

# REVIEW OF THE PROVISIONS OF THE DANGEROUS WILD ANIMALS ACT 1976

Companion Animal Sector Council DWA specialist working group

February 2022



**Companion Animal  
Sector Council**

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# Part 1. Introduction and summary of recommendations

## Introduction

Since its introduction in 1976 the Dangerous Wild Animals Act has remained essentially unchanged with updates being limited to minor changes to the wording, and reviews of the schedules of species covered. At no point has any detailed guidance to the act itself been issued, or any standards that are required to be met in relation to the care of the animals. This has hampered Local Authorities (LA's) in discharging their duties during the licensing process, created inconsistencies across different LA's and hampered applicants who are often unclear as to the standards they are required to meet.

This current review has been carried out by a Companion Animal Sector Council (CASC) specialist working group and builds upon work by a previous DEFRA review group which, although completed was never actioned. The aims of this review was to identify ways in which the act could be modified to improve its effectiveness and what materials could be produced that could help both LA's and applicants during the licensing process. It also considered ways in which the Act could be further modified in the future to improve consistency of the process and animal welfare standards.

Following the review the CASC working group would like to propose the following recommendations for consideration:

## Recommendations in relation to the Act

**1: Repeal the Dangerous Wild Animals Act 1976 and add the management of dangerous wild animals into the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (LAIA) during the LAIA post implementation review in 2023.**

**2: Delete section 9(a) as it references to the start date of the Act which is no longer relevant.**

**3: Delete section 10, sub section 2 as it references the date of operation of the Act which is no longer relevant**

**4: If the DWA Act cannot be incorporated in the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (LAIA) then the act should be modified to provide the ability for Local Authorities to seek a warrant for entry in the event that they believed unlicensed animals were being kept;**

**5: Consider the addition of the use of a hearing process during applications.**

## Recommendations in relation to the administrative process

### **6: Immediately issue the following guidance documents:**

- a) Guidance to the background and development of the Act (see Part 3)**
- b) Guidance to the interpretation and aims of the Act and its application. (see Part 3)**
- c) Guidance on Licence conditions. (see Part 4)**
- d) Detailed taxa based guidance incorporating welfare considerations.(see Part 5)**

### **7: Develop a standard application form to be used by all local authorities.**

### **8: Develop a central list of individuals with knowledge of particular licensable species.**

Further details and rationale for the recommendations can be found in the next section of this report.

## Details of the Companion Animal sector Council

CASC is a multi-disciplinary group whose member organisations are drawn from a wide range of stakeholders, including trade organisations, enforcement authorities, veterinary organisations, hobby keeper groups, academia and welfare organisations. This gives CASC the ability to draw on a wide range of experience and opinions to develop a consensus position, with high stakeholder engagement, on subjects relating to all aspects of animal welfare in companion animals (excluding dogs, cats and equines). The CASC DWA specialist Working Group was comprised of representatives from: The Sustainable Users Network, Reptile and Exotic Pet Trade Association, City of London Authority, National Fancy Rat Society, Ornamental Aquatic Trade Association, British Rabbit Council, British Herpetological Society, British Small Animal Veterinary Association, British Veterinary Zoological Society and the Federation of British Herpetologists. The group was chaired by The Sustainable Users Network.

CASC can be contacted via its website ([www.casc.org.uk](http://www.casc.org.uk)) or by email at [secretariat@casc.org.uk](mailto:secretariat@casc.org.uk).

## Part 2: Recommendation detail and rationale

This section provides detailed explanations for each of the proposed recommendations.

### Changes to the Act

The recommendations that involve a change to the Act deliver robust improvements that would improve the clarity and delivery of the licensing process. We understand that such changes will require a significant amount of work and that they may not be deliverable within a short timeframe. We ask however that they be noted for future implementation, especially considering the opportunity for changes presented by the 2023 post implementation review of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 where these recommendations could be enacted and guidance introduced intended to ensure all parties are aware of their responsibilities, assist with constancy between LA's and improve animal welfare..

#### **1. Repeal the Dangerous Wild Animals Act 1976 and add the management of dangerous wild animals into the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (LAIA).**

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (LAIA) were introduced to replace a range of animal welfare legislation (Pet Animals Act 1951, Animal Boarding Establishments Act 1963, Breeding of Dogs Act 1973, Breeding of Dogs Act 1991, Breeding and Sale of Dogs (Welfare) Act 1999). This simplified their application by incorporating them into a single piece of modern legislation.

Although LAIA is primarily concerned with animal welfare it could be used to address some of the short fallings on the DWA Act 1976. Incorporating the DWA Act into LAIA as a licensable activity has many benefits. It would:

- (a) update the administration process' by aligning with the updated procedures contained in LAIA
- (b) Introduce guidance to ensure the consistency of inspections
- (c) allow the powers of entry to be consistent across different legislation, making it more appropriate for Local Authorities and improving enforcement
- (d) bring a focus on animal welfare, allowing it to be incorporated into any guidance
- (e) simplify application by having a single piece of legislation
- (f) require no changes to the licencing administration since Local Authorities are already the authority responsible for licencing activities under LAIA

(g) Allow the use of the appeals process defined in the LAIA regulations

The LAIA Act will undergo its post implementation review in 2023 and this would be a suitable opportunity to incorporate the requirements of the DWA Act into it.

**Recommendation: Repeal the Dangerous Wild Animals Act 1976 and add the management of dangerous wild animals into the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (LAIA) during the LAIA post implementation review in 2023.**

## **2. Section 9 (a)**

1. for the period of 90 days beginning with that date; and

**Recommendation: This section should be removed as it references to the start date of the Act which is no longer relevant.**

## **3. Section 10, sub-section 2**

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

(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.

**Recommendation: This sub-section should be removed as it references the date of operation of the Act which is no longer relevant**

## **4. Powers of entry**

Section 3 sets out the powers of entry available under the Act:

3.— (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.

The powers of entry contained in this section are limited to premises in respect of which a licence has been applied for or granted. If a Local Authority believes that unlicensed animals are being kept then they have no right to request a warrant for entry. Instead they must rely on voluntary access or else seek to use powers contained in other legislation (the Convention on International Trade in Endangered Species or the Animal Welfare Act 2006 for example). This is not consistent with other animal keeping legislation (Animal Welfare (Licensing of Activities Involving Animals)

(England) Regulations 2018) where powers of entry are available in the event of a Local Authority believing that the legislation had been breached.

In an earlier consultation it was proposed that the power of entry should be extended so that local authorities, with a warrant, could enter to inspect premises where they had reason to believe that unlicensed animals were being kept. Unfortunately this cannot be addressed using the legislative reform order process and changes to the primary legislation would be required. The incorporation of the DWA Act into LAIA would be the easiest way to achieve this as these regulations legislate for such powers of entry.

**Recommendation: That the Act be modified to provide the ability for Local Authorities to seek a warrant for entry in the event that they believed unlicensed animals were being kept;**

**OR,**

**That the DWA Act is incorporated into the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (LAIA) (see recommendation 1 for details)**

#### **5. Introduce the principle of a pre-licencing hearing**

The holding of hearings are unusual in this field of licensing (and potentially time-consuming and expensive) but by this method the Council *could* afford the applicant an opportunity to verbally state his views prior to determination of the application. This might be appropriate if refusal is a distinctly possible outcome and there are points of contention that could be clarified at a hearing. A similar opportunity to make representations may be achieved by the submission of written statements. However, in all cases the local authority must observe the normal rules of natural justice and deal with the application expeditiously and without unreasonable delay (there is no time limit put upon the period allowed for determination.)

**Recommendation: Consider the addition of the use of a hearing process during applications.**

### [Changes to administrative process](#)

The recommendations in this section do not require changes to the Act itself but consist of guidance that could be created to assist the delivery of the current licencing process. Such guidance could be issued immediately and independently of any of the recommendations detailed above, but would still remain relevant after the implementation of any of the recommended changes to the Act.

#### **6. Issue detailed guidance for Local Authorities and applicants**

There is no guidance available for Local Authorities or applicants. This leads to inconsistent approaches from different Local Authorities and confusion and mis-understanding among applicants. Producing a single set of guidance documents would assist Local Authorities,

increasing understanding and constancy. Applicants would also benefit by understanding the requirements placed on them before application, saving Local Authority time and therefore money.

Guidance documents do not require any legislative changes and so could be issued with a minimum of delay. CASC's wide range of stakeholders (including veterinary and Local Authority representation) make it ideally placed to produce guidance with a broad buy in from stakeholders. Much guidance development has already been done and is included in this report.

**Recommendation: Immediately issue the following guidance documents:**

- (a) Detailed guidance to the Dangerous Wild Animals Act and its application. (see Part 2)**
- (b) Guidance on Licence conditions. (see Part 3)**
- (c) Detailed taxa based guidance incorporating welfare considerations.(see Part 4)**

#### **7. Develop a standard application form to be used by all local authorities.**

There is no standard application form used by all Local Authorities. This leads to inconstancy across the UK with applicants being required to submit different information on applications. A standard application forms would provide consistency across the UK, ensuring all applicants are treated equally and fairly.

**Recommendation: Develop a standard application form for use by all Local Authorities.**

#### **8. Develop a central register of taxa specialists.**

Many of the animals licenced under the DWA Act are species rarely encountered by Local Authorities, or even by vets. There are many individuals with specialist knowledge of particular animals who could be a source of specialist information. The names and contact details of specialists could be held in a central list which Local Authorities could access if needed. This could be coordinated by CASC and hosted on their website.

**Recommendation: Develop a central list of individuals with knowledge of particular licensable species.**

# Part 3: Proposed Detailed Guidance on the Dangerous Wild Animals Act 1976 (DWA) (as amended) for Local Authorities and applicants

Guidance on the background of the Act, its implementation and subsequent modifications

1. Background
2. Consultations and reviews undertaken since introduction
3. Changes made to the Act since its introduction
4. Guidance issued on the interpretation and administration of the Act

Guidance to the aims and interpretation of the Act

1. The Licensing Procedure
2. Provisions of the Act
3. Offences
4. Annexes

A-Schedule of species requiring a DWA licence

B-Wording of the Act after the 2009 modification order.

# Guidance on the background of the Act, its implementation and subsequent modifications

## Introduction

This guidance provides information regarding the development of the DWA Act and changes that have been implemented since its introduction. It is suitable for LA's and applicants.

## 1. Background

1.1 The Dangerous Wild Animals Act 1976 ("the Act") came about following the fashion in the 1970s for keeping exotic animals, such as lions and tigers. Its primary purpose is to seek to protect the public from risks arising from the keeping of dangerous wild animals (DWA). It is intended to protect the public at large, by regulating the keeping of DWA, rather than the animal keepers themselves. The Act also contains some ancillary welfare provisions. The Act applies in England, Wales and Scotland, but has been devolved in relation to Scotland, and Northern Ireland now has its own legislation to regulate the private keeping of DWA.

1.2 The Act does not contain a definition for DWA but instead it lists in a Schedule those animals that are subject to the provisions of the Act. It includes animals such as tigers, lions, chimpanzees, gorillas, crocodiles, venomous snakes and spiders. Local authorities are responsible for administering and enforcing the Act and anyone wishing to keep an animal listed in the Schedule must obtain a licence from his or her local authority. The Act does not apply to those DWA kept in zoos, circuses, pet shops or scientific establishments as these are covered by separate legislation.

1.3 There has been long-standing demand for reform of the Act from animal keeping organisations and growing anecdotal evidence has suggested a high level of non-compliance with the Act. A government-funded study<sup>1</sup> by the International Zoo Veterinary Group (IZVG), published in 2001, examined the Act's effectiveness. IZVG reported that the Act had been broadly effective inasmuch as there had been no reported serious injuries to the public.

1.4 There was however compelling circumstantial evidence to support claims of significant levels of non-compliance. They pointed to the view of many keepers that the controls extended to non-dangerous animals, to some species which are now farmed in significant numbers and widespread disparities in licence and inspection fees set by local authorities. They also identified weaknesses in the enforcement of the Act, leading to fears of widespread flouting of its provisions, and hearsay evidence that some local authorities were adopting blanket policies to refuse all licence applications.

1.5 It was considered that Act did not adopt a proportionate approach to the regulation of dangerous wild animals based on risk to the public, it was not consistent with other relevant

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<sup>1</sup> Greenwood AG, Cusdin PA and Radford M (2001) Effectiveness Study of the Dangerous Wild Animals Act 1976 . Defra Research Contract CR0246.

legislation relating to public safety and the enforcement and inspection regime was not consistent with Hampton principles<sup>2</sup>.

1.6 It is important to note that the Act is a regulatory piece of legislation and not a prohibitive one. It does not deny the right for people to keep those animals listed on the Schedule, as long as an appropriate licence has been obtained. Local Authorities should not adopt a blanket policy of not issuing DWA licenses as a method of preventing ownership within their area of jurisdiction. Such a policy would be unlawful and open to legal challenge by applicants.

## 2. Consultations and reviews undertaken since introduction

2.1 The review of the Act has been underway since 2000 and there has been wide consultation of stakeholders throughout this process. The review began with the consultant's study of the effectiveness of the Act (undertaken by IZVG), which itself included surveying the views of stakeholders.

2.2 Following an initial consultation on this report in 2001/2, Defra formulated proposals for addressing the shortcomings of the Act and undertook a public consultation<sup>3</sup> exercise in Autumn 2004. 100% of respondents supported the broad proposal that the Act required revision to improve its effectiveness, bring it up to date and make it fit for purpose. However, 98% of respondents had caveats about some of the detail of those proposals (some arguing for less regulation and others for more).

2.3 Following the consultation in 2004, the Government further considered the reform of the Act. This consideration has particularly taken into account the wider regulatory and policy framework relevant to keeping of DWA. It became clear that the situation had developed since introduction of the Act in 1976 and there were other potential options to tackle problems. Since 1976, there is also a greatly increased emphasis that regulation should be more focused on risk and seek to minimise regulatory burdens in line with 'Better Regulation' policies. The proposals, set out in a 2008 consultation<sup>4</sup>, sought to reduce the level of regulatory burden on both local authorities and animal keepers, with those adopting and maintaining higher standards benefitting most from the deregulation exercise.

2.4 This process has led to regulatory reform of the Act, with changes to the provisions of the Act (highlighted later in this guidance) to come into force in October 2009. In addition to the changes to the Act we have undertaken to draft this comprehensive guidance for local authorities and keepers. Through the latest consultation process, we sought input from stakeholders which will hopefully ensure a shared sense of ownership of this guidance and ensure that it is fit for purpose and delivers what is required. In addition, a small working group of main stakeholders was convened to help compile this guidance to ensure those areas of most concern to interested parties were addressed.

2.5 The changes referred to above, and detailed further in this guidance, form the second part of measures to ensure that the Act is relevant and places a burden on keepers and the local authorities who administer the Act that is proportionate to the assumed risk. The first measure

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<sup>2</sup> Hampton P (2005) Reducing administrative burdens: effective inspection and enforcement. Report to HM Treasury.

<sup>3</sup> Defra (2004) Proposals for Improving the Effectiveness of the Dangerous Wild Animals Act 1976

<sup>4</sup> Defra (2008) Consultation on changes to the arrangements for licensing the keeping of dangerous wild animals

was taken in October 2007 when the list of species subject to the Act was revised, and those species that posed little or no threat to public safety were removed. A small number of species were added.

2.6 The review process has enabled wide consultation with all the stakeholder groups, local authorities and many individuals with an interest, ensuring ample opportunity to feed views in to Government. Stakeholders views tend to be divided into two opposing camps – those with an interest in keeping animals desiring ‘lighter touch’ regulation and those concerned primarily with animal welfare desiring tighter controls aimed at delivering welfare objectives. It is hoped that the changes to the Act will satisfy both camps.

### 3. Changes made to the Act since its introduction

3.1 The Act came into force on 22 October 1976 and aside from substitutions for the Schedule (the list of species requiring of a licence), the latest being in October 2007, the main body of the Act has remained substantively unamended since that time, apart from updating to references to other statutes.

#### **Changes to the Schedule of species**

##### **1981 Modification Order – SI 1981/1173**

3.2 This Order added a large number of species to the Schedule, in all 12 families were added and one removed. The majority of these were large and clearly dangerous species, such as elephants, hippopotamus and rhinoceros, which up until that time had been considered to be zoo species and unlikely to be kept by the general public as pets. However, large private collections of zoo animals were becoming more common at the time.

##### **1984 Modification Order – SI 1984/1111**

3.3 This Order extended the Schedule to include New World monkeys and certain mustelids, snakes, spiders, scorpions and hybrids and was also used to “tidy up” the earlier Order and amend some errors contained therein.

##### **2007 – The Dangerous Wild Animals Act 1976 (Modification) (No.2) Order No.2465**

3.4 This most recent revision of the Schedule took place in 2007. A review of the Act highlighted the need to update and revise it, as there was believed to be wide-spread non-compliance amongst some animal keepers. A number of the species listed in the 1980’s were considered to be no more dangerous than domestic cats or dogs and this had further undermined the Act’s credibility.

3.5 Following the review of the Schedule, the Department sought advice from a selected group of experts in formulating proposals on which species should be removed or added to it. These experts took a number of factors into account, including the likelihood and capacity of the animal causing serious injury to humans.

3.6 The Department went out to public consultation, setting out the options for improving the effectiveness of the Act. Some of the responses recommended amendments (both additions and deletions) to the Schedule but few suggestions were backed up with new evidence in support of them. Ministers agreed to the revision of the Act's species list by secondary legislation, to limit it to those species which the experts thought presented a genuine threat to the public. Consequently four species of snake, a species of scorpion and the Dingo were added to the Schedule but over thirty species were removed from licensing control. A copy of the current Schedule can be found at **Annex A**.

### **Changes to the main body of the Act**

#### **Legislative Reform (Dangerous Wild Animals) (Licensing) Order 2009**

3.7 Under section 1 of the Legislative and Regulatory Reform Act 2006 the Minister can make an Order for the purpose of *'removing or reducing any burden, or the overall burdens resulting directly or indirectly for any person from any legislation'* and section 1(3) of that Act defines a 'burden' as:

- a financial cost;
- an administrative inconvenience;
- an obstacle to efficiency, productivity or profitability; or
- a sanction, criminal or otherwise, which affects the carrying on of any lawful activity

3.8 The changes to the Act brought about by this Order will reduce the level of burden, both financial and administrative, imposed on animal keepers and on local authorities which administer and enforce the Act, whilst retaining the public safety benefits of the legislation. They are in line with the Government's intention to deregulate where desirable and regulate with as light a touch as possible. It is also intended that the principle of risk assessment should be entrenched throughout the regulatory system, so that the burden of enforcement falls most on highest-risk areas and least on those of low risk.

3.9 There are three changes, falling from the lengthy review process and consultations with stakeholders, to the current provisions of the Act and brought about by this Order and these are:

- (a) to remove the mandatory requirement for inspections to be carried out in respect of certain applications for a replacement, or second, licence;***
- (b) to extend the period of validity of a licence from a maximum of one calendar year to two years;***
- (c) to provide that licences (other than in the case of licence renewals) will come into force immediately upon their being granted (rather than, as was previously the case, from either the date of grant or the beginning of the next following year).***

Further details on these amendments can be found in section 7, "Provisions of the Act".

3.10 There were a number of strong responses against a further proposal to remove from the Act the requirement for local authorities to consider welfare issues ahead of licensing the keeping of animals and to rely on the provisions of the Animal Welfare Act (AWA) instead. Further consideration of this issue took place within the Department. Although the AWA provides increased welfare protection for kept animals, it does not allow for prospective assessment of the suitability of an individual to look after the welfare needs of an animal or provide for a pre-licensing inspection to ensure the premises where animals are to be kept is suitable. For these reasons it was decided not to pursue this proposal.

3.11 The Order bringing about these changes comes into force in October 2009. A copy of the Act as revised by the 2009 Order can be found at **Annex B** highlighting the deletions from the original 1976 Act (in italics) and the new provisions brought about by the Order (in bold)

## 4. Guidance issued on the interpretation and administration of the Act

4.1 Since the Act's inception in 1976 there has been little guidance provided to local authorities. In anticipation of the Act originally coming into force the Home Office sent a circular<sup>5</sup> to local authorities and police informing them of the main provisions of the Act. The circular outlined the intentions of the Act, summarising each section and bringing certain licensing issues to the attention of the licensing authorities. Since being issued however, the circular has all but disappeared and few people have access to a copy. Further guidance on the Act, and other legislation relating to the keeping of wild animals, also appeared in Defra Circular 1/2002 – The Keeping of Wild Animals - but this did not go into any great detail.

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<sup>5</sup> Home Office Circular 112/1976 on the Dangerous Wild Animals Act 1976

## Guidance to the aims and interpretation of the Act

### Introduction

This guidance provides information on the aims of the Act and the outcomes that it seeks to deliver. It is suitable for LA's and applicants.

### 1. The Licensing procedure

1.1 Within a local authority administration of the Act is normally the responsibility of Environmental Health Officers; however it may also be administered by Trading Standards Officers or Licensing Officers.

1.2 Once an interested individual contacts the local authority an application form is sent out, usually following an informal discussion with the enforcing officer about the proposal. Application forms can vary widely between authorities, from a basic form requesting information on the applicant's contact details and the proposed types of animals, to more comprehensive forms requiring details on size and type of accommodation proposed, food items they intend to offer, and whether they intend breeding the animals.

1.3 Most application forms have a declaration which must be signed by the applicant to certify that they have not been disqualified from keeping DWA under the Act<sup>6</sup>. Additionally many authorities request details on other animal related convictions<sup>7</sup>, which may affect whether or not the authority decides to grant a licence, either because a court has disqualified a person from keeping DWA or because the applicant cannot be deemed a "suitable person"<sup>8</sup>. It seems that in practice authorities must rely on an applicant's declaration or local knowledge to determine whether such convictions or disqualifications have been made, as they have no access to a central register of convictions.

1.4 Once the authority has received the application form and fee, an inspection date is set, and the inspection is usually carried out by a local authority officer and a suitably competent veterinary surgeon appointed by the authority. In the majority of local authorities the appointed officer (usually an Environmental Health Officer) has delegated powers to grant a licence based on the inspecting veterinary surgeon's report. If an inspector's report recommends a licence is not to be granted then a decision may be reached either by the appointed officer, by committee within the department or by referral to a subcommittee of the elected members of the Council. The LA may choose to waive inspections, or not to use a competent veterinary surgeon for renewals of existing licenses.

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<sup>6</sup> Section 1 (2) (d) of the Act

<sup>7</sup> Section 6 (2) of the Act

<sup>8</sup> Section 1 (3) (b) of the Act

1.5 Most councils have a system to check up on application forms requested and not submitted. If no submission is forthcoming, they make a follow-up call to discover the reason why. Similarly, if a licence lapses, an inspection will be made by a council officer to ensure that no DWAs are being kept without a licence.

## 2. Provisions of the Act

2.1 The Act is arranged in a number of sections, as listed below, covering various provisions. This chapter attempts to explain what each of the sections and subsections are designed to do. In addition this chapter also addresses those additional issues which have been highlighted during the review of the Act as being in need of clarification.

### ARRANGEMENTS OF SECTIONS

Section:

- 1 Licences
- 2 Provisions supplementary to section 1
- 3 Inspection by local authority
- 4 Power to seize and to dispose of animals without compensation
- 5 Exemptions
- 6 Penalties
- 7 Interpretation
- 8 Power of Secretary of State to modify the Schedule
- 9 Protection of existing keepers
- 10 Short title, commencement and extent
- 11 Schedule

### DWA Act Section 1 - Licences

Section 1 contains the main licensing provisions.

**Subsection (1)** creates the principal offence of keeping a dangerous wild animal - that is, any animal of a kind specified in the first column of the Schedule (the list of species requiring a licence) - without a local authority licence. There are exceptions to this requirement, as conferred by Section 5, and these are for animals in zoos, circuses, licensed pet shops and also designated establishments within the meaning of the Animals (Scientific Procedures) Act 1986. Further details can be found in Section 5 below.

### ***Retrospective licences***

Section 1(1) states “..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.” This makes it clear that licences must be obtained by keepers **prior** to keeping any such animal on their premises. Applications from keepers who already own and possess dangerous wild animals can only be for relicensing. **There is no provision in the Act whereby local authorities can issue licences retrospectively** and such licences should not be issued as a means of avoiding prosecutions.

**Subsection (2)** specifies certain information which must be provided in an application before a local authority can grant a licence. These are: (a) the specie/s of animal/s and the number of animals of each species to be kept and (b) the premises where the animal will be normally kept. In addition the application must: (c) be made to the local authority in whose area the premises are situated; (d) be made by someone who is over 18 years of age and not disqualified under the Act from keeping any dangerous wild animal. In addition (e) the application must be 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)*”. The fee is therefore payable whether or not a licence is granted.

The discretion as to the level of the fee, subject to the words in brackets, **is intended to enable the individual authority to recover the full administrative cost of administering this system - but no more.**

### ***Considerations for setting Fees***

There appears to be a wide variance in the level of fees charged by local authorities. Section 1(2)(e) of the Act provides that any application for a licence is accompanied by a fee stipulated by the local authority and in their opinion being sufficient to meet the direct and indirect costs which it may incur as a result of the application. The implication is that fees charged by local authorities should only reflect those costs reasonably incurred and should not be used for profit-making or as a punitive tool to dissuade keepers from keeping dangerous wild animals or applying for a licence. **Local authorities should endeavour to keep fees to a minimum and should be able to justify the level of fees in the event of a challenge.** A keeper can challenge fees through the courts or with the local government ombudsman under maladministration.

**Subsection (3)** specifies the matters about which a local authority must be satisfied before granting a licence. The granting of the application should not be contrary to the public interest in any way, the applicant must be a suitable person to hold a licence and the local authority must also be satisfied that the conditions in which the animal is proposed to be kept will safeguard its welfare.

**Subsection (4)** provides that a licence shall not be granted, save in exceptional circumstances, to a person who does not both own and possess (or proposes to own and possess) the animal concerned. The intention behind this provision is to ensure that a licence will normally be issued to the person likely to have the most effective control over the animal by virtue not only of

possession but also of ownership. Exceptionally, however, a local authority may be prepared to grant a licence, for example, to an absentee owner's employee or a person effectively in charge of an animal the ownership of which cannot quickly or with certainty be established.

**Subsection (5)** requires (subject to subsection (5A) of this section) a local authority to obtain a satisfactory report from a competent vet (with experience in the species involved, but not necessarily a Secretary of State zoo inspector or specialist international zoo vet) on the proposed accommodation before granting a licence, and this includes upon relicensing in some cases. The inspection is required to contain information enabling the local authority to decide whether the premises are suitable (i.e. safe and appropriate for the species) and to describe the conditions of the premises and animals. The latter infers that the vet should report on the provisions of the welfare requirements listed in Section 1(3) (c-f) of the Act, with the local authority laying down the particulars about which it needs to be informed, usually by way of an inspection form.

It should be noted that a veterinary report is mandatory only if a licence is to be granted. A local authority is therefore free to refuse to grant a licence without such a report. Nothing in the Act imposes any other restriction on the reports which a local authority may wish to obtain from other persons whether a licence is to be granted or not.

**Subsection (6)** specifies the conditions which **must** be attached to a licence. Where, subject to subsections (2) and (5) of section 1 of the Act, a local authority decides to grant a licence then certain conditions must be specified. These require that the persons who may keep the animal shall be specified in the licence based on information which must be provided by the applicant. Although the Act is silent about the competence to be expected of any person so specified, it is envisaged that local authorities will wish to be satisfied by the applicant about the suitability of other proposed keepers.

The conditions must also specify: where the animal is normally to be kept; that the animal should not be moved from that premises or can only be moved in such circumstances shown on the licence; the holding, by the licensee, of an adequate policy of insurance against injury or damage caused by the animal; the number and kinds of animals permitted to be kept; a requirement that the licensee makes available a copy of the licence to any other person authorised to be a keeper under it. This has regard to the fact that, under section 2(4), such a keeper may be liable for breach of a licence condition. Finally conditions must be attached for securing the animal's welfare as detailed in paragraphs (c) to (f) of Section 1 subsection (3) of the Act. There may be additional "species specific" conditions which could also be included falling from the veterinary inspection report as required in section 1(5) above and reference could also be made to the "duty of care" requirements of the Animal Welfare Act.

***These conditions, or similarly worded ones, must appear on a licence:***

- Only the person/persons named on the licence shall be entitled to keep the animal
- The animal shall normally only be kept at the premises specified in the licence
- The animal shall not be moved from the specified premises or may only be moved in accordance with conditions specified in the licence
- The licensee must hold a current insurance policy, approved by the council, which insures him, and any others named on the licence, against liability for damage caused by the animal
- Only the species and number of animals listed on the licence may be kept
- The licensee shall make available a copy of the licence and its contents to any other person listed on the licence as being able to look after the animal
- *Any other conditions which in the opinion of the authority are necessary or desirable to ensure the welfare as specified in paragraphs (c) to (f) of subsection 3 of the Act.*

**Subsection (7)** allows other conditions to be attached at the authority's discretion and these will be over and above those required by subsection (6). Conditions specified in subsection (6) cannot be revoked by subsequent conditions applied under subsection (7). In determining the type of conditions to be attached to a licence the local authority will no doubt wish to consult as widely as possible and may wish to take account of the view of, for example, specialist vets, the police and fire authorities. Some examples of additional conditions which could be attached to a licence are shown below. See also Annex C which provides model licence conditions and examples of additional conditions.

Local Authorities should not attach additional conditions that are unreasonable or unrelated to the aims of the act, nor should they use them to discourage ownership or licence applications.

***Examples of additional conditions which could be applied under subsection (7) to aid enforcement of the Act -***

*“In the event of sale or disposal of a licensed animal the licensee shall immediately notify the authority of the sale or disposal and inform the authority of the name and address of the person to whom the animal was sold or disposed”.*

This information will help local authorities to ensure that animals do not end up in the possession of keepers whose premises have not been inspected for suitability and who have not been granted an appropriate licence.

*“In the event of the escape of an animal kept under the authority of this licence the licensee shall notify the Police and the licensing authority at the earliest possible opportunity”*

This will enable the enforcement bodies to take appropriate and timely action to try and ensure public safety.

**The 2009 Provision introduced changes to the Act in respect to inspections and now allows Local Authorities some discretion not to inspect a premises on the application to renew a licence, and in some other limited circumstances.**

**Subsection (5A) (a) - (d)** is a new provision and removes the mandatory requirement, contained in subsection (5), for inspections to be carried out in respect of certain applications, i.e. where someone already has an existing valid licence, where what is required is the replacement of a licence only for a species that is subject to an existing licence, or the grant of a licence in respect of a species from the same family as a species for which a licence is currently held. So:

where the holder of an existing licence applies for another licence in respect of:

- the same species of animal as is subject to his existing licence;
- or an animal of another species within the same family of species as that which is subject to his current licence;

and where:

- the conditions of the new licence as regards the keeping of any animal are to be substantially the same as the existing licence (*a renewal for example*); and
- the local authority is satisfied that the grant of the new licence is not contrary to the public interest on the grounds of safety, nuisance or otherwise;

**inspections will be required only when the local authority considers it to be necessary. Inspections will remain a requirement in relation to all other applications for a licence.**

The intention of this provision is to provide local authorities with flexibility in the requirements for undertaking inspections and should reduce administrative and financial burdens on local authorities and keepers. It will enable inspections and administrative effort to be more focused on risk and on the regulatory objectives. The ability to forego renewal inspections only applies in limited circumstances however and local authorities will retain the power to authorise veterinary inspection of licensed premises at any reasonable time, including upon renewal of a licence.

**Subsection (8)** provides that where a local authority proposes to attach to a licence a condition allowing an animal to be kept for any continuous period exceeding 72 hours at premises outside its own area, it shall consult the local authority in whose area the premises are situated. The provisions of Section 1(6)(a)(iii) allow for the movement of animals from a specified premises and this subsection introduces additional safeguards for periods longer than 72 hours (a period considered a reasonable time to allow for the short-term stay of animals in, for example, a television or film studio). The provision is designed to ensure that there is no possibility of some other local authority being unaware of the presence in its area of a dangerous wild animal (or

more than three days) and can help ensure that such movement does not compromise public safety. It may also allow for inspection of premises for suitability.

**Subsection (9)** gives power to the local authority, subject to certain restrictions, to vary, revoke or add to licence conditions, including those conditions which have previously been varied under that section. However, it is clear that any condition specified under subsection (6) may not be revoked and any condition specified under paragraph (a) (ii) of that subsection may not be varied. With the latter the implication is that any proposed change to premises would require complete relicensing, to include a veterinary inspection.

**Subsection (10)** prescribes when variations to licences are to take effect. If the variation was requested by the licence holder then the variation takes effect immediately after the local authority decides to make it, but in any other case the variation shall not take effect until the licence holder has become aware of the variation and has been given a reasonable time to comply with it. Local authorities will need to use their discretion here with regard to how long they allow for compliance.

## DWA Act Section 2 - Provisions supplementary to Section 1

### **The 2009 Provisions modified the implementation dates of granted licenses and allowed for licenses to be valid for up to 2 years**

**Subsection (2)** allows (subject to subsection (3A)(a) of this section) for a licence to come into force immediately upon being granted.

**Subsection (3)** allows (subject to subsection (3A)(b) of this section and the provisions of the Act with respect to cancellation) for any licences granted under the Act to be valid for two years before expiring.

**Subsection (3A)** refers to circumstances where an application is made for renewal of an existing licence prior to the expiry of that existing licence.

**Subsection (3A)(a)** - states that if a licence is subsequently granted it comes into force on the date of expiry of the existing licence whether it is granted before, on or after that expiry date.

**Subsection (3A)(b)** - states that where a licence is granted, or refused, after the date of expiry of existing licence then the existing licence remains in force (valid) until such granting or refusal.

**Subsection (3B)** states that, for the purposes of subsection (3A) of this section, a licence cannot be considered to be a renewal licence, and be issued as such, unless it covers species contained in the existing licence (whether or not either licence also relate to some other species).

Previously the period of validity of a licence was one calendar year and this meant that licences commencing part-way through the year also expired at year- end, even if they only ran for a month or two. Extending the validity of a licence to twenty-four consecutive months means that this will enable all licences to run their full course and will also lead to savings for keepers in application fees and a reduction in administration burden for local authorities.

**Subsection (1)** provides for an appeal to a magistrates' court where someone is unhappy about the refusal of a local authority to grant a licence under the Act, or where a licensee is unhappy with a condition on a licence (whether it was included when it was granted or added later) or by the variation or revocation of any condition on a licence. Where someone does appeal, the magistrates' court can decide on the issue of granting, or the licensing conditions, as it sees fit but it must have regard to the provisions of the Act.

**Subsection (4)** allows for a licence to remain in force for a period of twenty-eight days in the event of the death of the licensee, as if the original licence had been granted to the personal representatives of the deceased. In addition, if an application is made for a new licence within the twenty-eight day period then the original is considered to be still in force pending the grant or refusal of that application.

**Subsection (5)** makes it an offence to contravene the provisions of Section 1(1) of the Act, which is the requirement to have a licence granted by a local authority in order to keep a dangerous wild animal.

**Subsection (6)** makes it an offence, *subject to subsection (7) of Section 2*, for a licensee (or any other person entitled to keep the animal and who was primarily responsible) to contravene or fail to comply with any condition of a licence.

**Subsection (7)** provides a defence for a person charged under subsection (6) to prove that they took all reasonable precautions and exercised all due diligence to try and avoid committing the offences detailed within it.

**Subsection (8)** simply makes reference to the use of the word "sheriff" in place of "magistrates' court" for the application of this section in Scotland.

### DWA Act Section 3 - Inspection by local authority

**Subsection (1)** empowers a local authority to authorise a veterinarian or "such other person as it may deem competent to do so" to inspect premises where an animal is being kept, or is proposed to be kept, and empowers those authorised to enter and inspect such premises at all reasonable times in order to ascertain:

- whether or not a licence should be granted,
- a licence condition varied,
- or whether an offence under the Act has been or is being committed.

**A local authority may thus authorise an official to inspect in relation to considerations of amenity, nuisance, fire hazard, public health, sound insulation, planning etc or a veterinarian, zoologist or anyone with specialised knowledge of a particular animal to inspect in relation to the identification of an animal or its welfare. This power is given to the local authority considering an application or which has granted a licence, although the authority can only grant a licence in the first instance on the basis of a satisfactory report from a veterinary surgeon or practitioner (Section 1(5) refers).**

**Subsection (2)** provides (further to the provisions of Section 1(6) under which a licensing authority may attach a condition to a licence permitting the animal to be kept in another area) that a local authority shall not authorise an inspection of premises outside its area unless it has obtained the approval of the other local authority concerned.

**Subsection (3)** enables a local authority to recover reasonable inspection costs from the applicant or licensee.

**Subsection (4)** makes it an offence to wilfully obstruct or delay any person in the exercise of his power of entry or inspection.

#### DWA Act Section 4 - Power to seize and dispose of animals without compensation

**Subsection (1)** provides the local authority with the power to seize any animal kept in its area, retain the animal in its possession or destroy or otherwise dispose of it, if the animal is being kept without a licence (Section 1 (1) of the Act) or the keeper contravenes or fails to comply with any condition contained in a licence.

**Subsection (2)** allows local authorities to recover the amount of expenditure incurred, in exercising its powers under subsection (1)(a) of this section, from any person who was the keeper of the animal at the time of seizure.

**Subsection (3)** similarly allows local authorities to recover the amount of expenditure from keepers when exercising its powers under subsection (1)(b) of this section.

Local authorities have a responsibility to ensure that any placing of a seized animal pays attention to security and welfare and is only placed to a licensed person or exempt organisation. In addition they will also wish to bear in mind the need to contact the Wildlife Licensing and Registration Service of the Animal and Plant Health Authority (APHA) executive agency in any case involving an endangered species.

#### DWA Act Section 5 – Exemptions from the controls of the act

The provisions of the Act do not apply to any dangerous wild animal kept in the following:-

**Subsection (1)** a zoo within the meaning of the Zoo Licensing Act 1981 where a licence is in force (or for the time being is not required) under that Act.

**Subsection (2)** a circus – and a judgement in the case of South Kesteven District Council v Mackie and others in 1999 determined that animals kept in the winter quarters of travelling circuses were also exempt from licensing under the Act.

**Subsection (3)** premises licensed as a pet shop under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

**Subsection (4)** a place which is designated as an establishment within the meaning of the Animals (Scientific Procedures) Act 1986.

## DWA Act Section 6 - Penalties

**Subsection (1)** of the Act was amended by sections 38 and 46 of the Criminal Justice Act 1982, which set a level of fine which may be awarded by a Magistrate, rather than having a fixed penalty. The penalty for an offence under the Act is currently a fine not exceeding level 5 (which equates to £5,000 In 2009). Level 5 is the highest level on the magistrate's scale, short of a prison sentence, and this gives an indication of the perceived seriousness accorded to an offence under the Act.

**Subsection (2)** provides that, where a person is convicted of any of the offences contained in the Act, or has been convicted of an offence regulated under the following animal keeping legislation; *The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, Protection of Animals Act 1911, the Protection of Animals (Scotland) Acts 1912 to 1964, the Performing Animals (Regulation) Act 1925, the Pet Animals Act 1951, the Animals (Cruel Poisons) Act 1962, the Animal Boarding Establishments Act 1963, the Riding Establishments Acts 1964 and, 1970, or the Breeding of Dogs Act 1973, or of an offence under any of sections 4, 5, 6(1) and (2), 7 to 9 and 11 of the Animal Welfare Act 2006*, the court has the ability to cancel any licence to keep a dangerous wild animal which that person holds and even disqualify them from keeping any dangerous wild animal for a period which the court sees fit, whether they are a holder of a licence or not.

**Subsection (3)** states that where a court has ordered the cancellation of a keepers licence, or his disqualification (further to the previous subsection) it can, if it thinks fit, suspend this order pending an appeal.

Further information regarding offences contained in the Act can be found in Section 7.

## DWA Act Section 7 - Interpretation

Section 7 defines the meaning to be given to references to keeping a dangerous wild animal and of other expressions used in the Act.

In normal circumstances simple possession will constitute "keeping" for the purpose of the Act and where this occurs in circumstances other than those exempted by Section 5 will require the possessor either to be the holder of a licence or named or described in a licence if an offence is not to be committed. The concept of possession is modified in two ways:

**Subsection (1)** in the event of an escape, the possession which existed immediately before the escape is deemed to continue until the animal returns into the possession of a person who is a "keeper" under the Act.

**Subsection (2)** in the case of certain temporary possessions, for example: where someone is preventing an animal from causing damage; restoring an animal to its owner; providing veterinary treatment; or transporting an animal on behalf of the keeper, then these people are excluded and are not required to obtain a licence when the possession of the animal arises in those capacities alone.

**Subsection (3)** simply expands on the usage of “keeper” within the Act with regard to the previous subsections.

**Subsection (4)** expands on the meanings of some of the expressions used in the Act, for example:

- “damage” – includes the death of, or injury to, any person;
- “dangerous wild animal” – means any animal which is currently specified in the first column of the Schedule to the Act;
- “premises” – includes any place

Other definitions are provided for “circus”, “local authority”, “veterinary practitioner” and “veterinary surgeon”.

**Subsection (5)** explains that the second, or right hand, column of the Schedule to the Act, showing common names of species, is included by way of explanation only. In the event of any dispute or proceedings only the first (or left hand) column, containing the scientific names, is to be taken into account.

## [DWA Act Section 8 - Power of Secretary of State to modify the Schedule](#)

**Subsection (1)** allows the Secretary of State to extend the scope of the Act to include animals not currently listed on the Schedule, or to remove animals which are and currently need to be licensed. Such modifications need to be made by order, which itself would be revoked by any subsequent order under this subsection.

**Subsection (2)** reiterates that the power conferred by subsection (1) is exercisable by a statutory instrument which is subject to annulment by either the House of Commons or the House of Lords.

## [DWA Act Section 9 - Protection of existing keepers](#)

Section 9 made provision for persons with a dangerous wild animal at the date of commencement of the Act to be able to keep such animals without a licence for a period of 90 days (Section 9(a)).

The intention was to give keepers adequate time to apply for a licence or dispose of the animals if they did not wish to keep them. Section 9(b) allowed those keepers who applied for a licence within the 90 day period to keep the animals without a licence until such time that the licence was granted or refused or the application withdrawn. This is no longer relevant as the act has been in force since 1976.

## DWA Act Section 10 - Short title, commencement and extent

Section 10 provides details of the name, commencement date and extent of the Act.

**Subsection (1)** gives the short title of the Act.

**Subsection (2)** provided for it to come into operation three months after its passing, that is on 22 October 1976.

**Subsection (3)** noted that the Act did not extend to Northern Ireland. The Act applies in England, Wales and Scotland, but has been devolved in relation to Scotland. Northern Ireland now has its own legislation to regulate the private keeping of dangerous wild animals.

## 11 DWA Act: The Schedule

The Schedule to the Act lists the kinds of dangerous wild animals subject to control. The left-hand column is the authoritative scientific classification and the right-hand column gives the common or popular names of the animals, by way of general guidance. In the event of any dispute or proceedings only the left-hand column is to be taken into account. If a local authority is in any doubt about particular species it should consult a competent zoologist or taxonomist.

The Schedule was most recently revised (under Section 8 of the Act) in October 2007, further details can be found in “Changes to the Act” in part 3 and a copy of the recent Schedule, can be found in **Annex A**.

## 3. Offences

There are several offences scattered throughout the Act:

**Section 2 subsection (5)** – makes it an offence to contravene the provisions of Section 1(1) of the Act, which is the requirement to have a licence granted by a local authority in order to keep a dangerous wild animal.

**Section 2 subsection (6)** – makes it an offence, *subject to subsection (7) of Section 2*, for a licensee (or any other person entitled to keep the animal) to contravene any condition of a licence. *Subsection (7) provides for a defence for a person being charged under Section 2(6) to prove that all reasonable precautions were taken to avoid such an offence.*

**Section 3 subsection (4)** – makes it an offence for any person to obstruct or delay any person authorised by the local authority to enter or inspect premises where dangerous wild animals are proposed to be held, or held already.

As stated previously the penalty for an offence under the Act is currently a fine not exceeding Level 5. There are further penalties available to courts and these are detailed in Chapter 6 above.

The provisions of sections 111 and 222 of the Local Government Act 1972 give local authorities all the powers they need to prosecute for offences under this Act.

## 4. Annexes

**Annex A** – Schedule to the Act - 2007

**Annex B** – Dangerous Wild Animals Act 1976 (as amended by the Legislative Reform (Dangerous Wild Animals) (Licensing) Order 2009) highlighting deletions and additions brought about by the Order

## Annex A

### SCHEDULE (2007 NO. 2465) KINDS OF DANGEROUS WILD ANIMALS

NOTE: See section 7(5) of this Act for the effect of the second column of this Schedule

<i>Scientific name of kind</i>	<i>Common name or names</i>
<b>MAMMALS</b>	
<b>Marsupials</b>	
<b>Family <i>Dasyuridae</i>:</b> The species <i>Sarcophilus lanarius</i> .	The Tasmanian devil.
<b>Family <i>Macropodidae</i>:</b> The species <i>Macropus fuliginosus</i> , <i>Macropus giganteus</i> , <i>Macropus robustus</i> and <i>Macropus rufus</i> .	The western and eastern grey kangaroos, the wallaroo and the red kangaroo.
<b>Primates</b>	
<b>Family <i>Cebidae</i>:</b> All species except those of the genera <i>Aotus</i> , <i>Callicebus</i> and <i>Saimiri</i> .	New-world monkeys (including capuchin, howler, saki, uacari, spider and woolly monkeys). Night monkeys (also known as owl monkeys), titi monkeys and squirrel monkeys are excepted.
<b>Family <i>Cercopithecidae</i>:</b> All species.	Old-world monkeys (including baboons, the drill, colobus monkeys, the gelada, guenons, langurs, leaf monkeys, macaques, the mandrill, mangabeys, the patas and proboscis monkeys and the talapoin).
<b>Family <i>Hominidae</i>:</b> All species except those of the genus <i>Homo</i> .	Anthropoid apes; chimpanzees, bonobos, orang-utans and gorillas.
<b>Family <i>Hylobatidae</i>:</b> All species.	Gibbons and Siamangs.
<b>Family <i>Indriidae</i>:</b> All species of the genera <i>Propithecus</i> and <i>Indri</i> ( <i>Avahi laniger</i> is excepted).	Leaping lemurs (including the indri and sifakas). The woolly lemur is excepted.
<b>Family <i>Lemuridae</i>:</b> All species except those of the genus <i>Hapalemur</i> .	Large lemurs. Bamboo or gentle lemurs are excepted.
<b>Edentates</b>	
<b>Family <i>Dasypodidae</i>:</b> The species <i>Priodontes maximus</i> .	The giant armadillo.
<b>Family <i>Myrmecophagidae</i>:</b> The species <i>Myrmecophaga tridactyla</i> .	The giant anteater.

Carnivores	
<p><b>Family Canidae:</b> All species except those of the genera <i>Alopex</i>, <i>Cerdocyon</i>, <i>Dusicyon</i>, <i>Otocyon</i>, <i>Pseudolopex</i>, <i>Urocyon</i>, <i>Vulpes</i> and <i>Nyctereutes</i>. The species <i>Canis familiaris</i>, other than the subspecies <i>Canis familiaris dingo</i>, is also excepted.</p>	<p>Wild dogs, wolves, jackals, the maned wolf, the bush dog and the dhole. Foxes, raccoon dogs and the domestic dog (but not the dingo) are excepted.</p>
<p><b>Family Felidae:</b> All except—</p> <ol style="list-style-type: none"> <li>i. the species <i>Felis silvestris</i>, <i>Otocolobus manul</i>, <i>Leopardus tigrinus</i>, <i>Oncifelis geoffroyi</i>, <i>Oncifelis guigna</i>, <i>Catopuma badia</i>, <i>Felis margarita</i>, <i>Felis nigripes</i>, <i>Prionailurus rubiginosus</i> and <i>Felis silvestris catus</i>;</li> <li>ii. a hybrid which is descended exclusively from any one or more species within paragraph (a);</li> <li>iii. a hybrid of which— <ol style="list-style-type: none"> <li>1. one parent is <i>Felis silvestris catus</i>, and</li> <li>2. the other parent is a first generation hybrid of <i>Felis silvestris catus</i> and any cat not within paragraph (a);</li> </ol> </li> <li>iv. any cat which is descended exclusively from any one or more hybrids within paragraph (c) (ignoring, for the purpose of determining exclusivity of descent, the parents and remoter ancestors of any hybrid within paragraph (c));</li> <li>v. any cat which is descended exclusively from <i>Felis silvestris catus</i> and any one or more hybrids within paragraph (c) (ignoring, for the purpose of determining exclusivity of descent, the parents and remoter ancestors of any hybrid within paragraph (c)).</li> </ol>	<p>All cats including the bobcat, caracal, cheetah, jaguar, leopard, lion, lynx, ocelot, puma, serval and tiger.</p> <p>The following are excepted:</p> <p>(a) the wild cat, the pallas cat, the little spotted cat, the Geoffroy's cat, the kodkod, the bay cat, the sand cat, the black-footed cat, the rusty-spotted cat and the domestic cat;</p> <p>(b) a hybrid cat which is descended exclusively from any one or more species within paragraph (a);</p> <p>(c) a hybrid cat having as one parent a domestic cat and as the other parent a first generation hybrid of a domestic cat and any cat not within paragraph (a);</p> <p>(d) any cat which is descended exclusively from any one or more hybrids within paragraph (c);</p> <p>(e) any cat which is descended exclusively from a domestic cat and any one or more hybrids within paragraph (c).</p>
<p><b>Family Hyaenidae:</b> All except the species <i>Proteles cristatus</i>.</p>	<p>Hyænas. The aardwolf is excepted.</p>
<p><b>Family Mustelidae:</b> All species of the genera <i>Amblonyx</i>, <i>Arctonyx</i>, <i>Aonyx</i>, <i>Enhydra</i>, <i>Lontra</i>, <i>Melogale</i>, <i>Mydaus</i>, <i>Pteronura</i> and <i>Taxidea</i>. The genus <i>Lutra</i> except the species <i>Lutra lutra</i>. The species <i>Eira barbara</i>, <i>Gulo gulo</i>, <i>Martes</i></p>	<p>Badgers (except the Eurasian badger), otters (except the European otter) and the tayra, wolverine, fisher and ratel (otherwise known as the honey badger).</p>

<i>pennanti</i> and <i>Mellivora capensis</i> .	
<b>Family Ursidae:</b> All species including the species <i>Ailuropoda melanoleuca</i> and <i>Ailurus fulgens</i> .	All bears including the giant panda and the red panda.
<b>Family Viverridae:</b> All of the genus <i>Civettictis</i> . All of the genus <i>Viverra</i> . The species <i>Cryptoprocta ferox</i> .	The African, large-spotted, Malay and Indian civets and the fossa.
<b>Pinnipedes</b>	
<b>Family Odobenidae:</b> All species.	The walrus.
<b>Family Otariidae:</b> All species.	Eared seals.
<b>Family Phocidae:</b> All species except <i>Phoca vitulina</i> and <i>Halichoerus grypus</i> .	True or earless seals. The common seal (or harbour seal) and grey seal are excepted.
<b>Elephants</b>	
<b>Family Elephantidae:</b> All species.	Elephants.
<b>Aardvark</b>	
<b>Family Orycteropodidae:</b> The species <i>Orycteropus afer</i> .	The aardvark.
<b>Odd-toed ungulates</b>	
<b>Family Equidae:</b> All species except <i>Equus asinus</i> and <i>Equus caballus</i> .	Asses, horses and zebras. The donkey and domestic horse are excepted.
<b>Family Rhinocerotidae:</b> All species.	Rhinoceroses.
<b>Family Tapiridae:</b> All species.	Tapirs.
<b>Even-toed ungulates</b>	
<b>Family Antilocapridae:</b> The species <i>Antilocapra americana</i> .	The pronghorn.
<b>Family Bovidae:</b> All species except any domestic form of the genera <i>Bos</i> , <i>Bubalus</i> , <i>Capra</i> and <i>Ovis</i> .	Antelopes, bison, buffalo, gazelles, goats and sheep. Domestic cattle, buffalo, goats and sheep are excepted.
<b>Family Camelidae:</b> All species of the genus <i>Camelus</i> .	Camels.
<b>Family Cervidae:</b> All species of the genera <i>Alces</i> and <i>Rangifer</i> , except any domestic form of the species <i>Rangifer tarandus</i> .	The moose or elk and the caribou or reindeer. The domestic reindeer is excepted.
<b>Family Giraffidae:</b> All species	The giraffe and the okapi.
<b>Family Hippopotamidae:</b> All species.	The hippopotamus and the pygmy hippopotamus.
<b>Family Suidae:</b>	Old-world pigs (including the wild boar and the wart hog).

All species except any domestic form of the species <i>Sus scrofa</i> .	The domestic pig is excepted.
<b>Family</b> <i>Tayassuidae</i> : All species.	New-world pigs (otherwise known as peccaries).
<b>Hybrids</b>	
Any hybrid of a kind of animal specified (other than by way of exception) in the foregoing provisions of this column where at least one parent is of a kind so specified, and any animal of which at least one parent is such a hybrid. This does not include an excepted hybrid of the Family <i>Felidae</i> .	Any mammalian hybrids with at least one parent of a specified kind, and any animal of which at least one parent is such a hybrid. This does not apply to excepted cat hybrids.
<b>BIRDS</b>	
<b>Cassowaries</b>	
<b>Family</b> <i>Casuariidae</i> : All species.	Cassowaries.
<b>Ostrich</b>	
<b>Family</b> <i>Struthionidae</i> : All species.	The ostrich.
<b>REPTILES</b>	
<b>Crocodylians</b>	
<b>Family</b> <i>Alligatoridae</i> : All species.	Alligators and caimans.
<b>Family</b> <i>Crocodylidae</i> : All species.	Crocodiles and the false gharial.
<b>Family</b> <i>Gavialidae</i> : All species.	The gharial (otherwise known as the gavial).
<b>Lizards and snakes</b>	
<b>Family</b> <i>Atractaspididae</i> : All species of the genus <i>Atractaspis</i> .	Burrowing asps, also known as mole or burrowing vipers and stiletto snakes.
<b>Family</b> <i>Colubridae</i> . All species of the genera <i>Malpolon</i> and <i>Thelotornis</i> . The species <i>Dispholidus typus</i> , <i>Rhabdophis subminiatus</i> , <i>Rhabdophis tigrinus</i> , <i>Elapomorphus lemniscatus</i> , <i>Philodryas olfersii</i> , <i>Tachymenis peruviana</i> and <i>Xenodon severus</i> .	Certain rear-fanged venomous snakes, Montpellier snakes and African vine snakes (otherwise known as African twig or bird snakes). The boomslang, the red-necked keelback, the yamakagashi (otherwise known as the Japanese tiger-snake), the Argentine black-headed snake, the South American green racer, the Peruvian racer and the Amazon false viper.
<b>Family</b> <i>Elapidae</i> : All species.	Certain front-fanged venomous snakes including cobras, coral snakes, kraits, mambas, whipsnakes and all Australian poisonous snakes (including the death

	adders).
<b>Family Hydrophiidae:</b> All species.	Sea snakes.
<b>Family Helodermatidae:</b> All species.	The gila monster and the (Mexican) beaded lizard.
<b>Family Viperidae:</b> All species.	Certain front-fanged venomous snakes (including adders, the barba amarilla, the bushmaster, the fer-de-lance, moccasins, rattlesnakes and vipers).
<b>INVERTEBRATES</b>	
<b>Spiders</b>	
<b>Family Ctenidae:</b> The genus <i>Phoneutria</i> .	Wandering spiders.
<b>Family Hexathelidae:</b> The genus <i>Atrax</i> .	The Sydney funnel-web spider and its close relatives.
<b>Family Sicariidae:</b> The genus <i>Loxosceles</i> .	Brown recluse spiders (otherwise known as violin spiders).
<b>Family Theridiidae:</b> The genus <i>Latrodectus</i> .	The widow spiders and close relatives.
<b>Scorpions</b>	
<b>Family Buthidae:</b> All species.	Buthid scorpions.
<b>Family Hemioscorpiidae:</b> The species <i>Hemiscorpius lepturus</i> .	Middle-Eastern thin-tailed scorpion.”

## Annex B

**Dangerous Wild Animals Act 1976** as it applies (by virtue of section 6(2) and the Schedule: different versions of which apply in Scotland) to England and Wales

**The Legislative Reform (Dangerous Wild Animals) (Licensing) Order 2009** (“the Order”)

The Order affected only sections 1 and 2 of the Act (as applicable to England and Wales)

Text deleted by the Order, and therefore no longer applicable, is shown as follows: *[italics]*

Text inserted by the Order is shown in **bold**

### **Dangerous Wild Animals Act 1976**

1976 CHAPTER 38

*An Act to regulate the keeping of certain kinds of dangerous wild animals.* [22nd July 1976]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

#### **Licences**

- 1.**— (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;

- (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) **Subject to subsection (5A), a local authority** [*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.
- (5A) Subsection (5) of this section does not apply where—**
- (a) a person holds a licence under this Act which is in force (“the existing licence”);**
  - (b) that person applies for a new licence which is not to specify any species which—**
    - (i) is not specified in the existing licence, or**
    - (ii) is not in the family of a species so specified;**
  - (c) the conditions of the new licence as regards the keeping of any animal concerned are to be substantially the same as those contained in the existing licence; and**
  - (d) the local authority is satisfied that the grant of the new licence is not contrary to the public interest on the grounds of safety, nuisance or otherwise.**
- (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 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.

### **Provisions supplementary to section 1**

2.— (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.]*

**(2) Subject to subsection (3A)(a) of this section, any licence under this Act shall come into force immediately upon being granted.**

**(3) Subject to subsection (3A)(b) of this section and the provisions of this Act with respect to cancellation, any licence granted under this Act shall remain in force for two years and shall then expire:**

**(3A) Where, before the expiry of a licence granted under this Act (“the existing licence”), an application is made for a licence to be granted by way of renewal of the existing licence—**

**(a) if a licence is so granted, it shall come into force from the date of expiry of the existing licence, whether it is granted before or after that date;**

**(b) if the grant or refusal of that application occurs after the date of expiry of the existing licence, the existing licence shall be deemed to be still in force until the grant or refusal.**

**(3B) For the purposes of subsection (3A) of this section, a licence is not granted by way of renewal of an existing licence unless it is granted in respect of any species in respect of which the existing licence was granted (whether or not either licence also relates to some other species).**

(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.

### **Inspection by local authority**

**3.**— (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.

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

**4.**— (1) Where—

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

(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.

### **Exemptions**

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

(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 Pet Animals Act 1951;

(4) a place which is a designated establishment within the meaning of the Animals (Scientific Procedures) Act 1986.

### **Penalties**

6.— (1) Any person guilty of an offence under any provision of this Act shall be liable on summary conviction to a fine not exceeding 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 Act 1911, the Protection of Animals (Scotland) Acts 1912 to 1964, the Performing Animals (Regulation) Act 1925, the Pet Animals Act 1951, the Animals (Cruel Poisons) Act 1962, the Animal Boarding Establishments Act 1963, the Riding Establishments Acts 1964 and 1970, or the Breeding of Dogs Act 1973, or of an offence under any of sections 4, 5, 6(1) and (2), 7 to 9 and 11 of the Animal Welfare Act 2006, 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.

(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.

### **Interpretation**

7.— (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—

(a) preventing it from causing damage,

(b) restoring it to its owner,

(c) undergoing veterinary treatment, or

(d) 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 a district council, a London borough council or the Common Council of the City of London, in relation to Wales, a county council or county borough council, and, in relation to Scotland, 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.

(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.

### **Power of Secretary of State to modify the Schedule**

**8.**— (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.

### **Protection of existing keepers**

**9.** 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.

### **Short title, commencement and extent**

**10.**— (1) This Act may be cited as the Dangerous Wild Animals Act 1976.

(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.

# Part 4: Wording for statutory license conditions and suggested additional conditions

## Introduction

The Act requires that a license is issued and that this details the requirements the licensee must adhere to. These requirements are set out as the “conditions of the license” and are divided into 2 parts:

- a. The required conditions detailed by the Act which must be attached to each license.
- b. Additional conditions that the local authority can attach which are specific to that licence.

The following guidance is suitable for both local authorities and applicants and outlines the requirements of the licence conditions.

## Guidance on Licensing Conditions for the Dangerous Wild Animals Act

The Act requires that a license is issued and that this details the requirements the licensee must adhere to. These requirements are set out as the “conditions of the license” and are divided into 2 parts:

- a. The required conditions detailed by the Act which must be attached to each license.
- b. Additional conditions that the local authority can attach which are specific to that licence. The Local Authority can add any conditions it sees fit, but additional conditions should only be those that are necessary for the proper administration or enforcement of the Act, and should seek to further the aims of the Act; namely to protect the general public from harm by dangerous wild animals kept as pets. Local authorities should not use additional conditions to restrict or deter keepers from their lawful right to keep properly licensed animals. Unreasonable additional conditions can be subject to legal challenge.

### Standard conditions

These required conditions are detailed by the Act and must be attached to each license.

“While any animal(s) are being kept under the authority of the licence:-

1. The animal(s) shall be kept by no person(s) other than such person(s) as specified in the licence.
2. Where appropriate a register of person(s) authorised by the keeper to handle/care for the animals shall be kept and be available for inspection. The register shall include the name, age and contact details of the person(s). All authorised person(s) shall be competent to handle/care for the animals.
3. The licensee shall at all times hold a current insurance policy, which insures him and other handlers (except where those handlers hold their own comparable insurance) against liability for any damage which may be caused by any animal kept under this licence.
4. A register shall be maintained of all animals kept under the authority of the licence. The details shall include the species (common named and scientific name) and number of animals of each species. Where known sex and age of specimen should be recorded:
  - 1) a copy of the register shall be provided to the Local Authority and must be kept up-to-date;
  - 2) a copy of the register shall be kept by the licensee and available for inspection.
5. The person to whom the licence is granted shall ensure that all reasonable precautions are taken:
  - 1) to protect public safety;
  - 2) to ensure that no nuisance is caused to the public.
6. Whilst any animal(s) are being kept under the authority of the licence:

- 1) shall be held in accommodation which ensures that the animals will not escape, which is suitable as regards construction, size, temperature, lighting, ventilation, drainage and cleanliness and is suitable for the number of animals proposed to be held in the accommodation;
  - 2) shall be supplied with adequate and suitable food, drink and bedding materials and be visited at suitable intervals;
  - 3) all reasonable precautions must be taken to prevent and control the spread among animals of infectious or contagious diseases.
  - 4) where appropriate suitable equipment for handling the animals must be available at all times;
7. Animal(s) kept under the authority of a licence shall only be moved from those premises in such circumstances as are hereby specified, that is:
- 1) to receive urgent veterinary attention;
  - 2) if sold/moved to another licensed keeper or appropriate establishment;
  - 3) the animal is secured in a suitable, ventilated, container of adequate size; and the animal is at all times accompanied by the licensed keeper or by his/her duly authorised representative.
8. Any additions or other changes to the animals kept under the authority of a licence at the premises shall be notified to the Local Authority within 48 hours of the changes, this shall include:
- 1) new acquisitions of species included upon the schedule;
  - 2) deaths;
  - 3) births.
9. The licensee shall inform the emergency services (police/fire brigade) that species scheduled on the Dangerous Wild Animals Act are held at the property, and where they are located.
10. Any escape shall be notified by telephone to the Licensing Authority and police as soon as practicable.
11. All enclosures containing species scheduled on the Dangerous Wild Animals Act shall be clearly labelled, information shall contain:
- 1) common name and scientific name of specimen;
  - 2) number of specimens.
12. The person to whom the licence is granted shall at all reasonable times make available a copy of the licence to any person who has the authority or power in the enforcement or control of these conditions.

## Additional Special conditions

These conditions are ones that the local authority believes are necessary for the proper administration and/or enforcement of the Act and will further enhance the aims of the Act; namely to protect the general public from harm by dangerous wild animals kept as pets.

They can be any condition that the Local Authority sees fit but they should not use additional conditions to restrict or deter keepers from their lawful right to keep properly licensed animals. Unreasonable additional conditions can be subject to legal challenge.

These conditions are usually relevant to specific taxa of animal being kept, i.e. reptile, primates etc., and/or specific situations of licensee.

Examples might include:

1. *“The total number of juvenile/adult venomous snakes shall not exceed XXX:
  - 1) this number excludes neonates (hatchlings) less than 3 months of age.
  - 2) a register shall be maintained of all neonates. The details shall include the species (common named and scientific name) and number of animals of each species;
  - 3) a copy of the register shall be provided to the Local Authority and must be kept up-to-date.
  - 4) a copy of the register shall be kept by the licensee and available for inspection.”*

This would assist Local Authorities to monitor offspring not included on the original license.

2. *“Elapids (cobra family) housed in RUBS should be housed singularly unless paired for breeding.”*
3. *“Licensees must at all times maintain good welfare and comply with their duty of care under the Animal Welfare Act”*

All animal keepers are bound by the requirements of Animal Welfare Act (AWA) with regard to animal welfare. This is in addition to any requirements of other animal ownership legislation. Failure to do so is an offence.

4. *“In the event of sale or disposal of a licensed animal the licensee shall immediately notify the authority of the sale or disposal and inform the authority of the name and address of the person to whom the animal was sold or disposed”.*

This information will help local authorities ensure that animals are not in the possession of keepers whose premises have not been inspected for suitability and are unlicensed.

5. *“In the event of the escape of an animal kept under the authority of this licence the licensee shall notify the Police and the licensing authority at the earliest possible opportunity”*

This will enable the enforcement bodies to take appropriate action to ensure public safety.

# Part 5: Taxa specific Guidance

## Introduction

Throughout the life of the Act there has been no specific guidance issued in relation to individual taxa being kept and licensed, other than guidance issued by the British Veterinary Zoological Society, which was originally developed by the International Zoo Veterinary Group. This guidance relates solely to large or particularly large DWA species held in a zoological collection, and is not applicable to the species typically held by private keepers in a more domestic setting.

Although the Act itself is primarily aimed at the protection of the general public, rather than the protection of the keeper or the welfare of the animals kept, there would be opportunities to provide guidance on the provision of welfare. This would set out consistent requirements that Local Authorities and inspectors could use as a reference, given that many Local Authorities would lack experience with the animals they are supposed to be licencing, and also provide applicants with standards to adhere to.

Such guidance would need to be taxa specific so that a suitable level of detail and relevance could be achieved, and applicable to the standards required of private keepers rather than zoological collections.

The following guidance for Snakes and Lizards demonstrates how such guidance would look.

# Dangerous Wild Animals Act 1976: Guidance on the Keeping of Venomous Snakes and Lizards

## Explanatory Notes

These notes have been produced to provide people wishing to keep dangerous wild animals with guidance on the minimum requirements they will have to meet. In determining whether or not a licence should be issued, the local authority will consider the information provided by the applicant when applying for a licence. The authority will also arrange for a suitably qualified person to carry out an inspection of the premises at which the animal or animals will be kept, and the inspector's report will also be taken into consideration. These notes are not a definitive guide and it will be at the authority's discretion, based on advice from the inspector, whether further requirements need to be addressed prior to a licence being granted. The authority also has the discretion to include any other conditions which in the opinion of the authority are necessary or desirable to ensure the welfare of the animals, as specified in paragraphs (c) to (f) of Section 1, subsection (3) of the Act.

<b>1.Species Names SNAKES</b>	Family <b><i>Atractaspididae</i></b> All species of the genus <i>Atractaspis</i>	Burrowing asps, also known as mole or burrowing vipers and stiletto snakes
	Family <b><i>Colubridae</i></b> All species of the genera <i>Malpolon</i> and <i>Thelotornis</i> .  The species <i>Disopholidus typus</i> , <i>Rhabdophis tigrinus</i> , <i>Elaphomorphus lemniscatus</i> , <i>Philodryas olfersii</i> , <i>Tachymenis peruviana</i> and <i>Xenodon severus</i> .	Certain rear-fanged venomous snakes, Montpellier snakes and African vine snakes (otherwise known as African twig or bird snakes). The boomslang, the red-necked keelback, the yamakagashi (otherwise known as the Japanese tiger-snake), the Argentine black-headed snake, the South American green racer, the Peruvian racer and the Amazon false viper.
	Family <b><i>Elapidae</i></b> All species	Certain front-fanged venomous snakes including cobras, coral snakes, kraits, mambas, whipsnakes and all Australian poisonous snakes (including death adders).
	Family <b><i>Hydrophiidae</i></b> All species	Sea snakes
	Family <b><i>Viperidae</i></b> All species	Certain front-fanged venomous snakes (including adders, the barba amarilla, the bushmaster, the fer-de-lance, moccasins, rattlesnakes and vipers).
<b>LIZARDS</b>	Family <b><i>Helodermatidae</i></b> All species	Gila monsters and the (Mexican) beaded lizard.

- 2. Additional information** All members of the genera, families and species listed are included in the Schedule to the Order. This includes the European adder. Captive requirements for sea snakes, such as sea kraits, that are included in the genera listed in paragraph 1 may vary from this guidance. Further information should be sought before a licence application is made.

- 3. Conservation overview** Some of these species are classified as Annex A under EC Regulation 338/97 (relating to the Convention on Trade in Endangered Species (CITES)). Defra's Wildlife Registration and Licensing should be consulted when these species are bought, sold or breed.
- 4. Housing overview** Vivariums must be of sound construction, with lockable access points. Glass where used, should be toughened. The enclosure must be on a secure base that will not topple if knocked. The enclosure should be of adequate dimensions for the species and size for the number of animals kept within. Air vents should be secure and fitted in such a way that prevents them being 'pushed' out. from the inside
- Placing the enclosure - The key points should be, an uncluttered room, no means of escape. Doors should close tightly (preferably with a self-closing device) and opening windows should either be locked shut or screened. A spy hole or for fast moving elapids a viewing panel in the door would also be advised. Emergency lighting should be installed in the event of a power cut.
- 5. Keeping experience** In order to protect the public and provide good welfare of these animals, keepers must be able to demonstrate a good knowledge of husbandry and safe handling of the species they wish to keep. Visitors must NOT be allowed to handle the reptiles.
- Experience - A good knowledge of general reptile husbandry should be demonstrated backed up with a 'buddy system'. This means that there should normally be a second named person nominated and *included on the licence* who is competent to care for the animals, and ideally an existing DWA holder, should the owner be absent or incapacitated.
- Contact details for this person must be readily available.
- 6. Housing Construction** Reptiles, snakes particularly, have the ability to squeeze through very small gaps; therefore, vivaria must be solidly constructed, with secure lids, and covered ventilation holes that cannot be pushed through from the inside. It is recommended that the door to the reptile room has a viewing window or spy hole, through which the keeper can see all the vivaria before entering the room.
- 7. Housing Size** The minimum recommended space per animal depends on the animal's size, activity patterns and whether they are primarily arboreal or terrestrial. Larger snakes and lizards need more room than smaller snakes. Applicants and inspectors may wish to refer to the FBH guidelines on minimum cage sizes for reference.
- In addition to the space required by the animals themselves, there must also be sufficient room for the keeper to safely reach into the tank with snake tongs to remove the animals.
- 8. Temperature** Correct temperature ranges must be provided for the species kept and the season in which you are replicating, i.e. Summer breeding or winter hibernating. Heating equipment must be provided in such a fashion so that the occupants cannot harm themselves and a suitable thermogradient is created.

- 9. Lighting** For those species that need additional UV lighting it is vital that suitable hides are provided when UV lighting is used.
- 10. Ventilation** Suitable cage ventilation must be provided, and correct humidity ranges be provided for the species kept.
- 11. Drainage** The substrate used in the vivaria should allow spilled water to drain away from the reptile, and must be replaced regularly, so as not to become sodden or fouled with faeces. Any faecal material must be disposed of in an environmentally sound manner.
- 12. Cleanliness** Faeces and food debris should be removed promptly. Water bowls and ponds and other furniture must be cleaned at appropriate intervals. The more clinical the enclosure, the more frequently it will need to be cleaned out.
- 13. Social dynamics and behavioural considerations** While it is possible to keep several individuals together, it is not generally recommended to keep different species in the same enclosure.
- Keeping several venomous snakes in the same vivarium increases the risk to the keeper during handling time, the risk while feeding, and while cleaning the vivarium. If you wish to house multiple specimens, then trap hide boxes or equivalent should be available.
- It is acceptable to keep several reptile species in individual enclosures in the same room.
- 14. Prevention of escape** Reptile rooms should have no open fireplace and no gaps in the walls at all. Any ventilation ducts must be securely covered with a fine mesh to prevent animals escaping. Any windows should be sealed shut.
- In order to prevent escape from the room, it is recommended that a spy glass or viewing window be installed into the door, through which the keeper can observe the room before entering.
- The door to the room must be closed before animals are handled. Vivaria housing snakes or lizards should have solid sides, floor and top, with no gaps and covered air holes, and all vivaria and cages should be locked unless access is necessary.
- 15. Food, drink and bedding** These snakes and lizards should be fed whole dead rodents or other prey species of appropriate size for the reptile concerned. Tongs or grabbers should be used to place the food in the vivarium. Food should never be placed by hand.
- There must be fresh water for drinking available as appropriate to the species. Water dishes should ideally be placed away from entrance hides etc
- Vivaria should have a substrate that is easily replaced and suitable for the species.
- Live feeding of vertebrate species is discouraged but may be required in some circumstances. The welfare of prey and predator species should be considered at all times.

- 16. Visiting interval** The animals must be monitored at appropriate intervals, normally at least once every 24 hours.
- 17. Exercise and enrichment** The provision of enrichment for the animals is desirable. For snakes and lizards, this could include something to climb, a water dish large enough to bathe in and a lockable, and removable, 'hide box' which provides shelter for the reptiles and allows safe containment while cleaning the vivarium.
- A stone or branch is recommended for reptiles to rub against while shedding their skin.
- Heloderma lizards enjoy digging and should be provided with a suitable substrate.
- 18. Protective equipment** Snake tongs or a snake hook, leather or specialist reptile handling gloves (such as Venom Defender gloves), and goggles or a solid visor, may be necessary for handling venomous reptiles. Snakes can easily bite through even thick gloves so care should be taken when selecting these. Incident report sheet/detachable labels with details of the keeper, species kept and venom/poison and location of nearest hospital that could deal with a bite must be available. In the case of a bite, this should go with the victim to the hospital and be clearly visible by everyone.
- 19. Provision for capture and transportation** Some contingencies for safely moving animals should be in place in case veterinary attention is required, or in the event of an emergency. A solid lockable box, such as the hide box from the reptile's tank is recommended as a method of transport, although a plastic box with a lockable, snap-on lid may also be used. Any container that holds the venomous animal must be clearly marked identify the contents (species etc). This should then be contained within another LOCKED box. This outer box should be clearly marked with Warning Venomous Reptiles and full contact details and instructions on what to do if box is found un-attended.
- A licence, issued for the keeping of these animals at a specified location, will state that movement of animals, except for Buying / Selling and in a medical emergency, is prohibited.

- 20. Emergency planning**
- There should be a written contingency plan in place to be used in the event of an emergency, for example fire, flood, animal escape or injury to the keeper.
- The contingency plan should include the details of who to contact at a local hospital in case of being bitten, details of the species and delivery method of poison/venom and the medical history of the keeper (including number of times bitten). This should go with the victim in the event of a bite. The procedure to deal with venomous bites should be clearly displayed inside the room.
- Applicants must at the time of granting of a licence inform the local police, hospital and fire brigade that the premises contain venomous snakes/lizards.
- 21. Veterinary arrangements and control of spread of infectious disease**
- The keeper should provide details of their veterinary arrangements with a practice prepared to treat the species kept. A schedule of veterinary care, including routine parasite control is essential.
- Arrangements should be in place for the emergency humane euthanasia and safe disposal of the species held. The venom of these species may still be harmful even after the animal is dead.
- There are no transmissible diseases that pose a major threat to the public, provided there is no direct contact with the reptiles or their by-products. However, keepers should be aware of the risk of salmonellosis from handling snakes or lizards, which they in turn could pass on to family members if good hygiene is not observed. Thorough hand washing following the handling or cleaning out of any reptile and prompt disinfection of anything comes in to contact with the reptile or its by-product is recommended.