



# Dangerous Wild Animals Act 1976

## 1976 CHAPTER 38

### 1 Licences

- (1) Subject to section 5 of this Act, no person shall keep any dangerous wild animal except under the authority of a licence granted in accordance with the provisions of this Act by a local authority.
- (2) A local authority shall not grant a licence under this Act unless an application for it—
  - (a) specifies the species (whether one or more) of animal, and the number of animals of each species, proposed to be kept under the authority of the licence;
  - (b) specifies the premises where any animal concerned will normally be held;
  - (c) is made to the local authority in whose area those premises are situated;
  - (d) is made by a person who is neither under the age of 18 nor disqualified under this Act from keeping any dangerous wild animal; and
  - (e) is accompanied by such fee as the authority may stipulate (being a fee which is in the authority's opinion sufficient to meet the direct and indirect costs which it may incur as a result of the application).
- (3) A local authority shall not grant a licence under this Act unless it is satisfied that—
  - (a) it is not contrary to the public interest on the grounds of safety, nuisance or otherwise to grant the licence;
  - (b) the applicant for the licence is a suitable person to hold a licence under this Act;
  - (c) any animal concerned will at all times of its being kept only under the authority of the licence—
    - (i) be held in accommodation which secures that the animal will not escape, which is suitable as regards construction, size, temperature, lighting, ventilation, drainage and cleanliness and which is suitable for the number of animals proposed to be held in the accommodation, and
    - (ii) be supplied with adequate and suitable food, drink and bedding material and be visited at suitable intervals;
  - (d) appropriate steps will at all such times be taken for the protection of any animal concerned in case of fire or other emergency;

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- (e) all reasonable precautions will be taken at all such times to prevent and control the spread of infectious diseases;
  - (f) while any animal concerned is at the premises where it will normally be held, its accommodation is such that it can take adequate exercise.
- (4) A local authority shall not grant a licence under this Act unless the application for it is made by a person who both owns and possesses, or proposes both to own and to possess, any animal concerned, except where the circumstances are in the authority's opinion exceptional.
- (5) A local authority shall not grant a licence under this Act unless a veterinary surgeon or veterinary practitioner authorised by the authority to do so under section 3 of this Act has inspected the premises where any animal will normally be held in pursuance of the licence and the authority has received and considered a report by the surgeon or practitioner, containing such particulars as in the authority's opinion enable it to decide whether the premises are such that any animal proposed to be kept under the authority of the licence may suitably be held there, and describing the condition of the premises and of any animal or other thing found there.
- (6) Subject to subsections (2) to (5) of this section, a local authority may grant or refuse a licence under this Act as it thinks fit, but where it decides to grant such a licence it shall specify as conditions of the licence—
- (a) conditions that, while any animal concerned is being kept only under the authority of the licence,—
    - (i) the animal shall be kept by no person other than such person or persons as is or are specified (whether by name or description) in the licence;
    - (ii) the animal shall normally be held at such premises as are specified in the licence;
    - (iii) the animal shall not be moved from those premises or shall only be moved from them in such circumstances as are specified in the licence;
    - (iv) the person to whom the licence is granted shall hold a current insurance policy which insures him and any other person entitled to keep the animal under the authority of the licence against liability for any damage which may be caused by the animal; and
    - (v) the terms of any such policy shall be satisfactory in the opinion of the authority;
  - (b) conditions restricting the species (whether one or more) of animal, and number of animals of each species, which may be kept under the authority of the licence;
  - (c) a condition that the person to whom the licence is granted shall at all reasonable times make available a copy of the licence to any person entitled to keep any animal under the authority of the licence;
  - (d) such other conditions as in the opinion of the authority are necessary or desirable for the purpose of securing the objects specified in paragraphs (c) to (f) of subsection (3) of this section.
- (7) Subject to subsection (6) of this section, a local authority may, in granting a licence under this Act, specify such conditions of the licence as it thinks fit.
- (8) Where a local authority proposes to insert in a licence under this Act a provision permitting any animal to be, for any continuous period exceeding 72 hours, at premises

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outside the area of the authority, the authority shall consult the local authority in whose area those premises are situated.

- (9) A local authority which grants a licence under this Act may at any time vary the licence by specifying any new condition of the licence or varying or revoking any condition of it (including any condition specified, or previously varied, under this subsection); but any condition of a licence specified by virtue of subsection (6) of this section may not be revoked and any condition specified by virtue of paragraph (a)(ii) of that subsection may not be varied.
- (10) Where a local authority varies a licence under subsection (9) of this section, then—
- (a) if the variation was requested by the person to whom the licence was granted, the variation shall take effect immediately after the authority decides to make it;
  - (b) in any other case, the variation shall not take effect until the person to whom the licence was granted has become aware of the variation and had a reasonable time to comply with it.

**Modifications etc. (not altering text)**

**C1** S. 1: functions of local authority not to be responsibility of an executive of the authority (E.)  
(16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1

**2 Provisions supplementary to section 1.**

- (1) Where—
- (a) a person is aggrieved by the refusal of a local authority to grant a licence under this Act, or
  - (b) a person to whom such a licence has been granted is aggrieved by a condition of the licence (whether specified at the time the licence is granted or later) or by the variation or revocation of any condition of the licence,

he may appeal to a magistrates' court; and the court may on such appeal give such directions with respect to the grant of a licence or, as the case may be, with respect to the conditions of the licence as it thinks proper, having regard to the provisions of this Act.

- (2) Any licence under this Act shall (according to the applicant's requirements) relate to the calendar year in which it is granted or to the next following year.

In the former case, the licence shall come into force at the beginning of the day on which it is granted, and in the latter case it shall come into force at the beginning of the next following year.

- (3) Subject to the provisions hereinafter contained with respect to cancellation, any licence under this Act shall remain in force until the end of the year to which it relates and shall then expire:

Provided that if application is made for a further licence before the said date of expiry the licence shall be deemed to be still in force pending the grant or refusal of the said application, and if it is granted the new licence shall commence from the date of the expiry of the last licence.

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- (4) In the event of the death of anyone to whom a licence has been granted under this Act the said licence shall continue in force for a period of twenty-eight days as if it had been granted to the personal representatives of the deceased and if application is made for a new licence within the said period the said licence shall be deemed to be still in force pending the grant or refusal of that application.
- (5) Any person who contravenes the provisions of section 1(1) of this Act shall be guilty of an offence.
- (6) If any condition of a licence under this Act is contravened or not complied with, then,  
—  
  - (a) the person to whom the licence was granted, and
  - (b) any other person who is entitled to keep any animal under the authority of the licence and who was primarily responsible for the contravention or failure to comply,
shall, subject to subsection (7) of this section, be guilty of an offence.
- (7) In any proceedings for an offence under subsection (6) of this section, it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.
- (8) In the application of this section to Scotland, in subsection (1) for any reference to a magistrates' court there shall be substituted a reference to the sheriff.

### **3 Inspection by local authority.**

- (1) Subject to subsection (2) of this section, a local authority to which an application has been made for a licence under this Act, or which has granted such a licence, may authorise in writing any veterinary surgeon or veterinary practitioner or such other person as it may deem competent to do so to inspect any premises where any animal is proposed to be held in pursuance of a licence for which an application has been made under this Act, or where any animal is or may be held in pursuance of a licence which has been granted under this Act; and any persons authorised under this section may, on producing their authority if so required, enter any such premises at all reasonable times and inspect them and any animal or other thing found there, for the purpose of ascertaining whether or not a licence should be granted or varied or whether an offence has been or is being committed against this Act.
- (2) A local authority shall not give an authority under subsection (1) of this section to inspect premises situated outside its area unless it has obtained the approval of the local authority in whose area those premises are situated.
- (3) The local authority may require the person who has applied for a licence under this Act or, as the case may be, to whom the licence concerned has been granted under this Act to pay the local authority the reasonable costs of the inspection.
- (4) Any person who wilfully obstructs or delays any person in the exercise of his power of entry or inspection under this section shall be guilty of an offence.

### **4 Power to seize and to dispose of animals without compensation.**

- (1) Where—  
  - (a) an animal is being kept contrary to section 1(1) of this Act, or

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(b) any condition of a licence under this Act is contravened or not complied with, the local authority in whose area any animal concerned is for the time being may seize the animal, and either retain it in the authority's possession or destroy or otherwise dispose of it, and shall not be liable to pay compensation to any person in respect of the exercise of its powers under this subsection.

- (2) A local authority which incurs any expenditure in exercising its powers under subsection (1)(a) of this section shall be entitled to recover the amount of the expenditure summarily as a civil debt from any person who was at the time of the seizure a keeper of the animal concerned.
- (3) A local authority which incurs any expenditure in exercising its powers under subsection (1)(b) of this section shall be entitled to recover the amount of the expenditure summarily as a civil debt from the person to whom the licence concerned was granted.

## 5 Exemptions.

The provisions of this Act shall not apply to any dangerous wild animal kept in:—

- [<sup>F1</sup>(1) a zoo within the meaning of the Zoo Licensing Act 1981 for which a licence is in force (or is not for the time being required) under that Act;]
- (2) a circus;
- (3) premises licensed as a pet shop under the <sup>M1</sup>Pet Animals Act 1951;
- (4) a place [<sup>F2</sup>which is a designated establishment within the meaning of the Animals (Scientific Procedures) Act 1986].

### Textual Amendments

**F1** S. 5(1) substituted by Zoo Licensing Act 1981 (c. 37, SIF 4:6), s. 22(1)(a)

**F2** Words substituted by Animals (Scientific Procedures) Act 1986 (c. 14, SIF 4:5), s. 27(2), Sch. 3 para. 10

### Marginal Citations

**M1** 1951 c. 35.

## 6 Penalties.

- (1) Any person guilty of an offence under any provision of this Act shall be liable on summary conviction to a fine not exceeding [<sup>F3</sup>level 5 on the standard scale].
- (2) Where a person is convicted of any offence under this Act or of any offence under the Protection of Animals Acts 1911 to 1964, the Protection of Animals (Scotland) Acts 1912 to 1964, the Pet Animals Act 1951, the <sup>M2</sup>Animal Boarding Establishments Act 1963, the <sup>M3M4</sup>Riding Establishments Acts 1964 and 1970, or the <sup>M5</sup>Breeding of Dogs Act 1973, the court by which he is convicted may cancel any licence held by him under this Act, and may, whether or not he is the holder of such a licence, disqualify him from keeping any dangerous wild animal for such period as the court thinks fit.

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- (3) A court which has ordered the cancellation of a person's licence, or his disqualification, in pursuance of the last foregoing subsection may, if it thinks fit, suspend the operation of the order pending an appeal.
- [<sup>F4</sup>(3A) Where a person is convicted of any offence under sections 28C or 28F(16) of the Animal Health Act 1981 (c. 22), or sections 19 to 24, 25(7), 29 or 40(11) of the [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), subsections (2) and (3) apply as they do to convictions under this Act.]

#### Textual Amendments

- F3** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289F, 289G
- F4** S. 6(3A) inserted (S.) (3.11.2006) by The Animal Health and Welfare (Scotland) Act 2006 (Consequential Provisions) Order 2006 (S.S.I. 2006/536), art. 1, **Sch. 1 para. 8**

#### Marginal Citations

- M2** 1963 c. 43.  
**M3** 1964 c. 70.  
**M4** 1970 c. 32.  
**M5** 1973 c. 60.

## 7 Interpretation.

- (1) Subject to subsection (2) of this section, for the purposes of this Act a person is a keeper of an animal if he has it in his possession; and if at any time an animal ceases to be in the possession of a person, any person who immediately before that time was a keeper thereof by virtue of the preceding provisions of this subsection continues to be a keeper of the animal until another person becomes a keeper thereof by virtue of those provisions.
- (2) Where an animal is in the possession of any person for the purpose of—
- preventing it from causing damage,
  - restoring it to its owner,
  - undergoing veterinary treatment, or
  - being transported on behalf of another person,
- the person having such possession shall not by virtue only of that possession be treated for the purposes of this Act as a keeper of the animal.
- (3) In this Act expressions cognate with “keeper” shall be construed in accordance with subsections (1) and (2) of this section.
- (4) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—
- “circus” includes any place where animals are kept or introduced wholly or mainly for the purpose of performing tricks or manoeuvres;
- “damage” includes the death of, or injury to, any person;
- “dangerous wild animal” means any animal of a kind for the time being specified in the first column of the Schedule to this Act;
- “local authority” means in relation to England <sup>F5</sup>. . . a district council, a London borough council or the Common Council of the City of London, [<sup>F6</sup>in

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relation to Wales, a county council or county borough council,] and, in relation to Scotland, [<sup>F7</sup>a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

“premises” includes any place;

“veterinary practitioner” means a person who is for the time being registered in the supplementary veterinary register;

“veterinary surgeon” means a person who is for the time being registered in the register of veterinary surgeons;

F8

- (5) The second column of the Schedule to this Act is included by way of explanation only; in the event of any dispute or proceedings, only the first column is to be taken into account.

#### Textual Amendments

- F5** Words in s. 7(4) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 51, **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, **art. 4**; S.I. 1996/396, **art. 4**
- F6** Words in s. 7(4) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 51** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, **art. 4**
- F7** Words in s. 7(4) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 105** (with s. 127); S.I. 1996/323, **art. 4(c)**
- F8** Definition repealed by **Zoo Licensing Act 1981** (c. 37, SIF 4:6), **s. 22(1)(b)**

## 8 Power of Secretary of State to modify the Schedule.

- (1) If the Secretary of State is satisfied that the scope of this Act should be extended so as to include animals of a kind not for the time being specified in the Schedule to this Act or diminished so as to exclude animals of a kind for the time being specified in that Schedule, he may by order make the necessary modifications to that Schedule and any such order may be revoked by a subsequent order under this subsection.
- (2) The power conferred by the foregoing subsection on the Secretary of State shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## 9 Protection of existing keepers.

Notwithstanding anything in this Act, a person who immediately before the date of the commencement of this Act was keeping a dangerous wild animal at any premises and who is not disqualified as mentioned in section 6(2) of this Act, shall be entitled to keep such animal at those premises without a licence under this Act—

- (a) for the period of 90 days beginning with that date; and
- (b) if before the expiration of that period he applies for a licence under this Act, until the licence is granted or finally refused or the application is withdrawn.

## 10 Short title, commencement and extent.

- (1) This Act may be cited as the Dangerous Wild Animals Act 1976.

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- (2) This Act shall come into operation at the expiration of a period of three months beginning with the date on which it is passed.
- (3) This Act does not extend to Northern Ireland.



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