

A Comparison of the Welfare Standards Afforded to Wild Animals Kept Under Three Different Legislative Regimes in England

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Abstract

In England, wild animals may be kept under licence for exhibition and human entertainment by businesses under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations (2018), by zoos under the Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002 and, for certain species, by private individuals under the Dangerous Wild Animals Act 1976.

Licences are issued by local authorities in England and the licence conditions are set out in the legislation and accompanying guidance documents (if applicable). The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations (2018), the Keeping or Training Animals for Exhibition Licensing: Statutory Guidance for Local Authorities, the Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002, the Secretary of State's Standards of Modern Zoo Practice, and the Dangerous Wild Animals Act 1976, were reviewed to compare the welfare protections afforded to wild animals kept by licensed exhibition businesses, licensed zoos and private individuals licensed to keep dangerous wild animals. We found that the guidance material for exhibition businesses has more provisions for demonstrating and transporting animals, but concerningly there is no duration, distance or frequency limitations for performances, no requirement to have closure provisions in place and animals may spend a significant amount of time in an environment

which is not currently inspected. The guidance material for zoos contains more species-specific provisions and more comprehensive requirements for veterinary care in the home environment, but lacks detail relating to performances, both at the zoo and off-site. Animals kept by private individuals under the Dangerous Wild Animals Act 1976 are afforded the least protection, with consideration for each welfare aspect either being rudimentary or absent.

Each piece of legislation and supporting guidance material lacks detailed information on how animal welfare should be assessed by inspectors and still permit animals to be subject to stressful situations and out-dated practices for the purpose of human entertainment. The UK has some of the highest animal welfare standards in the world, but this is undermined by inconsistencies between relevant legislation and failures to provide inspectors and operators with sufficient detailed guidance.

We recommend that if wild animals are to continue to be kept in captivity and used as entertaining or educational exhibitions, then they need to be afforded better legal protection through the introduction of stricter and consistent inspection processes, consistent and comprehensive requirements for veterinary care, consistent species-specific management guidelines and performance restrictions across all relevant legislation.

Introduction

Wild animals have varied, complex needs which can be challenging to meet when they are kept

in captivity.¹ The keeping and training of wild animals for exhibition purposes, which may involve transport, temporary housing, handling and exposure to unfamiliar environments and people, presents further challenges to the welfare of the captive wild animals concerned.

The exhibition of wild animals in travelling circuses has been widely acknowledged as ethically unacceptable, resulting in the recent prohibition on the use of wild animals in travelling circuses in England, enforced from January 2020 under the Wild Animals in Circuses Act 2019.² However, wild animals may still be kept and trained for exhibition in England by businesses licensed under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (hereafter referred to as the LAIAR) and by zoos licensed under the Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002 (hereafter referred to as the ZLA). Operators may also keep or train wild animals for exhibition in England without a LAIAR or ZLA licence if they fall out of the scope of these two pieces of legislation. Zoos may fall out of the scope of the ZLA if they are: open to the public for fewer than seven days in a twelve-month period; are a traditional deer park; or are determined to be too small for the ZLA to apply in terms of the number or the kinds of animals kept.³ Registered charities which exhibit wild animals as part of their charitable work for non-commercial purposes, operators which train or exhibit wild animals for sporting purposes, and operators which do not meet the Business Test of the LAIAR (e.g., if their trading income is less than £1000) fall out of the scope of the LAIAR.⁴

The LAIAR came into force in England on 1st Oc-

tober 2018. One of the five licensable activities introduced by the Regulations is the keeping or training of animals for exhibition in the course of a business for educational or entertainment purposes, (a) to any audience attending in person, and/or (b) by the recording of visual images of them by any form of technology that enables the display of such images.⁵ It is widely believed that the introduction of the LAIAR has raised the animal welfare standards for performing animals kept by businesses in England⁶, with the inclusion of a clear definition of in-scope and out of scope activities offering a great improvement on the previous Performing Animals (Regulation) Act 1925 (an Act which is still enforced in Scotland and Wales). Prior to the LAIAR's introduction, any person that exhibited and trained performing animals in England was required to register with their local authority under the Performing Animals (Regulation) Act 1925. This involved a one-off registration, with no inspection or registration renewal process. The registration could only be prohibited or restricted where it was proved to the satisfaction of a court following a complaint by a constable or local authority officer that the training or exhibition of any performing animal had been accompanied by cruelty.⁷

By contrast, operators licensed to keep or train animals for exhibition under the LAIAR must comply with the conditions set out in Schedules 2 (General conditions) and 7 (Specific conditions: keeping or training animals for exhibition) of the Regulations. Explanatory guidance notes for these conditions have been produced for local authority inspectors. These were originally in the form of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018: Guidance Notes for Conditions for Keeping or Training Animals for Exhibition October 2018 but have since been replaced by the Keeping or Training Animals for Exhibition Licensing: Statutory Guidance for Local Authorities (hereafter

1 RSPCA, 'Welfare of wild animals in captivity' <www.rspca.org.uk/adviceandwelfare/wildlife/captivity>.

2 Born Free and RSPCA, 'It's time parliament changed its Act' (2006) <www.bornfree.org.uk/publications/time-parliament-changed-its-act>; Stephen Harris, Graziella Iossa and Carl D Soulsbury, 'A review of the welfare of wild animals in circuses' (2006) <www.rspca.org.uk/adviceandwelfare/wildlife/captivity/circuses>.

3 Zoo Licensing Act 1981 (ZLA 1981) s 1(2A); ZLA 1981, s 14(1)(a); Defra, 'Zoo Licensing Act 1981 Guide to the Act's provisions' (2012).

4 Defra, 'Keeping or training animals for exhibition licensing: statutory guidance for local authorities September 2022'.

5 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, sch 1 pt 6.

6 Freedom for Animals, 'A Step Forward for Animals: Mobile Zoos Must Be Licensed' (2018) <www.freedomforanimals.org.uk/news/new-mobile-zoo-licences>; Warners Solicitors, 'Animal Activities Licensing: The New Regime' (2018) <www.warners-solicitors.co.uk/animal-activities-licensing-new-regime/>.

7 Performing Animals (Regulation) Act 1925, s 2(1).

referred to as the LAIAR Guidance) with very few changes. Licences to keep or train animals for exhibition under the LAIAR are issued by local authorities and last for a period of three years. Before granting a licence, the local authority must consider whether the conduct displayed by the applicant indicates that they are a fit and proper person to carry out the licensable activity, ensure that the appropriate fees have been paid, and a suitably qualified inspector must inspect the site of the licensable activity to assess if it is likely to meet the licence conditions. The inspector must prepare a report and state whether or not they consider that the licence conditions will be met.⁸

Zoos licensed under the ZLA in England, by definition, keep wild animals for exhibition to the public.⁹ Zoos may train wild animals to participate in educational talks and demonstrations which should be designed to raise awareness in relation to conservation of biodiversity and provide accurate species information to the public.¹⁰ Examples include: sea lion presentations or shows (including training); animals in action or encounter demonstrations; falconry and bird flying shows; reptile shows; and aquarium presentations, e.g. shark encounters.¹¹ Zoos may also take wild animals off-site for demonstrations.¹² Licensed zoos must comply with the conservation measures outlined in Section 1A of the ZLA, and in pursuance of Section 9 of the Act, with the Secretary of State's Standards of Modern Zoo Practice (hereafter referred to as the Zoo Standards). The guidance in the Zoo Standards is supplemented by the Zoos Expert Committee Handbook (2012), although this is non-statutory.¹³ Zoos are licensed by local authorities and a guidance document (Zoo Licensing Act 1981 Guide to the Act's provisions) was published in 2012 and deals with measures that fall to the local authority in their role as the zoo licensing au-

thority. New zoo licences are valid for four years, after which they must be renewed; renewed licences are valid for six years.¹⁴ Previously, all trainers and those responsible for conducting animal demonstrations in zoos were also required to be registered under the Performing Animals (Regulation) Act 1925.¹⁵ However, licensed zoos, and any activity permitted under a zoo licence under the ZLA, are exempt from the LAIAR.¹⁶

If a private individual wishes to keep a wild animal that is listed on the Schedule of the Dangerous Wild Animals Act 1976 (hereafter referred to as the DWAA), they need to apply for a DWAA licence. Facilities licensed under the ZLA are exempt from the requirement for a DWAA licence, but individuals or businesses licensed under the LAIAR to keep or train animals for exhibition will need a DWAA licence if they house any of the species on the DWAA Schedule. Although animal welfare should be considered during inspections, the primary intention of the Act is to ensure that the animal is securely contained.

When keeping vertebrates, licensees under all three pieces of legislation (ZLA, LAIAR and DWAA) must also adhere to the requirements set out in the Animal Welfare Act 2006, including taking reasonable steps to ensure that the needs of the animals for which they are responsible are met to the extent required by good practice. The LAIAR were made by the Secretary of State under powers conferred by the Animal Welfare Act 2006. The accompanying legislative material of both the LAIAR and ZLA contain measures designed to meet the needs of the animals kept.

Given the complex needs of wild animals and potential negative welfare impacts of keeping and training these animals, this review aims to compare the welfare provisions afforded to wild animals kept by zoos and exhibition businesses, and dangerous wild animals kept by private individuals in England. We aim to highlight discrepancies between the legal protection afforded to wild animals in these three settings and suggest areas for improvement to better protect the welfare of captive wild animals.

8 Defra (n 4).

9 ZLA 1981, s 1(2).

10 Defra, 'Secretary of State's Standards of Modern Zoo Practice' (2012); Defra, 'Zoo Licensing Act 1981 Guide to the Act's provisions'.

11 Defra, 'Zoo Licensing Act 1981 Guide to the Act's provisions' (2012).

12 Defra, 'Secretary of State's Standards of Modern Zoo Practice' (2012).

13 Defra, 'Zoos Expert Committee Handbook November 2012' (2012).

14 ZLA 1981, s 5(1) and 5(2).

15 Defra (n 11).

16 Defra (n 4).



Legislation, guidance, standards, codes and guidelines

Each piece of legislation discussed has material which either directly or indirectly accompanies it. These supporting materials take many forms including: statutory guidance and standards which directly relate to the legislation it supports; statutory codes of practice which do not relate to one particular Act but provide additional detail on the care of particular taxa; non-statutory guidelines which have been produced by industry bodies. As such, there is a plethora of documentation relating to these different areas of animal law and it may be unclear what is compulsory, what requires a relative level of compliance and what is considered to be best practice. Statutory guidance, standards and codes have been produced by the relevant government department with the consent of the Secretary of State. These materials provide practical advice on how to comply with the law and how inspectors should interpret the law. Commonly, licensees that follow the advice within these accompanying documents will be doing enough

to comply with the law in respect of those specific matters on which the material gives advice. "Where the enabling power permits, guidance can be expressly referred to in legislation to provide elucidation on meaning".¹⁷ Such information within the accompanying guidance must directly correspond with the legislation. Content within guidance that is outside the content of the legislation, or does not tightly correspond, cannot be used to provide additional weight to the law itself.¹⁸ These supporting materials are given special legal status in that if licence holders are prosecuted for not complying with the law due to not adhering to the guidance, they must be able to demonstrate how they have complied in an alternative way.

The LAIAR Guidance directly reflects and elaborates on the content found within the LAIAR and results in tight correspondence between leg-

¹⁷ Joint Committee on Statutory Instruments, 'Rule of Law Themes from COVID-19 Regulations' (2021) <<https://publications.parliament.uk/pa/jt5802/jtselect/jtstatin/57/5707.htm>>.

¹⁸ *ibid.*

isolation and guidance. In contrast, Section 5 (4) of the ZLA states, “a local authority shall have regard to any standards specified by the Secretary of State under section 9 and sent by him to the authority”.¹⁹ This enables significant clarification on the Act’s requirements, although the duty holder’s exact compliance is not explicitly stated. An amendment of this language is contained within the Animal Welfare (Kept Animals) Bill, currently progressing through Parliament, which would change the text to make it “a condition requiring the zoo to meet the standards specified under section 9.”²⁰

Non-statutory guidance such as best practice guidelines written by an industry body can be used to determine how far a duty holder fell below a particular standard as long as a court of law is satisfied that the stipulated guidelines relate to a section of the legislation. As such, there could be scenarios where a breach of the guidelines breaches legislation, and other occasions where breaches of the guidelines do not breach the legislation. This ultimately comes down to the content of the legislation in question.

The below comparison is written with a view that full compliance with laws and their accompanying guidance are adhered to by all licence holders. It is acknowledged that there is likely to be varying degrees of difference in the welfare that an animal experiences between licence holders under the same Act. However, the implementation and enforcement of each Act is beyond the remit of this paper.

Comparison of the legislation and their accompanying guidance

Scope

Examination of the relevant legislation and associated guidance reveals inconsistencies in which species are protected and what constitutes a “dangerous wild animal”. The ZLA applies to all wild animals (defined as “any animal not normally domesticated in Great Britain”) kept in zoos. The LAIAR applies to all vertebrate animals kept or trained for exhibition. The DWAA only applies to the species listed in its Schedule, which can be

amended. Only vertebrate animals are included within the scope of the LAIAR, whereas the ZLA and DWAA also cover invertebrates. This means that thousands²¹ of exhibited invertebrates currently do not have their welfare legally protected by the LAIAR. This is particularly concerning considering that certain invertebrates, namely decapod crustaceans and cephalopods, are now legally recognised as sentient.²²

Animals are categorised into three risk levels in the Zoo Standards, from highest risk (Category ‘1’ (greater risk)) to lowest risk (Category ‘3’ (least risk)), based on the animal’s ferocity and ability to harm people and the resulting scale of the harm.²³ The species listed on the Schedule of the DWAA do not completely align with the species included in the highest risk category in the Zoo Standards. The presence of outdated taxonomic names in the Zoo Standards and the DWAA Schedule creates difficulty in identifying the exact number of species considered to be dangerous by both the ZLA and the DWAA. Regardless, there are many species and species groups which are either considered a dangerous wild animal under the DWAA or the Zoo Standards, but not both. For example, many birds of prey species, amphibians, fish and cetaceans are considered to be in Category ‘1’ in the Zoo Standards, but these taxa are not covered by the DWAA, and therefore may be able to be privately owned without needing a licence, despite the risk they may pose to their owners and the wider public. There are also several species, such as the red panda (*Ailurus fulgens*) and the okapi (*Okapia johnstoni*) which are listed on the DWAA Schedule but are only considered to be in Category ‘2’ under zoo legislation. The Zoo Standards also assign different levels of risk depending on individual characteristics. For example, only adult males of some deer species are designated Category ‘1’. Differences between legislation in the way species are categorised could result in different management practices and enclosure designs being used for the same species, factors which have the potential to impact the welfare of the animals concerned.

¹⁹ ZLA 1981, s 5.

²⁰ Animal Welfare (Kept Animals) Bill 2021, sch 5, s 7(2).

²¹ Born Free, ‘Exhibition or Exploitation’ (2021) <www.bornfree.org.uk/publications/exhibition-or-exploitation-report>.

²² Animal Welfare (Sentience) Act 2022.

²³ Defra (n 12).

Inspection process

Zoos are subject to four types of inspection under the ZLA: 1) Licence inspection; 2) Periodical inspection; 3) Special inspection; and 4) Informal inspection.²⁴ Therefore, licensed zoos are inspected at least annually.²⁵ Licence inspections conducted prior to the granting or refusal of a new licence, or renewal of a licence, must be undertaken by inspector(s) nominated by the Secretary of State from the Secretary of State's list of inspectors.²⁶ When a licence inspection is to consider a significant change to a licence, it must be conducted by inspectors considered competent and authorised by the local authority.²⁷ Periodical inspections are carried out by a team of inspectors, consisting of up to three local authority appointed inspectors who must appear to the authority to be competent for the purpose and at least one must be a veterinary surgeon or practitioner. There must also be two Secretary of State nominated inspectors from the Secretary of State's list of inspectors, one of which must be a competent veterinary surgeon or practitioner and one competent to inspect animals and advise, amongst other things, on the management of zoos generally.²⁸ Special inspections can be carried out by any inspector that the local authority considers competent for the purpose of the inspection.²⁹ However, where the purpose of the inspection relates to the health of animals, a veterinary surgeon or practitioner with experience of the species kept in the zoo must be appointed.³⁰ Informal inspections must be carried out by a single inspector whom the local authority considers to be competent for the purpose – this is often a member of the local authorities licensing team.³¹ To be appointed as a Secretary of State zoo inspector, veterinary surgeons must demonstrate appropriate up-to-date experience in the zoo/wild/exotic animal field and evidence of continued professional

development in zoo and exotic animal issues, while inspectors appointed to advise on the management of zoos must have considerable up-to-date experience in the management of zoos in Britain at a senior level.³² Since 2018, the Department for Environment, Food and Rural Affairs (Defra) Zoo Expert Committee has also approved a certified City & Guilds training course in zoo licensing inspection for zoo inspectors and local government officers.³³

The inspection of operators licensed to keep or train animals for exhibition under the LAIAR is less rigorous. Inspections are required less frequently (only prior to granting and renewal of a licence which is every three years), although in the case of complaints or other information that suggests licence conditions are not being complied with or that the welfare of the animals involved in a licensed activity is at risk, unannounced inspections may also be carried out.³⁴ Similarly, DWAA premises are only inspected upon the granting or renewal of the licence, which is every two years.

A further concern with the LAIAR is that animals may be regularly subjected to situations and environments which compromise their welfare off-site and these locations and conditions are not currently inspected. There is also no requirement for inspections to take place during exhibition activities, whether on- or off-site.

For comparison, an individual lion (*Panthera leo*) could be seen by inspectors annually when kept in a zoo, but only biennially when kept by a private individual (DWAA) or every three years when kept by an exhibition business operator (LAIAR), and inspectors do not have to see the lion at all when it is being used for the performance that the exhibition business operator is licensed for. This is based on the assumption that every individual animal in a zoo is inspected at every inspection, which seems unlikely considering the size of some zoos and the number of animals they house.

24 ZLA 1981, s 9A, 10, 11 and 12.

25 ZLA 1981, s 9A, 10(3)(a) and (b), 11(1)(a),(b),(c) and (d), and 12(1).

26 ZLA 1981, s 9A(7).

27 ZLA 1981, s 9A(8).

28 ZLA 1981, s 10(4)(a).

29 ZLA 1981, s 11(2).

30 ZLA 1981, s 11(3).

31 ZLA 1981, s 12(2).

32 Animal and Plant Health Agency, 'Zoo inspectors required: Help to keep high standards in British zoos' (2017).

33 Sparsholt, 'National Zoo Academy Launch at Sparsholt' (2018) <www.sparsholt.ac.uk/college/news/national-zoo-academy-launch>.

34 Defra (n 4).

Unlike the ZLA, the LAIAR and DWAA do not require certain inspections to be carried out by Secretary of State nominated inspectors. The DWAA requires inspections to be carried out by a veterinary surgeon or practitioner, but there is no requirement for the inspector to have relevant experience with the species under consideration, while the LAIAR do not even require the inspection to be completed by a veterinary surgeon or practitioner. LAIAR inspectors are also not required to demonstrate appropriate up-to-date experience in the wild/exotic animal field nor evidence of continued professional development in wild/exotic animal issues. Inspections under the LAIAR are carried out by a "suitably qualified inspector", defined as a person that: (a) has a Level 3 certificate (or equivalent) granted by a body recognised and regulated by the Office of Qualifications and Examinations Regulation (Ofqual) (their certificate must apply to the particular type of activity they will be inspecting. The training must cover the application of the licensing conditions for all licensable activities and must contain a practical element.); (b) has a formal veterinary qualification recognised by the Royal College of Veterinary Surgeons (RCVS), together with a relevant RCVS continuing professional development record; or (c) can show evidence of at least one year of experience in licensing and inspecting animal activities businesses - this person needs to be enrolled on a course leading to a Level 3 certificate qualification or equivalent and granted by a body recognised and regulated by Ofqual.³⁵

Whilst there is no compulsory method of completing an inspection report, the ZOO2 form devised by Defra is most often used by zoo inspectors.³⁶ The form is designed to offer the inspector a choice of selecting 'Yes', 'No' or 'N/A' as a response to 100 questions related to zoo management, 48 of which directly relate to animal welfare criteria. Inspectors are also given the opportunity to recommend that the local authority attaches additional conditions to the zoo's licence if the inspector has deemed the zoo to be substandard. The zoo will be given a set time period to make any compulsory improvements. By contrast, inspectors for es-

tablishments licensed under the LAIAR are not given the opportunity to attach conditions to a licence and can only recommend whether the local authority should issue a licence or not.

There is no standard form devised by Defra for inspecting Dangerous Wild Animal or animal activities premises. However, the British Veterinary Association (BVA) and British Veterinary Zoological Society (BVZS) produced an inspection form template for DWAA premises in 2014 which aimed to "ensure conformity in DWA licence inspections".³⁷

The LAIAR provides the licence requirements as bullet points which can be directly referred to during inspections, with local authorities adopting inspection forms to reflect this.³⁸ The inspection form consists of 67 questions, of which approximately two thirds directly relate to animal welfare criteria.

The importance of using animal-based outcomes for assessing the welfare of individual zoo animals has been demonstrated throughout scientific literature.³⁹ The ZOO2 form has been criticised for focussing on welfare inputs rather than outcomes.⁴⁰ The LAIAR and DWAA (and their corresponding inspection forms) also focus on the provision of resources rather than animal-based assessments. The forms do not require the inspector to detail the method of assessment used.

Provision of a suitable environment

Section 2 of the Zoo Standards and General Condition 5.0 of the LAIAR Guidance outline several similar requirements for a suitable environment

³⁷ BVA and BVZS, 'BVA/BVZS Template for a Veterinary Inspection under the Dangerous Wild Animals Act 1976' (2014) <www.bva.co.uk/media/3037/bzvs_inspection_under_dangerous_wild_animals_act_template_2014.pdf>.

³⁸ Plymouth City Council, 'Inspection proforma keeping or training animals for exhibition' (2018) <www.plymouth.gov.uk/sites/default/files/Inspection%20proforma%20keeping%20or%20training%20animals%20for%20exhibition.pdf>.

³⁹ Isabella Clegg, 'Cognitive Bias in Zoo Animals: An Optimistic Outlook for Welfare Assessment' (2018) 8 Animals 104; Sally Sherwen and others, 'An Animal Welfare Risk Assessment Process for Zoos' (2018) 8 Animals 130.

⁴⁰ Draper (n 36).

³⁵ *ibid.*

³⁶ Chris Draper and Stephen Harris, 'The Assessment of Animal Welfare in British Zoos by Government-Appointed Inspectors' (2012) 2 Animals 507.

that are applicable to all taxa, for example, suitable temperature, ventilation, lighting and noise levels must be provided for the species. Section 1 (3) (c) of the DWAA contains a very general description of environmental considerations, simply stating, "any animal concerned will at all times...be held in accommodation which secures that the animal will not escape, which is suitable as regards construction, size, temperature, lighting, ventilation, drainage and cleanliness and which is suitable for the number of animals proposed to be held in the accommodation".⁴¹ One of the requirements for all taxa included in the LAIAR Guidance, which is not mentioned in the Zoo Standards or DWAA, is that all housing must allow an animal to lie stretched out fully.

However, the LAIAR Guidance also states that, "whilst being temporarily exhibited, enclosure sizes that are smaller than that considered best practice for long term husbandry can be used." This is particularly concerning considering that animals could be exhibited for up to 12 hours per day⁴² and no guidance on the minimum size of these enclosures is provided.

The Zoo Standards, the LAIAR Guidance and the DWAA all lack detailed, evidence-based, species-specific guidance for a suitable environment to varying degrees. The Zoo Standards (Appendix 8 – Specialist exhibits) contain taxon-specific guidance for a limited number of taxonomic groups, namely invertebrates, reptiles, amphibians, pinnipeds, marine birds, waterfowl, birds of prey and elephants. This guidance is both broad and limited. For example, the reptile section states that ultraviolet (UV) light from full spectrum sources is essential for many species when not available naturally. However, no information is included regarding the range of UV index (UVI) levels or the photoperiod recommended for different reptile species, nor that UVI levels within enclosures should be monitored. Broad information is provided for humidity, temperature and water temperature, but it is acknowledged that "details vary according to species", while only the Zoo Standards reference the need for some species to be able to fully submerge themselves in water. The Zoo Standards encourage inspectors to make full

use of the latest Taxon Advisory Group or the British and Irish Association of Zoos and Aquariums (BIAZA) Guidelines when assessing exhibits, but these guidelines are also limited. In January 2023, Taxon Advisory Groups had only published European Association of Zoos and Aquaria (EAZA) Best Practice Guidelines for five reptile species and one genus. The LAIAR Guidance has minimal taxon-specific guidance; birds and fish are the only taxa which are specifically mentioned in any of the subsections of General Condition 5.0 (Suitable environment).

The DWAA includes no species-specific guidance in relation to England. The Scottish Government provides some guidance on keeping the animals listed on the DWAA Schedule⁴³, but no such guidance has been produced for elsewhere in the UK, despite recommendations for this being included in a report commissioned by Defra over two decades ago.⁴⁴ In 2010, Defra released the Code of Practice for the Welfare of Privately Kept Non-Human Primates (hereafter referred to as the Code), the scope of which covered all primates in private ownership, including those listed under the DWAA Schedule.⁴⁵ However, it does not cover primates kept in zoos licensed under the ZLA and no further revisions have been released since the establishment of the LAIAR. Indeed, businesses licensed under LAIAR fall outside the scope of the Code. The Code contains primate-specific guidance to a level of specificity that is greater than that in either the Zoo Standards or LAIAR Guidance.

The DWAA, Zoo Standards and LAIAR Guidance reference leaving animals unattended. Whereas the DWAA only states that the animals will "be visited at suitable intervals"⁴⁶, the LAIAR Guidance and Zoo Standards provides more specific guidelines on this. The LAIAR Guidance states

41 Dangerous Wild Animals Act 1976 (DWAA 1976) s 1(3)(c).

42 Born Free (n 21).

43 Scottish Government, 'Dangerous wild animals: species guidance' (2019) <www.gov.scot/publications/dangerous-wild-animals-species-guidance/>.

44 Andrew G Greenwood, Penny A Cusdin and Michael J Radford 'Effectiveness Study of the Dangerous Wild Animals Act 1976' (Defra 2001).

45 Defra, 'Code of Practice for the Welfare of Privately Kept Non-Human Primates' (2010) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/218679/primate-cop.pdf>.

46 DWAA 1976, s 1(3)(c).



that animals should not be left unattended for a period likely to cause distress, with staff either visiting the animals every 4 to 6 hours during the day or as necessary for the individual according to its species. It is important that time periods are specified within guidelines, providing both the operators and inspectors with a better idea of what is considered an appropriate length of time animals can be left unattended. Similarly, the Zoo Standards state that animals should be checked at least twice daily.⁴⁷

Animal welfare provisions within the DWAA, such as environmental factors, are at best rudimentary, with the Act primarily focussing on public safety.⁴⁸ Some animals held under a DWAA licence are afforded welfare protection under other legislation, such as the Animal Welfare Act 2006 in England, but this legislation does not protect invertebrates and lacks specific guidance in relation to the species listed on

the DWAA Schedule.

Provision of food and water

As with the provision of a suitable environment, the Zoo Standards, LAIAR Guidance and the DWAA all lack detailed, evidence-based, species-specific dietary guidance. While the Zoo Standards (Appendix 8 – Specialist exhibits) contain some taxon-specific guidance on the design of diets, this only exists for waterfowl, birds of prey and elephants. The Zoo Standards state that a veterinary surgeon should be responsible for, or actively involved in, nutrition and the design of diets. However, there is no requirement for those veterinary surgeons to have relevant and detailed nutritional knowledge and/or qualifications relating to the species involved.

The LAIAR Guidance does not offer any specific recommendations for the design of diets beyond mentioning the consideration of quality, quantity, frequency, method and adjustment. This is particularly concerning as the LAIAR Guidance does not specify veterinary responsibility for diet

⁴⁷ Defra (n 12).

⁴⁸ Elizabeth Tyson, *Licensing Laws and Animal Welfare: The Legal Protection of Wild Animals* (Palgrave Macmillan 2020).

design. Diets for LAIAR-licensed animals might only be reviewed by a veterinary surgeon if the operator had a particular concern and wanted a veterinary opinion.

Similarly, the DWAA simply states that the animals will “be supplied with adequate and suitable food [and] drink”.⁴⁹ Although no further guidance is provided, the veterinary surgeon or practitioner inspecting the premises will need to be satisfied with the provision of food and water to grant or renew the licence. Therefore, the same species may be provided with completely different diets depending on whether they are licensed under the ZLA, the LAIAR or the DWAA, with varying degrees of veterinary scrutiny to identify and correct any nutritional issues.

Section 1 of the Zoo Standards and General Condition 6.0 of the LAIAR Guidance express the need for animals to have constant access to clean drinking water. However, only the Zoo Standards provides some species-specific guidance. For example, in ‘Appendix 8 – specialist exhibits’, it specifies that cloud and rainforest reptiles may only drink water droplets on plants and desert species may drink by licking surface condensation. It also suggests that de-chlorination of drinking water may improve palatability. Such guidance is absent from the LAIAR Guidance, despite reptiles being the most common vertebrate taxa licensed under the LAIAR.⁵⁰

One advantage of the LAIAR Guidance is that it mentions that food and water (as well as other relevant resources) should be provided in a way which minimises competitive behaviour or the dominance of individual animals.

Veterinary care

The Zoo Standards require much more stringent veterinary involvement compared to the LAIAR Guidance and the DWAA. In addition to veterinary input into the design of diets as part of a required comprehensive programme of care, veterinary surgeons must also advise on post-mortem examinations. By contrast, there is no mention of post-mortem examinations in the LAIAR Guidance or DWAA. Instead of regular visits as part of a programme of veterinary care,

veterinary surgeons are only required to visit establishments licensed under the LAIAR when the operator deems it necessary. The operator also determines whether there is a need to have veterinary presence on locations such as film sets. Both the LAIAR Guidance and Zoo Standards require the establishments to be registered with a local veterinary surgeon, but only the Zoo Standards requires registration with a specialist veterinary surgeon in addition. The DWAA does not mention any requirement for veterinary visits beyond having a veterinary surgeon or veterinary practitioner inspect the premise.

Enrichment

Both the LAIAR Guidance and the Zoo Standards state that species-appropriate enrichment should be provided in both inside and outside environments. Various substrates and physical materials are suggested as possible enrichment considerations but neither guidelines provide any species-specific examples. A recent survey showed that enrichment in zoos can be overlooked in some taxa such as reptiles.⁵¹ Neither the DWAA nor its BVA inspection form mention enrichment provision, nor the need for any type of mental stimulation.

The Zoo Standards state the need to provide extensive and varied enrichment in both inside and outside environments and that records of this must be kept. However, only the LAIAR Guidance specifically mentions the need to regularly change the enrichment. The importance of diversifying enrichment for captive wild animals has been clearly identified in the scientific literature.⁵²

51 Belinda Hall and others, ‘Cognitive Enrichment in Practice: A Survey of Factors Affecting Its Implementation in Zoos Globally’ (2021) 11 *Animals* 1721.

52 Kathy Carlstead and David Shepherdson, ‘Alleviating stress in zoo animals with environmental enrichment’ in Gary P Moberg and Joy A Mench (eds), *The Biology of Animal Stress: Basic Principles and Implications for Animal Welfare* (CABI Publications 2000); Rebecca K Meagher, Dana L M Campbell and Georgia J Mason, ‘Boredom-like states in mink and their behavioural correlates: A replicate study’ (2017) 197 *Applied Animal Behaviour Science* 112; Sitendu Goswami and others, ‘Effects of a combined enrichment intervention on the behavioural and physiological welfare of captive Asiatic lions (*Panthera leo persica*)’ (2021) 236 *Applied Animal Behaviour Science*.

49 DWAA 1976, s 1(3)(c).

50 Born Free (n 21).

Normal behaviour

The Zoo Standards state that animals should be granted the opportunity to express most normal behaviour, although they provide no specific guidance on what this normal behaviour includes or excludes. Similarly, the LAIAR Guidance states that animals must be able to express natural behaviours in their living environment, and the DWAA states, “while any animal concerned is at the premises where it will normally be held, its accommodation is such that it can take adequate exercise”.⁵³ Neither the LAIAR Guidance nor the DWAA make any reference to behavioural provisions for when animals are away from their “home environment”. This is particularly concerning for animals licensed under the LAIAR as they may be away from their home environment for a significant period of time⁵⁴ and their off-site performance locations are not subject to inspections. The DWAA only makes reference to the need for “adequate exercise” and does not mention any species-specific natural behaviour of any kind such as socialising or burrowing. It is clear that none of the guidelines strive to encourage provision for animals to express all natural behaviours.

Despite more than 2,400 birds of prey being exhibited in England under the LAIAR,⁵⁵ the LAIAR Guidance does little to prevent tethering, a practice which restricts natural flight behaviour and risks tibiotarsal fracture.⁵⁶ Section 7.2 of the LAIAR Guidance only states that birds must not be tethered permanently, and 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, they must be given the chance to do so at least once each day and a record kept. Although neither the Zoo Standards nor the LAIAR Guidance currently prohibit tethering, Section 8.7.4 of the Zoo Standards offers more detailed guidance. For example, they recommend that owls and vultures should not be tethered and flying areas should not be in view of tethered birds. Despite this, an investigation

commissioned by the organisation Freedom for Animals revealed that three quarters of the zoos they surveyed still practise tethering, with 27% of the tethered birds being owls.⁵⁷ Tethering may not be applicable to the DWAA as no birds of prey are currently listed on the Schedule.

At the time of writing, revisions to the Zoo Standards are under consideration, with the draft revised Standards proposing to phase out tethering.⁵⁸ Although a phase-out of this unethical practice in zoos would, of course, be welcome, it is important that birds of prey held under all other relevant legislation are afforded the same welfare standards.

Similarly, although neither guidelines specifically prohibit surgical modifications, ‘Appendix 6 - Animal contact areas’ and ‘Appendix 8 - Specialist exhibits’ of the Zoo Standards provides some very limited guidance in this regard. For example, they recommend that stings should not be removed from rays and that any pinioning of birds should be justified by a pinioning policy. By contrast, body modifications are not mentioned in the LAIAR Guidance at all. Given the significant welfare implications of surgical interventions aimed at modifying behaviour, and the consequential prevention of natural behaviour expression, future guidance should seek to eliminate such practices.

Transportation

The advice on transportation is more specific in the LAIAR Guidance compared to the Zoo Standards and DWAA, given the likelihood that animals licensed for exhibition under the LAIAR will be frequently transported. However, none of the guidelines provide maximum journey distances or frequency of travel. Despite the LAIAR Guidance stating that travel time “should be as small as possible”, there are multiple licensed animal exhibition establishments that claim to

53 DWAA, s 1(3)(f).

54 Born Free (n 21).

55 *ibid.*

56 Alberto Rodriguez Barbon and Marie Kubiak, ‘Birds of Prey’ in Marie Kubiak (ed), *Handbook of Exotic Pet Medicine* (Wiley-Blackwell 2020).

57 Laura Tomlinson, ‘Examination of the licensing, welfare and other issues relating to bird of prey zoos in the UK 2018’ (2018) <www.freedomforanimals.org.uk/Handlers/Download.ashx?IDM-F=a8age5bd-efb2-4fe1-a163-b3e5aeb9511d>.

58 Born Free, ‘Giraffes Simply Don’t Belong in Zoos – No Wild Animals Do!’ (2022) <www.bornfree.org.uk/articles/giraffe-day-2022>.

travel across the UK.⁵⁹

Transportation guidance is completely lacking in the DWAA, although local authorities may specify conditions on the licence regarding whether and in what circumstances the animal can be moved from the premises. For example, a DWAA licence holder may require permission to transport an animal into another local authority area.⁶⁰ However, transportation conditions in relation to animal welfare may not be specified on the licence.

Similarly, a common licence condition applied to zoos is that the licensee must notify the local licensing authority prior to the temporary removal of any Category '1' listed animal other than for veterinary attention or inter-zoo transfer.⁶¹ The notification commonly requires the licence holder to specify the method of transportation, public safety arrangements and provisions to ensure the animal's welfare is maintained. The Zoo Standards also stipulate that transport methods for the species must conform with the provisions of the International Air Transport Association (IATA).⁶² The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) have produced guidelines for the non-air transport of live, wild animals and plants.⁶³ Although these guidelines only relate to international travel and are limited to the taxa protected by the convention, its animal welfare considerations could also be applied to species held under relevant UK legislation. Domestic transport of any vertebrate animal, excluding certain species of livestock, that is "part of an economic activity" requires a United Kingdom Animal Transport Certificate to be completed to

59 Born Free (n 21).

60 Eg East Riding of Yorkshire Council, 'Dangerous wild animal (DWA) licences' <www.eastriding.gov.uk/business/licences-and-registrations/available-licences/animals/dangerous-wild-animals/>; Erewash Borough Council, 'Dangerous Animals' <www.erewash.gov.uk/animal-welfare-section/dangerous-animals.html>; Tendring District Council, 'Dangerous Wild Animals' (2022) <www.tendringdc.gov.uk/business/licensing-legislation/animal-licensing/dangerous-wild-animals>.

61 Defra (n 11).

62 Defra (n 12).

63 CITES, 'CITES Guidelines for the Non-Air Transport of Live Wild Animals and Plants' (2022) <https://cites.org/sites/default/files/eng/resources/transport/E-FINAL_CITES_Non-air_transport_Guidelines.pdf>.

comply with Article 4 of Council Regulation (EC) 1/2005 (as retained).⁶⁴ The form contains compulsory and optional fields. Section 13 requests details on times and places where rest stops were taken and if animals were fed or watered, but the completion of this section is not compulsory. Journeys exceeding eight hours require a Journey Log to be completed which requires more thorough declarations by the transporter.⁶⁵

Training

In terms of animal training, whereas the LAIAR Guidance only permits the use of positive reinforcement, positive punishment can still be used to train zoo animals. The DWAA does not mention any guidance on animal training.

Although the LAIAR Guidance allows animals to be trained for both educational and entertaining performances, the Zoo Standards only mentions training for educational demonstrations. However, this attitude towards education is not reflected in the Zoo Standards' guidance for performances. This is because 'Appendix 7 - Training of animals' in the Zoo Standards mentions taking animals to film studios as an example of a demonstration outside a zoo. The section also states how zoo operators can take animals to locations "for commercial or other purposes". Training, for any purposes, is not mentioned in the DWAA.

Performances

The LAIAR Guidance includes conditions which aim to limit stress, fear, pain and anxiety during public demonstrations. By contrast, the Zoo Standards are less specific as the zoo operator has "the absolute right to say for how long and for what purposes the animals may be used" and is responsible for ensuring that "appropriate guidelines for the use of animals are followed".⁶⁶ Similarly, the DWAA does not mention any guidance regarding public demonstrations. This suggests that animal welfare standards are at

64 APHA, 'United Kingdom Animal Transport Certificate' (2021) <<http://apha.defra.gov.uk/external-operations-admin/library/documents/exports/WIT06.pdf>>.

65 APHA, 'Journey Log' (2021) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/948576/wit7.pdf>.

66 *ibid.*

the discretion of zoo representatives and DWAA licence holders when animals are taken to other locations for commercial purposes.

By way of example, the LAIAR Guidance includes conditions in relation to props, animal costumes, make-up and special effects. It states that these components should not "cause any unnecessary pain, suffering, distress or discomfort. They must be used for the shortest time possible".⁶⁷ However, the wording suggests that animals can be subjected to some pain, suffering, distress and discomfort if it is deemed necessary for the purpose of the demonstration. The use of wild animals for public entertainment should not be considered "necessary" under legislation. This is particularly concerning as the guidelines do not provide any detail on what is considered to be acceptable. The only provision is that "the exhibited animals must be suitable for the actions involved in the exhibition".⁶⁸ This guidance is not specific enough for inspectors to be able to determine what kind of performance should be considered 'suitable' for a wild animal.

Crucially, there are also no specific limitations on the duration of demonstrations or interactions in the LAIAR Guidance, Zoo Standards or DWAA. The only reference to duration is provided by the LAIAR Guidance, which states that animals "must have clear breaks from exhibits... and must have sufficient breaks".⁶⁹ Although details of demonstrations should be recorded, there is no clear guidance for inspectors to determine whether animals are being exhibited or required to perform for too long. The duration of animal performances are highly variable, and have been found to range from two minutes to 12 hours.⁷⁰

A small but concerning difference is that the Zoo Standards state that animals must not be provoked for the benefit of a public demonstration, whereas the LAIAR Guidance states that animals must not be used to provoke or annoy another animal for this purpose. Therefore, animals under a LAIAR licence may be continually goaded by handlers and objects during exhibitions. Ani-

mals may be incited to demonstrate a defensive act. For example, snakes might be goaded to strike or armadillos to roll into a ball, a provocation which would naturally distress the animal.

The DWAA does not mention any performance requirements. Although such requirements may be less applicable to the animals held under this Act, a licence holder could still use their animals for exhibition and performance and not require either a LAIAR or ZLA licence if they fall out of scope of either of these pieces of legislation. For example, a DWAA licence holder may not meet the business requirements for a LAIAR licence, and may not open their doors to the public for a sufficient number of days to require a zoo licence. Therefore, there is potential for animals licensed under the DWAA to be used for performance without there being any related provisions in the associated licence.

Handling

Handling is known to induce anxiety and stress in wild animals.⁷¹ The Zoo Standards and LAIAR Guidance provide similar guidance for handling by non-staff, despite public handling being the most common type of exhibition under the LAIAR,⁷² and therefore may be more likely to occur under this licence. Under the LAIAR, staff are responsible for stopping interactions if the animal shows signs of fear, suffering or fatigue, and facilities for washing hands must be offered to handlers. Although the LAIAR Guidance states that animals should not be handled by people who appear under the influence of alcohol or psychoactive substances, there is no further advice given in relation to non-staff handlers. For example, there is no mention of a re-

67 Defra (n 4).

68 *ibid.*

69 *ibid.*

70 Born Free (n 21).

71 Eg Yvon Le Maho and others, 'Stress in birds due to routine handling and a technique to avoid it' (1992) 263 *The American journal of physiology*; Erin M French, 'Response of White's treefrog (*Litoria caerulea*) to common household captivity stressors [Senior Study]' [2007]; Trevor T Zachariah and others, 'Acute Corticosterone Stress Response to Handling in Four Captive Gopher Tortoises (*Gopherus polyphemus*)' (2009) 19 *Journal of Herpetological Medicine and Surgery*; Clifford Warwick, Phillip Arena and Catrina Steedman, 'Spatial considerations for captive snakes' (2019) 30 *Journal of Veterinary Behavior*; Victoria R Stockley, Anna Wilkinson and Oliver H P Burman, 'How to Handle Your Dragon: Does Handling Duration Affect the Behaviour of Bearded Dragons (*Pogona vitticeps*)?' (2020) 10 *Animals*.

72 Born Free (n 21).

quired age or emotional state of handlers. The DWAA does not provide any guidance regarding handling beyond the licence holder requiring insurance for any death or injury caused by the animal, despite how dangerous the implications of mishandling a dangerous wild animal could be. When considering the intent of the DWAA, it seems contradictory that animals of species that are listed on its Schedule are permitted to be used for interactive experiences under LAIAR and zoo licences.

Establishment closure

Under the Zoo Standards, provisions must be in place if the zoo were to close, whereas there is no mention of this in the LAIAR Guidance. This is particularly concerning as animal exhibits are subject to less frequent inspections and their “business risk” is not determined like other licensed activities under the LAIAR, such as the selling of animals as pets.⁷³ As DWAA licence holders are private individuals rather than business operators, this aspect is less applicable. However, local authorities are able to seize the animal and “retain it in the authority’s possession or destroy or otherwise dispose of it”.⁷⁴ This is concerning as there is no requirement for local authorities or licensees to attempt to find suitable homes for seized animals. As international guidelines on live animal confiscations already exist⁷⁵, elements of this guidance could be applied to domestic legislation to maximise the individual welfare of the animals.

Conclusions

Animal welfare considerations differ considerably between the three different pieces of legislation regulating the keeping of wild animals for human entertainment in England (see Appendix 1 for a summary comparison of the three licences). Species which could be covered by all three licences, such as camels and lemurs, are therefore afforded different standards of environment, diet, healthcare and behavioural opportunities, depending on the particular licence

⁷³ Defra, ‘Animal activity licensing process: statutory guidance for local authorities’ (2022).

⁷⁴ DWAA 1976, s 4(1)(b).

⁷⁵ IUCN, ‘Guidelines for the management of confiscated, live organisms’ (2019) <<https://portals.iucn.org/library/node/48352>>.

held by their owner.

The ZLA and accompanying Zoo Standards afford greater welfare protection to captive wild animals than the LAIAR and accompanying LAIAR Guidance and the DWAA in many aspects. For example, they provide more species-specific care guidance; require more frequent routine inspections; and require a more comprehensive programme of veterinary care. However, the Zoo Standards still fall short in protecting captive wild animal welfare. For example, the care guidance provided lacks detail and only covers a limited number of taxonomic groups. Detailed guidance is not provided for animal performances, either at the zoo or any off-site locations, and zoo inspections are based on assessment of welfare inputs rather than welfare outcomes.

The LAIAR Guidance has more specific and relevant standards than the original performing animals legislation which the LAIAR replaced, and includes more provisions for demonstrating animals than the Zoo Standards or DWAA. However, these provisions are lacking in detail. For example: there is no guidance on the nature of demonstrations that are appropriate for different taxonomic groups; no limitations on the duration and frequency of demonstrations, nor the distance travelled to off-site locations; and no guidance on minimum enclosure sizes for animals being temporarily exhibited. The LAIAR and accompanying Guidance also fall short in other areas. For example: detailed species-specific care guidance is not provided; veterinary care requirements are less comprehensive than in the Zoo Standards; there is no requirement to have provisions in place to secure the welfare of licensed animals were the establishment to close; and, unlike the ZLA and DWAA, the LAIAR affords no welfare protection to invertebrates, which are used for exhibition in large numbers. Routine inspections are infrequent (once every three years), do not require a veterinary surgeon to be present, and only take place at the home site. Therefore, animals exhibited off-site may spend a significant amount of time in environments which are not currently inspected. Furthermore, inspectors are not required to have up-to-date experience or continuing professional development in captive wild animal welfare.

The DWAA only includes rudimentary animal



welfare considerations, affording captive wild animals with the least welfare protection of all three pieces of legislation. Although the DWAA does require a veterinary surgeon or practitioner to carry out inspections and includes invertebrates within the scope of the legislation, it fails to protect captive wild animal welfare in many areas. For example: the DWAA has no provisions for any species-specific natural behaviour of any kind, such as socialising; no detailed animal care guidance; inspections are infrequent (once every two years); inspectors are not required to have relevant experience with captive wild animals; and veterinary involvement is not mentioned, other than for inspections.

All of the guidance, Acts and Regulations lack detailed, evidence-based, species-specific animal welfare guidance and detailed information on how animal welfare should be assessed by inspectors. Inspections for all three licences are currently based on the assessment of welfare inputs, rather than welfare outcomes. All three pieces of legislation permit captive wild animals to be involved in stressful situations for the pur-

pose of entertainment or education, and currently allow out-dated practices such as tethering and pinioning.

We recommend that if wild animals are to continue to be kept in captivity and used as entertaining or educational exhibits, then they need to be afforded better legal protection through the introduction of stricter and consistent inspection processes, veterinary care, species-specific management guidelines and performance restrictions across all relevant legislation.

Recommendations

Develop a single set of detailed, evidence-based species-specific welfare guidance, based primarily on animal welfare outcomes as well as inputs, compliance with which should be a licensing requirement for each of the relevant legislative instruments.

Where animals are used for exhibition, the relevant legislation should specify the exhibition activities which are suitable and therefore per-

mitted for different taxonomic groups, and provide species-relevant maximum limits on the duration and frequency of demonstrations, and transportation, to help ensure the welfare of performing and travelling animals.

The inspection of all licensed individuals and operators keeping wild animals should be carried out at least annually and LAIAR licence holders should also be subject to regular inspections at locations that are typical of those they visit for exhibition activities, to ensure that all licence conditions are being complied with.

Given the wide variety and large number of wild animals being kept and trained for exhibition by businesses in England under LAIAR licences, and the varied and complex needs of wild animals in captivity, all inspectors of businesses keeping or training wild animals under a LAIAR licence should be required to demonstrate appropriate experience in captive wild animal welfare. They should also demonstrate evidence of continued professional development in captive wild animal welfare issues. As a minimum, they should also hold a Level 3 certificate or equivalent granted by a body, recognised and regulated by Ofqual which oversees the training and assessment of persons in inspecting and licensing animal activities businesses that keep or train animals for exhibition. As well as meeting these criteria, we also recommend that at least one of the inspectors at each inspection should hold a formal, RCVS-recognised, veterinary qualification in order to ensure competency in evaluating compliance with conditions relating to animal health.

Appendix 1. A summary comparison of the scope and welfare considerations for each licence.

	DWAA	ZLA and Zoo Standards	LAIAR and LAIAR Guidance
Scope			
<i>Animals covered</i>	Wild animals listed on the Schedule (vertebrates and invertebrates).	Wild animals (vertebrates and invertebrates).	All vertebrate animals (exact definition not given).
<i>Criteria for licence</i>	Private individual or business (excluding zoos and pet shops) keeping a species listed on the Schedule.	Accessible to the public for seven or more days in a calendar year (regardless of fees) and exhibits a significant number of wild animals or species.	Viewed by a public audience (either in-person or via electronic media) by a business that charges a fee.
General welfare			
<i>General environment</i>	Suitable temperature, lighting and ventilation.	Suitable temperature, lighting (both levels of spectral distribution), ventilation and noise levels, with consideration given to the needs of pregnant and newly-born animals. Details species-specific requirements for some taxa.	Suitable temperature, light levels, ventilation, noise levels, air quality and water quality, with consideration given to health status and age.
<i>Housing</i>	Suitable bedding materials, construction, size, drainage and cleanliness. Suitable for the number of animals proposed.	Suitable bedding materials, design, size, drainage, cleanliness and shelter. Refuge areas must be provided for nervous animals to escape the permanent gaze of the public. Details species-specific requirements for some taxa.	Suitable housing and bedding materials, size, cleanliness, resting areas and have separate areas for sleeping, toileting and exercising. Housing must allow an animal to lie fully stretched out, rest comfortably, stand in their natural posture, move around freely and hide from human view and other potentially frightening stimuli, where appropriate.
<i>Food and water provision</i>	Supplied with adequate and suitable food and drink.	Details species-specific requirements for some taxa. Diet must be approved by vet. Constant access to clean drinking water from appropriate receptacles.	Mentions diet quality, quantity, frequency, method and adjustment. Diet only reviewed by vet if there are concerns. Constant access to clean drinking water from appropriate receptacles.
<i>Normal behaviour</i>	Able to take adequate exercise in its usual accommodation.	Allowed the opportunity to express most normal behaviour.	Able to express natural behaviours in their living environment.

<i>Enrichment</i>	Not mentioned.	Species-specific enrichment available.	Species-specific enrichment available and regularly changed.
<i>Isolation</i>	Not mentioned.	Isolation facilities available for new and sick animals.	Isolation facilities available for sick animals.
<i>Breeding</i>	Not mentioned.	Captive breeding encouraged, if appropriate.	Sexed or housed in single sex groups, if appropriate.
<i>Grooming</i>	Not mentioned.	Not mentioned.	Routinely groomed, if appropriate.
<i>Veterinary care</i>	Not mentioned	Registered with both a local veterinary practice and a specialist and receive regular veterinary visits as part of a programme of preventive and curative veterinary care. Must have at least a dedicated treatment room on the premises. Post-mortem examinations should be carried out in accordance with veterinary advice.	Registered with suitable local vet, but veterinary visits only when deemed necessary. Should consider need for veterinary presence when taken to a film set. No mention of post-mortem examinations.
<i>Attendance</i>	Must be visited at suitable intervals.	All animals should be checked at least twice daily.	Not left unattended for a period likely to cause distress, with staff visiting animals at regular intervals of between 4 to 6 hours during the day, if appropriate.
<i>Body modifications</i>	Not mentioned.	Should not remove stings from rays to make them safe for open touch exhibits and should have a justifiable pinioning policy.	Not mentioned.
<i>Smoking</i>	Not mentioned.	Smoking must be prohibited where the health and welfare of animals will be compromised.	Not mentioned.
Demonstrations			
<i>Animal training</i>	Not mentioned.	Should use positive reinforcement, with negative reinforcement never compromising welfare. Training should provide a net welfare benefit to the animal, with records kept of behavioural irregularities during training.	Must use positive reinforcement, never using punishment and physical force. Must not use restraining equipment on animals not trained to wear them.

<i>Performances</i>	Not mentioned.	For education purposes. Animals must not be provoked. The zoo operator or representative must be satisfied that the animal is not likely to suffer distress or contract disease and is responsible for deciding the performance duration and purpose. Feeding by the public must be controlled and bird flying areas should not be in view of tethered birds. Considers impact of removal from social group.	For education or entertainment purposes. Animals must not be used to provoke other animals, have clear breaks, be in good physical and mental health and be able to avoid people. Records kept of when and for how long animals are exhibited. Everyone present must be briefed how to behave and equipment and chemicals used must not compromise welfare. Considers predator and prey proximity, compatible social groups and impact of removal from social group, with female animals not being separated from their dependent offspring.
<i>Handling</i>	Not mentioned.	Under staff supervision only and consistent with welfare interests. Done for restricted periods and with care to avoid unnecessary discomfort, stress or physical harm.	Under staff supervision only and consistent with welfare interests. Stopped if welfare compromised and must not be handled by those under the influence of drugs.
<i>Transportation</i>	Must not be moved from those premises or shall only be moved in such circumstances as are specified in the licence.	Removal of animals from zoos discouraged.	Should consider housing, temperature, ventilation, frequency and proximity of predator and prey animals. Journey distance should be as small as possible.
Other			
<i>Inspection frequency</i>	At least every two years (licence grant and renewal).	At least every year.	At least every three years (licence grant and renewal).
<i>Staff</i>	Not applicable.	Suitably competent and no convictions under relevant legislation, with a suitable amount present.	Suitably competent with a suitable amount present.
<i>Signs</i>	Not applicable.	Only public safety and animal information signs mentioned.	Signs displayed on enclosures which deter members of the public from disturbing the animals.
<i>Closure of establishment</i>	Not applicable.	Partial or full closure provisions in place.	Not mentioned.