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ZOO LICENSING ACT ; 1981

IMPLICATIONS FOR MUSEUMS WITH LIVE ANIMAL DISPLAYS

G.M.Reid

In what way are Museums affected ?

The Zoo Licensing Act, which is primarily concerned with the welfare of captive wild animals, came into effect on 30th April, 1981. The Act requires that zoo operators obtain a license. Many Local Authority Museums have living animals on display in public aquaria, vivaria, observation beehives, formicaria, aviaries and so forth. Some Museums also have attached to them extensive set-ups in the form of Farm-Parks, which may include a wide range of livestock and incorporate a 'pets corner'. Clearly, establishments with this kind of display might broadly be considered as 'zoos' and - depending on the nature and extent of the living collection - may need to be licensed. There could also be long term implications from licensing in terms of the future display and development policy of Museums with living creatures on show.

The terms of the Act (and the ancillary documents supplied by the Department of the Environment) reflect the prevailing view of the National Federation of Zoological Gardens that the main aims of a zoo are:

- . Recreation for the public, through seeing and understanding the natural world
- . Education of the public about animals, their natures and needs
- . Conservation of all animals, but particularly those under threat of extinction
- . Scientific study, to learn more about the biology of wild animals

These aims are in general agreement with the natural history display, conservation and research policy of many Museums. Indeed, on the environmental and species conservation front, it could be argued that many Museums surpass most Zoological Gardens in terms of educating the public. By inference, the Act is designed to ensure the proper care of animals in captivity through the maintenance of good standards of animal management and the improvement of these standards; and, by doing so, further the cause of wildlife conservation.

A Committee on the Implementation of the Zoo Licensing Act has been set-up by the National Federation of Zoological Gardens,

Regent's Park, London, NW1 4RY (Tel: 01 586 0230). The main aim of this committee is to monitor the implementation of the Act, to provide advice and to note any problems which might arise. Names, addresses and telephone numbers of committee members are available from the Federation.

What documentation is required ?

The International Branch, Department of the Environment, are responsible for administering the Act. Mr. D. B. Leeming (Room 11/02, Tollgate House, Houlton St., Bristol BS2 9DJ. Tel: 0272 218 291) has special responsibility for documentation and licensing. This Section of the DOE will supply your Museum with:

- . Guidance notes about the Act
- . The Secretary of State's Standards of Modern Zoo Practice
- . The Secretary of State's List Part I: Approved Veterinary Surgeons
- . The Secretary of State's List Part II: Competent Inspectors
- . Application form for a Zoo Licence (existing zoos)
- . Form for Notice of Intention to Apply for a Zoo Licence (notice to the press)
- . Form for Notice of Intention to Apply for a Zoo Licence (notice to the local authority)
- . List of Legislation of possible relevance to a zoo operation
- . Note on Services and Expenses for Persons on the Secretary of State's List (Veterinary Surgeons, Inspectors)
- . Note on Environmental Education in Zoos

While most of the above documents arise out of the Act and will allow an application to proceed, actual copies of the Zoo Licensing Act (and of ancillary legislation) are not supplied - these may be required by your Museum or (in cases of consultation) the Museum's solicitor or appointed veterinary surgeon. The DOE point out in the Introduction to their 'Guidance' notes that 'Nothing in this document is to be taken as constituting an authoritative legal interpretation of the Act or to be regarded as a substitute for the text of the Act.' Other documents available from the DOE, while not directly affecting the licensing process, may help in interpreting the Act or have a bearing on a Museum's zoo operation:

- . The Dangerous Wild Animals Act, 1976 (Modification) Order 1984
- . Notice on Controls on the Import and Export of Endangered

and Vulnerable Species (April, 1984)

There is also an important consultative document, prepared by the Health & Safety Executive, on aspects of health and safety in zoos, which is designed to supplement provisions in the Licensing Act:

- . Transfer of Health and Safety at Work etc. Act, 1974, enforcement responsibility in respect of zoos to Local Authorities (Draft regulations, Approved Code of Practice and Guidance notes) [1984: cost £2. 50]

COMMENTS ON GUIDANCE NOTES

Key provisions [2]

In brief: there is a legal requirement under Section 1 of the Act to obtain a license. Special provision for Local Authority Zoos is made in Section 13. Dispensations for small zoos with only a few different kinds of animal may be granted by the Secretary of State under Section 14. Special 'transitory provision' for existing zoos is provided by Section 20. The Dangerous Wild Animals Act, 1976 is amended in Section 23.

Who to apply to ? [3]

The Chief Executive, of your Local Authority, normally for the attention of the Environmental Health Dept. It may be useful to make informal enquiries to Environmental Health before submitting an application.

When to apply ?

The deadline for applications to be with the DOE is 30th Oct 1984.

Separate or joint 'Museums Dept.' application ?

Museums with more than one branch and separate 'zoos' can consider either a joint application or, as appropriate, separate licensing. In the latter case, a failure of one in obtaining a license would not affect the other.

What constitutes a 'zoo' ? [4]

According to the Oxford English Dictionary: 'Public garden or park with a collection of animals kept for exhibition'. But for the purposes of the Act 'animals' means wild or exotic creatures (including fishes, reptiles, amphibians and invertebrates) not normally domesticated in the U.K. Farm animals are, therefore, exempt including rare breeds. This means that a Farm Park does not necessarily qualify as a zoo. However, if display policy dictated that 'farm' animals such as wild boars, oxen or llama were to be kept, then the DOE would regard such a set-up as a zoo. Similarly, if a 'pets corner' at a Home Farm contained gerbils or racoons (the latter now

scheduled as a dangerous wild animal) this would nudge it into the zoo domain. Domestic bees are not zoo animals, unlike wild bees, ants, butterflies, stick insects, spiders and snails (all commonly kept in living Museum displays).

Are there exemptions from licensing ? [5 and 43-44]

Yes, (under Section 14) for small zoos exhibiting only a small number of different kinds of animal. This provision is designed to accommodate the 'fish tank in a pub' situation and will probably apply to small museum aquaria, vivaria, beehives, formicaria, aviaries, etc. It is unlikely that exemption would be gained in the case of:

- . a large and varied collection
- . inclusion of dangerous wild animals and rare or vulnerable species

Even if exemption is applied for and gained, any establishment holding dangerous wild animals, which is not licensed as a zoo, needs to register under the Dangerous Wild Animals Act. In any event, dispensation cannot be automatically assumed, it must be applied for. Farm Parks, containing domestic animals only, will probably be exempt - but this point needs to be checked with the Local Authority. Specimens in transit from the 'zoo', or in temporary displays away from 'base', also come under the new regulations.

What procedure applies ? [6-17 and 49-52]

In the case of an established zoo the 'Notices of intention to apply' for press and local authority are waived: provided the application is made before the October deadline, i.e. within 6 months of commencement of the Act.

The Local Authority will consider the application, using persons included in the Secretary of State's list (i.e. Vets and accredited Inspectors). The licence is granted or refused following inspection. Refusal would normally be on grounds of 'accommodation, staffing or management inadequate for the proper care and well being of the animals' or where there were threats to the health and safety of the public. Prior conviction of a 'keeper' for cruelty to animals, could constitute grounds for refusal or revocation of a Licence. Contravention of other relevant legislation, such as the Wildlife and Countryside Act or the Health and Safety at Work Act might also provide grounds for refusal. If adequate standards are not met but there are plans to quickly remedy matters then a conditional Licence might be granted.

If a Licence is granted a copy must be displayed at each public entrance to the zoo.

How long does the licence last and what conditions apply ? [19-21]

The first licence is 4 years, subsequent licences for 6 years.

The Licence is conditional on:

. proper housing to prevent escapes. Cages or tanks containing rodents, scorpions, spiders and snakes fishes merit particular attention.

. proper stock records being kept. A formal Register of Births, Deaths, Disposals and Escapes is required. The DOE advise me that records are not normally required for animals which are not 'individually identifiable' (e.g. colonies of bees or mice, shrimps, shoals of small, common fishes). Records are, however, required for 'notable species' by virtue of size, rarity, value or hazard (e.g. in the case of aquaria: shark, arapaima, large pacu, prize tropical marine specimens). Notice is also required of mass mortalities and unusual deaths. There is also emphasis in the Standards on ease of information retrieval. There are, then, advantages in the medium or long-term in computerising records.

. insurance against liability for damage caused by animals. Liability is not always clear, particularly with regard to escapes of Dangerous Wild Animals (e.g. buthid scorpion). Also, the extent to which members of the public are covered during behind-the-scenes, visits should be checked. From time-to-time dangerous wild animals and vulnerable species are referred to Museum zoos/aquaria by organisations such as the Police, RSPCA, Customs & Excise, fruit importers. The Museum's position as a public holding facility for such creatures may require clarification.

What constitutes a dangerous wild animal ? [22-25]

During the process of licence renewal the attention of the Local Authority is particularly drawn to additions of 'dangerous animals'. A recent (1984) modification order updates the original list of animals scheduled in the Dangerous Wild Animals Act, 1976. The new List does not include non-poisonous snakes, tarantulas, cone shells, scorpion fish, stinging weever fish, pirhanas or sharks (all of which are, or could be, included as aquarium or vivarium exhibits), but does include crocodiles, certain venomous spiders and buthid scorpions. The reason for the broad exclusion of obviously 'hazardous aquatic life', such as sharks or venomous fishes, is because the method of containment limits the danger of exposure to the public.

Hazards to staff dealing with such creatures are covered under the HASAWA, 1974, as qualified in the recent (1984) consultative document. The Health & Safety executive takes a broader view of hazardous animals and includes any which 'are likely to injure seriously or transmit disease'.

How are inspections conducted ? [27-45]

There are three kinds of Local Authority inspection: periodical, special and informal. Periodical Inspections are prearranged and carried out by a team of three appointees of

the Local Authority (including a veterinary surgeon) plus two nominated by the Secretary of State from his List. 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 the animals, including measures for the prevention of the escape of animals. This will involve matters concerning staff insofar as such matters relate to the above-mentioned features. The inspectors will require to see any records... Special inspections or informal inspections are at the instigation of the Local Authority.

The Museum is liable to pay the costs of an inspection.

It should be noted that Local Authority Museums may be liable to independent inspections by the HSE (principally HM Agricultural Inspectorate). The HASAWA consultative document on zoos (1984) proposes that enforcement responsibility for the Act be transferred from the HSE to the Local Authority. However, it is also proposed that the HSE will remain the enforcing power in cases where the Local Authority itself runs the zoo.

NOTES ON THE STANDARDS

Animal care-accomodation [1-6]

'Animals to be provided with space and furniture sufficient to allow such exercise as is needed.' The arrangements for livestock should be checked, e.g. boa constrictors require an enclosure which is up to standard, i.e. about 8 ft square or more.

Animal care-comfort and well being [7-8]

'tanks for aquatic animals to be....heated according to the needs of the species'. For 'heated' also read 'cooled'. It is not uncommon to see aquarium displays of local marine and freshwater life which are inadequately chilled. If creatures are at their threshold limits of tolerance an inspector might well note this fact.

Equipment within enclosures [9]

'in the case of aquatic animals materials such as weed, shingle etc, [to be supplied] to aid and encourage normal behaviour patterns'. This highlights the use of decorative materials in tanks to create a naturalistic effect. It is no longer sufficient to place fishes and other creatures in a 'box of water' some effort must be made to create an environment in which they will feel secure.

Prevention of stress or harm to animals [10-17]

'Smoking by zoo staff to be prohibited when they are working in

close proximity to animals or when they are preparing food for animals. 'No Smoking' notices would be advisable for staff, contracters and the public.

Animal care - food and drink [18-26]

'preparation of food...to be undertaken in a separate unit ...used for no other purpose'. Points up the problem of staff changing their clothes, washing their hands and having their lockers in a preparation area.

Sanitation and control of disease [27]

'regular monitoring of water quality' is now an obligation for aquatic animals

Animal care-Veterinary facilities [34-50]

'arrangements to be made for routine veterinary attendance.' It is often the case that aquarium and vivarium staff deal with quarantine and disease problems as they arise. However, it is now the case that the Museum must hire a 'zoo vet', possibly someone from the Secretary of States List. Visits by the Museum's appointed vet may be required as often as every one or two months, depending on the nature of the living collection.

'protective clothing and utensils used by staff...to be cleaned and stored only in the isolation [quarantine] area.' Raises again the question of staff work clothes and changing areas.

'except under the direction of a veterinary surgeon or practitioner, members of the staff of the zoo not to possess or administer controlled drugs.' Many medicines used in aquara and vivaria are commercially available preparations and not obtained by pharmaceutical prescription. These should, nevertheless, be locked in a steel cabinet in a safe place.

Post-mortem facilities [51-55]

'the cause of death for each animal dying in the collection to be established where reasonable and practicable to do so, including, in the majority of cases, the examination of carcasses by a veterinary surgeon or practitioner.' Formal arrangements can possibly be made with the Museum's appointed vet or the Veterinary Pathology Department of a local University. Even so, for lower vertebrates the cause of death is often difficult to ascertain by post-mortem. It may be advisable to retain specimens entered in the 'Deaths Register' in a deep freezer until veterinary clearance for disposal is obtained. Those Museums with a Taxidermy laboratory will be (or should be) covered in terms of post-mortem facilities. One must ensure that arrangements for the disposal of offal are satisfactory.

Safety and security-enclosures [56-60]

Cages and tanks should be checked for security and

double-checked if they contain hazardous creatures. It may be advisable to have some kind of special cover (? fine mesh frame, heavy glass sheet) over tanks containing venomous fishes, especially the Lion Fish. In addition to this, hazard warning signs should be placed at sites of risk. It may also be advisable for a routine warning on all hazards (animals, pipework, walkways) either written or verbal to be given to members of the public prior to behind-the-scenes visits, in order that they proceed with suitable caution.

Escape of animals [87-95]

Procedures to be adopted in the event of escapes of hazardous animals to be brought to the attention of, and available to, all members of staff in a written document. Snakes and other creatures may escape from time-to-time. Even if not actually dangerous, they can put the public in a state of fear and alarm. The written document should detail the chain of command in cases of escapes (names, telephone numbers), the location of any equipment needed to safely effect recapture, the procedure for closing off a gallery and the circumstances under which that gallery will reopen. For example, what is to be done if a buthid scorpion gets loose and cannot be found? It is suggested in the Standards that emergency practise drills be carried out at least four times per year.

Emergency first aid [105-108]

Formal first aid procedures need to be established with a local hospital in the event of damage or injury caused by animals. Possible hazards include:

- . venomous snake bite
- . venomous fish sting (lionfishes, weevers)
- . buthid scorpion sting
- . bites and scratches (rodents, non-venomous snakes, pirhana, snapping turtle, crocodile)
- . irritant hairs, minor stings (tarantulas, insects, marine worms, corals)
- . stabs from fish spines (sting ray, catfish)
- . poison dart (textile cone shell)
- . electric shock (electric eel, electric catfish, electrical equipment in water)

Consultation may be required with the nearest Tropical Diseases Hospital to ensure that any necessary anti-venoms are available. In the case of toxic injury from marine creatures, there is a comprehensive work, which provides clinical details, by B.W. Halstead (1970) 'Poisonous & Venomous Marine Animals' (U.S. Govt. Printing Office, Washington D.C.). It might be useful for larger aquaria to order a copy of this

and photocopy relevant sections so that they are readily available. These clinical notes would travel to the hospital with an injured person.

Insurance against liability for damage or injury caused by animals [114]

Is your institution covered ?

POINTS FOR ACTION

Here are some of the things which your Museum may need to do:

Copy of DOE documents to be obtained

Copy of transfer of HASAWA, with respect to zoos to be obtained

Copy of Note on Environmental Education to your Museum Education Service

Copy of your current publicity leaflet to DOE

Copies of Zoo Licensing Act and Dangerous Wild Animals Act to be obtained from Govt. Printer. Copies available for Museum's solicitor or appointed vet.

Application form for a Zoo Licence (existing zoos) to be completed

Informal enquiry to Environmental Health Dept. of Local Authority regarding responsibility for organising licensing process

Consultation with Solicitor/Museum's insurers over liability for damage caused by hazardous animals to public or staff.

Formal arrangement to be established with local Hospital and/or Tropical Diseases Hospital in the event of injury from hazardous animals

'Emergency procedure' to be produced as a staff document [in line with points 105-108 of the Standards]. Copy of Halstead's 'Poisonous and venomous marine animals' to be obtained and the relevant sections copied to be kept handy for transmission to Hospital in the event of an accident.

'Escapes procedure' to be produced as a staff document [in line with point 91, 92 of the Standards] and procedure and timing for four emergency drills per annum to be established

Cages or tanks containing hazardous creatures to be inspected for security, especially those containing snakes, spiders, scorpions or venomous fishes. Where necessary, orders to be placed for joinery work, glass or perspex covers, safety latches, clips, netting etc.

Arrangements to be made for routine veterinary attendance
[points 36, 47, 48 of the Standards]

Stock records of 'Deaths, transfers and arrivals' to be
established [points 115-119 of the Standards]

Arrangements to be made to inspect and take action on specimens
too closely confined in their tanks or cages

Action to be taken on any outstanding problems with defective
electrical works, ventilation and lighting with regard to
comfort and well being of stock [points 7,10,40 of the
Standards] and of the staff

Provision to be made for staff changing, locker and washing
facilities [point 20,c of the Standards] and in line with
HASAWA consultative document

Order to be placed for a series of hazard warning signs. For
example: STAY CLEAR HAZARDOUS ANIMALS: AUTHORIZED STAFF
ONLY; DO NOT LEAN ON THE BARRIER. [points 59, 103 of the
Standards]

'NO SMOKING or EATING' signs to be placed in preparation rooms

Consideration to be given to sites for public display of Zoo
Licence (Museum entrance or Zoo entrance/exit?). Arrangements
to be made for mounting and fixing of notices.

In connection with improvements to Records, consider the
long-term advantages of computerising stock lists etc.

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