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Department of Housing,  
Local Government and Heritage

**GN04**

# **Birds of Prey in Zoos**

**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 (relating to the keeping of wild animals in zoos) which includes delivery of conservation and education measures.

This guidance deals with measures that fall to the operators of zoos that contain birds of prey and should be read in conjunction with the Regulations. It should not be taken as an authoritative statement of the legal effect of the Regulations.

Other legislation applies to birds of prey in Ireland and elements of these, where they apply to zoo collections with birds of prey, are outlined in this guidance note.

## 2 When is a Zoo Licence Required for a Bird of Prey Collection?

The Regulations were enacted for the purpose of giving effect to Directive 1999/22/EC released on the 29th March 1999 by the Council of the European Union.

The Regulations do not provide a definition of a zoo, but do, as per Section 6, allow the Minister to specify standards of modern zoo practice to be met by zoo licence holders in implementing the required conservation measures as set out in Section 4 of the Regulations (see part 12 for details on how these can be met).

However, utilising the definition of a zoo found in Directive 1999/22/EC the Irish Standards of Modern Zoo Practice (2016) ('the Standards'), provide the definition of a zoo to support the Regulations and provide clear criteria for assessing when an operation is considered a zoo.

The definition of a 'zoo' in the Standards is:

'a zoo as defined under European Directive 1999/22/EC is a permanent establishment where animals of wild species (means any animal not normally domesticated in Ireland) are kept for exhibition to the public for seven or more days a year, with the exception of circuses, pet shops (as defined in the Standards) 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'.

Therefore, any permanent establishment (e.g. aviary or mews, open to the public or not) where birds of prey are kept for exhibition (e.g. flight demonstrations, viewing in aviaries, mobile zoos, hawk walks, etc which may or may not be on the same premises) to the public for seven or more days in a year (taken as a rolling twelve month period) will require a zoo licence unless they are a circus or pet shop (as defined in the Standards) or they have been permitted exemption from the regulations, such exemptions as defined in Guidance Note 03: Exemption Criteria, available on the National Parks and Wildlife Service website at [www.npws.gov.ie](http://www.npws.gov.ie).

The primary rationale for considering a bird of prey operation as being a zoo is the exhibition of birds of prey to members of the public for seven or more days over a

rolling twelve month period, be this a traditional bird of prey centre with birds on display, through to flight displays where birds are exhibited to members of the public, or more intimate one-on-one engagements at hawk walks, for hotel guest experiences or at school visits, for example. Each case is reviewed on their own merit by the licensing team as to whether they are considered a zoo or not.

Birds of prey were originally defined in the Wildlife Act (1976 and its subsequent amendments) ('the Wildlife Act') as any eagle, hawk, falcon or other bird of the order Falconiformes. This has since been expanded, via the Wildlife (Amendment) Act, 2000 to include eagles, hawk, falcon, owl, buzzard, kite, vulture, harrier or other birds of the orders Accipitriformes, Falconiformes and Strigiformes.

The Standards define birds of prey as members of Falconiformes, Accipitriformes, Cathartiformes and Strigiformes, this effectively represents additional taxonomic divisions that have occurred since the 2000 amendment to the Wildlife Act but is inclusive of the same species.

The Wildlife Act defines '**falconry**' as 'hunting by means of birds of the orders Accipitriformes, Falconiformes and Strigiformes which are trained to hawk for sport'. '**Hawking**' taken to mean, by definition, as 'to hunt game with a trained hawk'.

This definition of 'falconry' is very clear within the Wildlife Act and it only applies to the hunting of quarry with the use of trained birds. The training of birds is considered within the definition of falconry, whether directly for hawking or simple flying for fitness or enjoyment. The definition, as of December 2021, mirrors the cultural heritage definition of the art or practice of falconry as designated in Ireland as a UNESCO Intangible Cultural Heritage of Humanity. However, the general UNESCO definition does expand the definition to include social and recreational practices, and as a way of connecting people with nature which has not been captured in the Wildlife Act definition.

Section 41(c) of the Wildlife Act allows the minister to make regulations regulating the possession, breeding, training to hawk for sport, display or exhibition of eagles, hawks, falcons, owls, buzzards, kites, vultures, harriers and other birds of the orders Accipitriformes, Falconiformes and Strigiformes. However, the permitted activities as per the available licences actioned by the Minister under the Act outlined in Section 41(d) are with regards to falconry, possession and breeding only.

As such, display in zoos or as part of private or public events such as demonstrations or hawk walks are not included under the possession nor the falconry licence elements of Section 41, but instead fall under the requirements of the European Communities (Licensing and Inspection of Zoos) Regulations, 2003 (S.I. Number 440 of 2003) where the animals are on display to the public for more than seven days in a twelve-month period, under the definition of a 'zoo' as per European Directive 1999/22/EC.

Therefore, a possession or falconry licence, issued under the Wildlife Act, is not enough on its own to permit bird of prey displays, shows, hawk walks or other such activities involving members of the public where a bird is not being maintained solely for an individual's flying pleasure, possession, breeding or for hawking. In such cases an additional zoo licence is required, unless these activities only occur for six or less days during a year.

Such a definition is important both with regards to defining 'falconry' but also to preserve and ensure that the cultural importance and skills associated with 'falconry' are maintained as per the recognised importance of the UNESCO Intangible Cultural Heritage of Humanity status. This prevents sub-standard practices on public display undermining the wider community's commitment to preserving the art of falconry in Ireland.

Whilst cross-over between pure falconry and the exhibition of birds of prey is possible, e.g. exhibition birds can also be used for falconry, there are equally considerable differences between the management, opportunities and requirements between the two populations, with consideration to providing optimal welfare needing very different husbandry and operator competency requirements.

As such, exhibition birds of prey that are used for falconry (or vice versa) would require a Section 41 falconry licence, a Section 41 possession licence, and a zoo licence. Whether a bird is used for falconry or not does not change the requirement to have a zoo licence if the operation meets the definition of a zoo.

In summary, the licences required, depending on the nature of their operation, by bird of prey operators are currently:

Licence type	Legislation	Nature of activities
<b>Falconry</b>	WA (1976)	Flying and training birds for hawking, considered to include training and flying not intended for hawking.
<b>Possession</b>	WA (1976)	Possess or have under their control a bird of prey or egg, includes breeding if included in the current licence conditions.
<b>Zoo</b>	Zoo Regs (2003)	Public exhibition, including flying displays, hawk walks or similar, for seven or more days in a twelve-month period.
<b>Commercial</b>	CITES (1997)	Any commercial use, including display to the public for commercial purposes. See section 13.6 of this guidance note for further details.

WA (1976) – Wildlife Act (1976 and its subsequent amendments); Zoo Regs (2003) - Statutory Instrument No. 440 of 2003 European Communities (Licensing and Inspection of Zoos) Regulations 2003, CITES - Council Regulation (EC) No. 338/97.

It should be noted that the Heritage Act is often mistakenly referenced with regard to protecting the historical legacy of falconry in Ireland. The Heritage Act has no direct



influence on the keeping of birds of prey nor the protection of falconry in Ireland. Rather the primary legislation or government declarations of interest pertaining to birds of prey include:

- (a) the UNESCO 2003 Convention for the Safeguarding of the Intangible Cultural Heritage ratified in 2015 in Ireland, included the 'Art and Practice of Falconry' in 2021;
- (b) the Wildlife Act (1976 and its subsequent amendments) for possession, the practice of falconry, trade in birds of prey, and the protection of wild birds of prey in Ireland;
- (c) Wildlife Act 1976 (Birds of Prey) Regulations, 1984;
- (d) the Statutory Instrument No. 440 of 2003 European Communities (Licensing and Inspection of Zoos) Regulations 2003 with regard to exhibition or public display of birds of prey;
- (e) the general provision for the welfare of birds through the Statutory Instrument No. 15 of 2013 Animal Health and Welfare Act (2013);
- (f) the National Biodiversity Action Plan (NBAP), currently 2023-2030;
- (g) the European Union's Birds Directive (Council Directive 2009/147/EC on the conservation of wild birds); and
- (h) the Habitats Directive (Concil Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.

This list is not exhaustive but simply demonstrates the government's commitment through multiple pieces of legislation to safeguard the art of falconry under its ratification of the UNESCO Convention.

The requirement for bird of prey centres that meet the definition of a zoo to be licensed under the Regulations is independent of and predates the registration and protection of the Art of Falconry in 2021 under the UNESCO Convention for the

Safeguarding of the Intangible Cultural Heritage. Several bird of prey centres, half of which were hawk walk or flying demonstration operations, registered as zoos prior to 2010. Since then, almost all bird of prey facilities meeting the criteria of a zoo as defined above are registered under the Regulations. UNESCO, the requirements of the Wildlife Act and those of the Regulations have cross-over but are also each independent of one another and all legislative requirements must be met by any bird of prey owners where any required legislation applies to their situation.

### **3 The Standards**

The Irish Standards of Modern Zoo Practice (2016) ('the Standards'), are the primary foundation for the minimum standards expected in Irish zoos and are a document that must be read and understood to ensure the expectations and requirements of the zoo licence are met.

Sections 1-12 and Appendix 1-8 are generic and apply to all zoological collections, outlining the minimum standards for welfare, conservation, education and visitor safety. This is followed by detailed Appendices on specific species. Appendix 9.7 is dedicated to birds of prey.

Birds of prey in zoos are kept in a variety of ways and for a variety of reasons. These include:

- (a) aviaries, where birds enjoy relative freedom of movement, and are kept for display and/or captive breeding;
- (b) demonstration birds, tethered or not, that are free flown regularly for the general public, including 'Hawk Walks';
- (c) homing of the occasional permanently disabled wild bird, for welfare, educational or conservation captive breeding purposes under licence;

- (d) sick or injured wild birds, held temporarily, for treatment and rehabilitation under licence; and
- (e) healthy wild birds taken as part of licensed wild-take schemes for breeding or hawking.

Each of these management categories brings with it particular requirements in terms of good management. Some of these are outlined below: other relevant information is to be found in various codes of practice and publications including the guidance notes for the keepers of captive birds of prey.

The Standards consider the welfare requirements for birds of prey using the Five Domains Model for animal welfare.

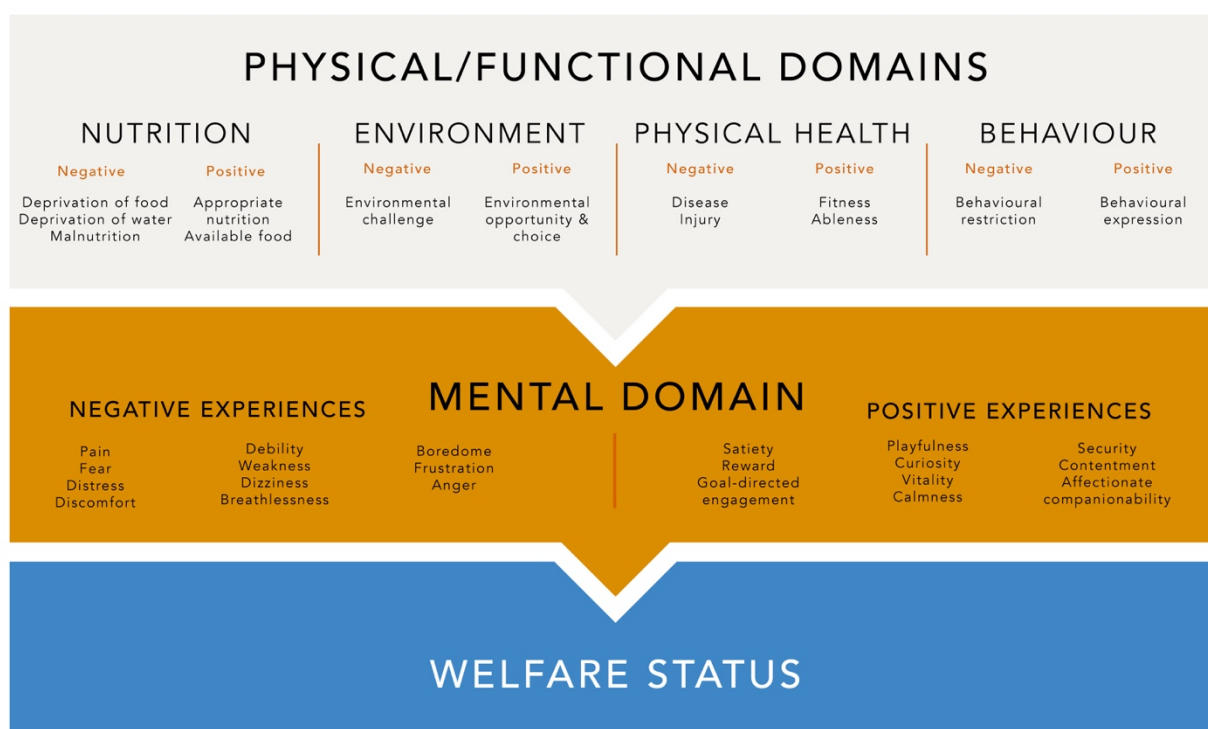
Using the Five Domains model the first four domains are considered as a focus on survival related aspects: nutrition, environment, health and behaviour. Considering all of these interrelated, internal and external factors their collective consequences are assigned to the fifth “mental” domain which represents the combined welfare state of the animal as a result of the additive positive and negative impacts provided by the collection.

Obviously an animal’s welfare state is a dynamic process and so this requires the development of active, ongoing processes for repeated, continual animal welfare assessment, monitoring over time and providing an ability to detect and correct poor welfare if it occurs, and to maintain and promote good to very good welfare.

The Five Domains model provides a useful and practical model for zoos and aquariums. By applying knowledge of negative, neutral and positive welfare states, animal welfare assessment is possible and achievable. It is a framework that enables collections to recognise and meet animals’ survival needs and helps to provide opportunities for animals to experience positive welfare states.

The model is summarised below and full details and the areas for consideration can be found in the Introduction Section of the Standards.

## The Five Domains Animal Welfare Model



## 4 Bird of Prey Welfare Considerations

### 4.1 Bird of Prey Welfare Considerations

Some species (e.g. accipiters), or in some cases individual birds, do not generally lend themselves well to be housed in a publicly accessible environment. Such species or individuals, where there is a demonstrable issue, should not be retained in a licensed facility to which the public have access.

### 4.2 Nutrition

Water must be provided adlib on a daily basis. All birds of prey must have access to clean, wholesome drinking and bathing water daily.

Whole animal diets, or meat that has been prepared, presented and appropriately supplemented with essential vitamins, minerals, and nutrients to meet the dietary needs and/or competency for all life stages, is essential. No single type of food should dominate the diet, for instance day-old chicks should only be fed a maximum of 5 out of 7 days.

The zoo licence holder must produce and implement a written meat management policy demonstrating the principles of Hazard Analysis and Critical Control Point (HACCP) have been considered and steps implemented with regard to the management and preparation of raw meat within the zoo to minimise any risks of cross contamination between equipment, utensils and surfaces. This must include consideration of best practice in sourcing food items; storage of frozen meat; stock rotation; appropriate defrosting of frozen meat products; handling of meat and the use of appropriate personal protective equipment; and potential risks of contamination of utensils, hand wash and door handles in the meat preparation areas and adjacent buildings.

Diets must be recorded, including the nature of the food items fed, the amount of food offered and the amount of any food refused or not eaten.

For the purposes of this guidance note, the unintentional, opportunistic predation of non-target species during a demonstration, flying display or hawk walk is not considered to be equivalent to the active practice of hawking. However, any such event should be recorded in the dietary intake for that individual bird.

## **4.3 Accommodation**

There are a number of different accommodation systems available depending on the nature of the management system utilised to care for the birds.

Any husbandry system must promote choice for the bird balanced against the needs of the licence holder, but not at the expense of the bird's welfare. Management systems and accommodation welfare needs are not mutually exclusive. Modern management systems and innovative training programmes can provide the flexibility for the licence holder's needs whilst facilitating the welfare for their birds.

**Aviaries:** captive birds of prey, except during initial or retraining, should be free lofted in suitably sized aviaries. An aviary must be a safe place for a bird, free from risk of trauma, infection or stress, these factors being avoided by good design and working practices.

**Mews:** these are a traditional housing design for trained hunting birds, in a safe location, inside a building by day or night. Although these were traditionally quite small, modern welfare standards require these to be large enough (even at night), for the bird to be able to simultaneously freely and fully stretch both wings in all three dimensions. Bird of prey owners are advised to check published data for the wingspan of their individual species to ensure this is provided for their birds when using mews. Historically, a bird would have been tethered in its mews, however under current welfare standards it is preferable to free loft a bird other than when in training or retraining. This choice is down to the individual operator's choice balancing resources, competency and operational requirements e.g. used daily in colder months to avoid wing-tip oedema or over a weekend if a falconer is away, but they are not appropriate to be used as a normal place to maintain a bird long-term.

**Weathering:** is a traditional housing design, where a bird might be tethered on suitable perch, in a safe 'out doors' situation. A weathering must be of size to enable the bird to freely stretch both wings simultaneously, although typically little more. The weathering should be protected by solid walls on three sides and a roof. The requirements of modern welfare standards, means that 'weathering accommodation' should only be used during initial training, retraining or temporarily when away from home, e.g. when attending a 'field meeting'.

**Transport box:** for safety's sake when a bird is being transported, it is ordinarily enclosed in a safe 'transport box'. A transport box may only be used whilst the bird is in transit, i.e. a bird must not be enclosed in a transport box the night prior to transport, in readiness for an early morning departure, or at any other time. A transport box must be cleaned prior to and after use. It should be stored in a well-ventilated area with the box door open or removed. The box must have ventilation holes at floor level, which cannot become obstructed during transit. When used for trained birds, they should include a perch, to which the bird will be tethered. A bird should not have been given casting in the meal prior to transportation (for fear of choking on a casting). Care should be taken in respect of the temperature and air quality in the box, during transit.

## 4.4 Aviary Design

A number of considerations must be considered with regards to aviary design:

**Size:** aviaries must allow birds to fly, and aviary design and size must be appropriate for the species. Aviaries must be a minimum of 3 x 3 width x depth of the bird's flying wingspan however, it is recommended that best practice dictates 3 x 5 flying wingspan with increases of 25% in both directions for each additional bird in multiple occupancy aviaries. Actual size must reflect the perching, flying and landing ability of the birds to be housed, e.g. vultures require additional space to be able to land safely.

**Maximise usable space:** aviaries must provide a choice of multiple perching opportunities, positioned off the ground that facilitate the longest flying opportunities for birds (usually from one corner to the opposite corner).

**Perch height:** at least one perch must be positioned high to allow birds a vantage point to survey its surroundings, whilst others consider the behavioural or natural

history needs of the species e.g. snowy owls are provided with low or ground-based perches.

**Perch design:** must be of a suitable size and design for the species and must be able to be maintained in a hygienic manner. Preference should be given to different types of material and width to promote foot care and variable weight distribution to mitigate against bumblefoot.

**Solid walls:** most birds of prey are more settled in pens with at least one solid wall.

**Refuge:** when a site is visited by unfamiliar people, the aviary must have a refuge area, so the bird(s) can retreat away from the gaze of the public, strangers or other birds.

**Substrate:** the aviary floor and substrate must be designed and managed to prevent any build-up of pathogens or parasites and should be capable of being cleaned back to an impervious layer. Consideration must be given to substrate choice and potential hazards for birds e.g. wood chip or bark is not recommended due to the known associated risks with aspergillosis.

**Security:** double door systems or secure access corridors must be in place to prevent accidental escape of birds during servicing.

**Predator-proof:** the design of the enclosure must ensure against predator and pest access, especially in the choice of mesh, access points and typically the lower 1m of the enclosure barrier.

**Location:** location should be chosen, and the surrounding area managed, to ensure safety of the bird whilst in the aviary. Risks include flooding; chemical and pesticide



pollution; *Aspergillus spp* spores, which derive from any decaying vegetable material, (in particular hay, compost heaps, shredded wood bark, either situated close to aviaries or upwind of aviaries); smoke including bonfire; infection risk from free flying birds overhead or gaining access into the aviary; dominant or aggressive birds in adjacent aviaries; other animals e.g. cattle or dogs, running up and down outside the aviary, etc.

**Mixed species aviaries:** mixing genera is rarely a good idea, and if done, should be managed with extreme care. Knowledge of the individual birds and experience in dealing with birds of prey in general is essential.

**Mews:** can be useful for safe indoor accommodation overnight, if the owner is away or during inclement weather, but note the need to permit free simultaneous stretching of both wings in all three directions, and the avoidance of tethering, except during initial training or retraining of a bird. In general terms, however, modern welfare requirements dictate that free lofting in a safe well-designed aviary, is now the husbandry method of choice.

**Weathering:** these can be useful for temporary use just before or after (display) flying, or whilst an aviary is being cleaned out, or during initial training / retraining, however in other respects a weathering is not considered to provide for longer-term welfare requirements.

**Transport boxes:** as stated above, travelling boxes must only be used whilst the bird is in transit and not as an overnight mews for convenience.

## 4.5 Tethering

Flight is part of the normal and natural behaviour of almost all avian species and therefore is regarded as an essential requirement to safeguard the health and

welfare of the bird. The use of flight restraint techniques is only acceptable if it allows a net benefit in terms of animal welfare.

A 'tethered bird', is defined for the purposes of this guidance note as a bird that is fixed (usually by anklets and leather straps called jesses) to a permanent ground anchor or perch or glove that prevents it from flying-freely, this includes rail systems, drag tethers, cables and creances.

The term 'flight restraint' includes tethering but also pinioning, however the latter is not a technique that would be employed with birds of prey.

Methods of flight restraint must be subject to ethical review, and the welfare impacts considered for each individual situation and bird. Such a review should ideally take place before acquisition of species affected by these constraints.

The zoo licence holder must have a written tethering policy which outlines the species, age, justification and duration of tethering if and when it is applied, together with a record of dates on which tethering has been utilised. Flight restraint should be decided on a case-by-case basis taking into account the natural behaviour, species, and life-stage.

Birds that are tethered must be flown at least four times a week unless tethered under veterinary advice for medical treatment. In the event of inclement weather or situations where the bird cannot be flown the birds should be free lofted unless under veterinary direction.

Zoos must not permanently tether any bird.

All birds must be given the opportunity to fly or move around freely during part of the year, i.e. when they are unable to have been flown, on at least four of the previous

seven days, for whatever reason (e.g. inclement weather, moulting, wrong weight, injury, biosecurity legislation prevents free flight). The obligatory period of 'flight rest', is a minimum of one month in any twelve-month period.

When considering tethering:

- (a) free lofting of birds of prey must be considered the preferred standard practice whenever possible, with appropriate housing and training to optimise bird welfare;
- (b) long-term or routine tethering of birds of prey is not appropriate;
- (c) where tethering is used it must be short-term and birds must be protected from inclement weather (shade, refuge, or heat to minimise the risk of wing tip oedema where appropriate), intruders, predators, and other birds within the collection;
- (d) flight restraint methods applied to birds of prey should be safe for the bird, other captive birds, other animals, the public and the bird's trainers.

Any facility must have sufficient aviary space for all birds at the same time to facilitate free lofting, for moulting, rest or use at times when free flight is not possible (due to injuries, biosecurity issues which prevent free flight or periods of inclement / unsuitable weather).

Tethered birds are very vulnerable to attack by wild animals, so they must be well protected at night. Birds that are put away at night should be placed in areas that meet appropriate welfare standards as required by the Animal Health and Welfare Act (2013) and the Wildlife Act, 1976 (Birds of Prey) Regulations 1984 (S.I. No 8 of 1984) and must not be left shut in for unreasonably long periods.

## **4.6 Flying Ground**

Flying areas must be free of hazards for birds and should not be close to cages containing animals that might catch or kill a bird should it alight on or in the cage.

Flying areas should not be directly adjacent to, or in view of tethered birds.

Taking birds to and from the demonstration area should be made as safe and stress free as possible by travelling in a suitable vehicle. Where possible birds should be accommodated close to where they are going to be flown, or better still trained to be flown directly from their own aviary.

## **4.7 Managing Flying Birds**

Zoo licence holders must develop written operant conditioning programmes based around positive reinforcement training. Staff must be trained and familiar with the centres written 'Approved Training Methods', and there must be a written protocol for bird handling techniques.

Flying bird's must have their food intake and daily weights recorded. Flight performance and any unexpected behaviour must be recorded in a daily record. The zoo licence holder must have written, weight management protocols, with approved and managed methods for weight reduction.

There must be a programmed and pre-emptive procedure for the maintenance of all falconry equipment.

Bird care staff must be trained and certified as proficient in respect of the health assessment (and the recording of observations) of birds, to include weight, condition and behavioural responses, to include both flying and aviary birds.

When birds are flown in front of the public, there must be an informative, accurate (and in line with education and conservation policies) commentary. This may be provided by the person flying the bird, or by simultaneous commentary. This must include individual information and wider conservation issues relevant to the species or group being displayed.

Telemetry or GPS is strongly recommended for any flying birds in demonstrations, including hawk walks to facilitate recapture if a bird is lost to the glove.

In the event of any non-domestic animal escaping from the confines of the zoo, notification shall be made to the licensing authority as soon as possible, and, in any case, not later than 24 hours following the escape.

Specifically, with regard to escapes of birds of prey during hunting or similar controlled flying exercises it is recognised that birds will sometimes fly off, speck out or similar and as such if the bird remains under the partial control of the operator and its whereabouts is known (visual, GPS or other method) then a bird that has been lost from control for a period of <24 hours is not considered to require reporting to the licensing authority.

Where a bird of prey does escape in an uncontrolled manner (e.g. wind damage to an aviary, snapped or poorly tied tether, other), or for a period of >24 hours from a controlled flight then the operator must adhere to the usual reporting structure required for an 'escaped' animal.

Where bird of prey handling experiences or flying displays with the public take place, risk assessments and records of the experiences must be maintained.

## 5 Rehabilitation and Permanently Disabled Wild Birds

In rare situations, for example failed rehabilitation, permanently disabled wild birds of prey may be justified to come into a collection, as a part of a conservation breeding programme. This may only be carried out under licence from the National Parks and Wildlife Service (NPWS).

Any temporary or potentially permanent housing of any protected wild bird species must be legally compliant with the Wildlife Act 1976 (and its subsequent amendments) with appropriate permissions and licences obtained from NPWS. These include:

Section 22(9)(g) of the Wildlife Act 1976 licence permits a person to temporarily detain injured or disabled wild birds, or dependant young of a wild bird which is orphaned, for the purpose of rehabilitation and release back into the wild. Without such a licence being issued any possession of a protected wild bird species is considered an offence under the Act.

Section 22(9)(h) of the Wildlife Act 1976 licence permits a person to retain possession of a wild bird, that for reasons of disability or for other reasons deemed reasonable by the Minister, would, if released, be unlikely to survive unaided in the wild.

If in doubt review the situation with the local NPWS Ranger or the NPWS Wildlife Licensing Unit.

Where a bird is considered to be permanently disabled and unlikely to survive unaided in the wild, an ethical review as to whether the bird can be maintained in

captivity, (without compromising its welfare), must be undertaken, the review outcome must be shared with and approved by the NPWS.

The welfare of the individual bird, quality of life and any special needs (e.g. a ramp to get up off the floor in non-flighted individuals), must be paramount. Badly injured birds, however rare, which are not capable of living a reasonable life, that does not compromise their welfare, should be euthanased.

Individual birds which are too nervous to be displayed in front of the public, without compromising their welfare, or where cere injury or flight feather damage arises must be subjected to a welfare assessment, followed by an ethical review and may only continue to be kept on public display if management alterations can be made, which resolve the bird's issues, such that welfare issues and physical injuries no longer arise.

Permanently disabled birds may not be tethered, unless subsequent to a welfare assessment, ethical review and written veterinary opinion, it is considered that tethering is in the bird's own best welfare interests. In such cases an ethical review must be undertaken as indicated in 10.3 and 10.4 above.

Ex-free-living, failed rehabilitation birds, that are considered to be un-releasable, must;

- (a) be individually permanently identified (by microchip);
- (b) have a written temporary / permanent invalidity certificate, including their microchip number completed and certified by the attending veterinary surgeon justifying the grounds of the suitability of the retention of the bird;
- (c) only be permanently retained if a Section 22(9)(h) permit is issued by the NPWS, such licences are now rarely provided;

- (d) only be used for commercial purposes (including display to the public or potentially breeding), if, where required, the bird is also issued with an Article 10 under CITES which allows their use in commercial activities.

Where permanently disabled wild birds are either unable to fly and/or land properly, appropriate adaption of their aviary must be made, with a written welfare assessment being conducted, to ensure that their welfare requirements are being met. Perching must be appropriate to the needs and ability of the bird in question.

Where disabled wild birds are paired with non-injured birds, aggression levels must be monitored (both in breeding and non-breeding seasons), as the injured bird maybe less able to cope.

Details surrounding the admission of any wild bird into captivity, the veterinary and ethical reviews, veterinary certification and identification must be made available to any attending NPWS Ranger or Zoo Inspector.

Sick or injured wild birds for rehabilitation should not, in theory, form an integral part of any zoo licensed collection. However, given the definition of a zoo under the Regulations, some establishments which rehabilitate wildlife casualties and have seven or more public open days a year will be subject to the zoo licensing requirements of the law and be liable to inspections. Some relevant points in respect of injured ex-free-living birds, in such centres are as follows:

- (a) Nothing may be done to a bird which is destined for release which might reduce, delay or prevent its chances of successful release and subsequent survival in the wild.
- (b) Wildlife Act 1976 Section 22(9)(g) licenses must be applied for and evidence of application retained for inspection as per the Wildlife Act 1976 Section 22.



If wild birds are held under licence for rehabilitation and release, these must be clearly segregated from captive birds, in respect of distance and management, such that the risk of spread of any potential infectious agent, in either direction between the two separate populations is negated.

Consideration must include:

- (a) Inevitably ex-free-living casualty birds will already be stressed. Exposure to the public will further exacerbate this, increasing the potential risk of infectious disease. **Wild injured birds destined for release, must not be displayed to the public.**
- (b) Disease control: sick or injured ex-free-living birds are more susceptible to disease compared with resident captive birds. Biosecurity, infection control, hygiene and diligent health monitoring must be rigorous, in order to minimise risks to resident birds, staff and visitors.
- (c) Consideration must also be given to the risk of disease cross contamination from collection birds, from food provided, and from accommodation, so facilities provided to ex-free-living injured birds, must match their special needs. Birds destined for release must be kept under conditions where they retain their aversion to humans and their escape behaviour, whilst permitting them to gain confidence and fitness in flight and behave naturally.

The zoo licence holder must, where wildlife rehabilitation is undertaken, maintain a register which includes the species admitted; details of where they came from (including contact details to facilitate accurate re-release); why they were admitted; summary of the rehabilitation methods used; and the outcomes for the individual bird, such as euthanased, released, or retained in captivity; and the Section 22(9)(g) and/or Section 22(9)(h) licence number for each individual bird.

## 6 Wild-take Birds of Prey

The wild-take of birds of prey is permitted in Ireland in a small number of cases and is strictly controlled through a highly regulated process. Details of which can be sought from National Parks and Wildlife Service (NPWS).

Section 41 of the Wildlife Act and the Wildlife Act (Birds of Prey) Regulations (1984) S.I. No 8 of 1984 allows for the wild take of birds of prey from the wild. This is only permitted under a licence issued by the Minister; wild-take can be for training to hawk for sport or for captive breeding; a specimen can only be taken if it is a nestling; the nest must not contain less than three nestlings from which a nestling is to be taken; and the nestling must be taken in a manner which will minimise disturbance to the nest, its surroundings, the young and the parent birds.

All wild-take birds must be marked by means of a uniquely numbered, unalterable microchip transponder conforming to ISO Standards 11784: 1996(E) and 11785: 1996(E). This microchip number must be provided to NPWS as a stipulation of the wild-take licence. The standard location for such a microchip is in the left pectoral muscle, and not the nape of the neck, where it can be easily lost.

## 7 Conservation and Education Measures Required for Zoos

The Regulations require that all zoos undertake conservation measures, which must, as per Section 4 of the Regulations, include all of the following:

- 1 Participate in at least one of the following:
  - (a) research from which conservation benefits accrue to the species;
  - (b) training in relevant conservation skills;
  - (c) the exchange of information relating to species conservation;

- (d) Where appropriate, captive breeding, re-population or reintroduction of species into the wild
- 2 Promote public education and awareness in relation to the conservation of biodiversity, particularly by providing information about the species exhibited and their natural habitats;
  - 3 Accommodate the animals under conditions which aim to satisfy the biological and conservation requirements of the individual species, including, among other things, by providing species-specific enrichment of the enclosures;
  - 4 Maintain a high standard of animal husbandry in the zoo, including a developed programme of preventive and curative veterinary care and nutrition;
  - 5 Preventing the escape of animals from the zoo in order to avoid possible ecological threats to indigenous species;
  - 6 Prevent the intrusion of outside pests and vermin into the zoo;
  - 7 Keep up-to-date records of the zoo's collection appropriate to the species recorded. This is taken to include records of the numbers of different animals, acquisitions, births, deaths, disposals and escapes, causes of death and the health of the animals.

This can be a daunting task for new zoo operators but in most instances the activities already carried out by the zoo licence holder often meet the requirements of the Regulations. For instance:

**Conservation:** parts 1 (a-d) are often met by an individual's involvement in bird of prey monitoring schemes or rewilding, many falconers are active in the preservation of Ireland's wild raptors. Equally, for those that are not actively involved in such projects, there are simple apps now available on phones that allow passive wildlife population recording that can be submitted to national or international recognised monitoring schemes. At initial zoo inspections support and evaluation of how these can be met are discussed with the operator.

**Education:** typically for bird of prey centres this is focused around the discussions or presentations during flight demonstrations or hawk walks, as well as considering signage, pamphlets, or websites where they are available. At initial zoo inspections support and evaluation of how this can be met are also discussed with the operator.

**Welfare:** parts 3 and 4 are covered by maintaining good husbandry practices, providing veterinary health care and appropriate nutrition. This is rarely an issue with most bird of prey operators.

**Escape:** this is often met by most bird of prey operators with consideration of well-maintained falconry equipment, double-doors on aviaries, high standards of training for flying birds and the use of telemetry or GPS. However, there is a requirement for written policies on the steps to be taken in the event of an escape.

**Pests and vermin:** well-designed aviaries and active pest control are basic requirements of any bird of prey facility, whether a zoo or private.

**Records:** most bird of prey owners, especially those flying their birds regularly, will have good records of flying weights, food intake and weight control strategies. Additional areas include CITES Article 10s where required; the source of the birds; any veterinary records where health care (including preventative health) was required; any escapes; any notable life events; and a day diary or similar where daily management practices are documented.

One area that may be novel for a new zoo licence holder is the annual submission of a list of the species held on site. This document simply states how many birds of a single species are held at the beginning of the year and at the end of the year (1st of January to the 31st of December) with any changes such as acquisitions, hatching, deaths or dispositions recorded across the year. Full details of this requirement can be found in the Standards, Section 9.

As the conservation measures are a core component of both the EU Directive and the Regulations that must be met the zoo inspection teams provide comprehensive advice and direction on how best to meet them with minimal impact on the resources available within the bird of prey operation. Where needed, there is also a mentorship scheme available for those that require additional help to ensure that they are compliant with the Regulations.

## **8 Other legislation applicable to both zoo and non-zoo birds of prey**

### **8.1 Wildlife Act - Bird of prey specific licence requirements**

Section 41(1) allows the Minister to make regulations pertaining to the act of falconry; regulating the taking of birds of prey for breeding or training to hawk for sport; and regulating the possession, breeding, training to hawk for sport, display or exhibition of birds of prey.

Currently the Wildlife Act requires that a falconry licence must be held to allow a licence holder to engage in falconry, and that a possession licence be held to allow a licence holder to have in their possession a listed bird of prey (as well as to allow breeding depending on the specific conditions attached to the licence).

The display or exhibition of birds of prey, including hawk walks and flying demonstrations, is not listed under the activities included in either the falconry or possession licence. This instead is captured under the Statutory Instrument No. 440 of 2003 European Communities (Licensing and Inspection of Zoos) Regulations 2003. Hence, the need for a zoo licence if the operation falls under the specific criteria outlined in the definition of a zoo (see 2.4 and 2.5 above).

Accurate written records must be maintained of the details of the birds held in any collection including the species (both common and scientific name to avoid any

ambiguity), the sex and age of the bird, and the closed ring or microchip number for that bird, and, where applicable, the original (of the current applicable) Article 10 certificate. Preference is that these records are maintained electronically to facilitate future annual inspections, this being more efficient than writing the documents by hand each year, as often there are few changes year-on-year.

The Wildlife Licensing Unit must be contacted within fourteen days of the birth, death, sale (including hire, barter, loan, gift, trade, or exchange) or breeding of any of the birds listed on the possession licence, this being a mandatory condition on the possession licence itself. Failure to do so may be considered an offence and/or result in the refusal of the possession licence at renewal.

## **8.2 Convention on International Trade of Endangered Species (CITES)**

The Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES), agreed in 1973, is an international agreement between governments whose aim is to ensure that international trade in specimens of wild animals and plants does not threaten the survival of the species.

From a bird of prey owner's perspective, both those in a zoo or not, CITES requires that any commercial use of a bird listed in Appendix I (global) or Annex A (EU) must have an Article 10 certificate (or in the case of some scientific institutions an Article 60 certificate). The classification of a species under CITES can be found at their dedicated website Species+ at [www.speciesplus.net](http://www.speciesplus.net), please note that the Appendices are listed at the top of a species account with the Annexes at the bottom.

**‘Commercial use’** is wide-reaching and includes advertising for sale, sale of a bird, trade of a bird, or public display such as entry to a zoo where there is a gate charge, or a flying demonstration or hawk walk where the operator receives a fee for carrying

out the work, or where a bird is used for a commercial pest control programme, or during import/export of a bird. It equally applies to both living and dead specimens, including feathers, eggs and taxidermy specimens.

Certification requires permanent identification of a living bird, usually a closed ring but a microchip can be considered (typically implanted in the left pectoral muscle, not the back of the neck where it can be easily lost).

Article 10s must be retained, and it is recommended that copies are held electronically or on paper in case the original is damaged or lost. The Article 10 certificate number is often required when applying for licences.

Following the death of a listed bird, the Article 10 is required to be returned to the CITES Unit. If rings have been removed at death, then these should also be returned with the Article 10 but can also be disposed of with the body where they are still attached. It is recommended that before returning an Article 10 that a copy is retained for your own records and in case of any query in the future. This applies to all birds of prey, whether in a zoo or not.

Where an Article 10 certificate has been issued and the permanent identification for that same bird is lost then this must be reported to the CITES Unit immediately. Cases include aluminium rings that have rubbed over time or microchips lost due to inappropriate placement. There is no guarantee that an Article 10 will be reissued in such cases, each case is taken on a case-by-case basis.

Bird of prey owners are advised that where rings are noted to be wearing that the birds are additionally microchipped whilst the ring is readable and this is discussed with both the local Ranger who can confirm the ring and the microchip are in the same bird and the Article 10 updated accordingly.

Where a closed ring needs to be removed for medical reasons, this must be done by a veterinary surgeon, with a replacement microchip being placed simultaneously in the left pectoral muscle. The veterinary surgeon must record the ring number of the ring removed and microchip number of the chip placed, in their clinical records, and issue a stamped and signed copy of the bird's records to the owner of the bird. In the event that it is an emergency and no veterinary appointment is possible, photographic evidence and a signed statement of an independent witness, would be considered by the authorities. Any such cut ring should be retained alongside the records and the confirmation of the microchip number to allow a NPWS Ranger to confirm and validate the alteration both with regards to the possession licence and on behalf of the CITES licensing team to allow the Article 10 to be updated.

Breeders of birds of prey on Appendix I of the CITES listing are advised that an agreement was recently made between the EU and Member States, to proceed with taking the necessary steps with regard to the mandatory registration of captive breeding facilities. This is in line with Resolution Conf.12.10. Registration of operations that breed Appendix-I animal species in captivity for commercial purposes.

Breeders will apply for registration; the application will include details on breeding stock and legal acquisition of same. In addition, an inspection of the breeding facility will also be required.

### **8.3 Animal Health and Welfare Act (2013)**

The Animal Health and Welfare Act (2013) (Statutory Instrument 15 of 2013) as amended, is the primary legislation pertaining to the health and welfare of animals in Ireland, providing a regulatory framework for welfare of animals in general. It is the jurisdiction of the Department of Agriculture, Food and the Marine (DAFM).

Any individuals maintaining birds of prey in captivity, permanently or for rehabilitation purposes, will also fall under this piece of legislation.



The main clauses of significance are as follows:

Section 11. A person who has a protected animal in his or her possession or under his or her control shall, having regard to the animal's nature, type, species, breed, development, adaptation, domestication, physiological and behavioural needs and environment, and in accordance with established experience and scientific knowledge, take all necessary steps to ensure that:-

- (a) the animal is kept and treated in a manner that
  - (i) safeguards the health and welfare of the animal, and
  - (ii) does not threaten the health or welfare of the animal or another animal

Section 12: A person shall not:-

- (a) do, or fail to do, anything or cause or permit anything to be done to an animal that causes unnecessary suffering to, or endanger the health or welfare of, an animal, or
- (b) neglect, or be reckless, regarding the health or welfare of an animal.

As such, compliance with the Standards also ensures that the Animal Health and Welfare Act has been complied with as there is considerable cross-over between the requirements of the two documents.

## **9 Additional sources of information**

Zoo Licencing in Ireland, National Parks and Wildlife Service:

[www.npws.ie/licencesandconsents/zoo-licences](http://www.npws.ie/licencesandconsents/zoo-licences)

Licence to engage in Falconry and/or to Possess Birds of Prey/Section 41 licences, National Parks and Wildlife Service:

[www.npws.ie/licencesandconsents/possession/birds-of-prey](http://www.npws.ie/licencesandconsents/possession/birds-of-prey)

The Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES). Article 10 licence application or changes, National Parks and Wildlife Service:

[www.npws.ie/legislation/cites](http://www.npws.ie/legislation/cites)

Ireland's Animal Welfare Strategy, Department of Agriculture, Food and the Marine:

[www.gov.ie/pdf/?file=https://assets.gov.ie/121516/e3cbd639-6f66-437d-bf00-1beeb500b537.pdf#page=null](http://www.gov.ie/pdf/?file=https://assets.gov.ie/121516/e3cbd639-6f66-437d-bf00-1beeb500b537.pdf#page=null)

Irish Standards of Modern Zoo Practice (2016), National Parks and Wildlife Service:

[www.npws.ie/sites/default/files/publications/pdf/ISMZP%202016.pdf](http://www.npws.ie/sites/default/files/publications/pdf/ISMZP%202016.pdf)

Art of Falconry, UNESCO Intangible Cultural Heritage of Humanity:

<https://nationalinventoryich.tcagsm.gov.ie/art-and-practice-of-falconry/>

<https://ich.unesco.org/en/RL/falconry-a-living-human-heritage-01708>

[gov.ie/housing](https://gov.ie/housing)

The Department of  
Housing, Local Government and Heritage



An Roinn Tithíochta,  
Rialtais Áitiúil agus Oidhreachta  
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