

ZOOS AND AQUARIUMS LICENSED UNDER THE ZOO LICENSING ACT 1981 KEEPING NON-NATIVE SPECIES (INCLUDING SPECIES OF SPECIAL CONCERN): YOUR RESPONSIBILITIES

Some non-native species have established in Great Britain as a result of escapes from collections. The purpose of this advice note is to remind those keeping such species in zoos licensed under the Zoo Licensing Act 1981 in England and Wales of their responsibilities. However, the principles set out in this advice note equally apply to establishments that keep these species but which may be exempt from the requirements of the Zoo Licensing Act 1981 (such as wildlife or farm parks).

Responsibilities under the Wildlife and Countryside Act 1981

The Wildlife and Countryside Act 1981 (Section 14) is the principal domestic legislation relating to the release of non-native species. The maximum penalty for non-native species offences is imprisonment for two years and a fine. This fine will be set by the court and there is no maximum set in the legislation.

Under this Act it is an offence to release or allow to escape into the wild, any animal that is not ordinarily resident in or a regular visitor to Great Britain, or is listed on Schedule 9 to the Wildlife and Countryside Act 1981.

Further guidance on what constitutes an offence is set out in ["Guidance on Section 14 of the Wildlife and Countryside Act 1981"](#)

Responsibilities under the Zoo Licensing Act 1981

Additionally, Section 1A of the Zoo Licensing Act 1981 requires that zoos prevent the escape of animals and put in place measures to be taken in the event of an escape as well as keeping a record of any escapes.

Responsibilities under the Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019 and the Invasive Alien Species (Enforcement and Permitting) Order 2019

Since 01 January 2021 the requirements of EU Regulation 1143/2014 on the prevention and management of the introduction and spread of invasive alien species has been retained in domestic law. Strict restrictions apply to listed 'species of special concern' meaning these species cannot be imported, kept, bred, transported, placed on the market, used or exchanged, allowed to reproduce, to be grown or cultivated, or released into the environment. There are currently 66 species of special concern of which 30 are animals (see Annex 1).

The Invasive Alien Species (Enforcement and Permitting) Order 2019 (“the IAS Order”) introduced measures to enforce offences under EU Regulation 1143/2011 including a permitting and licensing regime. This regime means certain restricted activities are allowed to take place as long as they are carried out under the terms of a [permit](#) or [licence](#).

Further guidance on the Invasive Alien Species (Enforcement and Permitting) Order 2019 is available on gov.uk. Read the guidance for [animal](#) and [plant](#) species of special concern.

Annex 2 gives more specific advice on the implications of listing for zoos.

GENERAL GUIDANCE

1. Containment

All establishments licensed under the Zoo Licensing Act 1981 in England are expected to comply with the Secretary of State’s Standards of Modern Zoo Practice (SSSMZP, 2012). In Wales, establishments are expected to comply with the Welsh Ministers [Standards of Modern Zoo Practice](#). You should familiarise yourself with the Standards and the detailed requirements on preventing, recording, and reporting escapes.

Animals which are non-native **must** be kept in secure enclosures from which escape is not possible. It is your responsibility to ensure the enclosure is sufficiently secure to prevent escape.

Enclosures **must**:

- have barriers designed, constructed and maintained to contain the animals
- have gates and doors kept locked to prevent unauthorised opening
- have gates and doors that are as effective in containing the animals as the rest of the enclosure.

Animals which can climb or jump must be kept in enclosures secure enough to prevent them from escaping. Trees within or near animal enclosures must be regularly inspected and lopped or felled as appropriate to avoid them becoming an aid to animal escape or a threat to the integrity of the enclosure.

Digging or burrowing animals must be kept in enclosures constructed to avoid escape e.g. by burrowing under the perimeter fence of the enclosure.

Vegetation, climbing structures or other items should be maintained in such a way as to not aid escape. Gates and doors should be designed and maintained to prevent animals from lifting them from their hinges or unfastening the securing device.

You should be able to demonstrate that the enclosure is of sufficient construction to contain the relevant animal, ideally by reference to industry standards or by evidence of expert advice. In situations where such expert advice is unavailable, you should be able to justify the standard of facilities and demonstrate on what basis they were deemed suitable. Doing this may help to provide evidence that you have fulfilled your responsibilities should an escape occur.

If enclosures are damaged, for example by flooding, fire or fallen trees, they should be repaired as soon as possible and animals temporarily moved to undamaged secure enclosures while this is taking place.

The perimeter boundary, including access points, should be designed, constructed and maintained to discourage unauthorised entry and, so far as is reasonably practicable, as an aid to the confinement of all the animals within the zoo.

2. Displays

You should consider the risk of escape when you are considering using any non-native animals in demonstrations outside of a secure enclosure, for example when used in shows or exhibitions that allow the public to interact with these animals. You should ensure that these animals cannot escape into the wider environment and that you have contingency plans in place that can be enacted in the event of animals escaping into the wild.

Species of special concern cannot be used as part of flying displays and must not be free ranging on the zoo premises e.g. flying displays for Sacred ibis. In addition they also cannot be used in walk-through exhibits or animal handling or be removed from their enclosures for activities involving the public such as for school visits or outreach.

3. Transport

You should not transport any species of special concern away from your zoo unless such transport is covered in your permit issued under the IAS Order. Any animal transported should be held in a contained holding so that it is not possible for them to escape.

4. Escapes

Every effort should be made, so far as it is reasonably practicable, to recover any escaped animals whether live or dead. If your zoo licence does not specify who should be notified of any escapes, you should contact your zoo licensing authority to discuss what action they require from you.

Escapes of species of special concern (or any non-native species likely to establish in the wild) should also be reported to Natural England (call the Enquiries Team on 0300 060 3900) or Natural Resources Wales (call NRW enquiries 0300 065 3000) at the earliest opportunity (dependent on where your zoo is located).

The procedures to be adopted in the event of escapes within or from the zoo of any animal should be brought to the attention of, and available to, all members of staff in a written document. The existence of such procedures, and their implementation in the event of a release, could provide evidence that you have acted responsibly.

5. Additional issues

You should consider the potential risks of releasing parasites, diseases or non-native plants and animals through effluent water and other routes. Waste water should be appropriately treated to ensure that this does not occur.

If you are using non-native plants that are listed on Schedule 9 to the Wildlife and Countryside Act 1981, for example to create habitat or as feed, you must make sure that you are not causing those plants to grow in the wild. Plant species of special concern must not be planted, used for feed or allowed to spread outside the zoo. (see rules on invasive non-native plant species in England and Wales, listed below).

If you currently use animals of species of special concern as feed, such as crayfish, you can continue to do this, but the species must be bought and transported as a dead feed. You must not buy live crayfish. If your zoo animals need a live feed, you'll need to find a different and unlisted species to use as a live feed.

6. Useful links

[The Secretary of State's Standards of Modern Zoo Practice](#)

[Welsh Government Zoo Practice Standards](#)

[European code of conduct on zoological gardens and aquaria and invasive alien species](#)

[Section 14 of the Wildlife and Countryside Act](#)

[Schedule 9 to the Wildlife and Countryside Act 1981](#)

[The Invasive Alien Species \(Enforcement and Permitting\) Order 2019](#)

[Invasive non-native \(alien\) plant species: rules in England and Wales](#)

Annex 1: Current list of animal Species of Special Concern

Scientific name	Common name
<i>Acridotheres tristis</i>	Common myna
<i>Alopochen aegyptiacus</i>	Egyptian goose
<i>Arthurdendyus triangulatus</i>	New Zealand flatworm
<i>Callosciurus erythraeus</i>	Pallas's squirrel
<i>Corvus splendens</i>	Indian house crow
<i>Eriocheir sinensis</i>	Chinese mitten crab
<i>Herpestes javanicus</i>	Small Indian mongoose
<i>Lepomis gibbosus</i>	Pumpkinseed
<i>Lithobates (Rana) catesbeianus</i>	North American bullfrog
<i>Muntiacus reevesii</i>	Muntjac deer
<i>Myocastor coypus</i>	Coypu
<i>Nasua nasua</i>	Coati
<i>Nyctereutes procyonoides</i>	Raccoon dog
<i>Ondatra zibethicus</i>	Muskrat
<i>Orconectes limosus (Faxonius limosus)</i>	Spiny-cheek crayfish
<i>Orconectes virilis (Faxonius virilis)</i>	Virile crayfish
<i>Oxyura jamaicensis</i>	Ruddy duck
<i>Pacifastacus leniusculus</i>	Signal crayfish
<i>Percottus glenii</i>	Chinese sleeper / Amur sleeper
<i>Plotosus lineatus</i>	Striped eel catfish
<i>Procambarus clarkii</i>	Red swamp crayfish
<i>Procambarus fallax f. virginalis</i> (<i>Procambarus virginalis</i>)	Marbled crayfish
<i>Procyon lotor</i>	Raccoon
<i>Pseudorasbora parva</i>	Stone moroko/Topmouth gudgeon
<i>Sciurus carolinensis</i>	Grey squirrel
<i>Sciurus niger</i>	Fox squirrel
<i>Tamias sibiricus</i>	Siberian chipmunk
<i>Threskiornis aethiopicus</i>	Sacred ibis
<i>Trachemys scripta</i>	Terrapins - all subspecies including red-eared slider, yellow-bellied slider, Cumberland slider and common slider
<i>Vespa velutina nigrithorax</i>	Asian hornet

Annex 2: Responsibilities under retained EU law regarding Species of Special Concern and the Invasive Alien Species (Enforcement and Permitting) Order 2019 (“the IAS Order”)

The IAS Order came in to force on 1 December 2019. It implements requirements contained in EU Regulation 1143/2014, including setting out the penalties for breach of the restrictions, defences and other enforcement-related provisions.

The offences contained in the IAS Order do not apply to anything done under, and in accordance with a permit or a licence. Since 1 January 2021 the requirements of EU Regulation 1143/2014 have been retained in domestic law.

Keeping

All zoos which keep any species of special concern must hold a permit issued by the Animal and Plant Health Agency (APHA). Permits in these circumstances may be issued for the purposes of “ex-situ conservation” or research¹. Which type of permit is appropriate will depend on the activities being undertaken by the zoo.

APHA administers the permit regime for England and Wales. You can apply for a permit under Article 35 (1) (a) of the IAS Order.

An application form can be found on the gov.uk website:

<https://www.gov.uk/government/publications/invasive-alien-species-permit-application>

Permit applications should be submitted to: zooandinvasive@apha.gov.uk

As a condition of a permit, zoos must keep these animals in a secure enclosure and take all reasonable steps to prevent them from escaping or reproducing.

Breeding, transportation, selling

Zoos must take appropriate measures to prevent breeding and should take steps to mark or otherwise effectively identify individuals where appropriate, using methods that do not cause avoidable pain, distress or suffering. Species of special concern can be transferred to other zoos for continued display where the transporting zoo holds a permit for transport. The receiving zoo is required to have received a permit for keeping before the transfer occurs. Zoos can no longer sell or offer for sale any species of species concern as this would now be an offence under the IAS Order.

¹ It is also possible, to get a permit in the following circumstances:

- i. Scientific production, and subsequent medicinal use, where the use of products derived from an invasive alien species is necessary for the advancement of human health; or
- ii. in exceptional circumstances, such other activities as are justified by reasons of compelling public interest, including those of a social or economic nature, in accordance with Article 9 of the Principal Regulation (authorisations).

