

ZOOS, WILDLIFE PARKS, COLLECTIONS AND AQUARIA KEEPING NON-NATIVE SPECIES: YOUR RESPONSIBILITIES

Some non-native species have established in Great Britain as a result of escapes from collections. This has prompted the Scottish Non-Native Species Action Group to produce the following guidance note to remind those keeping non-native species of their responsibilities.

The Wildlife and Countryside Act 1981 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, there is no maximum set in the legislation.

The offences are:

- **Release** – it is an offence to release any animal to a place outwith its native range.
- **Allowing an animal to escape from captivity** – it is an offence to allow an animal to escape from captivity to a place outwith its native range.
- **Causing an animal to be at a place** – it is an offence to cause any animal outwith the control of any person to be at a place outwith its native range.

An animal is considered captive if it is under human control and is constrained from free movement into a new area.

Further information on release offences can be found in the [Code of Practice on Non-Native Species](#).

Certain animals have been listed on the Scottish list of species of special concern under retained EU Regulation (1143/2014) on invasive alien (non-native) species.

- [Consolidated list of species of Union concern](#).

Zoos and wildlife parks must apply for a [non-native species licence](#) from NatureScot¹ if they wish to continue to keep any of the animals on the list. As a condition of a non-native species licence, zoos must keep the animal in a secure enclosure and take reasonable steps to prevent it from escaping or reproducing.

Additionally, the Zoo Licensing Act 1981, section 1A, 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.

In order to avoid committing an offence you must ensure that

- your animals are kept in secure enclosures, or for free-ranging species, securely within the perimeter of the zoo;
- animals and birds used in displays are correctly trained, to ensure their return.

Additionally you should make every effort to recover escapes and inform the appropriate authorities.

¹ Licences are issued by Scottish Natural Heritage, acting under its operating name NatureScot.

1. Enclosures

Other than when under the control of authorised staff, your animals must be kept in secure enclosures. It is your responsibility to ensure the enclosure is sufficiently secure to prevent escape.

The following is general guidance and is not a substitute for following industry good practice or expert advice.

Enclosures should

- have barriers designed, constructed and maintained to contain the animals;
- have gates and doors, kept locked, and that are as effective in containing the animals as the rest of the enclosure; and
- be free from any vegetation or other items which would aid escape.

Animals which can climb or jump should be kept in enclosures secure enough to prevent them from escaping. Trees should 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 should be kept in enclosures so constructed as to avoid escape underneath barriers.

Enclosures should be sufficient to contain the relevant animal(s) securely. You should be able to demonstrate that this is the case, 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 still occur.

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

2. Free-ranging species

Animals maintained in a free-ranging state must not be able to leave the confines of walk-through exhibits, drive-through enclosures or, in certain circumstances, the perimeter of the zoo. For example:

- Free-range poultry may be kept within the perimeter of the zoo provided they can be gathered for husbandry purposes.
- Waterfowl outwith enclosures must have their ability to fly restricted at all times.
- Drive-through or walk through enclosures must have adequate fences and secure gates or cattle grids at entry and exit points.

3. Displays

You must take into account the Wildlife and Countryside Act 1981 where animals are used in displays, for example if you fly birds in falconry displays. You must be aware of the legislation and take every precaution to prevent escapes.

Particular points to note are that

- animals should be trained sufficiently to ensure their return;
- transmitters should be used to help to locate animals which have strayed; and
- enough adequately trained staff should be available to retrieve animals when lost.

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 licensing authority to discuss what action they require from you.

All escapes should also be reported to NatureScot at the earliest opportunity:

- Call the NatureScot Switchboard on 01463 725000 or 01738 444177.
Switchboard Hours 09:00-15:00 (Monday to Friday)
- Alternatively, email ENQUIRIES@Nature.scot

The procedures to be adopted in the event of escapes within or from the zoo (or of accidental or unauthorised releases) 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 be 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 species of plants (for example to create habitat or as feed) you must make sure that you are not causing those plants to grow in the wild.

6. Useful links

[Zoo Licensing Act 1981: Guide to the Act's provisions \(UK government guidance\)](#)

[The GB Code of Conduct on Invasive Non-Native Species for Zoos and Aquaria](#)