

ZOOS AND AQUARIUMS LICENSED UNDER THE ZOO LICENSING ACT 1981 KEEPING NON-NATIVE SPECIES (INCLUDING LISTED INVASIVE ALIEN SPECIES): YOUR RESPONSIBILITIES

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

Responsibilities under the Wildlife and Countryside Act 1981

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 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

Strict restrictions apply to certain non-native species listed under EU Regulation 1143/2014 on the prevention and management of the introduction and spread of invasive alien species. These are referred to as ‘listed species’ through the remainder of this guidance note. The restrictions mean listed 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 listed species (see Annex 1) of which about 6 are kept in zoos in any numbers.

After the end of the transition period, EU Regulation 1143/2014 will become part of retained EU law. This means the restrictions will continue to apply in the UK. Some amendments to the retained law will enter into force at the end of the

transition period to ensure that the legislation remains operable in a UK context and continues to work as intended. These amendments have been included in a number of statutory instruments, the main one being [the Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019](#).

The Invasive Alien Species (Enforcement and Permitting) Order 2019 introduced measures to enforce offences under EU Regulation 1143/2011 and a permitting and licensing regime. The permitting and licensing 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. Annex 2 gives a full explanation on the implications of listing for zoos.

GENERAL GUIDANCE

1. Containment

Animals which are non-native should be kept in secure enclosures from which escape is not possible. It is your responsibility to ensure the enclosure are 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 could 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 constructed so as to avoid escape e.g. by burrowing under the perimeter fence of the enclosure.

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, they should be repaired as soon as possible and animals temporarily moved to undamaged secure enclosures while this is taking place.

The perimeter boundary should be secured in accordance with the Secretary of State's and Welsh Government's standards of modern zoo practice.

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. You should however 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 listed under EU Regulation 1143/2011 cannot be used as part of displays e.g. flying displays for sacred ibis.

3. Transport

You should not transport any listed species away from your zoo unless such transport is covered in your permit or licence.

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 listed species (or any non-native species likely to establish in the wild) should also be reported to the Animal and Plant Health Agency, Natural England (call the Enquiries Team on 0300 060 3900) or Natural Resources Wales (call NRW enquiries 03000 653000) 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 listed under EU Regulation 1143/2014 must not be used except in accordance with a licence issued by Natural England or Natural Resources Wales or a permit issued by APHA.

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](#)

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

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

Annex 1: Current list of animals listed under EU Regulation 1143/2014 (as IAS of Union 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>	Red-eared terrapin
<i>Vespa velutina nigrithorax</i>	Asian hornet

Annex 2: Responsibilities under retained EU law regarding Invasive Alien Species and the Invasive Alien Species (Enforcement and Permitting) Order 2019

The 2019 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 2019 Order do not apply to anything done under, and in accordance with a permit or a licence.

Keeping

All zoos which keep any of these species 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.

You can apply to APHA for a permit under Article 35 (1) (a) of the 2019 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: wildlife.licensing@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. Listed species 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.

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.

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).