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ANIMAL WELFARE (KEPT ANIMALS) BILL – ZOOS' RIGHT OF APPEAL

Dear David,

Thank you for your contribution to the debate at second reading of the Kept Animals Bill on Monday 25 October. I said that I would write to you following the debate on the proposals in the Bill to reform the Zoo Licensing Act 1981 (the '1981 Act') and your question about the amendment in paragraph 17(2)(a) of Schedule 5 to the Bill in relation to the rights of appeal in the 1981 Act.

Under our proposals, the conservation standards that licensed zoos must meet will be moved from section 1A of the 1981 Act and incorporated into the Secretary of State's Standards for Modern Zoo Practice (SSSMZP). As we move the conservation standards into the SSSMZP, we will be modernising them to ensure that they reflect what we would consider current best practice on conservation. The Government recognises that some of our zoos are world leaders when it comes to delivering ground-breaking conservation work, however, we also believe there are other zoos who could and should be doing more meaningful conservation work. Moving the conservation requirements into the SSSMZP will also allow them to be updated more readily in line with developments in modern best practice.

One of the criticisms of the current zoo licensing regime is that the SSSMZP are not consistently applied by local authorities when they grant or renew zoo licences. Currently, local authorities only have to have 'regard' to the SSSMZP when setting licence conditions, and we are aware that some local authorities and zoos treat the SSSMZP as little more than guidance. To address this issue and ensure that the new conservation requirements in the SSSMZP will be met by all zoos, we are altering the status of the SSSMZP by making compliance with the standards mandatory. Paragraph 7(2) of Schedule 5 will amend the 1981 Act to ensure that each zoo licence contains a general condition requiring the zoo to meet the standards in the SSSMZP. With this in mind, the SSSMZP are currently being redrafted to make them clear and legally enforceable and ensure that they contain appropriate standards for all types of licensed zoos. We aim to consult on the new SSSMZP very shortly, and I can reassure you that all zoo inspectors and licensed zoos will be consulted as part of this exercise.

Since all new zoo licences will need to contain this general condition, the amendment in paragraph 17(2)(a) of Schedule 5 makes it clear that the right of appeal will not apply in relation to this general condition. Section 18(1)(b) of the 1981 Act will continue to provide a

right of appeal in relation to any other condition attached by a local authority to a licence and section 18(1)(e) will still provide a right of appeal against any direction that has been issued under section 13(8)(c) or 16A(2). These directions are usually issued where a zoo has not met a condition attached to its licence. Under our proposals, in paragraph 13 of Schedule 5, where a local authority considers that a zoo has not met the general condition in its licence requiring it to meet the standards required in the SSSMZP, any subsequent direction must specify exactly which standard in the SSSMZP has not been met. A zoo would still be able to appeal that direction.

I look forward to working with you as the Bill progresses through Parliament and would be happy to meet with you to discuss this further if that would be helpful.

I am placing a copy of this letter in the Library of both Houses.

Yours sincerely,



VICTORIA PRENTIS MP