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| **Consultation Response Form**  | Your name: Organisation (if applicable):email / telephone number:Your country of residence: |

**Question 1:** Regulation 3 sets out that, for the purposes of determining whether something is a licensable activity, ‘licensable activity’ means:

* + 1. keeping animals in Wales where those animals are being used for exhibition for educational or entertainment purposes,
		2. training animals in Wales where those animals are being used for exhibition for educational or entertainment purposes, or
		3. exhibiting animals in Wales for educational or entertainment purposes.
	1. The licensable activity may take place with or without charge.
	2. Exhibiting animals for the purpose of the licensable activity includes—
		1. the exhibition of animals to any audience attending in person, and
		2. the recording of visual images of the animals by any form of technology that enables the display of such images.

If something is a licensable activity, in order to carry it out, a licence will be needed.

Do you agree with this definition? Please provide reasons for your answer.

Please enter here:

**Question 2:** Regulation 3(4) lists a number of exempted activities that it is proposed will not be subject to this licensing scheme. The exempted activities will therefore not require a licence. These are:

* + 1. “Keeping animals primarily for dairy farming and livestock[[1]](#footnote-1) breeding and keeping,
		2. Keeping or training animals for military or police purposes,
		3. Keeping or training animals for sporting purposes,
		4. Animals displaying learned behaviours which are taught for working purposes,
		5. Any activity permitted under a licence for a zoo under the Zoo Licensing Act 1981,
		6. Keeping a pet shop under a licence granted under section 1(1) of the Pet Animals Act 1951,
		7. Any activity permitted under a licence for a riding establishment under the Riding Establishments Act 1964.”

Do you agree with these exemptions? Can you think of an activity that would fall within the exemptions that you believe should be included within the scope of the licensing scheme? Can you think of an activity that would fall within the current definition of an Animal Exhibit that you believe should be exempted? Please provide evidence to support your comments.

Please enter here:

**Question 3:** We are proposing that all Animal Exhibits that meet the licensing criteria should be licensed, irrespective of whether they charge a fee for that Exhibit or not i.e. it could apply to individuals, businesses, charities or other not-for-profit entities. This is considered appropriate as the intention of the Regulations is to ensure that animal welfare standards are met, and this is the case regardless of whether an activity is carried out for profit or not. Do you agree with this approach? Please give reasons for your answer.

Please enter here:

**Question 4:** The current definition of a licensable activity does not provide an exemption for people who may only exhibit their animals only once or twice a year. If an activity falls within the definition of ‘licensable activity’ then a licence is required. Do you agree with this approach? If not, do you think a threshold should be included, setting out the number of times someone can exhibit animals before requiring a licence? What would be an appropriate threshold? Do you feel this is enforceable? Please give reasons for your answer.

Please enter here:

**Question 5:** There will be cost implications associated with this licensing scheme in so much as an Animal Exhibit licence will be subject to a fee payable to the relevant local authority by the licence applicant and, for example, an applicant may need to improve their facilities to meet the licence conditions.

Local authorities will also incur costs to manage the licensing scheme. Whilst the licensing fee should compensate for these costs, in some cases ongoing enforcement costs may exceed it.

Costs may also be incurred for the justice system where prosecutions or appeals are taken forward.

We would welcome any evidence of any potential financial impacts, both on Exhibitors and on local authorities, and any other persons or organisations you feel may be affected, which may occur as a result of the proposed licensing scheme. Please give reasons for your answer.

Please enter here:

**Question 6:** We would like to know your views on any other effects you anticipate the draft Regulations could have on the Justice System. This includes operators of Animal Exhibits (for example, if they are prosecuted for not being licensed or are prosecuted for breach of a licence condition); local authorities as the enforcement authority; the court system; and any other persons or organisations you feel may be affected.

What effects do you think there would be?

Please enter here:

**Question 7:** We feel the licensing scheme presents an opportunity for the Welsh tourist industry, of which Animal Exhibits play an important role. The licensing scheme will ensure that all licensed Animal Exhibits will be meeting the same welfare standards and will prove to visitors that we are a nation of animal lovers and the welfare of exhibited animals is taken seriously. We would like to know your views on the effects that the draft Regulations may have, particularly on rural businesses, people and communities.

What effects do you think there would be?

Please enter here:

**Question 8:** Schedule 1 of the Regulations contains a list of licence conditions that must be attached to every licence issued for the licensable activity. Are there any conditions that you do not consider appropriate, or alternatively, are there any conditions that you would expect to be included, which aren’t? Do the licence conditions provide sufficient flexibility, both from an operational and enforcement point of view? Please provide as many reasons to substantiate your views as possible.

Please enter here:

**Question 9:** Schedule 2 of the Regulations contains details of persons who may not apply for a licence. This includes persons who have held a licence which has been revoked, or who have been disqualified, under the following legislation:

* Animal Welfare (Licensing of Animal Exhibits) (Wales) Regulations 2020;
* Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014;
* The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012;
* The Welfare of Animals Act (Northern Ireland) 2011;
* The Welfare of Racing Greyhounds Regulations 2010;
* Animal Welfare Act 2006;
* Animal Health and Welfare (Scotland) Act 2006;
* Dangerous Dogs Act 1991;
* Dogs (Northern Ireland) Order 1983;
* Dangerous Wild Animals Act 1976;
* Breeding of Dogs Act 1973;
* Riding Establishments Act 1964;
* Animal Boarding Establishments Act 1963;
* Pet Animals Act 1951;
* Protection of Animals (Amendment) Act 1954;
* Performing Animals (Regulation) Act 1925;
* Protection of Animals Act 1911;
* Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018;
* Zoo Licensing Act 1981.

Do you agree with this approach? Should any other legislation be included? Please give reasons for your answer.

Please enter here:

**Question 10:** A Guidance document has been drafted to which local authorities must have regard in implementing the Regulations. Do you have any comments on the content of that guidance? Do you consider that additional guidance in connection with any particular provisions of the Regulations would be helpful? Please give reasons for your answer.

Please enter here:

**Question 11:** We are proposing a three-year licence period for all licensable Animal Exhibits. Is this appropriate, or do you consider that there should be the option of providing a licence for a shorter period? Please provide reasons for your answer.

Please enter here:

**Question 12:** In the 2017 consultation, 60% of respondents felt that Animal Exhibits may have a negative impact on the attitudes of children and young people towards animals, for example by perceiving them as play things or commodities. Conversely, many respondents felt Animal Exhibits play a key role in introducing children and young people to animals in a controlled environment and where managed well, could play a positive role in educating children, young people and adults.

In Schedule 1, paragraph 8(9) requires that the licence holder must “where possible, promote public education and awareness, and respectful and responsible attitudes, in relation to the species being exhibited”. We feel this will result in a positive impact on the attitudes of children and young people towards animals, with Animal Exhibitors leading by example to inspire the next generation of animal owners and keepers. Do you agree? Please give reasons for your answer.

Please enter here:

**Question 13**: There are some instances where an animal may be exhibited for a reason other than for entertainment or education. For example, for ornamental purposes (such as a fish tank in a restaurant) or animals that have been bred for sale (e.g. livestock, birds of prey, equines or other pets). As currently drafted, we would not expect exhibits of this nature to fall within the scope of the licensable activity.

Section 9 of the Animal Welfare Act 2006 places a duty on the person responsible for an animal to ensure its welfare. Not doing this is an offence. In light of this, are there any specific activities that you feel should be included in the Regulations, that aren’t protected elsewhere? Please give reasons for your answer.

Please enter here:

**Question 14**: We would like to know your views on the effects that the draft Regulations may have on people with protected characteristics as defined in the Equality Act 2010[[2]](#footnote-2). These characteristics are:

* age;
* disability;
* gender reassignment;
* marriage and civil partnership;
* pregnancy and maternity;
* race;
* religion or belief;
* sex; and
* sexual orientation. What effects do you think there would be?

Please enter here:

**Question 15**: We would like to know your views on whether the draft Regulations could offer any opportunities to reverse the decline of biodiversity in Wales, in line with the Wales Nature Recovery Action Plan.[[3]](#footnote-3)

What effects do you think there would be?

Please enter here:

**Question 16:** We would like to know your views on the effects that the draft Regulations would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be?

Please enter here:

**Question 17**: Please also explain how you believe the draft Regulations could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language.

Please enter here:

**Question 18**: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, or have any comments on specific aspects of the draft Regulations or Guidance, use this space to report them. Please provide as much detail as possible.

Please enter here:

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| Responses to consultations are likely to be made public, on the internet or in a report.  If you would prefer your response to remain anonymous, please tick here: |

1. *For the purposes of this regulation, “livestock” includes any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land.* [↑](#footnote-ref-1)
2. <https://www.legislation.gov.uk/ukpga/2010/15/contents> [↑](#footnote-ref-2)
3. <https://www.biodiversitywales.org.uk/Nature-Recovery-Action-Plan> [↑](#footnote-ref-3)