

The Animal Welfare (Licensing of Animal Exhibits) (Wales) Regulations 2020

Guidance for keeping or training animals for exhibition

March 2020

In line with regulation 15 of The Animal Welfare (Licensing of Animal Exhibits) (Wales) Regulations 2020, a local authority must have regard to Guidance issued by the Welsh Ministers, to assist in the carrying out of its functions under the Regulations.

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Introduction

Animal welfare is a priority of the Welsh Government and the Wales Animal Health and Welfare Framework Group. We are committed to promoting responsible ownership of all kept animals.

The Animal Welfare (Licensing of Animal Exhibits) (Wales) Regulations 2020 require Animal Exhibits (AEs) which fall within the scope of a licensable activity, as defined in the Regulations, to be licensed.

It sets out the conditions to which AEs must adhere in relation to animal welfare and public safety. It also requires that animals are exhibited in a way that encourages respectful and responsible attitudes towards all species.

This Guidance is aimed at local authority inspectors in Wales to assist them in carrying out their functions under the Regulations and the variety of situations in which they may apply. It may also provide useful information to animal exhibitors who currently have an AE licence or wish to apply for one.

The Guidance should be read in conjunction with the Animal Welfare (Licensing of Animal Exhibits) (Wales) Regulations 2020. Terms used in this Guidance have the same meaning as in the Regulations, unless stated otherwise.

Section 1

1. Coming Into Force

The Animal Welfare (Licensing of Animal Exhibits) (Wales) Regulations 2020 were made in the National Assembly for Wales on *[to be confirmed]*.

The Regulations will come into force on *[to be confirmed]*.

2. Who and what to licence

The Animal Welfare (Licensing of Animal Exhibits) (Wales) Regulations 2020 ('the Regulations') apply to operators of AEs that meet the criteria set out in regulation 3 of the Regulations. If an activity is classed as a licensable activity a licence must be obtained from the local authority in order to carry out the activity in Wales. This applies to all operators who exhibit their animals in Wales, whether based in Wales, the UK or any other country.

Local authorities must make sure the 'operator' – the person who carries on, attempts to carry on or knowingly allows the licensable activity to be carried on - holds a licence, in accordance with the requirements set out in the Regulations. The Interpretation Act 1978¹ defines a 'person' as a "*body of persons corporate or unincorporate*".

It may be that certain activities fall outside the scope of the licensable activity, owing to the exemptions set out in regulation 3(4). If this is the case a licence is not required. If the licensable activity is carried out without a licence, appropriate enforcement action should be taken.

The licence holder must be a named person who is not disqualified from holding a licence under the Regulations. Regulation 12 (*Persons who may not apply for a licence*) sets out who may not apply for a licence, and where a licence may be automatically revoked on account of a person's disqualification or revocation of another licence or closure order as listed in Schedule 2 of the Regulations.

Responsibility for ensuring that a licence is obtained and is kept up to date falls to the operator.

Regulation 4(5) allows a licence holder to authorise other persons (including corporate and unincorporated bodies) to carry out the licensable activity. Premises, travel equipment and if necessary, exhibition sites, linked to/connected with the licensed activity will be inspected as part of the licence.

¹ <https://www.legislation.gov.uk/ukpga/1978/30/contents>

The licence holder is responsible for ensuring the licence conditions are met and they must be mindful that, where the local authority is satisfied that the licence conditions are not being complied with, or the Regulations have been breached, the licence may be unilaterally suspended, varied or revoked by the local authority.

When determining whether or not to grant or renew a licence, local authorities must be satisfied that an appropriate framework is in place to allow the licence holder to be confident that authorised persons will meet the licence conditions (see Section 5).

3. How long licences last

A licence may be granted or renewed for a period of three years.

4. Granting a licence

The application form must be completed by the applicant and sent to the relevant local authority along with payment for the application fee. The relevant local authority will be the one in which the operator is ordinarily resident if they are ordinarily resident in Wales. In the case of mobile AEs who are ordinarily based outside of Wales, the licence application must be received by a local authority where the licensable activity takes place.

Where a home base straddles two local authority areas, the application can be made to either authority.

5. Consideration of an application for the grant or renewal of a licence

When a local authority receives an application for the grant or renewal of a licence it must do all of the following before granting or renewing a licence:

- (a) Appoint one or more suitably qualified inspectors to inspect any premises and travel equipment, and if necessary any exhibition sites where these are separate from the licensed premises, linked to the licensable activity;
- (b) Satisfy itself that the licence conditions will be met. This must include consideration of the Inspector's Report (regulation 6);
- (c) Ensure any appropriate fee has been paid; and
- (d) Consider whether the conduct displayed by the applicant indicates that they are suitably competent to carry out the licensable activity and meet their licence conditions.

These requirements are set out in more detail below. Depending on the particular application, there may be other relevant considerations that will form part of the determination.

Following an inspection, the inspector must prepare a report, in accordance with the requirements of regulation 6, to be submitted to the local authority following the inspection.

The inspector's report will contain information about the operator, any relevant premises, any relevant records, the condition of any animals, the suitability of any animals for the nature of the exhibit and any other relevant matter. It will also state whether or not the inspector considers that the licence conditions will be met.

An appropriate fee must be paid before a licence can be granted or renewed. These can include fees for the consideration of the application, the reasonable anticipated costs of consideration of a licence holder's compliance with the Regulations, the reasonable anticipated costs of enforcement in relation to the licensable activity and any fees in relation to the provision of information to the Welsh Ministers.

6. Suitably qualified inspectors

All inspectors must be suitably qualified. This could include:

(a) a registered practising member of the Royal College of Veterinary Surgeons ("RCVS") with suitable knowledge of the species kept in the collection and the requirements of the role they are undertaking;

(b) a Zoo Inspector; or

(c) any person that can provide evidence of at least one year of experience in licensing and inspecting activities involving animals (for example, zoos; dog breeding establishments; pet shops).

Inspectors unfamiliar with individual species are strongly advised to seek appropriate advice, for instance from experienced private keepers or breeders, or appropriately qualified individuals, including veterinary surgeons listed on the British Veterinary Zoological Society (BVZS) website.

7. Renewing a licence

As a matter of good practice, local authorities should advise each licence holder in writing three months before their licence expires that they will need to renew it.

The licence holder should apply for a renewed licence at least 10 weeks before their current licence expires so as to minimise the risk of operating the licensable activity in breach of the Regulations. If a licence expires, a new licence must be applied for, and the licensable activity cannot continue until this has been granted.

Section 5 of the Guidance sets out the requirements that must be met before a licence can be renewed.

If a licence holder does not intend to continue the licensable activity, they should inform the Local Authority that they do not wish for the licence to be renewed.

8. Suspension, variation or revocation of a licence

A local authority may at any time vary or revoke a licence:

- (a) on the application in writing of the licence holder, or
- (b) on its own initiative, with the consent in writing of the licence holder.

This is set out in regulation 11. Examples of when this may be appropriate are:

- a) where the nature of the exhibit, or the types of animals kept, changes;
- b) to amend the details of the licence holder or premises linked to the licensable activity; or
- c) where the licensable activity is to permanently cease.

In addition to the above, a local authority may suspend, vary or revoke a licence without the consent of the licence holder if it is satisfied that:

- a) the licence conditions are not being complied with,
- b) there has been a breach of the Regulations,
- c) information supplied by the licence holder is false or misleading, or
- d) it is necessary to protect the welfare of an animal.

This is set out in regulation 16.

The suspension or variation of a licence will normally take effect seven working days after the decision has been issued to the licence holder. If that date is not a working day, it will have effect from the next working day. If the suspension or variation is necessary to protect the welfare of an animal, the local authority may specify that the decision has immediate effect.

The decision to vary or suspend the licence must be notified to the licence holder in writing explaining the reasoning for the decision, the date it comes into effect, the rights of the licence holder to make written representations and any specific measures that the local authority considers necessary to remedy the situation.

The decision to vary or suspend a licence should be dependent on the severity of the situation. If an operator fails to meet administrative conditions or provide information when requested then this could potentially lead to the suspension of a licence if it happens repeatedly.

It is anticipated that revocation of a licence should occur in an instance where poor welfare conditions are discovered or it would otherwise benefit the welfare of the animals involved to be removed from the activity. Variations can occur if adjustments need to be made, whether that is to the licence itself or to the premises/animals referred to in the licence.

A licence may also be automatically revoked where a person subsequently has action taken against them, so that they fall within the persons listed in Schedule 2.

A local authority notice must be delivered in one of three ways: in person; by leaving it at or sending it by post to the person's current or last known postal address; or by emailing it to the person's current or last known email address.

Following the issuing of the notice the licence holder has seven working days to make written representations beginning with the date of issue of notice of the decision under regulation 16 to suspend or vary the licence or, if that date is not a working day, the next working day. These must be received by the local authority. Upon receipt of this, the local authority must decide how to continue. Where a licence holder has made written representations in accordance with the Regulations, the suspension or variation is not to have effect (see regulation 17(5)) unless the local authority, after considering the representations, suspends or varies the licence. Within seven working days beginning with the date of receipt of representations from the licence holder, the local authority has to – having considered the representations – make a decision as to how to proceed. The options available are listed in regulation 17(6), and are:

- a) suspend or vary the licence,
- b) cancel its decision to suspend or vary the licence,
- c) confirm the suspension or variation of the licence which has been done in order to protect the welfare of an animal, or

- d) reinstate the licence if it has been suspended, or cancel its variation if it has been varied, if this has been done in order to protect the welfare of an animal.

If a representation is not responded to after seven working days of receipt then the initial decision the local authority made is deemed to be overturned; this is also the case if a licence which is initially suspended has no further action taken on it for 28 days.

The licensable activity will not be able to continue once the suspension of a licence has come into effect and cannot re-commence unless the licence is reinstated by the local authority where it is satisfied that the grounds specified in the notice have been or will be remedied or by the First-tier Tribunal who may overturn the local authority's decision if it considers it to be incorrect, or confirm the local authority's decision, with or without modification.

If a licence is suspended for a significant period of time then as a matter of good practice the local authority should ensure that the animals are checked regularly to ensure that the welfare of the animals is maintained.

An appeal may be made by any operator who does not agree with a local authority's decision to refuse to grant or renew a licence. An appeal may also be made where the operator disagrees with a decision to revoke or vary a licence. Appeals must be brought within 28 days beginning with the day following the date of the decision, and must be made to a First-tier Tribunal.

9. Refusing a licence application

A licence must be refused if it is believed:

- (a) the applicant is not capable of meeting the licence conditions; and/or
- (b) that granting a licence might negatively affect the welfare, health or safety of the animals involved in the exhibit, and the safety of any persons who may interact with them.

A local authority must refuse to grant a licence if the accommodation or management are inadequate for the animals' well-being or for the exhibit to be run properly. A licence must also be refused if the applicant has been disqualified from holding a licence as per Schedule 2 of the Regulations.

10. The appeals process

Should an operator disagree with a decision by a local authority to refuse to grant or renew a licence, or to revoke or vary a licence, they may appeal to the First-tier Tribunal within 28 days, beginning with the day following the date of the decision.

Where a licence renewal is refused, the First-tier Tribunal may, on application and until the appeal is determined or withdrawn, permit the licence holder to continue the licensable activity or any part of it, or suspend a licence revocation or variation.

On appeal, it may also overturn or confirm a local authority's decision with or without modification.

11. Provision of information to the Welsh Ministers

Each local authority must provide the following information to the Welsh Ministers in writing when requested:

- (a) the number of licences issued and in force for the licensable activity in its area,
- (b) the number of applications for the licensable activity that the local authority refused to grant,
- (c) the nature of exhibits and types of animals used in connection with the licensable activity, and
- (d) the average level of fees it has charged for licences it has granted or renewed for the licensable activity.

These must be provided in an electronic form (or in a way that is accessible to the Welsh Ministers in electronic form) no later than one calendar month from the date on which the information is requested.

The Welsh Government may also request further information from local authorities which could be useful for informing policy or assessing the progress on implementation.

12. Inspections during the term of a licence

There will be cases where inspections may be carried out during the term of a licence.

A local authority can, at any time, appoint an inspector to inspect any premises and travel equipment, and if necessary exhibition sites, that is linked to the licensable activity. The purpose of the inspection must be to check whether or not the licence conditions are being complied with, and whether the local authority considers this appropriate. When forming a view as to whether or not an inspection is appropriate, the local authority needs to consider any representations that may have been made, for example complaints from members of the public, and any other circumstances which call for an inspection. This could include the receipt of information that suggests licence conditions are not being complied with or that the welfare of the animals involved in the licensed activity is at risk.

When an inspector is appointed for this purpose, the local authority must communicate the purpose and scope of the inspection to both the inspector and the operator of the licensable activity. The inspector must provide a report to the local authority which addresses the purpose and scope of the inspection and states whether or not the inspector considers the licence conditions are being complied with.

During the course of an inspection the inspector may take samples for laboratory testing, if this will assist with determining whether licence conditions are being complied with. Samples may be taken from any animal on premises which are specified in the licence on which the licensable activity is authorised, or premises on which the inspector reasonably believes the licensable activity is being carried on. The operator must comply with any reasonable request of an inspector to facilitate the identification, examination and sampling of an animal, including ensuring that suitable restraints are provided if requested.

13. Death of a licence holder

If a licence holder dies, the procedure in regulation 13 of the Regulations applies. It allows for the licence to be temporarily transferred to the personal representative of the deceased provided that they inform the local authority within 28 days of the death that they are now the licence holder. The licence will then remain in place for three months from the death of the former holder or for the rest of the time it was due to remain in force if that time period is shorter. If the personal representatives apply for the licence to be extended for up to three months beyond this date, the local authority may extend the licence period if satisfied this is appropriate, and necessary for the purpose of winding up the estate.

If the personal representative does not notify the local authority within 28 days of the death of the licence holder, the licence will cease to have effect after those 28 days.

14. Powers of entry

An inspector may carry out an inspection to check compliance with the licence conditions. When carrying out such an inspection, the inspector can enter premises is specified in the licence as premises on which the carrying on of an activity is authorised, or premises on which the inspector reasonably believes the licensable activity is being carried on. Parts of the premises which are not a private dwelling may be entered by an inspector without notice. An inspector may not enter any part of premises which is used as a private dwelling unless 24 hours' notice of the intended entry is given to the occupier.

A Justice of the Peace (JP) can issue a warrant authorising an inspector or a constable to enter premises on the request of an inspector or constable, using reasonable force if necessary, to search for evidence of the commission of an offence.

The JP can only issue a warrant if satisfied there are reasonable grounds for believing that a relevant offence has been committed on the premises, or that evidence of the commission of a relevant offence is to be found on the premises, and that section 52 of the Animal Welfare Act 2006 is satisfied in relation to the premises.

Other considerations under the Animal Welfare Act 2006 also apply.

15. Offences

It is an offence to breach any licence condition. It is also an offence not to comply with an inspector's request in the process of taking a sample from an animal. Samples should be as non-invasive as possible however inspectors may deem more invasive samples necessary if there are concerns over the welfare of the animals. The provision for sampling is primarily aimed at veterinary surgeons carrying out inspections and it is not expected that samples be taken by those who are not suitably competent to safely do so.

It is also an offence to obstruct an inspector who has been appointed by a local authority to enforce the Regulations. Committing either of these offences could result in an unlimited fine.

Anyone who carries on the licensable activity without a licence is liable to imprisonment for a term of up to six months, a fine or both. Section 30 of the Animal Welfare Act 2006 allows for local authorities to prosecute for any offences under that Act.

16. Post-conviction powers

The post-conviction power in section 34 of the Animal Welfare Act 2006 applies in relation to a conviction for an offence under regulation 21. This allows a court, in addition to the other mechanisms available, to make an order disqualifying a person convicted of an offence from owning, keeping, participating in the keeping of animals, and from being party to an arrangement under which they can control or influence the way an animal is kept. They may not transport or deal in animals. An order disqualifying someone can be for such period as the court thinks fit. Breaching these disqualifications is an offence.

The post-conviction power in section 42 of the Animal Welfare Act 2006 also applies whereby a court can cancel a currently existing licence and disqualify a person from owning a licence for any period it sees fit if that person is convicted of an offence under the Act.

17. Fee setting

Local authorities should have regard to 'Open for Business: LGA Guidance on Locally Set Licence Fees²', which sets out the steps that must be taken to set fair and reasonable fees. Reasonable anticipated costs will be fact-specific and dependent on individual local authorities. Local authorities should also have regard to the BEIS 'Guidance on the Provision of Service Regulations³'.

² <https://www.local.gov.uk/open-business-lga-guidance-locally-set-licence-fees>

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791129/provision-services-regulations-2018-guidance.pdf

18. Activities covered by the licensing fees

Regulation 14 of the Regulations set out what a local authority may charge fees for:

- (a) The costs of consideration of an application, including any inspection relating to that consideration;
- (b) The reasonable anticipated costs of consideration of a licence holder's compliance with the Regulations and the licence conditions to which a licence holder is subject. This includes the costs of any further inspections related to compliance;
- (c) The reasonable anticipated costs of enforcement in relation to the licensable activity of an unlicensed operator; and
- (d) The reasonable anticipated costs of the local authority in compiling and submitting the data required by regulation 30 to the Welsh Ministers.

Section 2

What is in and out of scope

Species

The Animal Welfare (Licensing of Animal Exhibits) (Wales) Regulations 2020 (the Regulations) have been made in exercise of the powers conferred by section 13 of, and Parts 1 and 3 of Schedule 1 to, the Animal Welfare Act 2006⁴. The Regulations apply to all animals protected under that Act.

Section 1 of the Animal Welfare Act 2006 defines an “animal” as:

“a vertebrate other than man”.

Section 2 of the Animal Welfare Act 2006 sets out that an animal is a “protected animal” for the purposes of the Act if:

- (a) it is of a kind which is commonly domesticated in the British Islands,*
- (b) it is under the control of man whether on a permanent or temporary basis, or*
- (c) it is not living in a wild state.”*

Strict prohibitions apply to certain invasive non-native species (INNS) (those listed under Regulation (EU) 1143/2014⁵ on invasive alien species). These prohibitions mean the listed species cannot lawfully be imported into the EU, kept, bred, transported, placed on the market, used or exchanged, allowed to reproduce, grown or cultivated, or released into the environment. From the date the Invasive Alien Species (Enforcement and Permitting) Order 2019⁶ comes in to force the use of the listed species as part of AEs will no longer be allowed. These animals include muntjac deer, ring tailed coati, coypu, racoon, racoon dog, grey squirrel and Siberian chipmunk.

⁴ http://www.legislation.gov.uk/ukpga/2006/45/pdfs/ukpga_20060045_en.pdf
⁵ <http://www.legislation.gov.uk/uksi/2019/527/contents/made>
⁶ <http://www.legislation.gov.uk/uksi/2019/527/contents/made>

Definition

Regulation 3 of the Regulations provides that, for the purposes of determining whether something needs a licence, “licensable activity” means:

1. For the purposes of determining whether an activity is a “licensable activity”, “licensable activity” means—

- (a) keeping animals in Wales where those animals are being used for exhibition for educational or entertainment purposes,
- (b) training animals in Wales where those animals are being used for exhibition for educational or entertainment purposes, or
- (c) exhibiting animals in Wales for educational or entertainment purposes.

(2) The licensable activity may take place with or without charge.

(3) Exhibiting animals for the purpose of the licensable activity includes—

- (a) the exhibition of animals to any audience attending in person, and
- (b) the recording of visual images of the animals by any form of technology that enables the display of such images.

(4) The licensable activity does not include—

- (a) keeping animals primarily for dairy farming and livestock breeding and keeping,
- (b) keeping or training animals for military or police purposes,
- (c) keeping or training animals for sporting purposes,
- (d) animals displaying learned behaviours which are taught for working purposes,
- (e) any activity permitted under a licence for a zoo under the Zoo Licensing Act 1981⁷,
- (f) keeping a pet shop under a licence granted under section 1(1) of the Pet Animals Act 1951⁸, or
- (g) any activity permitted under a licence for a riding establishment under the Riding Establishments Act 1964⁹.

For the purposes of this regulation, “livestock” includes any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land.

Licensable activity

If an AE falls within the scope of a licensable activity, in order for that exhibit to be carried on legally, a licence will be needed.

If an AE falls within the scope of an exempted activity, a licence will not be required.

⁷ <https://www.legislation.gov.uk/ukpga/1981/37>
⁸ <http://www.legislation.gov.uk/ukpga/Geo6/14-15/35>
⁹ <https://www.legislation.gov.uk/ukpga/1964/70>

Examples

AEs are varied, both in size and nature, with a broad range of animals used. Local authority inspectors should approach licensing on an individual basis, considering each AE on its merits before reaching a decision as to whether it falls within scope of the Regulations.

The following sections outline examples of the type of activity that should or should not be considered within the scope of the Regulations. For the reasons set out above, these are not legally binding and should be used for reference only.

In-scope activities

Any organisation or person that keeps or trains animals for exhibition, either for entertainment or educational purposes, could be eligible for licensing.

Activities could include:

1. Mobile AEs.

An exhibit that travels from place to place to exhibit animals, for example, at schools, weddings, private parties, fairs and other events where an audience is present. They may return to a permanent base every night; others may be more transient in nature.

2. Pony parties.

This is only applicable where the ponies/horses are not ridden. Where ponies/horses are ridden, they should come under the scope of the Riding Establishments Act 1964 and be exempt from the AE licensing scheme.

3. Any organisation or person that keeps or trains animals for exhibition via electronic media.

This could include animals used in films or TV, or in online videos.

4. Exhibiting animals in a circus¹⁰.

The use of animals in circuses.

5. Any organisation or person based outside of Wales that brings an animal into Wales for exhibition.

An application for a licence must be received by a local authority where the animals have a home base (where they go to rest).

¹⁰ The Minister for Environment, Energy and Rural Affairs laid the Wild Animals and Circuses (Wales) Bill before the National Assembly on 8 July 2019. The purpose of the Bill is to make it an offence for a wild animal to be used in a travelling circus. The Bill will not affect the use of domesticated animals in travelling circuses, nor will it prevent wild animals being used for entertainment in other settings.

6. Bird of prey displays.

This would include the display on perches or on gloves, as well as flying displays, if these are for educational or entertainment purposes. It would not include traditional hunting (unless an audience was present), nor would it include instances where the birds were displaying behaviours taught for working purposes (e.g. pest control).

7. Dangerous Wild Animals licence holders that keep or train animals for exhibition, or exhibit those animals, either for educational or entertainment purposes.

Consideration should be given to the species being used and the nature of the exhibit, taking into account the welfare of the animal and safety of the general public. If the exhibit is planned to be mobile, written notification must be provided to the local authority at least seven days before the animal is moved. It is advisable a licence condition is included on the Dangerous Wild Animals licence setting the parameters for the nature of the exhibit.

8. AEs that have been granted a dispensation under Section 14(1)(a) of the Zoo Licensing Act 1981.

If an activity is permitted under a zoo licence, it is outside the scope of the Regulations and does not require a licence. If, however, a direction is made that states a zoo licence is not required, the situation would need to be considered to determine whether a licence was required under these Regulations. Conversely, if an AE licence holder's animal collection changed so as to require a zoo licence, regulation 11 would apply and the AE licence can be revoked either on the application of, or with the consent of, the licence holder.

9. Agricultural or animal care colleges.

This includes animals that are exhibited for the purpose of teaching students about animal care and management and could include domesticated pets and livestock, as well as exotic species. This does not apply where an animal collection meets an exemption under Regulation 3(2)(a).

10. Animal-themed cafes (permanent and 'pop up').

This relates to businesses that have live animals available for its customers to actively handle and pet – for example, cat cafes. This would not include instances where animals are kept for ornamental purposes (see 'Out-of-Scope').

Out-of-scope activities

Any organisation or person that keeps or trains animals for exhibition that is either not for entertainment or educational purposes, or exempted by Regulation 3. This could include:

1. An event organiser, or agent that organises the exhibition of animals, but does not own or train them themselves and thus has limited or no contact with the animals.

Individual participants that are exhibiting animals may need to have a licence, but the organiser/agent does not require a licence as they are not responsible for the animals exhibited. A show may require a licence under the Animal Gatherings (Wales) Order 2010¹¹ where applicable, and where the animals shown do not originate from the same premises. Show organisers should make themselves aware of the requirements of the licensing scheme and request a copy of an AE licence before confirming their appearance. Where incidents of non-compliance are identified, these should be reported to the relevant local authority. This is not, however, a requirement of the Regulations.

2. Animals kept primarily for dairy farming and livestock breeding and keeping.

For the purposes of this regulation, “livestock” includes any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land. This could include, for example, animals at livestock markets and the display of breeding stock. It could also include instances where livestock are kept in a traditional manner but could be visible to members of the public (e.g. at a holiday let or agricultural college where the animals are not trained to do anything they would not do if kept for normal agricultural purposes).

3. Animals exhibited for ornamental purposes.

This would include passive displays such as a fish tank at a restaurant or a fish pond in a publically-accessible garden. In order to be exempted from the Regulations, the exhibit should not be in any way advertised to the general public.

4. Animals kept primarily as pets.

Inspectors must be satisfied, where a pet is exhibited, this is unlikely to be an ongoing activity. Examples include pet dogs exhibited at local dog shows once or twice a year for recreational purposes, donkeys at nativity plays; ‘show and tell’ activities by children in schools.

5. Private events where audiences are not invited or intended to view animals.

This could include events taking place in public if it can be satisfactorily assumed or evidenced that an audience is not expected, such as traditional falconry hunts.

6. Training or exhibiting animals for military or police purposes.

This could include demonstrations at agricultural shows, where the purpose is connected to displaying the skills learned by the animal for working purposes (for example, law enforcement or life-saving).

11 <http://www.legislation.gov.uk/wsi/2010/900/made>

7. Training or exhibiting animals for sporting purposes.

This is intended to include organised sports such as horse racing, greyhound racing, dog agility and other similar competitions commonly seen at agricultural shows. This is not intended to include novelty sports where the animals are not bred or conditioned for sporting purposes, for example sheep or ferret racing, which would require a licence.

8. Exhibiting animals displaying learned behaviours which are taught for working purposes.

This could include sheepdog trials; gundog and hunt pack displays; horse carriage driving; assistance or therapy animals.

9. Licensed zoos

If an activity is permitted under a zoo licence, it is outside the scope of the Regulations and does not require a licence. This includes zoos with dispensations under Sections 14(1)(b) and 14(2) of the Zoo Licensing Act 1981.

10. Licensed riding establishments.

This does not prevent the licensing of other activities undertaken by the operator if they meet the licensing criteria. For example, a riding establishment may be one aspect of a wider business that also includes a petting farm or bird of prey display.

Overview of the conditions and explanatory guidance

The following section outlines the conditions that must be complied with in order to receive a licence for the activity of keeping or training animals for exhibition. AEs vary greatly and ultimately there will be an element of judgement required in assessing whether a licence condition has, or indeed can, be complied with.

The conditions set out in Schedule 1 of the Regulations are boxed and in **bold text** throughout this document, whilst the explanatory guidance notes are provided as bullet points.

Paragraph numbering in the following parts of this guidance document relate to the numbering of the conditions in Schedule 1 of the Regulations.

Licence Conditions (Schedule 1 of the Regulations)

1. Licence display

Conditions (*paragraph numbers relate to the numbering in the Regulations*)

1(1) A copy of the licence must be made available wherever the licensable activity is carried out.

1(2) The name of the licence holder followed by the number of the licence holder's licence must be clearly and prominently displayed on any website used in respect of the licensable activity.

Guidance

- A copy of the licence must be kept at the licensed premises.
- Where animals are exhibited at a permanent location, the licence must be clearly displayed, such as in the entrance or the reception area of the exhibition.
- A separate copy of the licence must be taken to exhibits when these are held at other locations.

2. Registers, records, lists and notifications

Condition

2(1) A register must be kept of each animal exhibited or to be exhibited which must include-

- (a) the full name of its supplier,**
- (b) its date of birth,**
- (c) the date of its arrival with the licence holder,**
- (d) its name (if any), age, sex, neuter status, description and microchip or ring number (if applicable),**
- (e) the name and contact details of the animal's normal veterinary surgeon and details of any insurance relating to it,**
- (f) if the animal is travelling away from its home base, the name and contact details of a veterinary surgeon local to the exhibition event,**
- (g) details of the animal's relevant medical and behavioural history including details of any treatment administered against parasites and any restrictions on exercise or diet,**
- (h) a record of the date or dates of the animal's most recent vaccination, worming and flea treatments,**
- (j) the distance to and times taken for it to travel to and from each exhibition event, and**
- (j) the date of its departure from the licence holder, and the reason for the departure (for example, re-homing, retirement or death).**

Guidance

- If the animal does not require vaccinations, worming or flea treatment this must be stated.
- If any of this information is unknown the reason for that must be documented.
- The information kept in these records would generally be expected to be detailed enough to be of practical use to the licence holder and any other individuals involved in the licensable activity.

Condition

2(2) The licence holder must keep a list of each animal kept, or trained, for exhibition with all the information necessary to identify that animal individually (including its common and scientific names) and must provide the local authority with a copy of the list and any change to it as soon as practicable after the change.

Guidance

- Where any new types of animals are acquired for the licensable activity that are not specified on the licence, or where the number of a particular type of animal exceeds the number on the licence, the licence holder must notify the local authority in writing, preferably electronically. This should not result in an additional inspection unless the changes are significant.
- This list is required for reference purposes only and is not expected to contain detail beyond that prescribed in the condition.

Condition

2(3) A record of when the animals are exhibited must be kept and an animal rotation policy must be put in place to ensure that the animals have enough rest between and during exhibition events.

Guidance

- This should include:
 - Date of exhibit;
 - Time of exhibit;
 - Duration of exhibit (arrival to departure time);
 - Type of exhibit;
 - Animals used in exhibit;
 - Location of exhibit;
 - Distance/travel time to exhibit from licensed premises.
- A note of time working, time resting and actions must be kept. This would record comments on behaviour, injury, any form of problem.
- A record must be kept for each individual animal setting out how often and the length of time used in any exhibit with clear rest periods in the home environment set out.
- Animals must have clear breaks from exhibits that enable them to perform normal behaviour including sleeping, feeding, toileting and play and must not be used on a continuous basis.

Condition

2(4) Written notification of the movement of any dangerous wild animal (as classified under the Dangerous Wild Animals Act 1976¹²) in connection with the licensable activity must be provided to the local authority at least seven days before the movement takes place.

Guidance

- The written notification must include the date and approximate time period the animal will be away from the Dangerous Wild Animals 1976-licensed premises, and the name, address and post code of the exhibition site.
- A copy of the risk assessment as required by licence condition 9(21) must also be supplied.
- Failure to inform the local authority of any movement for this purpose should be considered a breach of licensing conditions.
- Details of any premises or sites where the licensed animals will visit must be supplied, regardless of whether the animals are being exhibited at these locations.
- The local authority does not need to be informed of movements of animals that are not licensed under the Dangerous Wild Animals Act 1976.

Conditions

2(5) The licence holder must ensure that all documentation that the licence holder is required to keep as a condition of the licence is available at any time for inspection by an inspector in a visible and legible form or, where any such documentation is stored in electronic form, in a form from which they can readily be produced in a visible and legible form.

2(6) The licence holder must keep all such documentation for at least three years beginning with the date on which the record was created.

2(7) For the purposes of this paragraph, “documentation” includes any registers, records and lists kept in connection with the licensable activity.

Guidance

- Electronic records must be backed up regularly.

12 <https://www.legislation.gov.uk/ukpga/1976/38>

3. Use, number and type of animals

Condition

3 No animals or types of animal other than those animals and types of animal specified in the licence may be used in relation to the licensable activity.

Guidance

- The licence must clearly state the maximum numbers of each species or species group that may be used for the activity, with the exception of fish.
- The licence holder may have under the maximum number of animals without informing the local authority but must inform them if this maximum number is to be exceeded.
- Any animals kept as pets that are not included in the licence must not be exhibited.

4. Staffing

Condition

4(1) Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of each animal covered by the licence are met.

Guidance

- Where a person who is not the licence holder is involved in the licensable activity, whether as a paid member of staff, contractor, volunteer or other arrangement, a written record should be kept by the licence holder authorising that person to carry out the licensable activity on their behalf.
- No animal must be kept or trained for exhibition, or exhibited, unless persons involved in the licensable activity are competent in the care and welfare of the animals exhibited and have a recognised qualification and/or suitable and demonstrable experience/training, including working within the exhibition environment in question (for example a film set, mobile AE, or theatre).
- Licence holders keeping species hazardous to human health (for example, venomous snakes) must ensure that persons caring for and/or exhibiting the animals are trained in the specific species management and available at all times.
- Written instructions must be provided for any persons involved in the licensable activity on the provision of health care and the procedures to be followed in the event of an incident involving any venomous animal.

Condition

4(2) The licence holder and any person who cares for the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent pain, suffering, injury, disease or abnormal behaviour.

Guidance

- Suitable and sufficient training of individuals involved in animal care and/or the exhibition itself must have been carried out, and evidence provided of this, in the following areas:
 - Animal welfare, including recognising poor welfare;
 - Animal handling;
 - Animal behaviour;
 - Cleanliness and hygiene, including appropriate use of Personal Protective Equipment (PPE) where needed;
 - Feeding and food preparation;
 - Disease and zoonosis control;
 - Recognition of sick animals and abnormalities.

Condition

4(3) The licence holder must provide and ensure the implementation of a written training policy for all persons who care for the animals.

Guidance

- The training policy must be reviewed and updated on an annual basis or following any significant change of circumstances and must include:
 - annual appraisal
 - planned continued professional development
 - recognition of knowledge gaps
 - use of online courses and literature
- This will be applicable to any persons involved in the licensable activity and can be shown by engagement with courses, written or online learning, keeping up to date with any research or developments for specific species and the documentation of the annual appraisal.
- If no other persons are involved in the licensable activity, the licence holder must demonstrate their own knowledge development.
- Evidence of attendance or completion of the training by all persons involved in the licensable activity must be provided.

5. Suitable environment

Condition

5(1) All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape and must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

Guidance

- Timber must be of good quality, well-kept and any damaged areas sealed or over clad. Wood must be smooth and treated and properly maintained.
- Where appropriate, interior surfaces, including floors, must be smooth, impervious and able to be disinfected. Floors must have a non-slip, solid surface. Junctions between sections must be coved or sealed.
- There must not be any sharp edges, projections, rough edges or other hazards which present risk of injury to an animal. No unprotected electrical cables must be within reach of any animal.
- Materials must be non-toxic and able to be disinfected after use where appropriate.
- Windows must be escape-proof. Doors must be strong enough to resist impact, scratching and chewing, and must be capable of being effectively secured. Large apertures must be avoided.
- Door openings must be constructed such that the passage of water/waste is not impeded, or allowed to gather due to inaccessibility.
- All wire mesh/fencing must be kept in good repair to provide an escape-proof and dig-proof structure. Where metal bars and/or mesh and/or frames are used, they must be of suitable gauge with spacing adequate to prevent animals escaping or becoming entrapped.
- Care must be taken where aviaries or cages are constructed of newly galvanised mesh to prevent heavy metal poisoning, particularly in regards to parrots which will often chew the metal.
- Drainage must be effective to ensure there is no standing or pooling of liquids. Waste water must not run off into adjacent pens/ units. Drainage channels must be provided and checked regularly.
- Where appropriate, animal pens and cages must open onto secure corridors or other secure areas so that animals are not able to escape from the premises, and where appropriate personal protection methods in relation to disease control can be undertaken, such as the cleansing and disinfection of boots, and the wearing of PPE where necessary. These corridors/areas must not be used as an exercise area.

- Accommodation must be regularly inspected for damage and potential injury or escape points. Damaged accommodation must be repaired or replaced immediately.

Conditions

5(2) Animals must be kept at all times in an environment suitable to their species and condition (including health status and age) with respect to—

- (a) their behavioural needs,**
- (b) their situation, space, air quality, cleanliness and temperature,**
- (c) the water quality (where relevant),**
- (d) noise levels,**
- (e) light levels,**
- (f) ventilation,**
- (g) emerging disease threats and necessary controls,**
- (h) prevention of access from wildlife, where possible.**

5(3) Animals must be kept in a condition suitable to their species.

Guidance

- The needs of animals vary greatly dependent on a number of factors, including the species; its age; its health status; and its background (for example captive-bred or wild-caught). The condition of an animal's environment must be suitable to its individual circumstance. Specialist advice on what is and is not appropriate should be sought where required.
- Where available, government-issued Codes of Practice must be adhered to. Other sources of information could include industry or competent non-governmental organisation best practice guidance or recommendations.
- Animals must be provided with suitable housing and rest areas which will vary dependant on the species or species group. All housing must be:
 - secure (predator and other wildlife-proof, escape-proof and lockable);
 - clean and free from parasites (and vermin);
 - free from hazards (e.g. sharp projections and edges);
 - ventilated (or oxygenated for aquatic species). Ventilation must be provided to all interior areas, as appropriate to the species, and have no detrimental effect on temperature or humidity;
 - sheltered from extremes of weather;
 - at a temperature suitable to the species of animal.
- Direct sunlight where no shade is available and other unintended heat sources must be avoided. Light must be provided in a suitable light: dark cycle for the species and where natural light is insufficient, suitable artificial lighting must be used. Where specific waveforms of light (e.g. UVB) forms an integral part of life support for the species, or where inappropriate lighting is detrimental to the health of the animal, there must be a system in place to demonstrate to the

inspector that appropriate lighting is provided. Animals must be able to move away from direct lighting.

- Where tiered accommodation systems are utilised, water, food or waste products must not be allowed to contaminate lower levels. In certain systems, such as aquaria or mixed-species aviaries, where isolation is inappropriate, waste must be adequately managed to prevent contamination of food and water.
- Where water quality forms an integral part of life support for the species, or where poor water quality is detrimental to the health of the animal, water quality must be checked weekly and records kept of all tests.
- Noise disturbance must be minimised and demonstrable mitigating steps taken where problems arise.
- Where appropriate, animals must not be exposed to draughts.
- All housing must have:
 - a comfortable resting area that all animals housed together can use at the same time;
 - a suitable amount of clean bedding material of a type suitable for the species and individual animals.
- All housing must allow an animal to:
 - lie fully stretched out;
 - stand in their natural posture;
 - enable animals to be able to move around freely climb, swim and jump where appropriate, and be comfortable in their environment;
 - rest comfortably;
 - hide from human view or other animals in the enclosure, where appropriate;
 - be kept in appropriate social groups;
 - where appropriate, have separate areas for sleeping, toileting, exercising and the ability to move away from the social group;
 - hide from potentially frightening stimuli.
- The design and layout of any accommodation must, as far as possible, allow animals to be able to control their visual access to surroundings and animals in other enclosures. It should also minimise disturbance to other animals when removing any individual animal.
- The enclosure size must be appropriate to the species and adjusted according to its size as the animal grows. Where animals are kept communally any change in group dynamics may require separation or larger enclosures.

- The distance between the resting facilities and the working environment should be kept to a minimum where possible. For mobile AEs temporary resting facilities should be provided.
- Animals held or displayed outdoors must always have suitable protection from adverse weather conditions.
- Fish must be able to move freely and turn around in aquariums or ponds.
- Birds must be able to stretch their wings freely.
- Whilst being temporarily exhibited, enclosure sizes that are smaller than that considered best practice for long term husbandry can be used.
- In instances where animals are exhibited at a temporary location for longer than a day, they must be provided with on-site housing and/or rest areas as set out under 5.2 that allow for a range of movement and natural behaviours. There should be enough separate rooms or securely partitioned areas to avoid unfamiliar animals being mixed together. Wherever possible, the animal's normal housing should be used. If possible, fish should be moved in the same water as they have been permanently housed.

Conditions

5(4) Where appropriate for the species, a toileting area and opportunities for toileting must be provided.

5(5) All accommodation, any equipment within it, travel equipment, and the exhibition space must be cleaned as often as necessary and procedures must be in place to ensure good hygiene standards are maintained.

5(6) Appropriate biosecurity standards must be maintained.

Guidance

- To maintain a clean, disease-free environment, a cleaning procedure must be provided and must detail the routine cleaning regime and the procedure for cleaning between periods of occupation as well as the management procedures with regard to any animal or human disease risks.
- Any cleaning products used must be non-toxic to enclosure inhabitants and appropriately timed separation between disinfection and (re)introduction of livestock observed.
- Empty enclosures and cages must be fully cleaned, disinfected and allowed to dry before new stock arrives. Substrate must be replaced as appropriate, and enclosure fixtures and fittings must be adequately sanitised.

- Each occupied unit must be cleaned as often as necessary, and waste materials removed and disposed of as required. What is appropriate will vary depending on the species.
- Soiled bedding must be removed and disposed of in a timely fashion and immediately replaced.
- Cleaning should be minimised in accommodation containing species which are in poor health or during breeding seasons where disturbance would be detrimental to the animals. This is provided that appropriately hygienic living conditions are maintained.
- Working fish systems must not be treated with routine chemical sterilisation. Fish must not be subject to rapid fluctuation in chemical composition of their water, other than for the controlled treatment of disease or as part of a controlled breeding programme. Acceptable conditions may vary substantially according to species and often counterintuitively. In case of doubt, expert advice should be sought.

Condition

5(7) All the animals must be easily accessible for animal husbandry purposes and for inspection and there must be sufficient light to work effectively and observe the animals.

Guidance

- Enclosures must allow for visual inspection with minimal disturbance to the animal.
- Lights must be turned off to provide a period of darkness overnight unless the species requirements specify otherwise. Consideration must be given to the specific requirements of nocturnal species.

Condition

5(8) All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.

Guidance

- There must be sufficient resources for each individual animal in any shared enclosure to minimise dominance, and where this is identified, additional resources must be provided.
- Resources include, but are not limited to: food, water, enrichment items and resting/sleeping areas.

- The licence holder must be able to demonstrate that there are sufficient resources for each individual animal in any shared enclosure used for accommodation and that all animals within a shared enclosure are able to undertake similar activities at the same time, such as allowing all birds to perch or feed at the same time, and allowing animals to separate off from a social group.
- Animals kept together must be carefully monitored, especially at feeding times.
- Persons involved in the licensable activity must be trained to recognise signs of group disruption (e.g. competition and aggression), which could compromise animal welfare.

Condition

5(9) The animals must not be left unattended in any situation or for any period likely to cause them distress.

Guidance

- All animals must be attended as appropriate, depending on the needs of the individual animal. The animals must be visited at regular intervals of between 4 to 6 hours during the day or as necessary for the individual health, safety and welfare of each animal according to its species.
- A documented system of recording observation for illness, injury or behavioural problems must be maintained.
- All handling/interaction by the public with animals must be constantly supervised.
- Leaving animals in vehicles must be minimised and animals must never be left unattended in a car or other vehicle when the temperature may pose a risk to the animal.

6. Suitable diet

Condition

6(1) The animals must be provided with a suitable diet in terms of quality, quantity and frequency and any new feeds must be introduced gradually to allow the animals to adjust to them.

Guidance

- Animals must be fed an adequate and balanced diet in accordance with their specific nutritional needs. Animals must be fed a complete diet appropriate to their age, breed, species, activity level and stage in the breeding cycle. Persons who care for and/or exhibit the animals must have knowledge of the requirements for all the species held.
- If there are concerns about an individual animal's diet, appropriate nutritional/veterinary advice must be sought.
- Food supplements, including vitamins and minerals, must be provided if necessary at the correct dosage for the individual species and in a form appropriate to ensure adequate supplementation is delivered to the target species.
- Fresh foods must be kept refrigerated where appropriate. Frozen foods intended for use must be stored at an appropriate temperature.
- Live food intended for use must be housed in suitable escape-proof containers. Live food, if uneaten in a short period, must be removed where it may pose a risk to the species housed e.g. crickets biting reptiles.
- The feeding of live vertebrate prey should be carried out only in exceptional circumstances (e.g. non-feeding snake). This must be on an individual animal basis for specified animals only. A written justification must have been completed by the licence holder in conjunction with a veterinary surgeon, weighing up the welfare of predator and prey, and that written justification must be made available to inspectors. Live feeding must be observed by a competent person and uneaten prey removed in a timely manner. Such feeding must not take place in the presence of the public.
- Where a licence holder is breeding or purchasing live vertebrate animals that are to be euthanased for the purpose of feeding to other stock held on the premises, the method of euthanasia must be assessed by a veterinary surgeon and signed off as to the satisfaction of the veterinary surgeon that the method is humane and effective, and continues to be so. The method of euthanasia must be safe and humane for both the culled animal and the animal being fed.

Condition

6(2) Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.

Guidance

- Abnormalities in eating and/or drinking habits must be recorded and acted upon. Appropriate veterinary advice must be sought if necessary.
- Significant weight loss or gain must be assessed by a competent person. Where the underlying reason cannot be identified and/or remedial measures have been unsuccessful, the animal must be assessed by a veterinary surgeon. If it is housed as part of a social group, it must be possible for the animal to be isolated to ascertain whether it is eating or not.
- For small mammals, guinea pigs, rabbits and birds, if there is no improvement in food intake within 12 hours following remedial action by a competent person, or the condition of the individual deteriorates, a veterinary surgeon must be consulted.

Conditions

6(3) Feed and drinking water provided to the animals must be unspoilt and free from contamination.

6(4) Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.

Guidance

- Receptacles must be maintained to a high standard of cleanliness and hygiene. They must be disposed of if damaged.

Conditions

6(5) During transport animals must be offered fresh, clean drinking water at appropriate intervals and afforded adequate opportunity to drink.

6(6) At all other times, constant access to fresh, clean drinking water must be provided in a suitable receptacle for the species that requires it.

Guidance

- Water bottles must be free flowing and free from leakages and blockages.
- Water must be kept away from sleeping areas to reduce risk of damp bedding or substrate.
- Raptors should be provided daily with fresh clean water in a bath, however where an animal is kept outdoors, this should be withdrawn during freezing weather to avoid health problems.

Condition

6(7) There must be hygienic facilities for the preparation and storage of feed.

Guidance

- Where possible, soap and hygienic hand drying facilities should be available. Alcoholic gel is not considered a suitable alternative to soap and running water. Food must be protected against dampness, deterioration, mould or from contamination by insects, birds, vermin or other pests.
- The food preparation area must be kept clean and vermin free.
- Human and animal food preparation must not take place in shared preparation areas, at the same time, or using shared utensils.
- Receptacles for food and drink must not be used for any other purposes.

7. Monitoring of behaviour and training of animals

Condition

7(1) Active and effective species-specific environmental enrichment must be provided to the animals in all permanent or temporary environments in which the animals are kept, trained or exhibited (inside and outside).

Guidance

- Animals must be able to express natural behaviours in their living environment. This may require the provision of environmental enrichment such as objects and substrates (e.g. bedding) or designing the housing to provide certain physical (e.g. perches) or environmental (e.g. humidity level) requirements. These should not have the potential to cause injury and should be replaced if damaged.
- As appropriate to the species, enrichment devices must be changed on a regular basis to introduce novelty and maintain interest. When adding new enrichment devices, the animal should be closely monitored for signs of distress.
- Accessories must be disposable or be disinfected between animals.

Condition

7(2) For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinary surgeon suggests otherwise.

Guidance

- All animals must have daily exercise, as appropriate for species, age, ability, stage of training and physical capability.
- For birds it is advised that the aviary dimensions provide sufficient space for flight and at the very least be wide enough for the bird to fully open its wings. Birds must not be tethered permanently.
- If animals are unable to move fully (i.e. use their natural full range of movements, such as running and flying) in any temporary enclosure (e.g. whilst being exhibited), they must be given the chance to do so at least once each day and a record kept.

Condition

7(3) The animals' behaviour and any changes of behaviour must be monitored and advice must be sought, as appropriate and without delay, from a veterinary surgeon or, in the case of fish, any person competent to give such advice if adverse or abnormal behaviour is detected.

Guidance

- The behaviour of individual animals must be monitored daily and changes in behaviour and/or behaviours indicative of stress, fear, pain and anxiety must be recorded and acted upon.
- Persons responsible for the care of the animals must be able to identify animals that are anxious or fearful about contact and/or handling. Animals must only be exhibited if they are suitable for the type of exhibition involved (including any handling, noise, lighting, special effects, other animals), i.e. they are able to have their needs met and are not likely to be nervous, stressed or fearful.
- Where an animal is showing signs of being nervous, stressed or fearful, steps must be taken immediately to address this including withdrawal during an exhibition.

Conditions

7(4) The animals must be trained by competent persons, using positive reinforcement.

7(5) Where used, training methods or equipment must not cause pain, suffering or injury.

Guidance

- Training must be based on the principles of positive reinforcement (i.e. rewarding desired behaviour and ignoring unwanted behaviour). Animals must not be physically forced to perform or punished if they do not perform.
- If animal training takes place during exhibition it must be done in a way that minimises stress to the animal.
- Consideration should be given to the need for the presence of a veterinary surgeon on set or location to provide welfare assurances where feasible, where a particular hazard has been identified in the risk assessment, or where otherwise required by industry standards.
- All props, costumes and equipment must be inspected before and after each use and animals examined for signs of discomfort, rubbing or damage.
- Props, animal costumes, make-up and any special effects must not pose a risk to the animal nor cause any unnecessary pain, suffering, distress or discomfort, and must be used for the shortest time possible. Carbon dioxide (used to produce dry ice) and artificial smoke can be harmful to and is aversive to many species and should be avoided. It must never be used around birds, reptiles or amphibians.

- Animals must not be exposed to glare, heat, noises or other conditions unless specifically habituated to these conditions in advance of the exhibition. For animals trained in this way, exposures must be reduced to the shortest possible time and when possible the effect achieved by using other methods such as camera angles and techniques. Veterinary advice must be sought and recorded.
- An animal must not be forced to do anything, nor should it be expected to do anything, outside its normal behaviour repertoire or for which it has not been trained.
- The number of animal trainers and handlers must be consistent with the number and species of animals being used.
- All effects such as fires, explosives and similar must be determined in consultation with a veterinary surgeon, animal consultant and trainer prior to use. Restraining equipment must not be used on animals not trained to wear them, or if an animal struggles or resists.

Condition

7(6) All animals must be given suitable and adequate opportunities to—

(a) learn how to interact with people, their own species and other animals where such interaction benefits their welfare, and

(b) become habituated to enclosures, noises, objects and activities they are likely to encounter in connection with the licensable activity.

Guidance

- There must be a plan in place for animals to be familiarised with any stimulus or combination of stimuli they are likely to experience at the earliest opportunity. This includes individual handling, audiences and crowds, loud noises and activities going on around them.

8. Animal handling and interactions

Condition

8(1) All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease.

Guidance

- Where a member of the public is handling an animal, a competent person must ensure the interaction is appropriate and is stopped if the animal shows sign of fear, suffering or fatigue. The handling of animals must be supervised at all times and hand washing facilities must be offered before and afterwards. Animals which are showing signs of aggression should only be handled by competent individuals.

Condition

8(2) The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals and no animals from a social species may be isolated or separated from others of their species for any longer than is necessary.

Guidance

- Where appropriate, all animals must be housed in social groups of suitable size.
- Species which are normally solitary must not be kept in social groups. Ideally they should not be kept within sight of each other, but where this is not possible, a sufficient distance and visual barrier must be maintained to prevent stress.
- Animals working together must be familiarised prior to attendance at events. Use of predator and prey species at the same time must be avoided.
- A policy must be in place for monitoring the introduction of new animals to existing groups to avoid stress to either new or resident animals and outlining steps that must be taken should a problem arise.
- Where appropriate, to help avoid unwanted litters, all animals must be sexed immediately on arrival to the premises and neutered or, if appropriate, housed in single sex groups or alone as appropriate to the species.

Conditions

8(3) Social animals must not be exhibited if their removal from and reintroduction to the group with which they are usually housed causes them or any other animal within that group stress, anxiety or fear.

8(4) Animals must be prevented from coming into contact with each other during any exhibition where such contact would be likely to cause any of them to show signs of aggression, fear or distress.

Guidance

- Animals showing signs of aggression, fear or distress must not be used in an exhibit. If signs of fear or distress occur during exhibition, either the exhibition must cease or the animals removed immediately to a place of safety.
- Animals must not be used to goad others in order to achieve an effect.
- Predators and prey must not be kept within sight, sound or smell of each other.

Condition

8(5) The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

Guidance

- Animals must never be forced to interact with people, and must have a facility to avoid people, i.e. have access to a hiding place.

Conditions

8(6) All persons likely to come into contact with the animals during an exhibition must be briefed about how to behave around the animals so as to minimise anxiety, fear and stress in the animals.

8(7) All persons likely to come into contact with the animals during an exhibition must be briefed about how to behave around the animals so as to minimise the risk of injury to persons.

8(8) The animals must not be handled by persons whose behaviour appears at the time to be influenced by the consumption of alcohol or by any psychoactive substance.

Guidance

- Everyone who is likely to come into contact with the exhibited animals (including audience and any animal handlers) must be informed about what kinds of animals will be used, how to behave around them (including sudden/loud noises such as applause), or movements that might frighten the animals and/or make them panic or react aggressively.
- In instances where exhibits take place as part of wider events (for example, agricultural shows), those exhibiting animals should request that the event organiser alerts them to any other activities involving loud noises or other activities (e.g. other animals) which may cause anxiety for the animals and seek to minimise it by locating the animals as far away as possible.
- Everyone coming into contact with animals must be briefed on how to minimise the risks of diseases that can be transmitted between humans and animals. Sufficient handwashing must be available for people coming into contact with animals.
- No-one other than persons responsible for the animals must be allowed to pet, handle or play with animals during the working day unless supervised and directly involved with the required action and consistent with the best interest of the animal.

Condition

8(9) The licence holder must, where possible, promote public education and awareness, and respectful and responsible attitudes, in relation to the species being exhibited.

Guidance

- The nature of the public education and awareness should be appropriate for the size and nature of the activity and could include, for example, incorporating information about the species and their care in any verbal presentation or on its website or in other written materials; where appropriate, discouraging the purchasing of exhibited species without thorough prior research; or, where information cannot be provided by the licence holder, signposting to other reliable sources of information, for example the Welsh Government Codes of Practice¹³ or best practice guidance produced by professional bodies.
- Where animals are on public display, signage must be used to provide information about the species being exhibited. It should also deter members of the public from tapping on glass or poking fingers into cages.

Condition

8(10) No female with unweaned offspring may be removed from its home environment if such removal causes the animal distress and newborn, unweaned or dependent offspring must not be removed from their mothers.

Guidance

- This does not prevent the taking of an animal to a veterinary surgeon for medical assessment and/or treatment. Where possible, a veterinary surgeon should visit the animal to minimise any distress to the animal or its offspring.
- Where members of the public are permitted to handle young animals, consideration should be given to the distress such actions could cause to the animals. Where distress is witnessed, appropriate action should be taken to avoid it occurring again. This could include no longer exhibiting the animal or disallowing its handling by members of the public.

¹³ <https://gov.wales/animal-welfare>

9. Protection from pain, suffering, injury and disease

Conditions

9(1) Written procedures must—

(a) be in place and implemented covering—

- (i) feeding regimes,**
- (ii) cleaning regimes,**
- (iii) transportation,**
- (iv) the prevention of, and control of the spread of, disease,**
- (v) monitoring and ensuring the health and welfare of all the animals,**
- (vi) the escape of an animal,**
- (vii) the death, retirement or re-homing of an animal (including the storage of carcasses);**

(b) be in place covering the care of the animals following the suspension or revocation of the licence or during and following an emergency.

9(2) The written procedures must cover the animals at their home base and during the course of, and time surrounding, transportation and exhibition.

9(3) All people responsible for the care of the animals must be made fully aware of these procedures.

Guidance

- Written procedures should be proportional to the size, and reflect the complexity, of the licensable activity. The written procedures must be made available to the inspectors and all persons responsible for the care of the animals must be made fully aware of these procedures.
- Where an exhibit is mobile in nature, the written procedures must include the arrangements in place for when it is away from its home base, particularly if this includes being away from its permanent home base overnight.
- The procedures must demonstrate how the conditions outlined in this guidance are met.

Condition

9(4) Appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.

Guidance

- Provision must be made for the isolation of sick/injured/infectious animals and those that might reasonably be expected to be carrying serious infectious diseases.
- Adequate isolation facilities may be on site or at another location, such as a local veterinary practice or through specific changes in management practices demonstrated by written procedures. If the isolation facility is at another location, a letter must be provided stating that they are prepared to provide such facilities.

- Animals showing signs of infectious disease must not be allowed in any shared outside exercise area, and must be removed from any exhibit where they will interact with the public or other animals.
- Any animals in the isolation facility must be checked regularly and unless a separate person is caring for them, they should be visited after the other animals.
- Fish showing signs of illness or disease may be kept with other animals provided that all the fish in the same tank (or connected system) are given appropriate treatment.
- Where infectious disease is present in a premises, barrier nursing procedures must be implemented. This includes use of protective clothing and footwear (where applicable) changed between enclosures; separate storage of equipment, including cleaning utensils, and segregation of waste.

Condition

9(5) All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.

Guidance

- An up-to-date veterinary vaccination record must be seen to ensure that, where relevant, animals have current vaccinations. Vaccines used must be licensed for use in the UK. Homoeopathic vaccination is not acceptable.
- If there is evidence of external parasites (fleas, ticks, lice etc.) the animal must be treated with a product authorised for use by the Veterinary Medicines Directorate.
- All persons who come into direct contact with the animals must wash their hands before and after handling animals. Any equipment used must be disinfected.

Condition

9(6) All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.

Guidance

- All excreta and soiled bedding for disposal must be kept in a hygienic manner. Excreta and soiled bedding must be removed from the premises on a regular basis, at least weekly, disposed of to the satisfaction of the appropriate local authority, and in accordance with current regulations and good waste management practice.

Condition

9(7) Sick or injured animals must not be exhibited, other than where the purpose of the licensable activity is to care for such animals and the licensable activity does not cause the animal distress.

Guidance

- Consultation with a veterinary surgeon prior to exhibiting sick or injured animals must be undertaken to assess the appropriateness of the exhibit and the written outcome of that consultation must be available for inspection.
- Any exhibit which features animals that are sick or injured (for example, open days at animal rehabilitation centres) must be respectful and mindful of the condition of the animals and the impact that being exhibited might have on their recovery or wellbeing.
- Any person who has access to sick or injured animals must be made aware in advance of any special arrangements that must be followed to safeguard the animals' health and welfare.
- Members of the public must not have access to any animals where their presence causes the animal distress or may hinder their recovery or wellbeing.
- Members of the public must not have access to animals that present a zoonotic disease risk.
- If members of the public are permitted to handle sick or injured animals, this must be kept to a minimum and closely managed by competent individuals.
- Where exhibits include native wild animals that are intended for release back into the wild, access to those animals must be kept to a minimum to avoid imprinting.

Condition

9(8) Sick or injured animals must receive prompt attention from a veterinary surgeon or, in the case of fish, an appropriately competent person and the advice of that veterinary surgeon or, in the case of fish, that competent person, must be followed.

Guidance

- When an animal is suspected of being ill or injured a competent person must assess the animal and, where required, a veterinary surgeon must be contacted for advice immediately. Any instructions for treatment given by a veterinary surgeon must be recorded and strictly followed with further advice sought if there is ongoing concern.

Conditions

9(9) Where necessary, animals must receive preventative treatment by an appropriately competent person.

9(10) The licence holder must register with a veterinary surgeon with an appropriate level of experience in the health and welfare requirements of any animals specified in the licence and the contact details of that veterinary surgeon must be readily available on the premises on which the licensable activity is carried on.

Guidance

- The name, address and telephone number of the veterinary practice must be accessible to all persons who care for the animals. The veterinary practice must be within a reasonable travel distance of the animals' home base and out of hours arrangements must be known. Where access to a specialist vet is limited owing to availability, registration with a local vet who is willing to seek advice from a specialist can be used.
- The licence holder should ensure that the veterinary practice is suitably competent to act in relation to each species. If knowledge is lacking in any area, the licence holder should make arrangements for access to specialist knowledge such as a specialist secondary veterinary practice should the need arise for any specific species advice and treatment. The licence holder must provide information relating to any arrangement like this for each species held to demonstrate veterinary competence for those animals.

Conditions

9(11) Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinary surgeon.

9(12) Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinary surgeon.

9(13) Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals and must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.

Guidance

- Cleaning and disinfection products must be used in accordance with the manufacturer's instructions. Cleaning and disinfection products used shall be non-toxic and compatible with other products used.
- Persons using cleaning products must be competent in the safe use of detergents and fluids. Cleaning products must be kept entirely out of the reach of animals, and must never be left in animal enclosures.

- If hazardous or toxic substances are used, Control of Substances Hazardous to Health (COSHH) data sheets need to be completed and circulated as required.

Conditions

9(14) All animals must be checked at least once daily and more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.

9(15) Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinary surgeon (or in the case of fish, of an appropriately competent person) must be sought and followed.

Guidance

- Checks must not cause unnecessary stress or disturbance. Visual checks are acceptable.
- A system of recording abnormalities must be maintained.

Conditions

9(16) Animals used in exhibition must be in good physical and mental health, other than where the purpose of the licensable activity is to care for sick or injured animals.

9(17) The exhibited animals must be suitable for the specific conditions, type of enclosure and actions involved in the exhibition.

Guidance

- Fish must not be removed from water during exhibits.
- Access to water for bathing or swimming must not be withheld for longer than is normal for the species.
- Where appropriate, all animals kept must benefit from adequate routine grooming and other health regimes as required e.g. cleaning of eyes or keeping long fur from matting. This would include regular attention to coat, teeth, ears and nails and inspection for parasites.
- All animals used in mobile exhibits must be allowed to acclimatise after arrival and prior to exhibition.
- During exhibition breaks, animals must be moved to a suitable, secure designated place, or exercised if suitable, unless doing so would be expected to impair welfare to a greater extent than remaining in the exhibition area.

Condition

9(18) Any equipment and other materials used in the exhibition must not cause the animals pain, discomfort, fatigue or stress.

Guidance

- Toxic substances must not be used at the same time as the animals in any production. If hazardous or toxic substances are involved beforehand, washing facilities and emergency treatments for animals should be provided close to the site and Control of Substances Hazardous to Health (COSHH) data sheets need to be completed and circulated as required. These must be given to the attending veterinary surgeon in the event of an accident that results in an animal touching, breathing in or eating such a substance.

Condition

9(19) The animals must be transported in suitable, secure and appropriately labelled carriers.

Guidance

- Carriers must be suitable for the species. They must be large enough to allow the animal to move around but small enough to minimise any injury during transit. When there are circumstances where movement must be restricted to avoid injury, the reasons must be set out within the written transport procedure.
- Where an animal requires external life support this must be provided for during transportation e.g. appropriate temperatures for reptiles, water temperature for fish.
- All animal carriers in transit must be appropriately secured to ensure no movement or escape whilst in transit.
- Different species and unfamiliar animals must not be mixed in the same carriers.
- Where a number of animals are kept in the same carrier then it must be of an appropriate size to prevent overcrowding.
- Transport carriers must be maintained in a clean and hygienic condition.
- Each animal carrier must have a label securely attached that identifies the contents and states that it contains live animals.

Condition

9(20) The animals must be transported and handled in a manner (including for example in relation to housing, temperature, ventilation and frequency) that protects them from pain, suffering, injury and disease.

Guidance

- Any animals received or consigned must be transported according to the requirements laid down in current legislation.
- The licence holder must demonstrate that a suitable vehicle is available to transport the animals.
- Fully trained and hooded raptors can be safely transported on a cage provided they are under supervision otherwise raptors should be transported in specifically constructed travelling boxes which allow them at least to stand up fully and turn around.
- Birds must, where appropriate, have the opportunity to perch during transport.
- All animals must be provided with the temperature appropriate to their species whilst in transit. Hot and cold weather procedures must be in place. Transporting animals during severe weather that could detrimentally affect their health or welfare should be avoided.
- Every animal needs to be checked for signs of injury, illness, distress or fear immediately before and after transportation and must receive prompt treatment and/or rest as required. An animal must not be transported if they are showing any signs of injury, illness, distress or fear, unless they are being taken to the veterinary surgeon for treatment. In the latter situation, there must be barriers between carriers to reduce the transmission of disease and the vehicle and equipment must be appropriately disinfected following transportation.

Condition

9(21) The licence holder or a suitably competent individual caring for an animal must undertake a risk assessment before every new exhibition event.

Guidance

- Risk assessments must be undertaken as soon as possible when a new exhibit is arranged.
- Where exhibits are static and permanent in nature, risk assessments should be reviewed routinely and updated as necessary.
- Dangerous Wild Animal (DWA) licence holders must submit a risk assessment with the written notification to the local authority required in licence condition 2(4) if the exhibit is away from the DWA-licensed premises.

- The risk assessment must assess against each of the five welfare needs of the Animal Welfare Act 2006, the mitigating measures taken to reduce these risks and person(s) responsible. It must also assess any risks to public safety.
- The operator must familiarise themselves with an evacuation procedure for each venue in the event of an emergency.

10. Emergencies

Conditions

10(1) A written emergency plan, acceptable to the local authority, must be in place, known and available to all persons caring for animals, and followed where necessary to ensure appropriate steps are taken to protect people and animals in case of fire or in case of the breakdown of a vehicle used to transport the animals, essential heating, ventilation and aeration or filtration systems or other emergencies such as escapes or attacks.

10(2) The plan must include details of the emergency measures to be taken for the extrication of the animals where appropriate and an emergency telephone list that includes the fire service and police.

Guidance

- Entrances and fire exits must be clear of obstructions at all times.
- Suitable firefighting, prevention and detection equipment must be provided and maintained in good working order and regularly serviced. All persons involved in the licensable activity must be properly trained on the use of equipment provided.
- There must be a plan for accommodation of the animals should the premises become uninhabitable.
- Before any of the animals arrive on-site of an exhibit location, an emergency plan must be in place. This should include the recovery, treatment or euthanasia of any escaped or injured animals and evacuation procedures in the event of a fire, flood, etc.
- It is an offence under the Wildlife And Countryside Act 1981¹⁴ (“the 1981 Act”) to release, or allow the escape into the wild of, any animal which is not ordinarily resident in Great Britain (i.e. a non-native species) or one which is listed on Schedule 9 to the 1981 Act. A defence exists that, ‘*the accused took all reasonable steps and exercised all due diligence to avoid committing the offence*’. A written emergency plan setting out what would happen in the event of an escape might be used as part of the evidence to demonstrate due diligence had been exercised.
- The written emergency plan must include instruction for individuals involved in the licensable activity to notify Natural Resources Wales (NRW) if a European Protected Species (EPS)¹⁵ that is subject to a NRW licence requirement to trap/recapture, or kill, escapes from captivity.
- Persons involved in the licensable activity must all have contact numbers of a veterinary surgeon who will visit if required.

¹⁴ <https://www.legislation.gov.uk/ukpga/1981/69>

¹⁵ <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/?lang=en>

- Euthanasia should, except for in extreme circumstances, be performed by, or under the supervision of, a veterinary surgeon. Where euthanasia cannot be carried out by, or under the direct supervision of, a veterinary surgeon, the rationale for why the animal was euthanased, the method deployed and the person carrying out the euthanasia must be recorded and records made available at subsequent inspections.
- Under no circumstances may an animal be euthanased other than in a humane and effective manner. In case of doubt as to humane and effective methods, veterinary advice must be sought.
- An emergency plan must include a list of any listed species on the current Schedule of the Dangerous Wild Animal Act 1976 held, where applicable, and the specific action plan for their safe removal and immediate appropriate rehoming in the case of emergency.
- All electrical installations must be maintained in a safe condition for the health and safety of people and animals. There must be an effective contingency plan for essential heating, ventilation and aeration/ filtration systems, as appropriate, if electricity failed.
- All drivers must carry an accident book and have in place procedures for managing accidents involving the animals in transit, including emergency contact details of a person with suitable training to deal with animal injuries.

Conditions

10(3) Measures must be in place so that animals may be securely confined where appropriate.

10(4) The licence holder or a suitably competent person must at all times be within reasonable travel distance of the exhibition and the locations where the animals are kept and trained in connection with the licensable activity and available to attend in an emergency.

Guidance

- A reasonable distance would, in normal conditions, be interpreted as no more than 30 minutes travelling time.

11. Insurance

Condition

11 The licence holder must hold valid public liability insurance in respect of the licensable activity.

Guidance

- A copy of the policy document must be available during exhibitions and ready for inspection if requested.