No. 1093

MINISTRY FOR AGRICULTURE, FISHERIES AND ANIMAL RIGHTS

Explanatory Notes
(for the purposes of article 3(2)(c) of Chapter 512 of the Laws of Malta)

1. Introduction

Title of the regulations	Keeping of Animals in Zoos Regulations, 2024.
Activity to be regulated	The Veterinary Regulation Directorate is responsible for regulating the keeping of wild animals in zoos, however, the existing legal framework needs to be updated in order to reflect developments and most importantly to provide for more stringent enforcement in order to safeguard both the health and welfare of these animals and of the public in general.
Responsible entity	The Animal Health and Welfare Department

2. Summary and Background

2.1 Aims and Objectives of the legislation

The proposed regulations better apply Council Directive 1999/22/EC of 29 March 1999 on the keeping of wild animals in zoos and are also introducing tighter administrative controls, the elimination and, or avoidance of irregularities in zoo operations, exposure of wild animals to unsafe lodging conditions or other potential welfare abuses experienced by wild animals exhibited in such establishments.

Zoos are an increasingly popular public attraction not only for families but also for educational establishments such as schools. In order to avoid any risks to human health and to safeguard the well-being and health of the wild animals kept at zoos, including the need to ensure proper training of personnel working in the zoos, it is desirable to replace the existing, basic legal framework with better and improved legislation that is also compatible with EU law.

2.2 Public Consultation

On 9 November 2020, the Government published a consultation paper setting out our proposals for a Legal Notice intended to address unregulated areas in the protection of wild fauna and the conservation of biodiversity by providing for the adoption of licensing, registration and inspection of zoos on the territory of Malta in order to strengthen the role of zoos in the conservation of biodiversity, to protect the health and wellbeing of wild animals and to protect the public from these animals.

The objective was to invite the public to review the draft Legal Notice and provide its views or suggestions on the proposed regulations, particularly on any aspects and issues that may contribute to the improvement of the health and protection of wild fauna and the conservation of biodiversity.

In total, there were 1,506 submissions. These were received from across the sector including advisory bodies, public authorities, non-governmental organisations, private individuals, veterinarians and animal keepers.

3. Overview of the structure of the instrument

These regulations consist of twenty-six (26) regulations and a Schedule, concerning the following:

1. Citation, coming into force, scope, applicability and transitory period
2. Interpretation
3. Licensing of a zoo

4. Other licensing conditions
5. Enclosures
6. Animal requirements
7. Dangerous animals
8. Animals' births and deaths
9. Confiscation of animals
10. Animal carcasses
11. Research and conservation
12. Breeding of animals.
13. Animal Welfare Awareness and Research Fund
14. Substances and instruments
15. Dangerous Animals in Zoos Register and records to be held by the licence holder
16. Inspections
17. Enforcement notice
18. Closure of a zoo
19. Right of appeal
20. Applicability of other laws
21. Additional requirements
22. Offences and penalties
23. Repeal
24. Consequential amendment to the Owning and Keeping of Dangerous Animals Regulations (S.L. 439.19)
25. Consequential amendment to the Administrative Penalties relating to Offences committed against the Animal Welfare Act Regulations (S.L. 439.23)
26. Substitutes Schedule B to the Owning and Keeping of Dangerous Animals Regulations (S.L. 439.19)

4. Commentary on the regulations

Regulation 1 - The title and scope of these regulations seek to: improve the welfare of animals kept in a zoo and to strengthen the role of zoos in the conservation of biodiversity, to protect the health and well-being of wild animals as well as seek to protect the public from these animals. These regulations shall apply to:

zoo licence holders;

zoos which are not licensed in accordance with these regulations and this limitedly for enforcement purposes; and

animals found in a licensed zoo or found on any site being operated as a zoo which is not licensed in accordance with these regulations.

These regulations also provide existent licensed zoos with a transitional period of one (1) year in order to be in line with the proposed regulations in relation to enclosures.

Regulation 2 - A number of definitions are introduced, mainly the definition of applicant who shall be the person who intends to manage, organise, set-up or operate a zoo, the term dangerous animal which refers to animals listed in the Schedule and the definition of exotic animals which shall have the meaning of animals that are not indigenous to the territory of Malta and that are not regularly reared or bred as farm animals in Malta.

The term enclosure is also being proposed as a confined space within which an animal is to be kept in terms of the proposed regulations.

The definition of a licence holder specifies that he is a person who holds a licence of a zoo in accordance to these regulations.

There shall also be a register where all the dangerous animals listed in the Schedule are to be registered which shall be kept by the Director and called "The Dangerous Animals in Zoos Register".

The term zoo is defined as all permanent establishments where dangerous, exotic and, or wild animals are kept for exhibition to the public whether or not an admission fee is charged, and with the exception of pet shops.

Regulation 3 - Any person who intends to operate a zoo shall apply for a licence with the Director for Veterinary Services through the appropriate form.

Regulation 4 - A licence holder shall only hold one licence which shall be valid for a period of one (1) year from the date of issue. Those who are already operating a zoo shall apply for a renewal of their licence with the Director.

A copy of the licence, and or renewed licnence shall be placed at the main entrance of the zoo premises and the licence number is to be included on any promotional material.

In their application to obtain a zoo licence, applicants shall include all the details required such as the non-reversible means of identification of the animals, appropriateness of the site and enclosure, measures to secure the safety and well-being of the animals and the general public, all the necessary permits required by law and all the information on the members of the staff and contractors to the zoo handling the animals. Any change in members of the staff or contractors, shall be notified to the Director within five (5) working days from such change.

An application may either be upheld or refused. The Director may only uphold an application for a zoo licence when the relevant fees as established in Fees (Keeping of Animals in Zoos) Regulations are paid and where the applicant and the members of the staff or contractors are knowledgeable and, or experienced, where the licence holder is sufficiently knowledgeable as to the proper organisation and running of the zoo and in the proper handling of animals, the applicant and the members of the staff are knowledgeable on how to prevent any animal from escaping and that the applicant and staff have not been found guilty of any offence involving the ill-treatment of animals or any other offence against the Animal Welfare Act and, or the regulations made thereunder.

The Director may refuse an application for the licensing of a zoo for any reason he deems reasonable and in the interest of animal health or welfare and the safety of the general public.

No dangerous animals listed in the Schedule shall be introduced in a zoo. However, this shall not apply with regard to a dangerous animal which is brought into the zoo for the purposes of research and conservation as established in regulation 11. It shall also not apply to transfers of dangerous animals from one zoo to another zoo where in such circumstances, the approval of the Director is always necessary before transfer.

There shall also be an obligation on every licence holder to be covered by an insurance policy against potential loss or damage that may be caused to third parties.

Regulation 5 - With regard to the enclosures, these regulations stipulate that all animals, irrespective whether dangerous or otherwise, shall be kept in an adequate and safe enclosure that respects the specific and individual animal's physiological, psychological, conservational and behavioural requirements.

The Director may issue guidelines regarding the size of enclosures.

Enclosures housing the animals shall be built of sturdy and durable material in order to limit any possible harm or escape. Zoos which house dangerous animals as stipulated in the Schedule shall devise written measures for the prevention and recovery of escapees. Staff shall also be trained in evacuation of the patrons in emergency situations. In the case where an animal escapes, the licence holder shall inform the Director within twenty-four (24) hours.

The Director may require that enclosures holding certain animals to have an ante-room with a double doors system that cannot be opened simultaneously with a separate door made of material which is strong and durable whereby each door must be easily lockable for the animal's custodian to lock and unlock it with ease, have animal proof locks and to comprise an animal restraining system as required to access the enclosure for feeding, cleaning, the administration of medication or otherwise.

Furthermore, another important sub-regulation is that licence holders are required by the Director to monitor the enclosures by closed circuit television systems (CCTV) for twenty four (24) hours a day, seven (7) days a week with recordings for the previous five (5) days remaining available and accessible upon request by the Director, amongst other requirements.

These regulations also propose that the animals shall not be housed in a different enclosure from the enclosure housing them unless the prior written approval of the Director is given.

Finally, signage related to the safety of the area shall be displayed near each enclosure.

Regulation 6 - The burden and responsibility of the animals found in the zoos and anything that happens in the zoo shall be borne by the licence holder.

With regard to the identification of the animals, this shall be in the form of a tattoo, an intra-capsular device that complies with ISO-standard 11784, or Annex A ISO-standard 11785, and, or a DNA profile depending on which method is best suited to the animal or any other means that the Director may deem appropriate, when deemed necessary.

The licence holder shall be responsible to maintain a high standard of animal husbandry with a programme on animal health, nutrition and a welfare programme developed by a veterinary surgeon. The Director may, at his discretion, issue minimum standards relating to on-site health facilities published in the Government Gazette.

The proposed regulations prohibit any person from deliberately releasing or attempting to release an animal into the environment, or to dispose of any such animal in his possession without the prior authorisation of the Director.

Regulation 7 - As in the case of Owning and Keeping of Dangerous Animals Regulations (S.L. 439.19), these regulations will also include a proviso where the Director may deem any animal to be a dangerous animal and therefore, such animal shall be identified as such in the list in the Schedule.

In this case, if an animal is deemed to be a dangerous animal and is not listed as such in the Schedule, the Director may issue an emergency order in the Government Gazette which shall be valid for a period of six (6) months or longer, and shall have the same effect as if the dangerous animal was included in the list.

Prior written approval from the Director is also being required in order for a dangerous animal to be transferred to another licensed zoo. However, where there is a transfer or confiscation and there is no licensed zoo which can take on this dangerous animal, the Director may seek the assistance of a licence holder who holds dangerous animals or confiscate that animal and dispose of it in the manner deemed most appropriate.

Another important proposal is that human interaction with animals shall not be permissible unless this is otherwise permissible in the guidelines which may be issued by the Director from time to time. Furthermore, in the case where human interaction with dangerous animals is allowable, this shall only be limited to such dangerous animals bred in accordance with the regulations and where such human interaction does not compromise the welfare of the animal and, or is not deemed to be a danger for the health and safety to other animals. Any human interaction shall be supervised at all times, and shall also not include the feeding of dangerous animals. If any licence holder does not abide by the instructions and guidelines, the licence holder may have his licence revoked.

Furthermore, this regulation states that any animal introduced to a licenced zoo shall have been captive-bred with all details requested made available, upon a request made by the Director.

Regulation 8 - With regard to the birth of offspring of any dangerous animal found in the zoo, the licence holder is obliged to notify the Director within four (4) days from birth. Such offspring shall in turn be identified and registered in accordance with the Animal Welfare Act (Cap. 439) and the Veterinary Services Act (Cap. 437) with the Director, within three (3) weeks from the date of birth.

Deaths of dangerous animals are also to be notified to the Director within twenty four (24) hours who in return may conduct an inspection or order a necropsy to confirm the case.

Regulation 9 - Confiscation of animals shall be at the discretion of the Director in cases where the animal has been subject or likely to be subject to ill treatment or in relation to which an offence under these regulations or the Animal Welfare Act has been or is likely to be committed.

Regulation 10 - With regard to the disposal of an animal carcass, this shall be carried out in accordance with EU Regulation 1069/2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002.

Regulation 11 - The Director shall take all the necessary measures under these regulations to ensure that all zoos provide and abide by 2 comprehensive programmes relating to research and conservation.

A licence holder of a zoo shall provide and abide with a comprehensive programme at least in two (2) of the following:

a) participating in research from which conservation benefits accrue to the species,

b) training in relevant conservation skills,

c) exchange of information relating to species conservation

d) where appropriate, breeding as stipulated in regulation 12; and

e) repopulation or reintroduction of species into their natural habitat.

Regulation 12 - Breeding of dangerous animals shall not be allowed unless approved by the Director upon application. The licence holder, following a recommendation made by the veterinary surgeon shall ensure that the following conditions are met:

a) availability of appropriate space and enclosures to avoiding overpopulation;

b) maintenance of a stable and sustainable zoo animal population;

c) maintenance of genetic diversity and prevention of inbreeding depression;

d) species conservation;

e) following a breeding programme;

f) collaboration with an accredited approved international zoo or internationally accredited and renowned zoo association.

In the case where the Director does not approve breeding, measures shall be taken such as physical separation of sexes, hormonal or surgical methods or any other measure in order to prevent any unwanted mating.

Furthermore, zoos must promote public education and awareness in relation to the conservation of biodiversity, particularly by providing information about the species exhibited and their natural habitats and they shall take all possible measure to prevent the escape of animals, in order to avoid possible ecological threats to indigenous species.

Regulation 13 – This regulation establishes a fund named the "Animal Welfare Awareness and Research Fund" and it shall be used by recognised educational institutions for the purposes of scientific research, education, repopulation, reintroduction and conservation purposes of animals in zoos and other wild animals. The fees payable to this fund are established in Fees (Keeping of Animals in Zoos) Regulations.

Regulation 14 - Since dangerous animals are considered as high risk to both other animals and the public, a licence holder may be required to keep particular substances, instruments or both substances and instruments deemed necessary. Licence holders who hold dangerous animals shall also be required to keep a tranquiliser gun and, or any other appropriate

instrument or device in the zoo however, such licence holders shall make sure that other laws with regard to such instruments are also being adhered to. Any psychotropic and, or dangerous substances available to the licence holder shall be procured and replenished with the Director's written approval. However, the Director may refuse such authorisation. The licence holder shall also keep a record of the substances used on the animals.

Regulation 15 - With regard to record keeping, the Director shall keep all the details of the licensed zoos, including the details and contact details of the licence holder, the full address of zoo where animals are kept, a site plan with exact location of whre animals are kept, an official Land Registry site plan, the number and species of the dangerous animals authorised to be kept in the zoo, a list of animal care staff and contractors within the zoo and the details of the veterinary surgeon responsible for the zoo.

The licence holder shall also keep records relating to the animals which shall include the scientific and common names of the animal species, irreversible means of identification of the animal, complete traceability of the origin of the animals, including the complete names of persons and, or entities, their addresss, contact details and details of their connection to the animal from the animal's birth to the last owner before the animal was transferred to the zoo, the animal's medical and surgical history, detailed and updated census of animals, including causes of any deaths for the Schedule animals and documents in relation to transfer of animals.

Records of substances are to be kept by the licence holder including the batch number, the quantity in which the substance is used and the time, place and reason why the substance was used. These records shall be made available to the Director upon request.

Regulation 16 - Inspections are to be carried out yearly by the Director, however, he may also conduct inspection at any time and at his discretion.

An inspection is to be carried out before the granting of a licence to a zoo or renewing of the zoo licence in order to make sure that the licence holder complies with the regulations. Also, the Director may choose to conduct an inspection without prior notification if there is the suspicion that animals are being kept without authorisation.

The authority of the Director to inspect extends to any enclosure, equipment, substances and records with a view of ascertaining the proper keeping, health and welfare of any animal as well as the proper administration of substances, equipment and compliance with the regulations and the conditions imposed on the licence holder.

Furthermore, before and, or during an inspection, the Director may request the assistance of the Police.

Regulation 17 - An enforcement notice may be served on the licence holder or a person operating a site as a zoo not licenced in accordance with these regulations whenever there is non-compliance with the regulations or with the conditions of the licence. A licence holder or a person operating a site as a zoo not licenced in accordance with these regulations shall be served with an enforcement notice if:

he did not meet the licencing conditions and, or is operating a site as a zoo not licenced in accordance with these regulations,

he is keeping an animal in an inappropriate manner,

he is keeping an animal in an enclosure which is not up to standard,

he has breached these regulations or any other applicable laws.

Another important proposal is that in the case where the enforcement notice cannot be notified for some reason or another on the licence holder or the person operating a site as a zoo not licenced in accordance with these regulations, the enforcement notice shall be affixed in a place visible to the public.

Furthermore, the Director may at any time withdraw the enforcement notice, extend the period for compliance with any requirement contained in the enforcement notice or modify the enforcement notice.

Regulation 18 - The Director may order the closure of a zoo or part thereof if the licensing conditions are not being complied with and if the regulations are not being followed. Upon closure or part thereof of the zoo, the Police shall assist the Director in the operations of closure and confiscation of animals if necessary and the premises shall be kept under the responsibility of the Police.

Furthermore, the Director may order the confiscation on site of the animals upon closure of the zoo or part thereof, however, these may be relocated, locally or abroad at the licence holder's or person operating without a licence's expense.

The Director shall also order the immediate closure of a site which is being operated as a zoo not licenced in accordance with these regulations.

During the period of closure, the Director is to make sure that the animals concerned are treated, relocated or disposed of under conditions granted by him.

Euthanasia of animals is only permissible where it conforms with the principles of species conservation and welfare and there is no alternative relocation or sheltering option for the animals, or to ensure public safety if such is compromised by the animals, or in the interest of animal health and welfare in case potential outbreaks of transmissible animal diseases.

Dangerous animals which are found in a zoo or on a site without the Director's authorisation and not in accordance with these regulations, may be placed under the authority of the Director and, or the animal may be relocated to a suitable holding at the licence holder's expense or the person who is holding the dangerous animal without authorisation's expense.

The licence holder or the person operating a site as a zoo not licenced in accordance with these regulations in collaboration with the Director shall carry out any relocation of the animals and the Director shall ensure that the animals has arrived safely at the designated destination.

Before the relocation of the animal takes place, the licence holder or the person operating a site as a zoo not licenced in accordance with these regulations would still be responsible for the animal.

Any expenses that may be incurred in relation with this regulation shall be solely borne by the licence holder or the person operating a site as a zoo not licenced in accordance with these regulations.

The Director shall not be held responsible for any matters which might take place during confiscation, relocation, transportation or disposal of the said animal.

Any escapes of dangerous animals shall be immediately notified by the licence holder or the person operating a site as a zoo not licenced in accordance with these regulations, to the respective competent authorities. Furthermore, any expenses incurred in relation to the capturing of escaped or released animals, shall be borne by the licence holder or the person who is holding the dangerous animal without authorisation.

Regulation 19 - Decisions of the Director in terms of these regulations shall be subject to a right of appeal before the Administrative Review Tribunal within twenty (20) days from the date of notification of the Director's decision.

Regulation 20 - These regulations shall in no way be interpreted as limiting, substituting or excluding the applicability of any other laws or regulations, including those relating to trade, movement or importation of animals, and the holding of substances or arms.

Regulation 21 – The Director may from time to time provide for any additional requirements with regards to the keeping of the animals and to provide for the holding of examinations aimed at ascertaining an applicant's knowledge of a particular animal's welfare and safety requirements prior to authorising said applicant to keep any animal.

Regulation 22 - With regard to offences and penalties, these regulations establish that the penalties applicable shall be those as established in the Animal Welfare Act (Cap. 439). Furthermore, this legislation empowers the Director whereby if he deems that an offence was committed against these regulations, he may issue administrative fines in accordance with article 47 of the Animal Welfare Act.

Regulation 23 - These regulations shall repeal the Keeping of Wild Animals in Zoos Regulations (S.L. 439.08.)

Regulation 24 - Substitutes the definition "zoo" found in the Owning and Keeping of Dangerous Animals Regulations (S.L. 439.19) so that it mirrors the definition found in these regulations.

Regulation 25 – Carries out the necessary consequential amendments arising from the repeal of Keeping of Wild Animals in Zoos Regulations (S.L. 439.08.) and the promulgation of these regulations.

Regulation 26 - substitutes Schedule B to the Owning and Keeping of Dangerous Animals Regulations (S.L. 439.19) with the Schedule to these regulations.

The Schedule - The list of dangerous animals.

5. Concluding Section

The publication of these regulations is highly required to ensure that the welfare of animals being kept in a zoo is safeguarded in the best possible way and to provide legislation so as to address the various issues which the Department encounters in carrying out its functions in accordance with the provisions under the principal Act and other regulations.

These regulations shall come into force within two (2) months from the date of their publication in the Government Gazette.

N.B: These Explanatory Notes are not intended to be an exhaustive description of the legal instrument nor a substitute thereof or a legislative supplement to it. These Explanatory Notes do not purport to be an authoritative ruling on the interpretation of the legislation.

27th August, 2024

User Guidelines

1. Introduction

Title of the regulations	Keeping of Animals in Zoos Regulations, 2024
Activity to be regulated	The Veterinary Regulation Directorate is responsible for regulating the keeping of wild animals in zoos, however, the existing legal framework needs to be updated in order to reflect developments and most importantly to provide for more stringent enforcement in order to safeguard both the health and welfare of these animals and of the public in general.
Responsible entity	The Animal Health and Welfare Department

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Another important proposal is that human interaction with animals shall not be permissible unless this is otherwise permissible in the guidelines which may be issued by the Director from time to time. Furthermore, in the case where human interaction with dangerous animals is allowable, this shall only be limited to such dangerous animals bred in accordance with the regulations and where such human interaction does not compromise the welfare of the animal and, or is not deemed to be a danger for the health and safety to other animals. Any human interaction shall be supervised at all times, and shall also not include the feeding of dangerous animals. If any licence holder does not abide by the instructions and guidelines, the licence holder may have his licence revoked.

Furthermore, this regulation states that any animal introduced to a licenced zoo shall have been captive-bred with all details requested made available, upon a request made by the Director.

Regulation 8 - With regard to the birth of offspring of any dangerous animal found in the zoo, the licence holder is obliged to notify the Director within four (4) days from birth. Such offspring shall in turn be identified and registered in accordance with the Animal Welfare Act (Cap. 439) and the Veterinary Services Act (Cap. 437) with the Director, within three (3) weeks from the date of birth.

Deaths of dangerous animals are also to be notified to the Director within twenty four (24) hours who in return may conduct an inspection or order a necropsy to confirm the case.

Regulation 9 - Confiscation of animals shall be at the discretion of the Director in cases where the animal has been subject or likely to be subject to ill treatment or in relation to which an offence under these regulations or the Animal Welfare Act has been or is likely to be committed.

Regulation 10 - With regard to the disposal of an animal carcass, this shall be carried out in accordance with EU Regulation 1069/2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002.

Regulation 11 - The Director shall take all the necessary measures under these regulations to ensure that all zoos provide and abide by 2 comprehensive programmes relating to research and conservation.

A licence holder of a zoo shall provide and abide with a comprehensive programme at least in two (2) of the following:

a) participating in research from which conservation benefits accrue to the species,

b) training in relevant conservation skills,

c) exchange of information relating to species conservation

d) where appropriate, breeding as stipulated in regulation 12; and

e) repopulation or reintroduction of species into their natural habitat.

Regulation 12 - Breeding of dangerous animals shall not be allowed unless approved by the Director upon application. The licence holder, following a recommendation made by the veterinary surgeon shall ensure that the following conditions are met:

a) availability of appropriate space and enclosures to avoiding overpopulation;

b) maintenance of a stable and sustainable zoo animal population;

c) maintenance of genetic diversity and prevention of inbreeding depression;

d) species conservation;

e) following a breeding programme;

f) collaboration with an accredited approved international zoo or internationally accredited and renowned zoo association.

In the case where the Director does not approve breeding, measures shall be taken such as physical separation of sexes, hormonal or surgical methods or any other measure in order to prevent any unwanted mating.

Furthermore, zoos must promote public education and awareness in relation to the conservation of biodiversity, particularly by providing information about the species exhibited and their natural habitats and they shall take all possible measure to prevent the escape of animals, in order to avoid possible ecological threats to indigenous species.

Regulation 13 – This regulation establishes a fund named the "Animal Welfare Awareness and Research Fund" and it shall be used by recognised educational institutions for the purposes of scientific research, education, repopulation, reintroduction and conservation purposes of animals in zoos and other wild animals. The fees payable to this fund are established in Fees (Keeping of Animals in Zoos) Regulations.

Regulation 14 - Since dangerous animals are considered as high risk to both other animals and the public, a licence holder may be required to keep particular substances, instruments or both substances and instruments deemed necessary. Licence holders who hold dangerous animals shall also be required to keep a tranquiliser gun and, or any other appropriate instrument or device in the zoo however, such licence holders shall make sure that other laws with regard to such instruments are also being adhered to. Any psychotropic and, or dangerous substances available to the licence holder shall be procured and replenished with the Director's written approval. However, the Director may refuse such authorisation. The licence holder shall also keep a record of the substances used on the animals.

Regulation 15 - With regard to record keeping, the Director shall keep all the details of the licensed zoos, including the details and contact details of the licence holder, the full address of zoo where animals are kept, a site plan with exact location of whre animals are kept, an official Land Registry site plan, the number and species of the dangerous animals authorised to be kept in the zoo, a list of animal care staff and contractors within the zoo and the details of the veterinary surgeon responsible for the zoo.

The licence holder shall also keep records relating to the animals which shall include the scientific and common names of the animal species, irreversible means of identification of the animal, complete traceability of the origin of the animals, including the complete names of persons and, or entities, their addresss, contact details and details of their connection to the animal from the animal's birth to the last owner before the animal was transferred to the zoo, the animal's medical and surgical

history, detailed and updated census of animals, including causes of any deaths for the Schedule animals and documents in relation to transfer of animals.

Records of substances are to be kept by the licence holder including the batch number, the quantity in which the substance is used and the time, place and reason why the substance was used. These records shall be made available to the Director upon request.

Regulation 16 - Inspections are to be carried out yearly by the Director, however, he may also conduct inspection at any time and at his discretion.

An inspection is to be carried out before the granting of a licence to a zoo or renewing of the zoo licence in order to make sure that the licence holder complies with the regulations. Also, the Director may choose to conduct an inspection without prior notification if there is the suspicion that animals are being kept without authorisation.

The authority of the Director to inspect extends to any enclosure, equipment, substances and records with a view of ascertaining the proper keeping, health and welfare of any animal as well as the proper administration of substances, equipment and compliance with the regulations and the conditions imposed on the licence holder.

Furthermore, before and, or during an inspection, the Director may request the assistance of the Police.

Regulation 17 - An enforcement notice may be served on the licence holder or a person operating a site as a zoo not licenced in accordance with these regulations whenever there is non-compliance with the regulations or with the conditions of the licence. A licence holder or a person operating a site as a zoo not licenced in accordance with these regulations shall be served with an enforcement notice if:

he did not meet the licencing conditions and, or is operating a site as a zoo not licenced in accordance with these regulations,

he is keeping an animal in an inappropriate manner,

he is keeping an animal in an enclosure which is not up to standard,

he has breached these regulations or any other applicable laws.

Another important proposal is that in the case where the enforcement notice cannot be notified for some reason or another on the licence holder or the person operating a site as a zoo not licenced in accordance with these regulations, the enforcement notice shall be affixed in a place visible to the public.

Furthermore, the Director may at any time withdraw the enforcement notice, extend the period for compliance with any requirement contained in the enforcement notice or modify the enforcement notice.

Regulation 18 - The Director may order the closure of a zoo or part thereof if the licensing conditions are not being complied with and if the regulations are not being followed. Upon closure or part thereof of the zoo, the Police shall assist the Director in the operations of closure and confiscation of animals if necessary and the premises shall be kept under the responsibility of the Police.

Furthermore, the Director may order the confiscation on site of the animals upon closure of the zoo or part thereof, however, these may be relocated, locally or abroad at the licence holder's or person operating without a licence's expense.

The Director shall also order the immediate closure of a site which is being operated as a zoo not licenced in accordance with these regulations.

During the period of closure, the Director is to make sure that the animals concerned are treated, relocated or disposed of under conditions granted by him.

Euthanasia of animals is only permissible where it conforms with the principles of species conservation and welfare and there is no alternative relocation or sheltering option for the animals, or to ensure public safety if such is compromised by the animals, or in the interest of animal health and welfare in case potential outbreaks of transmissible animal diseases.

Dangerous animals which are found in a zoo or on a site without the Director's authorisation and not in accordance with these regulations, may be placed under the authority of the Director and, or the animal may be relocated to a suitable holding at the licence holder's expense or the person who is holding the dangerous animal without authorisation's expense.

The licence holder or the person operating a site as a zoo not licenced in accordance with these regulations in collaboration with the Director shall carry out any relocation of the animals and the Director shall ensure that the animals has arrived safely at the designated destination.

Before the relocation of the animal takes place, the licence holder or the person operating a site as a zoo not licenced in accordance with these regulations would still be responsible for the animal.

Any expenses that may be incurred in relation with this regulation shall be solely borne by the licence holder or the person operating a site as a zoo not licenced in accordance with these regulations.

The Director shall not be held responsible for any matters which might take place during confiscation, relocation, transportation or disposal of the said animal.

Any escapes of dangerous animals shall be immediately notified by the licence holder or the person operating a site as a zoo not licenced in accordance with these regulations, to the respective competent authorities. Furthermore, any expenses incurred in relation to the capturing of escaped or released animals, shall be borne by the licence holder or the person who is holding the dangerous animal without authorisation.

Regulation 19 - Decisions of the Director in terms of these regulations shall be subject to a right of appeal before the Administrative Review Tribunal within twenty (20) days from the date of notification of the Director's decision.

Regulation 20 - These regulations shall in no way be interpreted as limiting, substituting or excluding the applicability of any other laws or regulations, including those relating to trade, movement or importation of animals, and the holding of substances or arms.

Regulation 21 – The Director may from time to time provide for any additional requirements with regards to the keeping of the animals and to provide for the holding of examinations aimed at ascertaining an applicant's knowledge of a particular animal's welfare and safety requirements prior to authorising said applicant to keep any animal.

Regulation 22 - With regard to offences and penalties, these regulations establish that the penalties applicable shall be those as established in the Animal Welfare Act (Cap. 439). Furthermore, this legislation empowers the Director whereby if he deems that an offence was committed against these regulations, he may issue administrative fines in accorda

Disclaimer: The information contained within this document is intended only as guidelines and is not intended, nor should be construed, as legislation. Please refer to the related legal notice for a more comprehensive understanding.

For any other information kindly contact the Technical Policy and Coordination Unit within the Animal Health and Welfare Department using the following contact details:

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