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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 174**

**The Zoo Licensing Act 1981  
Amendment (Scotland) Regulations 2003**

**Amendment of the Zoo Licensing Act 1981**

12. Before section 10 (periodical inspections) insert—

**“Procedures relating to inspections before the grant, refusal, renewal or significant alteration of licences**

**9A.**—(1) This section applies where an inspection is to be carried out as mentioned in sections 4(1A)(b), 6(1A)(a) and 16(2B)(b) and (3A)(b).

(2) Where an inspection under section 10 falls to be carried out within the period of 12 months beginning with the date on which a local authority becomes required to make arrangements for an inspection to be carried out as mentioned in subsection (1)—

- (a) the authority need not arrange for an inspection to be carried out in accordance with this section; and
- (b) if they do not, subsections (10) to (13) of this section apply in relation to the inspection under section 10 as they would have applied in relation to an inspection in accordance with this section.

(3) Where—

- (a) an application has been made under section 6(1) for renewal of a zoo’s licence and the authority propose to extend the period of the licence; and
- (b) one or more inspections of the zoo are required by section 16,

the authority may combine those inspections with the inspection which is required by section 6(1A)(a).

(4) Where more than one inspection is required under section 16, the authority may combine the inspections.

(5) Subject to subsection (6), where in the course of an inspection under section 10 or 12 or in accordance with this section it becomes apparent to the inspectors that a significant alteration to the licence is likely to be needed, they shall—

- (a) consult the holder of the licence about that alteration;
- (b) consider whether any new conditions they consider will be needed to secure that alteration will be met if the licence is altered; and
- (c) include their findings and recommendations in their report.

(6) Subsection (5) does not apply where the inspection is an inspection before the significant alteration of a licence, and the significant alteration the inspectors consider likely to be needed is the same or substantially the same as that which the local authority propose to make or the Scottish Ministers propose to direct the authority to make.

(7) An inspection required by section 4(1A)(b) or section 6(1A)(a) (including an inspection required by section 6(1A)(a) which is combined with another inspection) shall be

conducted by one or more inspectors nominated, after consultation with the local authority, by the Scottish Ministers from the list.

(8) An inspection required by section 16(2B)(b) or (3A)(b) (including such an inspection which is combined with another such inspection, but not including such an inspection which is combined with an inspection required by section 6(1A)(a)) shall be conducted by one or more persons who appear to the authority to be competent for the purpose and who are authorised by the local authority to conduct the inspection.

(9) Before an inspection is carried out in accordance with this section the authority shall, after consultation with the applicant or operator of the zoo (as the case may be), give the applicant or operator of the zoo at least twenty eight days' notice of the date on which it is proposed to carry it out.

(10) Except in the case of an inspection carried out before the grant or refusal of an original licence, the inspector shall consider whether the conditions attached to the licence are met.

(11) In the case of an inspection carried out before the grant or refusal of a licence, the inspector shall consider whether the conditions proposed by the authority under section 4(1A)(a) are likely to be met if the licence is granted.

(12) In the case of an inspection carried out before the period of an existing licence is extended, the inspector shall consider whether the conditions attached to the licence are likely to be met if the period of the licence is extended.

(13) In the case of an inspection carried out before the significant alteration of a licence, the inspector shall consider—

(a) whether any new or varied conditions proposed by the authority under section 16(2B)(a) or by the Scottish Ministers under section 16(3A) are likely to be met if the licence is so altered; and

(b) whether the conservation measures referred to in section 1A will be implemented at the zoo if the licence is altered as proposed by the authority or the Scottish Ministers (as the case may be).

(14) Except in the case of an inspection carried out before the grant or refusal of an original licence, the inspector may require the production of all records kept by the holder of the licence in pursuance of conditions imposed to ensure that the conservation measures referred to in section 1A(f) are implemented at the zoo and the holder of the licence shall produce the records.

(15) The inspector shall send his report to the authority, and within one month after receiving the report of the inspection the authority shall send a copy to the applicant or operator of the zoo (as the case may be) and give the applicant or operator an opportunity to comment on it.”.