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The Zoo Licensing Process

Irish Zoo Licence Guidance Notes

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NPWS

An tSeirbhís Páirceanna
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1 Introduction

Statutory Instrument No. 440 of 2003 European Communities (Licensing and Inspection of Zoos) Regulations 2003 ('the Regulations') requires the inspection and licensing of all zoos in Ireland. The Regulations aim to ensure that, where animals are kept in enclosures, they are provided with their physical and behavioural requirements to ensure they experience a good quality of life and to give effect to the provisions of Council Directive 1999/22/EC, which includes the delivery of conservation and education measures.

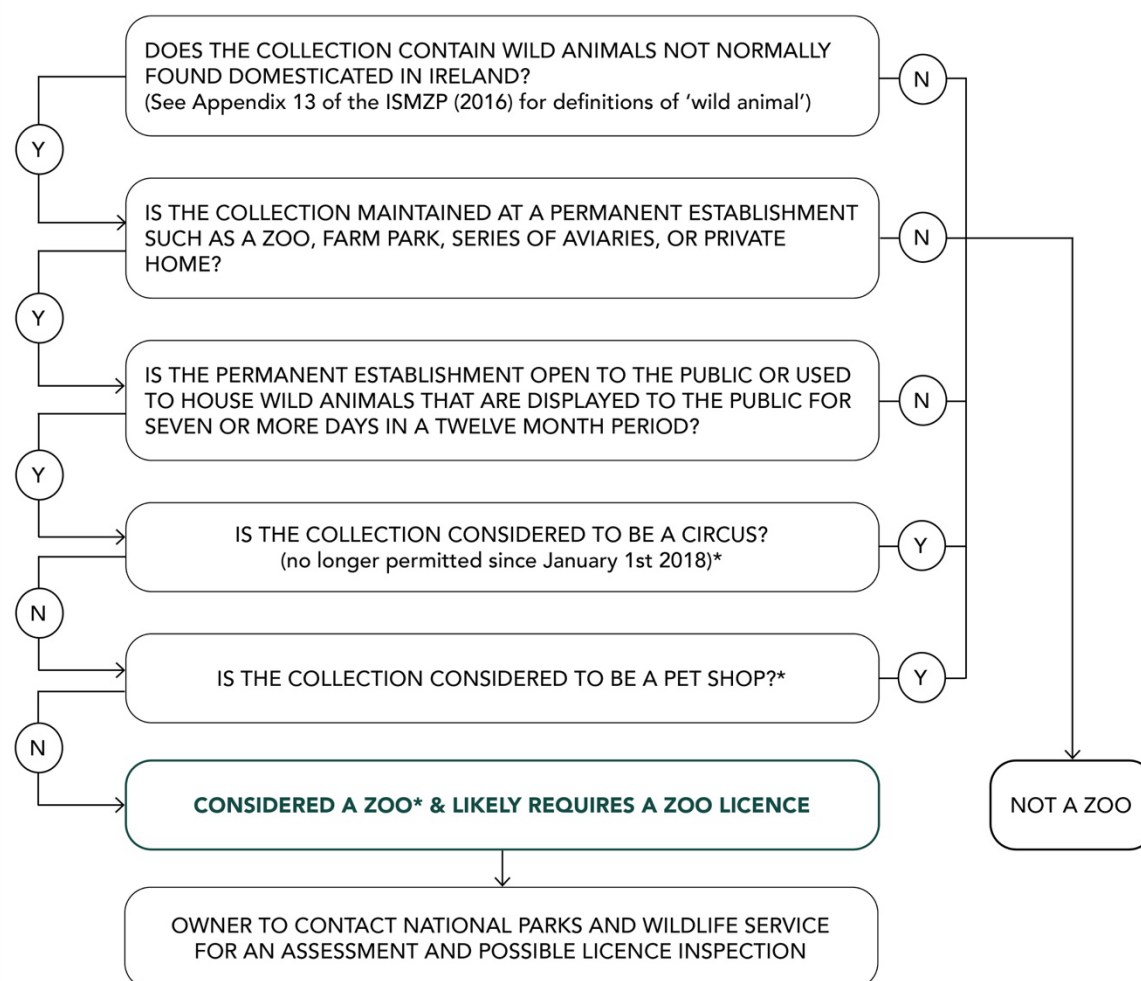
This guidance deals with measures that fall to the National Parks and Wildlife Service (NPWS) in their role as the zoo licensing authority. It should be read in conjunction with the Regulations. It should not be taken as an authoritative statement of the legal effect of the Regulations. Where a 'section' is referenced, then this applies to the Regulations, unless otherwise stated.

The provisions of the Animal Health and Welfare Act 2013 S.I. No. 15 of 2013 also apply to animals in zoos.

Section 3(1) of the Regulations states that 'a person shall not operate a zoo unless the person has been granted a licence or an exemption under the Regulations'. A person who contravenes Section 3 paragraph (1) is guilty of an offence.

The Regulations also apply to zoos which are not open on seven or more days in a twelve-month period but have a licence in force, such as those that are temporarily closed while they comply with a direction issued under section 18 of the Regulations. The Regulations also apply to zoos that have closed permanently while they make arrangements for the future care or disposal of their animals – see below regarding section 24.

FACTORS CONSIDERED WHEN ASSESSING A POTENTIAL ZOO



*DEFINITIONS AS PER THE IRISH STANDARDS OF MODERN ZOO PRACTICE (2016)

‘circus’ means an individual, organisation or company which travels from place to place where wild animals are kept or introduced wholly or mainly for the purpose of giving performances or performing tricks that are not considered natural behaviour, typically in a large tent, in a series of different locations. Note: since the 1st of January 2018, the use of wild animals in circuses has been banned in Ireland as per the Circuses (Prohibition on Use of Wild Animals) Regulations (2017).

‘pet shop’ means a premises whose primary business is to sell animals as pets and the keeping of animals in any such premises with a view to their being sold in the course of such a business, whether by the keeper or any other person. It should be noted that a zoo may have a pet shop on site or sell a small number of animals as pets, this does not define the entire premises as a pet shop.

‘zoo’ as defined under European Directive 1999/22/EC is a permanent establishment where animals of wild species (as defined above) are kept for exhibition to the public for seven or more days a year, with the exception of circuses, pet shops (as defined above) and establishments which Member States exempt from the requirements of this Directive on the grounds that they do not exhibit a significant number of animals or species to the public and that the exemption will not jeopardise the objectives of this Directive. Note, for the purposes of these Standards, where a permanent establishment is closed to the public but maintains a collection of wild animals kept for the purposes of exhibition to the public external to the facility, on seven or more days in a twelve-month period, then the holding facility is classed as a zoo with regards to these Regulations. This includes ‘Hawk Walks’, ‘Mobile Zoos’ and other similar operations.

2 Mandatory Zoo Licence Conditions

Section 4(2) of the Regulations stipulates the mandatory conditions that are applied to all zoo licences, these are sometimes referred to as 'the standard conditions'.

All zoos must be able to demonstrate that they meet the mandatory conditions as set out in Section 4(2).

The mandatory conditions state that a zoo must:

- (a) 'participate in at least one of the following: research from which conservation benefits accrue to the species, and/or training in relevant conservation skills, and/or the exchange of information relating to species conservation and/or, where appropriate, captive breeding, repopulation or reintroduction of species into the wild;'
- (b) 'promote public education and awareness in relation to the conservation of biodiversity, particularly by providing information about the species exhibited and their natural habitats;'
- (c) 'accommodating the animals under conditions that aim to satisfy the biological and conservation requirements of the individual species, including, among other things, by providing species specific enrichment of the enclosures;'
- (d) 'maintaining a high standard of animal husbandry in the zoo, including a developed programme of preventive and curative veterinary care and nutrition;'
- (e) 'preventing the escape of animals from the zoo in order to avoid possible ecological threats to indigenous species;'
- (f) 'preventing intrusion of outside pests and vermin into the zoo;'
- (g) 'keeping up-to-date records of the zoo's collection appropriate to the species recorded.'

The Regulations gives the licencing authority discretion to attach any additional condition deemed necessary or desirable for the proper conduct of the zoo during the period of the licence, see section 7 of these guidance notes.

3 How to Obtain a Licence for a New Zoo

Before starting up a new zoo, the applicant must give the licencing authority, preferably two months' written notice (giving the particulars required by sections 4(2) and 4(3) before applying to the authority for a licence). Section 4(3f) outlines the requirement for applicants of a zoo licence to include in their notice to the local authority a statement of how they propose to implement the section 4(2) conservation measures at the zoo.

In accordance with section 13, an inspection of the zoo is also required before the licence can be granted or refused to establish whether or not licensing conditions can be met.

The licencing authority is advised to check with their planning department or any other sources that might be available to them for potential new zoos in their area. They are also advised to liaise with the operator of the new zoo to ensure proper provision is being made for the animals, including for their welfare, and that the prospective new zoo is fully aware of what legislative requirements will apply.

4 Grant or Refusal of a Licence

The licencing authority is required, by section 4(4), to consider an inspector's report in reaching a decision on a new licence application. The report should contain information on the likelihood of the zoo being able to comply with the proposed licence conditions (including those implementing the requirements of the conservation measures outlined in section 4(2)). A copy of the report should be sent to the applicant within one month of receipt for comment. Licencing authorities

should give consideration to asking the applicant to comment within a set period of time, usually 28 days.

Section 4(5) allows the licencing authority to refuse to grant a licence provided a written statement of the reasons for refusal is provided to the operator.

Such reason to refuse to grant a licence for a zoo if, after inspecting the collection, could include the zoo's failure to demonstrate satisfactorily how it would be able to meet conditions to take forward conservation measures set out in section 4(2) of the Regulations.

The licencing authority may refuse to grant a licence if they are not satisfied that the standards of accommodation, staffing or management are adequate for the proper care and well-being of the animals as a whole or for any of them, or otherwise for the proper conduct of the zoo. The Minister would not normally expect a licence to be refused in a situation where adequate standards were not met but where there were reasonable prospects that improvements would take place. In practice this is a situation where the licencing authority will wish to consider imposing a condition or conditions (in accordance with the powers granted to them by section 5 of the Regulations).

The Licensing authority may refuse a licence application if anyone associated with the zoo has a conviction under the European Communities (Licensing and Inspection of Zoos) Regulations 2003 or any animal-related legislation which may bring into doubt the appropriateness of the individual making the application to become a Zoo Licence Holder. In exercising this discretion, the licencing authority will need to consider the seriousness of the offence committed.

If the licencing authority is not satisfied that planning permission has been granted for a zoo, the licence should be either refused or granted with its operation

suspended until the local planning authority confirm that permission has been, or is deemed to be, granted.

The licencing authority is expected to issue the grounds of refusal promptly to ensure that any unnecessary expense that might arise from undue delay is not incurred. The right of appeal against licence refusal is covered in Part 5 section 28.

When a licence is granted, the licence, including the conditions attached to it (or a copy), must be displayed at each public entrance to the zoo in a way that the public can see the licence and associated conditions.

The licencing authority is not required to provide copies of zoo licences or refusal letters to interested parties but is free to do so if they wish (and may be subject to a request under the Freedom of Information Act 2014 or similar legislation). They are also asked to let the inspector have a copy of the licence.

5 Renewal of a Licence

An application has to be made to the licencing authority at least six months before the expiry of the existing licence (unless special circumstances arise which, in the opinion of the authority are sufficient to allow applications later than this). Operators should have systems in place so that they are ready to submit an application in good time.

Before renewing the licence in accordance with section 8(3), the licensing authority must make arrangements for an inspection to be carried out in accordance with section 13(2) of the Regulations.

The licencing authority should send a copy of the inspector's report to the zoo operator within one week of receiving it. After considering the inspection report and

any response from the operator, the Minister may renew the licence by extending the period of the licence by a period not exceeding five years. Currently, the extension period is given as a maximum of two years, or the zoo licence is extended to the 31st of December of the year following the zoo inspection, whichever is the shortest. This ensures that the risk of the zoo licence simply expiring can be mitigated, as this would require a fresh zoo licence application to be made.

If the licencing authority is not satisfied after considering the inspection report that the zoo is being operated in compliance with the required conservation measures, the Minister may refuse to renew the licence or, if the report indicates that a default in compliance can be remedied within a limited period, renew the licence for a period not exceeding two years subject to such conditions as the Minister considers appropriate.

6 Duration of a Licence

The duration of an original licence (i.e. the first licence granted to the zoo) shall run for a maximum of two years. Successive zoo licences are extended to the 31st of December of the year following the zoo inspection. An original licence may be issued to run from a future date so the applicant can have the licence before the zoo is ready to open to the public or re-open in the case of temporary closure.

7 Licence Conditions

Section 17(1) requires the licencing authority to ensure every licence always contains appropriate conditions to ensure the zoo gives effect to the conservation requirements in section 4(2) of the Regulations. In addition to the requirement to attach licence conditions implementing the measures in section 4(2), section 5 and 13 also gives the licencing authority discretion to attach any condition deemed necessary or desirable for the proper conduct of the zoo during the period of the licence.

In determining such conditions, the licencing authority is required to have regard to the Irish Standards of Modern Zoo Practice specified under section 6 of the Regulations.

Licence conditions must be issued with a clearly defined appropriate time period for completion to be determined by the inspectors but not exceeding two years unless the licence condition is considered to be a permanent condition stipulating ongoing mandatory requirements appropriate to the individual zoo.

Once time-limited conditions dealing with issues not relating to the requirements of section 4(2) have been complied with, they should be removed from the licence upon renewal or at the time of issuing.

Amending a licence can only be undertaken following consultation with the Zoo Licence Holder about the amendment the Minister proposes to make. In the first instance the conditions must be discussed with the operator on the day of inspection, either during the walk around or at a discussion at the end of the inspection. Section 17(3) outlines the process for 'an opportunity to be heard' before the amendment is made to the licence, however this does not apply if the changes were discussed on the day of inspection and are documented in the zoo inspection report as highlighted in section 17(4), the implementation of the process is in effect the 'opportunity to be heard'.

8 Enforcement of Licence Conditions

Where the licencing authority is not satisfied that a Zoo Licence Holder has complied with a condition (or several conditions) attached to the licence in relation to the zoo or any section of it, section 19(1) requires them, after giving the licence holder 'an opportunity to be heard', to issue a direction requiring compliance with said

condition(s). However, there is no need for the authority to make a direction if they decide instead to close the zoo permanently in accordance with section 20. 'An opportunity to be heard' is taken to be a minimum of seven days.

Section 19 specifies the contents of a direction. The direction must say what licence condition or conditions have not been complied with. For each condition it must say whether the condition has been breached in relation to the whole zoo or only a section of the zoo (for example, a department of the zoo or a particular part of the zoo's premises). The direction must also stipulate the steps the licence holder must take to comply with the condition or conditions and the period for compliance.

The direction can also require the zoo, or a part of it, to be closed to the public while the direction is in force, or for part of that period, if that is considered appropriate. Any decision to issue a direction under section 19 closing the zoo, or a section of it, for a period of time, should not be taken lightly. Such a direction should be revoked once the zoo has complied with the condition or conditions.

A direction issued under section 19(1) may be varied or revoked by a further direction from the Minister. Any decision to vary the direction by increasing the period of compliance must not extend the period beyond two years from the date when the direction was first issued. There is a right of appeal against these directions under section 18. Directions requiring the temporary closure of the zoo or imposing requirements on the licence holder to carry out additional works at the zoo will not take effect until an appeal is decided (and is unsuccessful or abandoned) or where the recommended 28-day period for appeal expires, and no appeal is made.

Where the licencing authority is satisfied that the licence holder has not complied within the period specified in the direction (taking into account any extensions of time granted under section 19(4) and depending on the outcome of any appeal under section 18) the Minister is required either to close down the zoo permanently under a

direction issued under section 19 to 21 or permanently to close the affected section of the zoo (by altering the licence in accordance with section 19(1)b).

If a closure direction is made under any of Regulations 19 to 21 with respect to the whole of the licensed zoo, then the licence is revoked as soon as the direction has effect.

9 Transfer, Transmission and Surrender of a Licence

A licence may be transferred to another person with the approval of the licencing authority. In exercising this power, the licencing authority will need to be satisfied that the transferee is suitable to hold the licence and is able to comply with the conservation requirements stated in section 4(2) of the Regulations. As a transferred licence is not a fresh or renewed licence within the terms of the Regulations, the date of expiry should not be altered.

If the named Zoo Licence Holder were to die, the personal representatives of the deceased are deemed to be the holders of the licence for a period of three months after the death, or longer following the approval of the licencing authority. A longer period may be necessary as probate or letters of administration can take longer than three months to secure.

The licensee may surrender the licence at any time to the authority. The provisions of section 10 then apply. Specifically the zoo must be closed to the public on surrender of the licence and the licensee must make suitable arrangements for the future care of the animals kept at the zoo or for their disposal and their care until their disposal.

10 Inspections

There are two types of inspection: 'licence/renewal', and 'special'. Both types of zoo inspections are undertaken by Minister-authorised Inspectors as per section 12.

11 Licence Inspections

Parts 2 and 3 of the Regulations deals with inspections before the grant or refusal of a new licence, a renewal of a licence and before any significant alteration to a licence.

Inspections of each licenced zoo must be carried out by inspectors designated by the Minister in writing at least once in every twelve-month period.

A licence (or renewal inspection) shall have regard to the current standards of modern zoo practice, the condition of the zoo premises and to all features of the zoo relevant for the purposes of the required conservation measures and inspectors must ascertain whether the conditions of the licence are being met. A licence inspection will include a thorough review of the processes and policy in place, including elements of health and safety and legislative compliance.

The licencing authority should consult the new or existing zoo in advance of the inspection with mandatory conditions they propose to attach to the licence (where application is made for a new licence) or about any proposed alteration to the licence (significant alteration inspections). Following the inspection, the conditions should be finalised, and it is recommended that the applicant be consulted, as appropriate, about changes to be made to these proposed conditions. Most commonly, this process is achieved by issuing the zoo inspection report and the subsequent 28-day period for appeal.

Where an inspection is carried out before the grant of a licence for a new zoo, section 13(2) requires the inspectors to consider whether the conditions proposed by the authority are likely to be met if the licence is granted. Where an inspection is carried out before the grant of a new licence for an existing zoo, the inspector must consider whether existing licence conditions are met (section 13(2)d) as well as whether the proposed conditions for the new licence are likely to be met if it is granted. Where the inspection is carried out before a licence renewal, section 13(2)c requires the inspectors to be satisfied that existing conditions are met and requires the inspector to be satisfied that they are likely to continue to be met if the licence is renewed. Where the inspection is carried out before a significant alteration of a licence, the inspector must consider if the existing licence conditions are met and he must consider if the proposed new or varied conditions are likely to be met and also if the conservation measures in section 4(2) would be implemented at the zoo if the proposed alterations were made.

Section 14(1) requires the licence holder to supply any records requested by the inspectors in respect of conditions relating to the requirements of section 4(2).

Licencing authorities should aim to send to a proposed or existing zoo a copy of an inspectors' report for comment within 28 days of receipt. To make sure that the zoo inspection process proceeds in a timely manner, the licencing authority may wish to agree with the inspection team a timetable for completing and signing off its report (28 days is suggested). Once the completed report has been sent to the zoo, the licencing authority are encouraged to request the applicant/operator to provide comments within a specified period of time (28 days is suggested).

Section 14 outlines the power of entry given to the inspectors under the Regulations. At all reasonable times an inspector may enter any premises in which the inspector has reasonable grounds for believing a person is operating a zoo, is able to inspect said zoo, examine and take clinical samples from animals kept there, examine records and take copies of any records kept on the premises and require a person to

produce to the inspector any records that are required to be kept under these Regulations.

An inspector may not enter a private dwelling or part of the premises used as a private dwelling except with the occupier's consent or under the authority of a warrant issued by a judge of the District Court where reasonable grounds are required for access.

12 Annual Renewal Inspection

The inspection team's role is to verify whether the conservation measures outlined in section 4(2) are being met and whether any licence conditions are being complied with. The licensing authority recognises that most processes and policies (e.g., health and safety) will often remain unchanged from year to year and that assessment is not required annually unless specific concerns are captured in the licence conditions or in situations where they directly influence the delivery of section 4(2) conditions. As such, to reduce the clerical burden of the zoo licensing process on the Zoo Licence Holder, a three-year inspection cycle has been introduced. This cycle aims to undertake specific, detailed inspections on selected topics while ensuring that the core requirements of the Regulations are met, alongside compliance with any zoo licensing conditions.

To achieve this, the inspection process considers two elements:

- (i) **Mandatory:** a continual, annual focus on a series of mandatory, core areas such as animal welfare, population management, and compliance with any enforcement actions; and
- (ii) **Inspection focus:** a rolling, three-year focal assessment of areas of operation that experience minimal annual change, areas which are strategically developed over time, with efficacy assessed over the years. Such areas include conservation, education, health and safety and other strategic operational aspects of the zoo.

These rolling focal assessments focus on detailed inspections in one of three areas:

Type of Inspection	Specific areas of focus
Type A	Conservation, research and education
Type B	Public safety, including animal escape management
Type C	Operational processes

In the case of an original (new) licence, the inspection focuses on all aspects of the Standards and the Regulations to ensure that the provision of a zoo licence is suitable and the conservation measures are likely to be met. For subsequent renewal inspections, the inspection team will focus on designated topics at each inspection as dictated by the year of the three-year inspection cycle, namely:

ZOO LICENCE THREE YEAR INSPECTION CYCLE							
	2024	2025	2026	2027	2028	2029	2030
Zoo Licence Period							
Inspection year & type	New zoo	Renewal	Renewal	Renewal	Renewal	Renewal	Renewal
Inspection cycle phase	New	Type B	Type C	Type A	Type B	Type C	Type A
Animal Welfare	X	X	X	X	X	X	X
Enforcement review	X	X	X	X	X	X	X
Conservation	X			X			X
Research	X			X			X
Education	X			X			X
Public Safety	X	X			X		
Operational processes	X		X			X	
Compliance review	X		X			X	
Inspection assessment may vary outside of the inspection cycle as required							

The three-year inspection cycle considers specific areas in more detail depending on the year of the inspection cycle. Core concepts such as animal welfare, annual stock records and enforcement compliance are assessed comprehensively and annually at each inspection. However, areas where there is little change over a three-year period are assessed in detail on a three-yearly basis. For instance conservation and education programmes are developed over several years, taking into account evaluation and effectiveness of the projects as they are implemented, therefore summary assessments annually are suitable when combined with a thorough three-year detailed assessment of the implementation of the conservation and education requirements of section 4(2) of the Regulations. Where conditions, directions, complaints or concerns noted outside of the 'focused-year' are being inspected then detailed assessments of the specific area are undertaken, whether they would be expected in that year or not. This is at the discretion of the zoo inspector.

Each type of inspection is clearly marked on the front page of the inspection report, with Type-specific elements of the report segregated according to the nature of the inspection.

The Zoo Licence Holder or their representative will be requested to be available to meet inspectors to answer any queries they may have; and to direct them to exhibits and areas of the zoos the inspectors request to visit, including locations where the records regarding the animals are kept. The inspecting team may require the attendance of the zoo's veterinary surgeon or practitioner during the inspection.

The inspection will cover all features of the zoo which are directly or indirectly relevant to the health, welfare and safety of the public and animals. Also, it will extend to the zoo's compliance with existing licence conditions and/or the likelihood of complying with proposed new or varied conditions, including those implementing the requirements set out in section 4(2) of the Regulations.

The inspection will address the zoo's staff involvement in matters, such as they relate to the above-mentioned features. The inspectors will require to see any records that the operator is required to keep as a condition of the licence relating to conservation measures (section 14(1)). The inspectors' report may include advice and/or recommendations for any improvements designed to ensure the zoo carries out its conservation, public safety and animal welfare activities. For this purpose, the inspectors are required to have regard to the current Irish Standards of Modern Zoo Practice.

Section 17, 18 and 28 of the Regulations provide a procedure for dealing with any disagreement between inspectors and the Zoo Licence Holder over conditions in their report relating to animal welfare, conservation and other activities of the zoo. In such a case, the disagreement may be referred to the licencing authority, who may, after consultation with such persons on the Minister's list as they think fit, give

guidance in regard to the recommendations to be made. It is hoped, however, that the inspectors and operators will first try to resolve any disagreement between themselves. The licencing authority are required to send a copy of the inspectors' report to the Zoo Licence Holder, preferably within 28 days of receiving it, and to give the operator the opportunity to make representations or comment on it within 28 days after the report is received.

13 Special Inspections

The second type of inspection is the 'special' zoo inspection. Inspections typically occur annually for the purpose of granting or renewing a zoo licence. However, the Regulations permit additional inspections if they are required where it would be inappropriate to await twelve months for the next annual inspection in certain situations. This is at the discretion of the licensing authority if they consider it to be appropriate having regard to:

- (a) any zoo inspection report on the zoo made to them pursuant; or
- (b) any representations made to them on behalf of a properly constituted body concerned with any aspect of the management of zoos or the welfare of animals; or
- (c) any report on the zoo made to them pursuant to an inspection under the provisions of section 13; or
- (d) any other circumstances which in their opinion call for investigation.

An inspection under (d) might be necessary to check compliance with licence conditions that require improvements to be made within a specified period of time – particularly if the period expires in the same year as the inspection that led to the condition being added. However, it is hoped that where the specified period expires during the year, timing of such an inspection could be arranged to allow the compliance check(s) to be made at the same time as the next licence renewal inspection. This would remove the need for more than one inspection in the same year.

A special inspection can be carried out at any time. The licencing authority is recommended to communicate to the zoo operator the purpose and scope of the inspection in writing. In case the operator wishes to have any representatives present the licencing authority is recommended to notify the zoo of the date and time so arrangements can be made, except where there are exceptional circumstances that require an unannounced or a reactive inspection in response to a significant concern. The licensing authority may appoint whoever they consider competent for the purpose of the inspection. However, where the purpose of the inspection relates to the health of animals, a veterinary surgeon or practitioner with experience of the animal kinds kept in the zoo should be appointed.

Where the licencing authority receives representations or complaints about a zoo (otherwise than in an inspectors' report), they will wish to make preliminary inquiries before deciding to undertake a special inspection so as to ensure that the circumstances appear to warrant one. It is considered that any such inspection should be carried out by the minimum number of inspectors for the purpose – normally only one. The inspection and report should cover only those matters which are relevant to the reasons for arranging it, and this fact must be communicated to the inspector(s) beforehand. The licencing authority is required to send a copy of the report to the operator for his comment.

A special inspection may be required at a zoo which has closed permanently (and to which section 20 applies):

- (a) to supervise the implementation of a plan prepared under section 24; and/or
- (b) to help to decide whether a direction is necessary under section 23 or to ensure that such a direction is being complied with; and/or
- (c) to help to decide whether the authority need to make their own arrangements for the care and disposal of animals at a closed zoo under sections 25 or 26.

Section 14(1)f provides for the zoo to supply all records of the collection kept by the zoo, should the inspector(s) need to see them. Unless the operator of the zoo cannot be found, the local authority must promptly send a copy of the inspectors' report to him and give him the chance to comment on it.

14 Closure of a Licensed Zoo

Section 20 provides the licencing authority with the power to close permanently a zoo, or a section of it, by giving a zoo closure direction.

The licencing authority must permanently close the zoo where:

- (a) the licencing authority is satisfied that a licence condition giving effect to any conservation measure in section 4(2) of the Regulations referred to in a direction they have given under section 18 has not been met in respect of the whole zoo within the period specified in that direction. Before issuing this direction, the licencing authority must give the licence holder the opportunity to be heard;
- (b) the zoo licence holder cannot be found after reasonable enquiries have been made, section 21 refers;
- (c) the authority is satisfied, after giving the licence holder an opportunity to be heard, that the zoo no longer opens on seven or more days in a twelve-month period and it will not be opening on seven or more days in any future twelve-month period, section 10(3) refers.

The licensing authority has a discretionary power to close a zoo, or a section of it, where:

- (a) the licencing authority is satisfied that a licence condition other than one giving effect to any conservation measure in section 4(2) of the Regulations

referred to in a direction they have given under section 18 has not been met within the period specified in that direction. Before issuing a direction under section 18, the licencing authority must give the licence holder the opportunity to be heard;

- (b) the licencing authority is satisfied that any reasonable requirements relating to the premises or conduct of the zoo as notified to the licence holder in consequence of the report of any inspection under the Regulations are not complied with in a reasonable period of time, section 20(1)(a) refers;
- (c) the licencing authority is satisfied that the zoo has been a breach of any condition of the licence, section 20(1)b & c refers.

There is a right of appeal against a zoo closure direction under section 28. Such a direction only takes effect after an appeal is decided (if unsuccessful) or abandoned or where the 28-day period of appeal expires and no appeal is made.

Where a zoo is closed down under a zoo closure direction, the licence is automatically revoked from the date the zoo closure direction takes effect. A zoo licence holder who does not have a reasonable excuse will be guilty of an offence if the zoo continues to operate once the zoo closure direction takes effect.

15 Closure of an Unlicensed Zoo

Section 23 applies to unlicensed zoos that have no direction issued under section 18 of the Regulations and have been open for more than seven days in the last twelve months in contravention of the Regulations.

Section 23(5) requires the licencing authority issue a zoo closure direction to close any unlicensed zoo that should be licensed when the operator cannot be found after reasonable enquiries have been made.

Unless the licencing authority is minded to make a zoo exempt from the Regulations under section 11, they shall notify the operator, in accordance with section 23(2), of their intention to close the zoo in at least 35 days time and of the operator's opportunity to be heard under section 18.

Section 23(2) requires the licencing authority to issue a zoo closure direction if they are satisfied after at least 35 days have passed and the operator has had an opportunity to be heard that the establishment is an unlicensed zoo operating unlawfully and the operator has not issued a notice of intention to apply for a zoo licence under section 4 of the Regulations.

Section 23(2) & (3) requires the licencing authority to issue a zoo closure direction if no licence application is made within 35 days of the date of the notice of intention to apply, or the application is refused and there is no appeal, or the appeal is unsuccessful or abandoned.

16 Welfare of Animal Following Permanent Closure of a Zoo

Zoo operators must make arrangements for the future care or disposal of their animals in accordance with section 24(1) when:

- (a) a zoo closure direction has been made in respect of the zoo and has taken effect :
- (b) the zoo's licence has expired;
- (c) the zoo's licence has been surrendered.

Zoos will also be required to make arrangements for the future care or disposal of part of their collection in accordance with section 24. Such a requirement arises

where a section of the zoo has been closed permanently to the public. The requirement may, however, be terminated by further alterations to the zoo's licence. For example, where the animals in the permanently closed section of the zoo have been disposed of, and the authority subsequently alter the zoo licence to permit their former accommodation to be converted for a different use.

Section 24(1) requires the zoo operator, as soon as reasonably practicable, to submit to the licencing authority a plan setting out the proposed arrangements for the welfare of the animals in the zoo he plans to keep and for the disposal of animals he plans to dispose of and their care until that disposal takes place. The licencing authority should note that it is acceptable for the plan to show that some or all of the animals will be retained in a private collection. Where that is the case, the licencing authority needs to be satisfied that they can be properly looked after and that the keeper is compliant with other current and relevant legislation specific to the country where the animals are to be rehomed.

The licencing authority, in accordance with section 26(4) should note that the arrangements for the care or disposal of the animals must not be prejudicial to the protection of wild animals or the conservation of biodiversity. However, these considerations must not be at the expense of the individual animal's welfare in accordance with the Animal Health and Welfare Act (2013) S.I. No. 15 of 2013.

Section 24(2) requires the zoo to supply to the authority any information requested about the care or disposal of the animals kept there.

The licencing authority must consider the plan and decide whether to approve it or whether improvements are needed before they approve it. The zoo operator is not permitted to implement the plan until the licencing authority has approved it in accordance with section 24(4). The licencing authority must supervise the implementation of the plan once it has been approved.

In some cases zoo operators may need to dispose of animals before the plan has been approved. Section 24(5)b allows them to do this if they obtain the approval of the licencing authority. Section 24(5)b also allows operators to dispose of animals other than in accordance with an approved plan if the authority agrees. For example, the animal was to be moved to a specified new home but before that happened the intended recipient decided it no longer wanted, or could take, the animal.

Where the licencing authority does not approve the plan in the form submitted and are unable to agree changes with the zoo operator, they can make use of their power under section 25 to issue a direction. The licencing authority can also use the section 25(1) power to issue a direction to the zoo operator about the future care of the zoo animals or about their disposal and care until they are disposed of where the licencing authority is not satisfied with the way an approved plan is being implemented; or where the zoo operator is taking an unreasonably long time to prepare a plan; or where they consider urgent steps need to be taken by the zoo to safeguard the welfare of the zoo animals. Before issuing this sort of direction, the authority must give the zoo operator the opportunity to be heard. The licencing authority may vary a direction, but, unless the zoo operator cannot be found, they shall not do so unless the operator is given the opportunity to be heard.

There is a right of appeal against the licencing authority's decision not to approve a plan prepared under section 24, a direction issued under section 25 or any variation of such a direction; and arrangements made by the licencing authority under section 26.

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