

2014-11-24

OBJECTS AND REASONS

This Bill would make provision for the licensing and regulation of zoos and for related matters.

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SCHEDULE

Fees

BARBADOS

A Bill entitled

An Act to provide for the licensing and regulation of zoos.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Zoo Licensing Act, 2014*.

Interpretation

2. In this Act,

“animals” mean all animals in the Kingdom Animalia and any other multi-cellular organism that is not a plant or fungus;

“inspector” means a public health inspector referred to in the *Health Services Act*, Cap. 44;

“operator” means a person who is granted a licence to operate a zoo and whose name is specified on the licence;

“wild animals” means animals not normally domesticated in Barbados;

“zoo” means an establishment

- (a) where wild animals are kept for exhibition to the public; and
- (b) to which members of the public have access with or without charge for admission on more than 7 days in any period of 12 consecutive months.

Establishment of a zoo

3. An application to construct a zoo shall be made in accordance with the provisions of the *Town and Country Planning Act*, Cap. 240.

Application for a licence to operate a zoo

4.(1) Any person who wishes to operate a zoo shall apply to the Minister for a licence.

(2) An application made under subsection (1) shall be in the form prescribed by the Minister and shall be accompanied by

- (a) a list of the species of animals, and the number of animals of each species that are to be kept at the zoo;
- (b) detailed arrangements for the accommodation, maintenance and the well being of the animals;

- (c) the approximate numbers and categories of staff to be employed at the zoo;
 - (d) the approximate number of visitors and motor vehicles for which accommodation is to be provided;
 - (e) detailed information on the disposal of animal waste and animal remains from the zoo; and
 - (f) any additional information which may be requested by the Minister.
- (3) An application made under subsection (1) shall be accompanied by the fee prescribed by the Minister responsible for Finance and set out in paragraph (1) of the Schedule.

Conditions for the grant or refusal of licence

5.(1) Subject to subsection (2), the Minister may grant a licence under this Act where he is satisfied that

- (a) the animals to be kept at the zoo will at all times be held in accommodation that
 - (i) ensures that the animals are not likely to escape;
 - (ii) is suitable as regards construction, size, temperature, lighting, ventilation, drainage and cleanliness;
 - (iii) is suitable for the number of animals proposed to be held; and
 - (iv) meets acceptable animal welfare standards;
- (b) the animals to be kept at the zoo will be supplied with adequate and suitable food, drink and bedding material;
- (c) appropriate steps will be taken for the protection of any animal kept at the zoo in the case of fire, adverse weather or other emergency;
- (d) reasonable precautions will be taken at all times to prevent and control the spread of infectious diseases amongst the animals kept at the zoo and from those animals to the native species of Barbados and the public;

- (e) the animals will be given adequate exercise; and
 - (f) a veterinarian surgeon registered under the *Veterinary Surgeons (Registration) Act*, Cap. 374 is attached to the zoo.
- (2) The Minister shall refuse to grant a licence under this Act where
- (a) the establishment or continuance of a zoo would be injurious to the health or safety of persons living in the environs of the zoo;
 - (b) the Senior Veterinary Officer is not satisfied that the standard of accommodation, staffing or management of the zoo are adequate for
 - (i) the proper care and well being of the animals or any one of them;
or
 - (ii) the proper conduct of the zoo;
 - (c) the applicant has been convicted of an offence
 - (i) under this Act; or
 - (ii) involving the ill-treatment of animals under the *Prevention of Cruelty to Animals Act*, Cap. 144A.

Period and conditions of licence to operate a zoo

- 6.(1) A licence to operate a zoo granted under this Act shall be for a period of 2 years and shall be subject to the conditions set out in section 5 and subsection (2) of this section, and to any other conditions as the Minister thinks necessary for ensuring the proper conduct of the zoo during the period of the licence.
- (2) The licence shall contain the following conditions:
- (a) the animals shall be kept at the zoo by the operator of the zoo;
 - (b) the animals shall not be moved from the zoo or shall only be moved from the zoo in the circumstances specified in the licence; and
 - (c) the operator of the zoo shall have insurance against liability for any damage caused by the animals.

- (3) The licence shall also be subject to conditions
- (a) that restrict the species of animals and the number of animals of each species to be kept at the zoo; and
 - (b) with regard to the precautions to be taken against the escape of animals and the steps to be taken in the event of any escape or unauthorised release.

Records

7. The operator of a zoo shall keep annual records of
- (a) the numbers of each species of animal and the number of individual species kept at the zoo;
 - (b) the annual number of acquisitions of species of animals;
 - (c) the number of births and deaths of animals at the zoo;
 - (d) the number of disposals of animals at the zoo and the reasons for the disposal of the animals;
 - (e) the number of escapes of animals from the zoo and the reasons for the escape;
 - (f) the causes of deaths of animals at the zoo which are to be determined by post-mortem veterinary examination;
 - (g) the health of each animal at the zoo including the steps taken to cure any illness; and
 - (h) reports made by the veterinarian attached to the zoo.

Display of licence

8. Where a licence is issued permitting the operation of a zoo, the operator shall ensure that the licence or a copy of the licence is displayed at the entrance to the zoo.

Renewal of licence

9.(1) A licence granted pursuant to section 5 is renewable on payment of the renewal fee specified in paragraph 2 of the Schedule.

(2) An application for renewal shall be made to the Minister not later than 3 months before the end of the period for which the licence was granted.

Transfer and surrender of licence

10.(1) A licence to operate a zoo may, with the approval of the Senior Veterinary Officer, be transferred to another person, and the transferee shall become the holder of the licence from the date on which the application for renewal is approved by the Minister.

(2) The Minister shall not approve the transfer of a licence unless he is satisfied that the conditions set out under sections 5 and 6 have been met.

(3) The operator of a zoo shall satisfy the conditions of section 18(3) before he surrenders the licence to the Minister.

Duty to maintain the zoo in good repair

11. Every operator of a zoo shall ensure that

- (a) the zoo is kept in a clean and orderly manner;
- (b) the zoo is provided with an adequate number of attendants in relation to the size of the zoo and the number and type of animals kept at the zoo; and
- (c) the disposal of animal remains and animal waste is in accordance with the *Health Services Act*, Cap. 44.

Notice of extent of inspection

12.(1) The Senior Veterinary Officer or any person authorised by him in writing shall carry out periodic inspections of any zoo for which a licence is granted in accordance with section 5.

(2) Subject to subsection (3), before an inspection is conducted pursuant to section 13, the Senior Veterinary Officer shall, after consulting with the operator of the zoo, give at least 7 days notice of the date upon which the inspection is to be conducted.

(3) Where the Senior Veterinary Officer believes that the zoo should be inspected he shall inform the operator and the operator shall allow the inspectors to conduct an inspection.

(4) An inspection conducted under subsection (3) shall extend to all features of the zoo whether directly or indirectly relevant to the health, welfare and safety of the public and the animals, including measures for the prevention of the escape of the animals.

(5) An inspector conducting the inspection shall require the production of all records kept by the operator, in accordance with section 7, and the operator shall produce those records.

Inspection

13.(1) The Senior Veterinary Officer or any person authorised in writing by him may at all reasonable times enter the zoo for the purpose of carrying out periodical inspections.

(2) The Senior Veterinary Officer or any person authorised pursuant to subsection (1) shall be accompanied by such number of inspectors as the Senior Veterinary Officer deems necessary whilst carrying out an inspection of the animals and the zoo.

(3) An inspection conducted in accordance with this section shall be for the purpose of

- (a) examining whether there is or has been any contravention of this Act or the regulations made thereunder;
- (b) taking any action authorised or required to be taken under this Act or the regulations made thereunder;
- (c) ascertaining whether or not circumstances exist which would authorise or require the Minister to take any action under this Act or the regulations made hereunder;
- (d) ascertaining whether there is or has been any contravention of this Act or the regulations made hereunder.

Reports

14.(1) On completion of an inspection conducted in accordance with section 13, the inspectors shall within 30 days of the date of the inspection submit a report of the inspection to the Senior Veterinary Officer and the Minister.

(2) The report submitted pursuant to section (1) may include advice on the keeping of records and recommendations for any practical improvements designed to bring any features of the zoo up to normal standards of modern zoo practice.

(3) Where a disagreement occurs between the inspectors over recommendations to be included in the report relating to the welfare of the animals the report shall be referred to the Senior Veterinary Officer who shall give such guidance with regard to the recommendations to be made.

(4) Within 28 days after receiving a report of the inspection, the Senior Veterinary Officer shall send a copy of the report to the operator of the zoo and shall give the operator [21 days] to comment on the report.

(5) Where the report referred to in subsection (1) includes recommendations for improving the zoo, these recommendations shall be implemented within 28 days of the date of receipt of the report by the operator.

Power to alter licences

15.(1) The Minister on the advice of the Senior Veterinary Officer may, at any time after the grant of a licence, alter the conditions of the licence if in the opinion of the Senior Veterinary Officer it is necessary to do so in order to ensure the proper conduct of the zoo during the period of the licence.

(2) Before the Minister alters the conditions of the licence he shall notify the operator of his intention, and shall give the operator an opportunity to be heard within 21 days of the date of notification.

(3) An alteration of the conditions of a licence may be made by varying, cancelling or attaching new conditions or by a combination of any of these methods.

Revocation of licence

16. The Minister may, after giving the operator an opportunity to be heard, revoke a licence to operate a zoo where

- (a) any reasonable requirements relating to the zoo, or to the conduct of the zoo of which the operator is notified as a result of a report made under section 14 are not complied with, within such time as is reasonable in the circumstances; or
- (b) the Minister is satisfied that the zoo is being operated
 - (i) in a disorderly manner; or
 - (ii) in such a manner as to cause a nuisance or breach of any of the conditions of the licence.

Appeal

17.(1) A person aggrieved by

- (a) the refusal of the Minister to issue a licence;
- (b) any condition attached to a licence;
- (c) any variation or cancellation of a condition in a licence; or
- (d) the revocation of a licence

may appeal to a Judge in Chambers to have the matter considered by him.

(2) An appeal shall be brought within 21 days from the date on which the appellant receives written notification of

- (a) the refusal to grant the licence;
- (b) the revocation of the licence; or
- (c) the attachment, variation or cancellation of a condition in the licence.

(3) On appeal the Judge may confirm, vary or reverse the Minister's decision and shall generally give such directions as he thinks proper having regard to the provisions of this Act.

(4) The decision of the Judge is final.

Closure of zoo

18.(1) Subject to subsections (2) and (3) where an operator fails to comply with section 5(1) or any regulations made under this Act, the Minister may by order close the zoo.

(2) The Minister shall

- (a) give the operator 42 days notice in writing of the proposed closure of the zoo;
- (b) advertise the closure of the zoo in a daily newspaper published and circulated in Barbados; and

- (c) affix a written notice of the proposed closure to the entrance of the zoo.
- (3) Where an operator wishes to close a zoo, the operator shall give the Minister
 - (a) 120 days notice in writing of the proposed closure of the zoo; and
 - (b) inform the Minister in writing as to the proposed distribution and accommodation of the animals at the zoo.
- (4) The Minister shall not permit the closure of the zoo under subsection (3) where he is not satisfied that proper arrangements have been made for the accommodation of the animals.

Offences

- 19.(1)** An operator of a zoo who, without reasonable cause or excuse, abandons the animals in the zoo whether permanently or not, in circumstances likely to cause the animals any unnecessary suffering, is guilty of an offence, and is liable on conviction on indictment to a fine of [\$200 000] or to imprisonment for [5 years] or to both.
- (2) Any operator who
- (a) operates a zoo without a licence;
 - (b) fails without reasonable excuse to comply with any condition attached to a licence;
 - (c) intentionally obstructs an inspector during the course of an inspection;
or
 - (d) fails without reasonable excuse to comply with a zoo closure direction
- is guilty of an offence and is liable on conviction on indictment to a fine of [\$100 000] or to imprisonment for a term of [2 years] or to both.

(3) Where an offence is committed by a body corporate under subsection (1) and it is proved that the offence was committed with the consent, connivance or neglect of

- (a) a director or manager of the body corporate; or
- (b) any person who was purporting to act in such capacity,

the director, manager or person is guilty of an offence and is liable to the fine set out in subsection (1).

Regulations

20.(1) The Minister may make Regulations with respect to

- (a) the forms to be prescribed;
- (b) the operation and maintenance of zoos;
- (c) the inspection of zoos; and
- (d) giving effect to the provisions of this Act.

Commencement

21. This Act shall come into operation on a date to be fixed by Proclamation.

SCHEDULE

(Sections 4(3) and 9(1))

Fees

	\$
1. Licence	[500]
2. Annual renewal fee for licence	[300]
