

Keeping of Wild Animals Act 2002

Principal Act

Act. No. 2002-25	<i>Commencement (LN.2003/024)</i>	20.2.2003
	<i>Assent</i>	30.1.2003

Amending enactments	Relevant current provisions	Commencement date
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Act. 2025-06	Long Title, 2(1), 3(2)(aa), (b), 4(1)-(2), 5(1)-(2), (4)-(5), 6(1), (1A), (3)-(6), 7(1), (3A)-(3B), (6)-(9), 7A-7B, 8(1)-(6), 8A, 9(1)-(11), 9A, 10(1)-(4), 10A, 12(1), (c)-(g), (2), 16-17, Sch	11.7.2025

Transposing:

Directive 1999/22/EC

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SCHEDULE

Conservation Measures

AN ACT TO TRANSPOSE INTO THE LAW OF GIBRALTAR THE PROVISIONS OF COUNCIL DIRECTIVE 1999/22/EC RELATING TO THE KEEPING OF WILD ANIMALS IN ZOOS AND TO REGULATE THE CONDUCT OF ZOOS.

Title and commencement.

1. This Act may be cited as the Keeping of Wild Animals Act 2002 and comes into operation on the day appointed by the Minister for the Environment by notice in the Gazette.

Interpretation and purpose.

2.(1) In this Act unless the context otherwise requires—

“animal” means any animal of the classes Mammalia, Aves, Reptilia, Amphibia, Pisces and Insecta and any other multi cellular organism that is not a plant or a fungus;

“circus” means a place where animals are kept or introduced wholly or mainly for the purpose of performing tricks or manoeuvres at that place;

“competent authority” means the Minister for the Environment and he is designated as responsible for performing the duties of the competent authority set out in this Act;

“the Directive” means Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos as it was in force immediately before 1 January 2021;

“exempted establishment” means an establishment which would be a zoo if it were not exempted from the requirements of this Act under section 4;

“keeper” includes any person employed under the directions of a keeper;

“the Minister” means the Minister for the Environment; and

“pet shop” means premises at which the licensable activity described in section 2(2) of the Pet Animals (Sales) Act 2005 is carried on;

“taxonomic category” means a group or assemblage of species recognised as an entity in scientific classification;

“wild animal” means an animal which is not normally domesticated in Gibraltar; and

“zoo” means a permanent establishment where wild animals are kept for exhibition to the public for seven or more days a year unless that establishment is—

(a) a circus;

- (b) a pet shop; or
- (c) an exempted establishment.

(2) The purposes of this Act are to protect wild fauna and to conserve biodiversity thereby strengthening the role of zoos in the conservation of biodiversity.

Licence.

3.(1) No person shall operate a zoo without a licence granted by the competent authority in accordance with section 6.

(2) A licence shall contain—

- (a) conditions to ensure that the zoo implements the conservation measures set out in the Schedule; and
- (aa) a condition to publicly display the licence at each public entrance to the zoo; and
- (b) such other conditions, including conditions as to the period of the licence, as the competent authority considers appropriate, provided that no condition may be attached to a licence which is inconsistent with the implementation at the zoo of the conservation measures set out in the Schedule.

Exempted establishments.

4.(1) The Minister may decide to exempt* an establishment from the requirements of this Act if he considers that—

- (a) the establishment does not exhibit a significant number of animals or species to the public; and
- (b) the exemption will not jeopardise the purposes of this Act.

(2) The Minister may only grant an exemption under subsection (1) where they are satisfied that it is not prejudicial to the protection of wild animals and the conservation of biodiversity to do so.

Application for licence.

5.(1) An application for licence required by section 3 shall be made to the competent authority and shall specify—

* *LN. 2003/025 exempts the Gibraltar Botanic Gardens.*

- (a) the situation of the zoo for which the application is made;
 - (b) the kinds of animals listed in taxonomic category of Order and approximate number of each group kept or to be kept for exhibition on the premises and the arrangements for their accommodation, maintenance and wellbeing;
 - (c) the approximate number and categories of staff employed or to be employed in the zoo;
 - (d) the approximate number of visitors and motor vehicles for which accommodation is or is to be provided;
 - (e) the approximate number and position of the means of access provided or to be provided to the premises; and
 - (f) information on how the zoo will comply with the requirements of the Schedule.
- (2) The person applying for a licence shall publish the fact of the application in at least two daily or weekly newspapers circulating in Gibraltar stating that the details of the application may be inspected at the offices of the competent authority.
- (3) The competent authority shall allow any member of the public to inspect the application during office hours.
- (4) An application under this section shall be—
- (a) made at least eight weeks before the licence is required; and
 - (b) accompanied by such fee as may be prescribed by notice published in the Gazette.
- (5) The competent authority may, before granting a licence required by section 3, require a person to supply the competent authority with such additional information relating to that person's business and such other matters as the competent authority considers relevant for the purposes of this Act.

Grant of licence.

- 6.(1) Before deciding whether to grant a licence the competent authority shall—
- (a) take into account any representations made by or on behalf of any of the persons mentioned in subsection (1A);
 - (b) consult the applicant about the conditions proposed to be attached to the licence if one were granted; and

- (c) carry out an inspection in order to determine whether or not the conditions of the licence will be met, if granted.

(1A) The persons whose representations shall be taken into account for the purposes of subsection (1)(a) are—

- (a) the applicant;
- (b) the Royal Gibraltar Police established under the Police Act 2006;
- (c) the Gibraltar Fire and Rescue Service established under the Fire and Rescue Service Act;
- (d) the Development and Planning Commission established under the Town Planning Act 2018;
- (e) any person alleging that the establishment or continuance of the zoo would injuriously affect the health or safety of persons living in the vicinity of the zoo;
- (f) any other person whose representations might, in the opinion of the competent authority, show grounds on which the competent authority has a power or duty to refuse to grant a licence.

(2) The competent authority may grant a licence if it is satisfied that the zoo will implement the conservation measures set out in the Schedule and comply with the conditions of the proposed licence.

(3) The competent authority shall refuse to grant a licence for a zoo if it is—

- (a) satisfied that the establishment or continuance of the zoo would injuriously affect the health or safety of persons living in the vicinity of the zoo, or seriously affect the preservation of law and order; or
- (b) not satisfied that the conservation measures set out in the Schedule will be implemented in a satisfactory manner at the zoo.

(4) The competent authority may refuse to grant a licence for a zoo if—

- (a) it is not satisfied that the standards of accommodation, staffing or management are adequate for the proper care and wellbeing of the animals or any of them or otherwise for the proper conduct of the zoo; or

- (b) any of the following persons has been convicted of an offence under this Act or any of the enactments mentioned in subsection (5) or of any other offence involving the ill-treatment of animals–
 - (i) the applicant; or
 - (ii) (where the applicant is a body corporate or partnership) the body corporate or partnership, or any director, manager, partner, secretary or other similar officer; or
 - (iii) any person employed as a keeper in the zoo.
- (5) The enactments referred to in subsection (4)(b) are–
 - (a) the Animals Act;
 - (b) the Pet Animals (Sales) Act 2005;
 - (c) the Animals in Travelling Circuses Act 2018;
 - (d) the Animal Experiments (Scientific Procedures) Act;
 - (e) the Fur Trade (Prohibition) Act 2022;
 - (f) the Endangered Species Act;
 - (g) the Nature Protection Act 1991; and
 - (h) any subsidiary legislation made under any enactment listed in this subsection.
- (6) If the competent authority refuses to grant a licence pursuant to an application they shall send to the applicant a written statement of the grounds of their refusal.

Extension, amendment, transfer, transmission and surrender of a licence.

7.(1) The holder of a licence who wishes to apply for an extension of the period of a licence or for a significant amendment to the terms conditions of the licence shall do so by making an application in accordance with section 5, provided that no application may be made later than the date falling eight weeks before the expiry of the period of the licence.

(2) Before deciding whether to grant an extension of the period of a licence or a significant amendment to the terms of the licence the competent authority shall carry out an inspection in order to determine whether–

- (a) the conditions of the current licence are met; and

- (b) the conditions of the proposed licence will be met.
- (3) The competent authority may grant an extension of the period of a licence or a significant amendment to the terms of the licence if it is satisfied that–
 - (a) the zoo implements the conservation measures set out in the Schedule in respect of the current licence; and
 - (b) the zoo will implement the conservation measures set out in the Schedule in respect of the proposed licence.
- (3A) The competent authority shall refuse to grant an extension of the period of a licence or a significant amendment to the terms in the circumstances stipulated in section 6(3).
- (3B) The competent authority may refuse to grant an extension of the period of a licence or a significant amendment to the terms in the circumstances stipulated in section 6(4).
- (4) The holder of a licence who wishes to apply for a non-significant amendment to the terms of the licence shall do so in writing and the competent authority may approve it in writing.
- (5) A licence may with the approval of the competent authority be transferred to another person and the transferee shall become the holder of the licence from the date specified by the competent authority.
- (6) The competent authority shall refuse to approve the transfer of the licence in the circumstances stipulated in section 6(3) and may refuse to approve the transfer of the licence in the circumstances stipulated in section 6(4).
- (7) On the death of a 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 after the death or such longer period as the competent authority may approve.
- (8) The holder of a licence may at any time surrender it to the competent authority who shall thereupon cancel the licence.
- (9) Any application made under this section whether for an extension, amendment or transfer of a licence shall be accompanied by the fee prescribed by notice in the Gazette.

Minister's list.

7A.(1) The Minister shall, after consultation with such persons as the Minister thinks fit, compile a list consisting of two parts, containing –

- (a) in the first part, the names of any veterinary surgeons and veterinary practitioners with experience or knowledge of animals of kinds which are kept in zoos and who are competent to advise about the implementation in zoos of the conservation measures contained in the Schedule; and
 - (b) in the second part, the names of persons who in the opinion of the Minister are competent to do all the following, namely, to inspect animals in zoos, to advise on keeping them and on their welfare, to advise about the implementation in zoos of the conservation measures contained in the Schedule and to advise on the management of zoos generally.
- (2) A person's name may be contained in both the first and second parts of the list referred to in subsection (1).
- (3) The Minister may vary the list by adding or removing names (or both) as they see fit.
- (4) After consulting such persons on the list and such other persons as they see fit, the Minister may from time to time specify standards with respect to the management of zoos and animals in them.

Power to alter licences.

7B.(1) At any time after the grant of a licence under this Act, it may be altered by the competent authority if in their opinion it is necessary or desirable to do so for ensuring the proper conduct of the zoo during the period of the licence.

(2) Before exercising the power under subsection (1) the competent authority shall give the holder of the licence an opportunity to make representations.

(3) An alteration under this section may be made by varying, cancelling or attaching conditions to a licence, or by a combination of any of those methods, providing always that no alteration may be made which is inconsistent with the implementation at the zoo of the conservation measures contained in the Schedule.

(4) No alteration made under this section shall have effect until written notice of it has been received by the holder of the licence.

Breach of licence and closure of zoo.

8.(1) If the conditions of a licence are not met, the competent authority, after giving the licence holder an opportunity to be heard, shall make a direction imposing requirements to ensure that the conditions of the licence are met within a period, not exceeding two years, determined by the competent authority.

(2) The competent authority may make a direction under this subsection varying a direction under subsection (1), including to increase the period specified in the direction, the period as increased must not exceed two years beginning on the date of the direction under subsection (1).

(3) If the requirements referred to in subsection (1) are not met, after granting the licence holder the opportunity to be heard, the competent authority shall either–

- (a) revoke the licence and issue a direction to close the zoo; or
- (b) modify the licence and issue a direction to close part of the zoo.

(4) Without prejudice to the other provisions of this section, the competent authority shall be entitled to issue a direction to close the a zoo if–

- (a) a zoo is being operated without a licence in contravention of this Act;
- (b) after reasonable enquiries have been made, the licence holder cannot be found;
- (c) the competent authority is satisfied that–
 - (i) members of the public have had access to the zoo on fewer than seven days in the period of twelve months ending on the date on which the authority determines that they are so satisfied; and
 - (ii) it does not appear to the competent authority that it is the intention of the licence holder that members of the public will have access to it on seven days or more during any future period of twelve months.

(5) Without prejudice to the other provisions of this section, the competent authority may issue a direction to close a zoo if–

- (a) any reasonable requirements relating to the premises or conduct of the zoo notified by them to the licence holder are not complied with within such time as is reasonable in the circumstances;
- (b) they are satisfied that the zoo has been conducted in a disorderly manner or so as to cause a nuisance;
- (c) the licence holder (or where the licence holder is a body corporate or partnership, the body or partnership, or any director, manager, partner, secretary or similar officer) is convicted of any offence under this Act or any of the enactments mentioned in section 6(5); or

- (d) any person who, to the knowledge of the licence holder, has been convicted of any offence under this Act or any of the enactments mentioned in section 6(5) is employed as a keeper in the zoo.

(6) This Act shall cease to apply to a zoo when the competent authority has notified the operator of the zoo, or where the operator cannot be found, any person appearing to them to be responsible for the zoo, in writing, that they are satisfied that –

- (a) all animals which are to be disposed of pursuant to section 9 or 9A have been disposed of; and
- (b) satisfactory arrangements for the care of any animals kept in the zoo which are not to be disposed of pursuant to section 9 or section 9A are in effect, and there are reasonable grounds for believing that satisfactory arrangements will continue to be maintained for such animals.

Revocation of licence.

8A.(1) The competent authority may, after giving the holder an opportunity to be heard, and after consulting such persons named on the list kept under section 7A of this Act as they see fit, revoke a licence for a zoo granted by it under this Act–

- (a) if any reasonable requirements relating to the premises or conduct of the zoo notified by it to the holder in consequence of the report of any inspection under this Act are not complied with within such time as is reasonable in the circumstances;
- (b) if they are satisfied that the zoo has been conducted in a disorderly manner or so as to cause a nuisance, or in breach of any conditions of the licence;
- (c) the holder (or, where the holder is a body corporate or partnership, the body corporate or partnership or any director, manager, partner, secretary or other similar officer of the body or partnership) is convicted of any offence under this Act or any of the enactments mentioned in section 6(5);
- (d) if any person who, to the knowledge of the holder, has been so convicted is employed as a keeper in the zoo; or
- (e) pursuant to section 8(3) of this Act.

(2) The competent authority shall take reasonable steps to ensure that the holder of the licence is notified in writing of the decision to revoke the licence.

Disposal of animals.

9.(1) If–

- (a) steps are taken under section 8(3),(4) or (5); or
- (b) the zoo closes or is closed for any other reason,

the competent authority shall ensure that the animals concerned are treated or disposed of under conditions which the competent authority deems to be appropriate and consistent with the purposes of this Act, and the provisions of this section shall apply.

(2) As soon as reasonably practicable after the date from which this section applies, the operator of the zoo shall give to the competent authority a plan of the arrangements he proposes to make in relation to the animals kept in the zoo–

- (a) for their future care; or
- (b) for their disposal and for their care until they are disposed of.

(3) The operator of the zoo shall supply the competent authority with any information they request about the care or disposal of animals kept in the zoo.

(4) Where the competent authority notifies the operator of the zoo that they approve a plan prepared under subsection (2), the operator shall implement it under the supervision of the competent authority.

(5) Except with the agreement of the competent authority, the operator of the zoo shall not–

- (a) dispose of any animal kept in the zoo before a plan prepared under subsection (2) has been approved by the competent authority; or
- (b) dispose of any animal kept in the zoo other than in accordance with a plan so prepared.

(6) Where–

- (a) the competent authority is not satisfied with a plan prepared under subsection (2);
- (b) the competent authority is not satisfied with the way in which such a plan is being implemented;
- (c) the operator of the zoo has not prepared such a plan within a reasonable period after the date from which this section applies; or

- (d) the competent authority considers that urgent steps need to be taken by the operator to safeguard the welfare of animals kept in the zoo,

the competent authority may, after giving the operator an opportunity to be heard, make a direction in such terms as they see fit as to the care of animals kept in the zoo or for their disposal and for their care until they are disposed of.

(7) Where—

- (a) the zoo operator has not complied with a direction under subsection (6) to the satisfaction of the competent authority;
- (b) the authority considers that urgent steps need to be taken by it to safeguard the welfare of animals being kept in the zoo,

the competent authority shall, after giving the operator an opportunity to be heard, make arrangements in relation to all the animals kept in the zoo for their future care, or for their disposal and for their care until they are disposed of.

(8) Where the competent authority is satisfied, after reasonable enquiries have been made, that the operator of the zoo cannot be found, they shall 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.

(9) For the purposes of giving effect to subsections (7) or (8) the competent authority may—

- (a) care for any animal on the premises of the zoo; or
- (b) remove any animal found on the premise of the zoo and either retain it in the possession of the competent authority or dispose of it.

(10) Arrangements for the care or disposal of animals under this section shall not be prejudicial to the interests of the protection of wild animals and the conservation of biodiversity.

(11) The competent authority may make a direction varying or revoking a direction under subsection (6) (including such a direction as varied by a direction under this subsection), but unless they are satisfied, after reasonable enquiries have been made, that the operator cannot be found, they shall not do so without first giving him an opportunity to be heard.

Power of competent authority to dispose of animals.

9A.(1) This section applies where the competent authority is required to make arrangements under section 9(7), (8) or (9).

(2) The competent authority may sell or otherwise dispose of any animal in relation to which arrangements are required to be made if–

- (a) after making reasonable inquiries it is satisfied that the animal is owned by the operator of the zoo;
- (b) after making reasonable inquiries it is unable to identify or unable to find the animal's owner;
- (c) it has obtained the consent of the owner of the animal;
- (d) the owner of the animal has been asked for their consent before a date specified in the request, but that date has passed and the competent authority has not received it, and the owner has not arranged to take possession of the animal or arranged for such possession to be taken by another person; or
- (e) the owner has arranged to take possession of the animal or for its possession to be taken by another person, but the date for implementation of the arrangements has passed and they remain unimplemented.

(3) Where an animal is sold or given away under subsection (2), any person to whom the animal is sold or given shall have a good title to it.

(4) Subsections (5) to (9) apply when the competent authority has sold all the animals which are to be sold under subsection (2).

(5) Subject to subsection (8), the competent authority shall pay to the operator of the zoo a sum equal to the total proceeds of the sales of animals falling within subsection (6), less any part of the charge which the competent authority is entitled to make under section 11 which has not been paid.

(6) An animal falls within this subsection if the competent authority is satisfied that it was owned by the operator of the zoo immediately before its sale under subsection (2) (whether or not they were so satisfied when they exercised their power of sale under that subsection).

(7) Where the competent authority has identified a person other than the operator whom they are satisfied was the owner of an animal immediately before its sale under subsection (2), they shall (subject to subsection (8)) pay to that person a sum equal to the proceeds of the sale of that animal, less the costs incurred by them in connection with the sale and in caring for the animal before the sale.

(8) If the person to whom the competent authority is required to make a payment under subsection (5) or (7) cannot be found before the end of the period of four months beginning with the date of the sale of the last animal which is to be sold under subsection (2), the proceeds of sale shall vest in the competent authority.

(9) Any remaining proceeds of the sales under subsection (2) shall vest in the competent authority.

(10) A competent authority must make any payment they are required to make under subsection (5) or (7) before the end of the period of four months beginning with the date of the sale of the last animal which is to be sold under subsection (2), but they shall not make such a payment before the end of the period of one month beginning with the date of that sale.

(11) Nothing in this section shall prevent an authority from making arrangements, on the advice of a veterinary surgeon or practitioner, for an animal to be put down without delay where it is necessary or expedient to do so in the interests of its welfare.

Inspection.

10.(1) Any officer of the competent authority (or person appointed to act for the competent authority) may inspect a zoo and may take samples and gather any information necessary for the performance of the competent authority's duties under this Act, including but not limited to—

- (a) determining the grant, refusal, extension, significant alteration or transfer of a licence; and
- (b) for the purposes of monitoring compliance with this Act and any licence conditions.

(2) The competent authority shall give at least 21 days' notice on the date on which the inspection is proposed to be carried out.

(3) 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.

(4) During the course of an inspection, the operator shall produce any records required by the officer of the competent authority which are kept by the operator in pursuance of conditions of the licence, requiring the conservation measures contained in the Schedule to be implemented at the zoo.

Powers of entry

10A.(1) For the purposes of giving effect to this Act, a person duly authorised by the competent authority for the purposes of this subsection may, on producing their authority if so required, enter the premise of the zoo for the purposes of—

- (a) inspecting any animal found there to which the arrangements relate;

- (b) inspecting the accommodation of any such animal;
- (c) caring for any such animal; or
- (d) removing any such animal.

(2) Subsection (1) shall not authorise entry into any part of the premises of the zoo which is used as a private dwelling.

(3) If a justice of the peace is satisfied by sworn information in writing that–

- (a) it is necessary or desirable for the purpose of giving effect to arrangements under section 9(7), (8) or (9) for a person duly authorised by the competent authority for the purposes of this subsection to enter the premises of the zoo for any of the purposes mentioned in subsection (1); and
- (b) either–
 - (i) any part of the premises to which admission for any of those purposes is sought is used as a private dwelling; or
 - (ii) admission to the premises or any part of the premises for any of those purposes has been refused,

the justice of the peace may grant a warrant authorising that person to enter the premises, or (as the case may be) the part of the premises used as a private dwelling or to which admission has been refused, for all or any of those purposes, with or without police officers and any other persons who may be necessary, and if need be by reasonable force.

(4) A warrant granted under subsection (3) shall also specify –

- (a) the length of time for which it is valid; and
- (b) the times at which entry may be effected,

and may contain such restrictions as the justice of the peace thinks fit.

(5) A person duly authorised for the purposes of subsection (3) shall, if so required, produce their authority and warrant before entering the premises of the zoo or part of the premises to which the warrant relates (as the case may be).

Charges by competent authority.

11.(1) Where the competent authority incurs costs in carrying out its functions under this Act it may charge a fee determined in accordance with this section to any person carrying on an activity to which this Act applies.

(2) The fee shall not exceed the sum of the costs reasonably incurred by the competent authority in dealing with the activity to which this Act applies.

(3) Where, in the opinion of the competent authority, it can properly carry out its functions under this Act only by engaging specialists and consultants, the cost of such specialists and consultants shall be included in the fee payable under subsection (1).

(4) When requiring payment the competent authority shall send or give to the person by whom the fee is payable, if that person so requests, a detailed statement of the work done and costs incurred and the period to which the statement relates and the requirements of this Act shall be deemed not to have been complied with unless the fee, or such proportion of it as the competent authority may in its discretion specify, has been paid.

(5) The fee or such part of it as remains unpaid shall be recoverable as a civil debt.

Offences.

12.(1) A person who—

- (a) fails to comply with section 3(1);
- (b) provides misleading information in support of an application;
- (c) breaches the condition of a licence;
- (d) intentionally obstructs an officer of the competent authority acting pursuant to this Act;
- (e) fails without reasonable excuse to comply with a requirement in a direction under section 8 of this Act to close a zoo or a part of a zoo;
- (f) contrary to section 9(5) of this Act, without reasonable excuse and without the agreement of the competent authority, disposes of any animal kept in the zoo –
 - (i) before a plan prepared under section 9(2) has been approved by the competent authority; or
 - (ii) otherwise than in accordance with such a plan which has been approved by the competent authority; or
- (g) without reasonable excuse fails to comply with a direction under section 9(6);

is guilty of an offence and liable on summary conviction to a fine up to level 5 on the standard scale.

(2) A person who fails without reasonable excuse –

- (a) to comply with the competent authority's request for information under section 9(3); or
- (b) contrary to the condition imposed under section 3(2)(aa), to display the zoo licence or a copy of it publicly at each entrance to the zoo,

is guilty of an offence and liable on summary conviction to a fine up to level 3 on the standard scale.

Offences by corporations etc.

13.(1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any other person purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of a body corporate.

(3) A fine imposed on an unincorporated association on its conviction for an offence shall be paid out of the funds of the association.

(4) Where an offence under this Act committed by a partnership is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of a partner, he as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

Defences.

14. In any proceedings for an offence under this Act it shall be a defence for the person charged to prove that he took all reasonable steps and exercised all due diligence to avoid the commission of the offence.

Regulations.

15. The Minister may make regulations for the purposes of implementing this Act.

Supplemental.

16.(1) Where the competent authority makes a direction under this Act, it shall take reasonable steps to secure that the operator of the zoo is notified in writing of it.

(2) Where the operator of the zoo cannot, after reasonable enquiries have been made, be found, the competent authority shall take reasonable steps to secure that any person appearing to them to be responsible for the zoo is notified in writing of the direction.

(3) The operator of a zoo or other person notified in writing of a direction pursuant to subsection (2) shall comply with a direction under this Act made in respect of that zoo.

Appeals.

17.(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 7B or any variation of such a direction;
- (f) a zoo closure direction;
- (g) the refusal to approve a plan prepared under section 9(2);
- (h) a direction under section 9(6) or any variation of such a direction; or
- (i) any arrangements under section 9(7) or (8),

may appeal to the Supreme Court.

(2) Any such appeal shall be brought within twenty-eight days from the date on which the person wishing to appeal receives written notification of the competent authority's decision as to the matter in question; but an appeal may be brought under this section whether or not the authority's decision was made in pursuance of a direction of the Minister under this Act.

(3) On an appeal under this section to the Supreme Court, the court may confirm, vary or reverse the competent authority's decision and generally give such directions as it thinks proper, having regard to the provisions of this Act.

(4) In so far as a condition attached to a licence (whether on its grant or later), or the variation of a condition, imposes a requirement on the holder of the licence to carry out works he would not otherwise be required to carry out, the condition or the variation shall not have effect—

- (a) during the period within which the holder is entitled to appeal against the attachment or variation, or
- (b) where such an appeal is brought within that period, during the period before the appeal is determined or abandoned.

SCHEDULE

sections 3(2), 5(1), 6(2) and 7(3) and (6).

Conservation Measures

Zoos must–

- (a) participate in one or more of the following
 - (i) research from which conservation benefits accrue to the species of wild animals;
 - (ii) training in relevant conservation skills;
 - (iii) the exchange of information relating to the conservation of species of wild animals; and
 - (iv) where appropriate, captive breeding, repopulation of an area with, or the or reintroduction into the wild of wild animals;
- (b) promote public education and awareness in relation to the conservation of biodiversity, particularly by providing information about the species of wild animals kept in the zoo and their natural habitats;
- (c) accommodate their animals under conditions which aim to satisfy the biological and conservation requirements of the individual species by, amongst other items–
 - (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) maintaining a high standard of animal husbandry with a developed programme of preventive and curative veterinary care and nutrition;
- (d) prevent the escape of animals and putting in place measures to be taken in the event of any escape or unauthorised release of animals in order to avoid possible ecological threats to indigenous species;
- (da) prevent intrusion of outside pests and vermin into the zoo premises; and
- (e) keep up to date records of the zoo's collection appropriate to the species recorded, which must include–

- (i) the numbers of different animals;
- (ii) acquisitions, births, deaths, disposals and escapes of animals;
- (iii) the causes of any deaths of animals;
- (iv) the health of animals.