 2003](#) (S.I. 2003/992), **regs. 1(1), 2(1), Sch. para. 9** (with reg. 4))

### [<sup>F6</sup>9A. **Procedures relating to inspections before the grant, refusal, renewal or significant alteration of licences** **S**

- (1) This section applies where an inspection is to be carried out as mentioned in sections 4(1A)(b), 6(1A)(a) and 16(2B)(b) and (3A)(b).
- (2) Where an inspection under section 10 falls to be carried out within the period of 12 months beginning with the date on which a local authority becomes required to make arrangements for an inspection to be carried out as mentioned in subsection (1)—
  - (a) the authority need not arrange for an inspection to be carried out in accordance with this section; and
  - (b) if they do not, subsections (10) to (13) of this section apply in relation to the inspection under section 10 as they would have applied in relation to an inspection in accordance with this section.
- (3) Where—
  - (a) an application has been made under section 6(1) for renewal of a zoo's licence and the authority propose to extend the period of the licence; and
  - (b) one or more inspections of the zoo are required by section 16,the authority may combine those inspections with the inspection which is required by section 6(1A)(a).
- (4) Where more than one inspection is required under section 16, the authority may combine the inspections.
- (5) Subject to subsection (6), where in the course of an inspection under section 10 or 12 or in accordance with this section it becomes apparent to the inspectors that a significant alteration to the licence is likely to be needed, they shall—
  - (a) consult the holder of the licence about that alteration;
  - (b) consider whether any new conditions they consider will be needed to secure that alteration will be met if the licence is altered; and
  - (c) include their findings and recommendations in their report.
- (6) Subsection (5) does not apply where the inspection is an inspection before the significant alteration of a licence, and the significant alteration the inspectors consider likely to be needed is the same or substantially the same as that which the local authority propose to make or the Scottish Ministers propose to direct the authority to make.
- (7) An inspection required by section 4(1A)(b) or section 6(1A)(a) (including an inspection required by section 6(1A)(a) which is combined with another inspection)

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shall be conducted by one or more inspectors nominated, after consultation with the local authority, by the Scottish Ministers from the list.

- (8) An inspection required by section 16(2B)(b) or (3A)(b) (including such an inspection which is combined with another such inspection, but not including such an inspection which is combined with an inspection required by section 6(1A)(a)) shall be conducted by one or more persons who appear to the authority to be competent for the purpose and who are authorised by the local authority to conduct the inspection.
- (9) Before an inspection is carried out in accordance with this section the authority shall, after consultation with the applicant or operator of the zoo (as the case may be), give the applicant or operator of the zoo at least twenty eight days' notice of the date on which it is proposed to carry it out.
- (10) Except in the case of an inspection carried out before the grant or refusal of an original licence, the inspector shall consider whether the conditions attached to the licence are met.
- (11) In the case of an inspection carried out before the grant or refusal of a licence, the inspector shall consider whether the conditions proposed by the authority under section 4(1A)(a) are likely to be met if the licence is granted.
- (12) In the case of an inspection carried out before the period of an existing licence is extended, the inspector shall consider whether the conditions attached to the licence are likely to be met if the period of the licence is extended.
- (13) In the case of an inspection carried out before the significant alteration of a licence, the inspector shall consider—
- (a) whether any new or varied conditions proposed by the authority under section 16(2B)(a) or by the Scottish Ministers under section 16(3A) are likely to be met if the licence is so altered; and
  - (b) whether the conservation measures referred to in section 1A will be implemented at the zoo if the licence is altered as proposed by the authority or the Scottish Ministers (as the case may be).
- (14) Except in the case of an inspection carried out before the grant or refusal of an original licence, the inspector may require the production of all records kept by the holder of the licence in pursuance of conditions imposed to ensure that the conservation measures referred to in section 1A(f) are implemented at the zoo and the holder of the licence shall produce the records.
- (15) The inspector shall send his report to the authority, and within one month after receiving the report of the inspection the authority shall send a copy to the applicant or operator of the zoo (as the case may be) and give the applicant or operator an opportunity to comment on it.]

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**Extent Information**

- E4** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

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**Textual Amendments**

- F6** S. 9A inserted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **12**

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*Changes to legislation: There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross Heading: Inspections. (See end of Document for details)*

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## 10 Periodical inspections. **E+W**

- (1) The local authority shall carry out periodical inspections in accordance with this section of any zoo for which a licence granted by that authority is in force.
- (2) Before any such inspection the local authority shall, after consultation with the operator of the zoo, give him at least twenty-eight days notice of the date upon which it is proposed to carry it out.
- (3) Inspections under this section shall be made at the following times—
  - (a) in the case of an original 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 or fresh 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.
- (4) The following provisions apply to any inspection to be carried out under this section:
  - (a) the inspection shall be conducted by the following inspectors, namely—
    - (i) not more than three appointed by the local authority, being persons who appear to the authority to be competent for the purpose, at least one of whom shall be a veterinary surgeon or veterinary practitioner; and
    - (ii) two nominated after consultation with the local authority by the Secretary of State from the list, one from the first part of the list and one from the second;and the names of all persons inspecting shall be notified to the operator of the zoo;
  - (b) the operator may give notice to the local authority of objection to any one or more of the inspectors, and the local authority or the Secretary of State as appropriate may if they think fit give effect to any such objection;
  - (c) representatives of the operator not exceeding three in number may accompany the inspectors on the inspection; and the inspectors 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 health, welfare and safety of the public and the animals, including measures for the prevention of the escape of animals;
  - (e) the inspectors shall require the production of all records kept by the operator in pursuance of conditions of the licence [<sup>F2</sup>requiring the conservation measures referred to in section 1A(f) to be implemented at the zoo,] and the operator shall produce the records.
- (5) The inspectors shall send their report to the local authority, and the report may include advice on the keeping of records and recommendations for any practicable improvements designed to bring any features of the zoo up to the normal standards of modern zoo practice; and for this purpose the inspectors shall have regard to any standards known to them which have been specified by the Secretary of State under section 9.
- (6) Any disagreement between the inspectors over recommendations to be made in their report relating to the welfare of the animals or any of them may be referred to the Secretary of State, who may, after consultation with such persons on the list as he

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thinks fit, give such guidance as he thinks proper in regard to the recommendations to be made.

- (7) Within one month after receiving the report of the inspection the local authority shall send a copy to the operator of the zoo and give him an opportunity to comment on it.

#### Extent Information

- E2** This version of this provision extends to England and Wales; a separate version has been created for Scotland only

#### Textual Amendments

- F2** Words in s. 10(4)(e) substituted (E.) (8.1.2003) by S.I. 2002/3080, **regs. 1(1), 2, 13** (which substitution is extended (W.) (22.4.2003) by virtue of **The Zoo Licensing Act 1981 (Amendment) (Wales) Regulations 2003 (S.I. 2003/992)**, **regs. 1(1), 2(1), Sch. para. 10** (with reg. 4))

## 10 Periodical inspections. **S**

- (1) The local authority shall carry out periodical inspections in accordance with this section of any zoo for which a licence granted by that authority is in force.
- (2) Before any such inspection the local authority shall, after consultation with the operator of the zoo, give him at least twenty-eight days notice of the date upon which it is proposed to carry it out.
- (3) Inspections under this section shall be made at the following times—
- (a) in the case of an original 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 or fresh 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.
- (4) The following provisions apply to any inspection to be carried out under this section:
- (a) the inspection shall be conducted by the following inspectors, namely—
    - (i) not more than three appointed by the local authority, being persons who appear to the authority to be competent for the purpose, at least one of whom shall be a veterinary surgeon or veterinary practitioner; and
    - (ii) two nominated after consultation with the local authority by the Secretary of State from the list, one from the first part of the list and one from the second;
 and the names of all persons inspecting shall be notified to the operator of the zoo;
  - (b) the operator may give notice to the local authority of objection to any one or more of the inspectors, and the local authority or the Secretary of State as appropriate may if they think fit give effect to any such objection;
  - (c) representatives of the operator not exceeding three in number may accompany the inspectors on the inspection; and the inspectors may require the attendance of any veterinary surgeon or veterinary practitioner employed in or retained by or for the purposes of the zoo;

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- (d) the inspection shall extend to all features of the zoo directly or indirectly relevant to the health, welfare and safety of the public and the animals, including measures for the prevention of the escape of animals;
  - (e) the inspectors shall require the production of all records kept by the operator in pursuance of conditions of the licence [<sup>F7</sup>requiring the conservation measures referred to in section 1A(f) to be implemented at the zoo] and the operator shall produce the records.
- (5) The inspectors shall send their report to the local authority, and the report may include advice on the keeping of records and recommendations for any practicable improvements designed to bring any features of the zoo up to the normal standards of modern zoo practice; and for this purpose the inspectors shall have regard to any standards known to them which have been specified by the Secretary of State under section 9.
- (6) Any disagreement between the inspectors over recommendations to be made in their report relating to the welfare of the animals or any of them may be referred to the Secretary of State, who may, after consultation with such persons on the list as he thinks fit, give such guidance as he thinks proper in regard to the recommendations to be made.
- (7) Within one month after receiving the report of the inspection the local authority shall send a copy to the operator of the zoo and give him an opportunity to comment on it.

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**Extent Information**

- E5** This version of this provision extends to Scotland only; a separate version has been created for England and Wales
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**Textual Amendments**

- F7** Words in s. 10(4)(e) substituted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), 13

## 11 Special inspections.

- (1) The local authority may at any time carry out a special inspection of a zoo for which a licence granted by them is in force if they consider it appropriate to do so having regard to—
- (a) any periodical report on the zoo made to them pursuant to section 10; or
  - (b) any representations made to them on behalf of a properly constituted body concerned with any aspect of the management of zoos or the welfare of animals; or
  - (c) any report on the zoo made to them pursuant to an inspection [<sup>F3</sup>in accordance with section 9A or] under the provisions of section 12; or
  - (d) any other circumstances which in their opinion call for investigation.
- (2) A special inspection under this section shall be conducted by persons who appear to the local authority to be competent for the purpose and who are authorised by the authority to conduct the inspection.



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- (3) Where the purpose of the inspection relates to the health of animals, the inspectors shall include (or, if one, the inspector shall be) a veterinary surgeon or veterinary practitioner with experience of animals of kinds kept in the zoo.
- (4) On appointing persons under subsection (2), the authority shall communicate to them and to the operator of the zoo the purpose and scope of the inspection.
- (5) Paragraphs (c) to (e) of subsection (4) and subsections (5) to (7) of section 10 apply to a special inspection as they apply to a periodical inspection except that the references in subsections (4)(d), (4)(e) and (5) to features and records and improvements are references only to features and records and improvements relevant to the purpose and scope of the special inspection.

#### Textual Amendments

- F3** Words in s. 11(1)(c) inserted (E.) (8.1.2003) by [S.I. 2002/3080](#), regs. 1(1), 2, 14 (which insertion is extended (W.) (22.4.2003) by [The Zoo Licensing Act 1981 \(Amendment\) \(Wales\) Regulations 2003 \(S.I. 2003/992\)](#), regs. 1(1), 2(1), [Sch. para. 11](#) (with reg. 4)); and (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), 14

#### [<sup>F4</sup>11A Special inspections of closed zoos **E+W**

- (1) The local authority may at any time carry out a special inspection of a zoo or a section of a zoo to which section 16E applies—
  - (a) if they consider it appropriate to do so having regard to their function under section 16E(4) of supervising the implementation of a plan prepared under section 16E(2);
  - (b) if they consider it appropriate to do so having regard to their function under section 16E(6); or
  - (c) if they consider it appropriate to do so in order to determine whether to exercise their function under section 16E(7) or (8).
- (2) Subsection (4)(c) of section 10 and subsections (2), (3) and (4) of section 11 apply to an inspection under this section as they apply to an inspection under those sections.
- (3) The inspectors may require the production of all records of the zoo's collection kept by the operator of the zoo, and the operator shall produce the records.
- (4) The inspectors shall send their report to the authority, and, except where the operator of the zoo cannot after reasonable enquiries have been made be found, the authority shall send a copy to the operator forthwith and give him an opportunity to comment on it.]

#### Extent Information

- E3** This version of this provision extends to England and Wales; a separate version has been created for Scotland only

#### Textual Amendments

- F4** S. 11A inserted (E.) (8.1.2003) by [S.I. 2002/3080](#), [regs. 1\(1\), 2, 15](#) (which insertion is extended (W.) (22.4.2003) by [The Zoo Licensing Act 1981 \(Amendment\) \(Wales\) Regulations 2003 \(S.I. 2003/992\)](#), [regs. 1\(1\), 2\(1\)](#), [Sch. para. 12](#) (with reg. 4))



## [<sup>F8</sup>11A. Special inspections of closed zoos **S**

- (1) The local authority may at any time carry out a special inspection of a zoo, or a section of a zoo to which 16E applies—
  - (a) if they consider it appropriate to do so having regard to their functions under section 16E(4) of supervising the implementation of a plan prepared under section 16E(2);
  - (b) if they consider it appropriate to do so having regard to their function under section 16E(6); or
  - (c) if they consider it appropriate to do so in order to determine whether to exercise their function under section 16E(7) or (8).
- (2) Section 10(4)(c) and section 11(2), (3) and (4) apply to an inspection under this section as they apply to an inspection under those sections.
- (3) The inspectors may require the production of all records of the zoo's collection kept by the operator of the zoo, and the operator shall produce the records.
- (4) The inspectors shall send their report to the authority, and except where, after reasonable enquiries have been made, the operator of the zoo cannot be found, the authority shall send a copy to the operator forthwith and give him an opportunity to comment on it.]

### Extent Information

- E6** This version of this provision extends to Scotland only; a separate version has been created for England and Wales

### Textual Amendments

- F8** S. 11A inserted (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **15**

## 12 Informal inspections.

- (1) Without prejudice to sections [<sup>F59A</sup>] 10 and 11, the local authority shall make such arrangements as they think fit to ensure that any zoo for which a licence granted by that authority is in force is inspected informally by an inspector once in any calendar year in which no inspection is made under those sections.
- (2) The inspector shall be appointed by the authority and shall be a person appearing to the authority to be competent for the purpose of the inspection.

### Textual Amendments

- F5** Words in s. 12(1) inserted (E.) (8.1.2003) by [S.I. 2002/3080](#), **regs. 1(1), 2, 16** (which insertion is extended (W.) (22.4.2003) by virtue of [The Zoo Licensing Act 1981 \(Amendment\) \(Wales\) Regulations 2003 \(S.I. 2003/992\)](#), regs. 1(1), 2(1), **Sch. para. 13** (with reg. 4)); and (S.) (1.4.2003) by [The Zoo Licensing Act 1981 Amendment \(Scotland\) Regulations 2003 \(S.S.I. 2003/174\)](#), regs. 1(1), **16**

**Changes to legislation:**

There are currently no known outstanding effects for the Zoo Licensing Act 1981, Cross  
Heading: Inspections.