

2020 No. (W.)

ANIMALS, WALES

**The Animal Welfare (Licensing of
Animal Exhibits) (Wales)
Regulations 2020**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the licensing of persons involved in Wales in keeping or training animals for exhibition for educational or entertainment purposes.

Regulation 3 sets out what to take into consideration for the purposes of determining whether an activity is a licensable activity. Regulation 4 specifies the licensable activity for the purposes of section 13(1) of the Animal Welfare Act 2006 (“the 2006 Act”) and provides for local authorities to be the licensing authority. The consequence of this specification is that, subject to qualifying criteria, any person wishing to carry on the licensable activity in Wales must obtain a licence from the local authority under these Regulations. This requirement replaces the requirement, in Wales, to be registered under the Performing Animals (Regulation) Act 1925.

A person who carries on the licensable activity in Wales without a licence under these Regulations commits an offence under section 13(6) of the 2006 Act and is liable to imprisonment for a term of up to six months, a fine or both. Under section 30 of the 2006 Act, local authorities may prosecute for any offence under the Act.

Part 2 of the Regulations sets out how a person may apply to the local authority for a licence and matters in respect of which a local authority must be satisfied when considering the grant or renewal of a licence. It provides for a local authority to charge fees to cover the costs it incurs in performing this function, including the consideration of a licence holder’s compliance with these Regulations, enforcement and administration. It specifies that a local authority must attach certain licence conditions to each licence granted or renewed. It provides that a local authority

must appoint an inspector to inspect any premises and travel equipment linked to the licensable activity when determining whether or not to grant or renew a licence, and makes provision for a local authority to appoint an inspector when it considers it appropriate, for the purpose of ensuring that the licence conditions are being complied with. It requires a local authority to have regard to guidance issued by the Welsh Ministers in carrying out their functions under these Regulations. It provides powers for inspectors to take samples from animals.

Part 3 sets out the circumstances and procedures under which a licence may be suspended, varied or revoked. It also provides that the breach of a condition of a licence or the obstruction of any inspector appointed for the purposes of enforcement of these Regulations is an offence and applies relevant post-conviction powers contained in the 2006 Act.

Part 4 provides for appeals against licensing decisions by local authorities. Part 5 makes repeals, revocations and consequential amendments. Part 6 sets out that local authorities must provide certain information to the Welsh Ministers.

Schedule 1 sets out the licence conditions that are to be attached to each licence granted or renewed for the licensable activity. Schedule 2 lists persons who may not apply for a licence and Schedules 3 and 4 provide for repeals, revocations and consequential amendments.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations in Wales. A copy can be obtained from the Office of the Chief Veterinary Officer, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

Draft Regulations laid before the National Assembly for Wales under section 61 of the Animal Welfare Act 2006, for approval by the National Assembly for Wales.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2020 No. (W.)

ANIMALS, WALES

**The Animal Welfare (Licensing of
Animal Exhibits) (Wales)
Regulations 2020**

Made ***

Laid before the National Assembly for Wales

Coming into force ***

The Welsh Ministers, as the appropriate national authority in relation to Wales⁽¹⁾, make the following Regulations in exercise of the powers conferred by sections 13(2), (7), (8) and (10) of and Parts 1 and 3 of Schedule 1 to the Animal Welfare Act 2006⁽²⁾.

In accordance with section 13(9) of that Act, the Welsh Ministers have consulted those persons appearing to them to represent interests with which these Regulations are concerned as they considered appropriate.

In accordance with section 61(2) of that Act⁽³⁾, a draft of this instrument has been laid before, and approved by resolution of, the National Assembly for Wales.

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- (1) The appropriate national authority is defined in section 62(1) of the Animal Welfare Act 2006. Functions conferred on the National Assembly for Wales are now vested in the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
- (2) 2006 c. 45.
- (3) 2006 c. 45. By virtue of section 162 of, and paragraph 34 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), the reference in section 61(2) to “House of Parliament” includes the National Assembly for Wales.

PART 1

Introduction

Title and commencement

1.—(1) The title of these Regulations is the Animal Welfare (Licensing of Animal Exhibits) (Wales) Regulations 2020.

(2) They come into force on [*insert date*].

Interpretation

2.—(1) In these Regulations—

“the Act” (“*insert Welsh/y Ddeddf*”) means the Animal Welfare Act 2006;

“licence” (“*insert Welsh*”), except as the context otherwise requires in regulation 12(1)(b) and Schedule 2 or where more specifically provided, means a licence to carry on the licensable activity granted or renewed under these Regulations and cognate expressions are to be construed accordingly;

“licence conditions” (“*insert Welsh*”) means the conditions set out in Schedule 1;

“licensable activity” (“*insert Welsh*”) means the activity described in regulation 3;

“local authority” (“*awdurdod lleol*”) means a county council or county borough council in Wales;

“operator” (“*insert Welsh*”) means a person who—

(a) carries on, attempts to carry on or knowingly allows to be carried on the licensable activity, or

(b) where a licence has been granted or renewed, is the licence holder;

“working day” (“*insert Welsh*”) means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under section 1 of the Banking and Financial Dealings Act 1971⁽¹⁾.

(2) In these Regulations, “veterinary surgeon” has the meaning given by section 62(1) of the Act.

Licensable activity

3.—(1) For the purposes of determining whether an activity is a “licensable activity”, “licensable activity” means—

(1) 1971 c. 80.

- (a) keeping animals in Wales where those animals are being used for exhibition for educational or entertainment purposes,
- (b) training animals in Wales where those animals are being used for exhibition for educational or entertainment purposes, or
- (c) exhibiting animals in Wales for educational or entertainment purposes.

(2) The licensable activity may take place with or without charge.

(3) Exhibiting animals for the purpose of the licensable activity includes—

- (a) the exhibition of animals to any audience attending in person, and
- (b) the recording of visual images of the animals by any form of technology that enables the display of such images.

(4) The licensable activity does not include—

- (a) keeping animals primarily for dairy farming and livestock breeding and keeping,
- (b) keeping or training animals for military or police purposes,
- (c) keeping or training animals for sporting purposes,
- (d) animals displaying learned behaviours which are taught for working purposes,
- (e) any activity permitted under a licence for a zoo under the Zoo Licensing Act 1981⁽¹⁾,
- (f) keeping a pet shop under a licence granted under section 1(1) of the Pet Animals Act 1951⁽²⁾, or
- (g) any activity permitted under a licence for a riding establishment under the Riding Establishments Act 1964⁽³⁾.

(5) 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.

Licensing of operators

4.—(1) The licensable activity (as defined in regulation 3) is a specified activity for the purposes of section 13(1) of the Act.

(2) A local authority is the licensing authority for the licensable activity.

(1) 1981 c. 37.
 (2) 1951 c. 35.
 (3) 1964 c. 70.

(3) For operators ordinarily resident in Wales, an application for a licence for the licensable activity must be received by a local authority where the operator is ordinarily resident.

(4) For operators not ordinarily resident in Wales, an application for a licence for the licensable activity must be received by a local authority where the licensable activity takes place.

(5) The licensable activity must be carried out by the licence holder or a person authorised by the licence holder.

PART 2

Grant, renewal and variation with consent of a licence and inspection of premises, fees and guidance

Conditions of grant or renewal of a licence

5.—(1) This regulation applies where—

- (a) a local authority has received from an operator an application in writing for the grant or renewal of a licence to carry on the licensable activity, and
- (b) the application gives such information as the local authority has required.

(2) The local authority must—

- (a) appoint one or more suitably qualified inspectors to inspect any premises and travel equipment linked to the licensable activity that will assist in the determination of whether or not to grant or renew a licence, and
- (b) following that inspection, grant a licence to the operator, or renew the operator's licence, in accordance with the application, if it is satisfied that—
 - (i) the licence conditions will be met,
 - (ii) any appropriate fee has been paid in accordance with regulation 14, and
 - (iii) the grant or renewal is appropriate having taken into account the report submitted to it in accordance with regulation 6.

(3) A local authority must attach the licence conditions to each licence granted or renewed.

(4) In considering whether the licence conditions will be met, a local authority must take account of the applicant's conduct as the operator of the licensable activity to which the application for the grant or renewal relates, whether the applicant is a suitably competent person to be the operator of that activity and any other relevant considerations.

(5) A local authority must not grant a licence to an operator, or renew a licence, in any circumstances other than those described in these Regulations.

(6) All licences granted or renewed in relation to the licensable activity must be subject to the licence conditions.

Inspector's report

6.—(1) Where a local authority arranges an inspection pursuant to regulation 5(2)(a), it must arrange for the submission to it of a report by the inspector.

(2) The inspector's report must—

- (a) contain information about the operator, any relevant premises, any relevant records, the condition of any animals, the suitability of any animals for the nature of the exhibit and any other relevant matter, and
- (b) state whether or not the inspector considers that the licence conditions will be met.

Period of licence

7. A local authority may grant or renew a licence for a period of three years in respect of the licensable activity or any part of the licensable activity.

Power to take samples from animals

8. An inspector may, for the purposes of ensuring the licence conditions are being complied with, take samples for laboratory testing from any animal on:

- (a) premises specified in the licence as premises on which the licensable activity is authorised, or
- (b) premises on which the inspector reasonably believes the licensable activity is being carried on.

Duty to assist in the taking of samples from animals

9. An operator must comply with any reasonable request of an inspector to facilitate the identification and examination of an animal and the taking of samples in accordance with regulation 8 and, in particular, must arrange the suitable restraint of an animal if so requested by an inspector.

Power to arrange for an inspection

10.—(1) A local authority may at any time appoint one or more suitably qualified inspectors to inspect any premises and travel equipment linked to the licensable activity for the purpose of ensuring the

licence conditions are being complied with, if the local authority considers it appropriate to do so having regard to—

- (a) any representation made to the local authority; or
- (b) any other circumstances which in the local authority's opinion call for an inspection.

(2) On appointing an inspector or inspectors under this regulation, the local authority shall communicate to the inspector or inspectors and the licence holder the purpose and scope of the inspection.

(3) Where a local authority arranges for an inspection under this regulation, it must arrange for the submission to it of a report by the inspector.

(4) The inspector's report must—

- (a) address the purpose and scope of the inspection as set out under paragraph (3), and
- (b) state whether or not the inspector considers that the licence conditions are being complied with.

(5) The local authority must, following the inspection and taking into account the report submitted under this regulation, take such action as it considers appropriate.

Variation or revocation of a licence on the application, or with the consent, of a licence holder

11. A local authority may at any time vary or revoke a licence—

- (a) on the application in writing of the licence holder, or
- (b) on its own initiative, with the consent in writing of the licence holder.

Persons who may not apply for a licence

12.—(1) The following persons may not apply for a licence in respect of the licensable activity—

- (a) a person listed as a disqualified person in paragraph 4 or any of paragraphs 6 to 17 of Schedule 2 where the time limit for any appeal against that disqualification has expired or where, if an appeal was made, that appeal was refused;
- (b) a person listed in any of paragraphs 1 to 3, 5, 18 and 19 of Schedule 2 as having held a licence which was revoked or where a closure direction was given, where the time limit for any appeal against that revocation or direction has expired or where, if an appeal was made, that appeal was refused.

(2) Any licence granted or renewed, or held by, a person mentioned in paragraph (1)(a) or (b) is automatically revoked.

(3) Any licence granted or renewed, or held by, a person is automatically revoked where a person is subsequently a person mentioned in paragraph (1)(a) or (b).

Death of a licence holder

13.—(1) In the event of the death of a licence holder, the licence is deemed to have been granted to, or renewed in respect of, the personal representatives of that former licence holder.

(2) In the circumstances described in paragraph (1), the licence is to remain in force for three months beginning with the date of the death of the former licence holder or for as long as it was due to remain in force but for the death (whichever period is shorter) but remains subject to the provisions in Part 3.

(3) The personal representatives must notify in writing the local authority which granted or renewed the licence that they are now the licence holders within 28 days beginning with the date of the death of the former licence holder.

(4) If the personal representatives fail so to notify the local authority within the period specified in paragraph (3), the licence shall cease to have effect on the expiry of that period.

(5) The local authority which granted or renewed the licence may, on the application of the personal representatives, extend the period specified in paragraph (2) for up to three months if it is satisfied that the extension is necessary for the purpose of winding up the estate of the former licence holder and is appropriate in all the circumstances.

Fees

14.—(1) A local authority may charge such fees as it considers necessary for—

- (a) the consideration of an application for the grant, renewal or variation of a licence including any inspection relating to that consideration, and for the grant, renewal or variation,
- (b) the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in sub-paragraph (a) including any inspection relating to that consideration,

- (c) the reasonable anticipated costs of enforcement in relation to the licensable activity of an unlicensed operator, and
- (d) the reasonable anticipated costs of compliance with regulation 30.

(2) The fee charged for the consideration of an application for the grant, renewal or variation of a licence and for any inspection relating to that consideration must not exceed the reasonable costs of that consideration and related inspection.

Guidance

15. A local authority must have regard in the carrying out of its functions under these Regulations to such guidance as may be issued by the Welsh Ministers.

PART 3

Enforcement and notices

Grounds for suspension, variation without consent or revocation of a licence

16. A local authority may, without any requirement for the licence holder's consent, decide to suspend, vary or revoke a licence at any time on being satisfied that—

- (a) the licence conditions are not being complied with,
- (b) there has been a breach of these Regulations,
- (c) information supplied by the licence holder is false or misleading, or
- (d) it is necessary to protect the welfare of an animal.

Procedure for suspension or variation without consent

17.—(1) Except as otherwise provided in this regulation, the suspension or variation of a licence following a decision under regulation 16 has effect at the end of a period of seven working days beginning with the date on which notice of the decision is issued to the licence holder or, if that date is not a working day, the next working day.

(2) If it is necessary to protect the welfare of an animal, the local authority may specify in the notice of the decision that the suspension or variation has immediate effect.

- (3) A decision to suspend or vary a licence must—
- (a) be notified to the licence holder in writing,

- (b) state the local authority's grounds for suspension or variation,
- (c) state when it comes into effect,
- (d) specify measures that the local authority considers are necessary in order to remedy the grounds, and
- (e) explain the right of the licence holder to make written representations in accordance with paragraph (4) and give details of the person to whom such representations may be made and the date by the end of which they must be received.

(4) The licence holder may make written representations which must be received by the local authority within seven working days beginning with the date of issue of notice of the decision under regulation 16 to suspend or vary the licence or, if that date is not a working day, the next working day.

(5) Except in relation to notices under paragraph (2), where a licence holder makes written representations which are received by the local authority within the period specified in paragraph (4), the suspension or variation is not to have effect unless the local authority, after considering the representations, suspends or varies the licence in accordance with paragraph (6)(a).

(6) Within seven working days beginning with the date of receipt of any representations made in accordance with paragraph (5), the local authority must, after considering the representations—

- (a) suspend or vary the licence,
- (b) cancel its decision under regulation 16 to suspend or vary the licence,
- (c) confirm the suspension or variation of the licence under paragraph (2), or
- (d) reinstate the licence if it has been suspended, or cancel its variation if it has been varied, under paragraph (2).

(7) The local authority must issue to the licence holder written notice of its decision under paragraph (6) and the reasons for it within seven working days beginning with the date of receipt of any representations made in accordance with paragraph (4) or, if that date is not a working day, beginning with the next working day.

(8) The local authority's decision under paragraph (6) is to have effect on service of its notice under paragraph (7).

(9) Paragraph (10) applies if the local authority fails to comply with paragraph (6) or (7).

(10) Where this paragraph applies, after seven working days beginning with the date of receipt of any representations made in accordance with paragraph (4)

or, if that date is not a working day, beginning with the next working day—

- (a) a licence suspended under paragraph (2) is to be deemed to be reinstated;
- (b) a licence varied under paragraph (2) is to be deemed to have effect as if it had not been so varied;
- (c) a licence suspended under paragraph (6)(a) is to be deemed to be reinstated;
- (d) a licence varied under paragraph (6)(a) is to be deemed to have effect as if it had not been so varied;
- (e) any licence held by the licence holder other than a licence suspended or varied under paragraph (2) or (6)(a) which the local authority decided to suspend or vary under regulation 16 is to be deemed to remain in force and not to be so varied.

(11) Once a licence has been suspended for 28 days, the local authority must on the next working day—

- (a) reinstate it without varying it,
- (b) vary and reinstate it as varied, or
- (c) revoke it.

(12) If the local authority fails to comply with paragraph (11), the licence is to be deemed to have been reinstated without variation with immediate effect.

Reinstatement of a suspended licence by a local authority

18.—(1) A local authority must reinstate a suspended licence by way of written notice once it is satisfied that the grounds specified in the notice of suspension have been or will be remedied.

(2) Where a local authority reinstates a licence under paragraph (1), it may reduce the period for which it is reinstated.

Notice of revocation

19.—(1) A revocation decision must—

- (a) be notified in writing to the licence holder,
- (b) state the local authority's grounds for revocation, and
- (c) give notice of the licence holder's right of appeal to the First-tier Tribunal and the period under regulation 27 within which such an appeal may be brought.

(2) The decision has effect on service of the notice.

Obstruction of inspectors

20. A person must not intentionally obstruct an inspector appointed for the purposes of the enforcement of these Regulations in the exercise of any powers conferred by or under the Act.

Offences

21.—(1) It is an offence for a person, without lawful authority or excuse—

- (a) to breach a licence condition;
- (b) to fail to comply with regulation 9 or 20.

(2) A person who commits an offence under paragraph (1) is liable on summary conviction to a fine.

Offences by bodies corporate

22.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar person of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

that person (as well as the body corporate) is also guilty of the offence.

(2) In this regulation “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Offences by partnerships and unincorporated associations

23.—(1) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or an unincorporated association may be brought in the name of the partnership or association.

(2) For the purposes of such proceedings—

- (a) rules of court relating to the service of documents are to have effect as if the partnership or association were a body corporate;
- (b) section 33 of the Criminal Justice Act 1925⁽¹⁾ and Schedule 3 to the Magistrates’ Court Act 1980⁽²⁾ apply in relation to the partnership or

(1) 1925 c. 86. Relevant amending enactments are Schedule 6 to the Magistrates’ Court Act 1952 (c. 55) and Schedule 8 to the Courts Act 1971 (c. 23).

(2) 1980 c. 43.

association as they apply in relation to a body corporate.

(3) A fine imposed on a partnership or association on its conviction for an offence under these Regulations is to be paid out of the funds of the partnership or association.

(4) Where a partnership is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner (as well as the partnership) is also guilty of the offence.

(5) For these purposes, “partner” includes a person purporting to act as a partner.

(6) Where an unincorporated association is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the association, that officer (as well as the association) is also guilty of the offence.

(7) For these purposes, “officer” means an officer of the association or a member of its governing body, or a person purporting to act in such capacity.

Powers of entry

24.Breach of a licence condition must be treated as a relevant offence for the purposes of section 23 of the Act (entry and search under warrant in connection with offences).

Post-conviction powers

25.The relevant post-conviction powers contained in sections 34 and 42 of the Act apply in relation to a conviction for an offence under regulation 21.

Notices

26.—(1) Any notice issued by a local authority under these Regulations may be amended, suspended or revoked by the local authority in writing at any time.

(2) A notice may be served on a person by—

- (a) personal delivery,
- (b) leaving it or sending it by post to the person’s current or last known postal address, or
- (c) emailing it to the person’s current or last known email address.

PART 4

Appeals

Appeals

27.—(1) Any operator who is aggrieved by a decision by a local authority—

- (a) to refuse to grant or renew a licence, or
- (b) to revoke or vary a licence,

may appeal to the First-tier Tribunal.

(2) The period within which an operator may bring such an appeal is 28 days beginning with the day following the date of the decision.

(3) The First-tier Tribunal may on application and until the appeal is determined or withdrawn—

- (a) in the case of a decision to refuse to renew a licence, permit a licence holder to continue to carry on the licensable activity or any part of it subject to the licence conditions, or
- (b) suspend a revocation or variation under regulation 16.

(4) On appeal, the First-tier Tribunal may overturn or confirm the local authority's decision, with or without modification.

PART 5

Repeals, revocations and consequential amendments

Repeals and consequential amendments

28. Schedule 3 (repeals and consequential amendments) is to have effect.

Revocations and consequential amendments

29. Schedule 4 (revocations) is to have effect.

PART 6

Provision of information to the Welsh Ministers

Provision of information to the Welsh Ministers

30.—(1) Each local authority must provide the following information to the Welsh Ministers in writing when requested for the purpose of assisting the Welsh Ministers to ascertain—

- (a) the number of licences issued and in force for the licensable activity in its area,

- (b) the number of applications for the licensable activity that the local authority refused to grant,
- (c) the nature of exhibits and types of animals used in connection with the licensable activity, and
- (d) the average level of fees it has charged for licences it has granted or renewed for the licensable activity.

(2) Each local authority must provide the information to the Welsh Ministers—

- (a) in electronic form, or secure that it is accessible to the Welsh Ministers in electronic form, and
- (b) no later than one calendar month from the date on which the information is requested.

Name

Title of Minister, one of the Welsh Ministers

Date

Licence Conditions

Licence display

1.—(1) A copy of the licence must be made available wherever the licensable activity is carried out.

(2) The name of the licence holder followed by the number of the licence holder's licence must be clearly and prominently displayed on any website used in respect of the licensable activity.

Registers, records, lists and notifications

2.—(1) A register must be kept of each animal exhibited or to be exhibited which must include—

- (a) the full name of its supplier,
- (b) its date of birth,
- (c) the date of its arrival with the licence holder,
- (d) its name (if any), age, sex, neuter status, description and microchip or ring number (if applicable),
- (e) the name and contact details of the animal's normal veterinary surgeon and details of any insurance relating to it,
- (f) if the animal is travelling away from its home base, the name and contact details of a veterinary surgeon local to the exhibition event,
- (g) details of the animal's relevant medical and behavioural history including details of any treatment administered against parasites and any restrictions on exercise or diet,
- (h) a record of the date or dates of the animal's most recent vaccination, worming and flea treatments,
- (i) the distance to and times taken for it to travel to and from each exhibition event, and
- (j) the date of its departure from the licence holder, and the reason for the departure (for example, re-homing, retirement or death).

(2) The licence holder must keep a list of each animal kept, or trained, for exhibition with all the information necessary to identify that animal individually (including its common and scientific names) and must provide the local authority with a copy of the list and any change to it as soon as practicable after the change.

(3) A record of when the animals are exhibited must be kept and an animal rotation policy must be put in place to ensure that the animals have enough rest between and during exhibition events.

(4) Written notification of the movement of any dangerous wild animal (as classified under the Dangerous Wild Animals Act 1976) in connection with the licensable activity must be provided to the local authority at least seven days before the movement takes place.

(5) The licence holder must ensure that all documentation that the licence holder is required to keep as a condition of the licence is available at any time for inspection by an inspector in a visible and legible form or, where any such documentation is stored in electronic form, in a form from which they can readily be produced in a visible and legible form.

(6) The licence holder must keep all such documentation for at least three years beginning with the date on which the record was created.

(7) For the purposes of this paragraph, “documentation” includes any registers, records and lists kept in connection with the licensable activity.

Use, number and type of animal

3. No animals or types of animal other than those animals and types of animal specified in the licence may be used in relation to the licensable activity.

Staffing

4.—(1) Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of each animal covered by the licence are met.

(2) The licence holder and any person who cares for the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.

(3) The licence holder must provide and ensure the implementation of a written training policy for all persons who care for the animals.

Suitable environment

5.—(1) All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape and must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

(2) Animals must be kept at all times in an environment suitable to their species and condition (including health and status and age) with respect to—

- (a) their behavioural needs,
- (b) their situation, space, air quality, cleanliness and temperature,
- (c) the water quality (where relevant),
- (d) noise levels,
- (e) light levels,
- (f) ventilation,
- (g) emerging disease threats and necessary controls,
- (h) prevention of access from wildlife, where possible.

(3) Animals must be kept in a condition suitable to their species.

(4) Where appropriate for the species, a toileting area and opportunities for toileting must be provided.

(5) All accommodation, any equipment within it, travel equipment, and the exhibition space must be cleaned as often as necessary and procedures must be in place to ensure good hygiene standards are maintained.

(6) Appropriate biosecurity standards must be maintained.

(7) All the animals must be easily accessible for animal husbandry purposes and for inspection and there must be sufficient light to work effectively and observe the animals.

(8) All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.

(9) The animals must not be left unattended in any situation or for any period likely to cause them distress.

Suitable diet

6.—(1) The animals must be provided with a suitable diet in terms of quality, quantity and frequency and any new feeds must be introduced gradually to allow the animals to adjust to them.

(2) Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.

(3) Feed and drinking water provided to the animals must be unspoilt and free from contamination.

(4) Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.

(5) During transport animals must be offered fresh, clean drinking water at appropriate intervals and afforded adequate opportunity to drink.

(6) At all other times, constant access to fresh, clean drinking water must be provided in a suitable receptacle for the species that requires it.

(7) There must be hygienic facilities for the preparation and storage of feed.

Monitoring of behaviour and training of animals

7.—(1) — Active and effective species-specific environmental enrichment must be provided to the animals in all permanent or temporary environments in which the animals are kept, trained or exhibited (inside and outside).

(2) For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinary surgeon suggests otherwise.

(3) The animals' behaviour and any changes of behaviour must be monitored and advice must be sought, as appropriate and without delay, from a veterinary surgeon or, in the case of fish, any person competent to give such advice if adverse or abnormal behaviour is detected.

(4) The animals must be trained by competent persons, using positive reinforcement.

(5) Where used, training methods or equipment must not cause pain, suffering or injury.

(6) All animals must be given suitable and adequate opportunities to—

(a) learn how to interact with people, their own species and other animals where such interaction benefits their welfare, and

(b) become habituated to enclosures, noises, objects and activities they are likely to encounter in connection with the licensable activity.

Animal handling and interactions

8.—(1) All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease.

(2) The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals and no animals from a social species may be isolated or separated from others of their species for any longer than is necessary.

(3) Social animals must not be exhibited if their removal from and reintroduction to the group with

which they are usually housed causes them or any other animal within that group stress, anxiety or fear.

(4) Animals must be prevented from coming into contact with each other during any exhibition where such contact would be likely to cause any of them to show signs of aggression, fear or distress.

(5) The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

(6) All persons likely to come into contact with the animals during an exhibition must be briefed about how to behave around the animals so as to minimise anxiety, fear and stress in the animals.

(7) All persons likely to come into contact with the animals during an exhibition must be briefed about how to behave around the animals so as to minimise the risk of injury to persons.

(8) The animals must not be handled by persons whose behaviour appears at the time to be influenced by the consumption of alcohol or by any psychoactive substance.

(9) The licence holder must, where possible, promote public education and awareness, and respectful and responsible attitudes, in relation to the species being exhibited.

(10) No female animal with unweaned offspring may be removed from its home environment if such removal causes the animal distress and newborn, unweaned or dependent offspring must not be removed from their mothers.

Protection from pain, suffering, injury and disease

9.—(1) Written procedures must—

- (a) be in place and implemented covering—
 - (i) feeding regimes,
 - (ii) cleaning regimes,
 - (iii) transportation,
 - (iv) the prevention of, and control of the spread of, disease,
 - (v) monitoring and ensuring the health and welfare of all the animals,
 - (vi) the escape of an animal,
 - (vii) the death, retirement or re-homing of an animal (including the storage of carcasses);
- (b) be in place covering the care of the animals following the suspension or revocation of the licence or during and following an emergency.

(2) The written procedures must cover the animals at their home base and during the course of, and time surrounding, transportation and exhibition.

(3) All people responsible for the care of the animals must be made fully aware of these procedures.

(4) Appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.

(5) All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.

(6) All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.

(7) Sick or injured animals must not be exhibited, other than where the purpose of the licensable activity is to care for such animals and the licensable activity does not cause the animal distress.

(8) Sick or injured animals must receive prompt attention from a veterinary surgeon or, in the case of fish, an appropriately competent person and the advice of that veterinary surgeon or, in the case of fish, that competent person, must be followed.

(9) Where necessary, animals must receive preventative treatment by an appropriately competent person.

(10) The licence holder must register with a veterinary surgeon with an appropriate level of experience in the health and welfare requirements of any animals specified in the licence and the contact details of that veterinary surgeon must be readily available on the premises on which the licensable activity is carried on.

(11) Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinary surgeon.

(12) Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinary surgeon.

(13) Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals and must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.

(14) All animals must be checked at least once daily and more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.

(15) Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice

and further advice (if necessary) of a veterinary surgeon (or in the case of fish, of an appropriately competent person) must be sought and followed.

(16) Animals used in exhibition must be in good physical and mental health, other than where the purpose of the licensable activity is to care for sick or injured animals.

(17) The exhibited animals must be suitable for the specific conditions, type of enclosure and actions involved in the exhibition.

(18) Any equipment and other materials used in the exhibition must not cause the animals pain, discomfort, fatigue or stress.

(19) The animals must be transported in suitable, secure and appropriately labelled carriers.

(20) The animals must be transported and handled in a manner (including for example in relation to housing, temperature, ventilation and frequency) that protects them from pain, suffering, injury and disease.

(21) The licence holder or a suitably competent person caring for an animal must undertake a risk assessment before every new exhibition event.

Emergencies

10.—(1) A written emergency plan, acceptable to the local authority, must be in place, known and available to all persons caring for animals, and followed where necessary to ensure appropriate steps are taken to protect people and animals in case of fire or in case of the breakdown of a vehicle used to transport the animals, essential heating, ventilation and aeration or filtration systems or other emergencies such as escapes or attacks.

(2) The plan must include details of the emergency measures to be taken for the extrication of the animals where appropriate and an emergency telephone list that includes the fire service and police.

(3) Measures must be in place so that animals may be securely confined where appropriate.

(4) The licence holder or a suitably competent person must at all times be within reasonable travel distance of the exhibition and the locations where the animals are kept and trained in connection with the licensable activity and available to attend in an emergency.

Insurance

11. The licence holder must hold valid public liability insurance in respect of the licensable activity.

Persons who may not apply for a licence

1. A person who has at any time held a licence which was revoked under regulation 16 of these Regulations.

2. A person who has at any time held a licence which was revoked under regulation 17 of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014**(1)**.

3. A person who has at any time held a licence which was revoked under regulation 13 of the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012**(2)**.

4. A person who is disqualified under section 33 of the Welfare of Animals Act (Northern Ireland) 2011**(3)**.

5. A person who has at any time held a licence which was revoked under regulation 12 of the Welfare of Racing Greyhounds Regulations 2010**(4)**.

6. A person who is disqualified under section 34 of the Act.

7. A person who is disqualified under section 40(1) and (2) of the Animal Health and Welfare (Scotland) Act 2006**(5)**.

8. A person who is disqualified under section 4(1) of the Dangerous Dogs Act 1991**(6)**.

9. A person who is disqualified under Article 33A of the Dogs (Northern Ireland) Order 1983**(7)**.

10. A person who is disqualified under section 6(2) of the Dangerous Wild Animals Act 1976**(8)** from keeping a dangerous wild animal.

11. A person who is disqualified under section 3(3) of the Breeding of Dogs Act 1973**(9)** from keeping a breeding establishment for dogs.

(1) S.I. 2014/3266 (W. 333).
(2) S.I. 2012/2932.
(3) 2011 c. 16.
(4) S.I. 2010/543.
(5) 2006 asp 11.
(6) 1991 c. 65; section 4(1) was amended by the Anti-social Behaviour, Crime and Policing Act 2014, c. 12 and the Dangerous Dogs (Amendment) Act 1997, c. 53.
(7) S.I. 1983/764 (N.I. 8), as amended by S.I. 1991/2292 (N.I. 21) and by sections 17(1) and 18(1) of, and paragraph 3 of the Schedule to the Dogs (Amendment) Act (Northern Ireland) 2011 (c. 9) and by article 2 of, and the Schedule to S.R. 2011 No. 281.
(8) 1976 c. 38; section 6(2) has been amended but the amendments are not relevant.
(9) 1973 c. 60. The Breeding of Dogs Act 1973 was repealed by paragraph 5 of Schedule 9 to the Animal Welfare (Licensing

12. A person who is disqualified under section 4(3) of the Riding Establishments Act 1964(1) from keeping a riding establishment.

13. A person who is disqualified under section 3(3) of the Animal Boarding Establishments Act 1963(2) from keeping a boarding establishment for animals.

14. A person who is disqualified under section 5(3) of the Pet Animals Act 1951(3) from keeping a pet shop.

15. A person who is disqualified under section 1(1) of the Protection of Animals (Amendment) Act 1954(4) from having custody of an animal.

16. A person who is disqualified under section 4(2) of the Performing Animals (Regulation) Act 1925(5).

17. A person who is disqualified under section 3 of the Protection of Animals Act 1911(6) from the ownership of an animal.

18. A person who has at any time held a licence which was revoked under regulation 15 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018(7).

19. A person who has been ordered to close a zoo under section 16B of the Zoo Licensing Act 1981(8).

SCHEDULE 3 Regulation 28

Repeals and consequential amendments

Performing Animals (Regulation) Act 1925

1. The Performing Animals (Regulation) Act 1925 is repealed.

Dangerous Wild Animals Act 1976

2.—(1) The Dangerous Wild Animals Act 1976(9) is amended as follows.

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| | of Activities Involving Animals) (England) Regulations 2018 (S.I. 2018/486). |
| (1) | 1964 c. 70; section 4(3) was amended by paragraph 6(2) of Schedule 3 to, the Act. |
| (2) | 1963 c. 43; section 3(3) was amended by paragraph 5(2) of Schedule 3 to, the Act. |
| (3) | 1951 c. 35; section 5(3) was amended by paragraph 3(2) of Schedule 3 to the Act. |
| (4) | 1954 c. 40; section 1 was repealed by Schedule 4 to the Act. |
| (5) | 1925 c. 38; section 4(2) was amended by paragraph 1 of Schedule 3 to the Act. |
| (6) | 1911 c. 27; section 3 was repealed by Schedule 4 to the Act. |
| (7) | S.I. 2018/486, as amended. |
| (8) | 1981 c. 37. |
| (9) | Section 6 was amended by regulation 26 of, and paragraph 4 of Schedule 2 to, S.I. 2014/3266 (W.333) and regulation 25 |

(2) In section 6(1) (penalties) at the appropriate place insert—

“(3D) Where a person is convicted of an offence under section 13(6) of the Animal Welfare Act 2006 arising from the contravention of section 13(1) of that Act in relation to an activity in Wales, or of an offence under the Animal Welfare (Licensing of Animal Exhibits) (Wales) Regulations 2020, subsections (2) and (3) apply as they do to convictions under this Act.”

Zoo Licensing Act 1981

3. In section 4(5) of the Zoo Licensing Act 1981(2) (grant or refusal of licence) at the appropriate place insert—

- (a) “section 13(6) of the Animal Welfare Act 2006, so far as the offence arises from the contravention of section 13(1) of that Act in relation to the carrying on of an activity in Wales;” and
- (b) “The Animal Welfare (Licensing of Animal Exhibits) (Wales) Regulations 2020.”

SCHEDULE 4 Regulation 29

Revocations

Performing Animals Rules 1925

1. The Performing Animals Rules 1925(3) are revoked.

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- (1) of, and paragraph 7 of Schedule 9 to, the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018/486. There were other amendments to section 6 but they are not relevant. Subsection 6 was amended by regulation 26 of, and paragraph 4 of Schedule 2 to, S.I. 2014/3266 (W.333) and regulation 25 of, and paragraph 7 of Schedule 9 to, the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018/486. There were other amendments to section 6 but they are not relevant.
 - (2) Subsection (5) was amended by section 64 of, and paragraphs 11(a) to (c) of Schedule 3 to, the Act and, in relation to Wales, by regulation 26 of, and paragraph 5 of Schedule 2 to, S.I. 2014/3266 (W.333). Subsection (5) was amended by regulation 25 of, and paragraph 8 of Schedule 9 to, the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations S.I. 2018/486. There were other amendments to section 4 but they are not relevant.
 - (3) S.I. 2018/486, as amended.