Legislation & Regulation

At the end of World War II, there were only 14 zoos in Britain. This number slowly increased throughout the fifties until, in 1961, the number had reached 31. During the next 10 years almost 100 animal collections were added to this figure.

No statute governed the way in which wild animals were kept in captivity, and many proprietors were entirely ignorant of the requirements of the exotic species in their care. Their conduct fell short of overt cruelty and physical neglect, which would have left them amenable to prosecution, but many of the new wave of zoos were really substandard ghettos displaying inadequate standards of welfare, accommodation, and safety. These establishments appeared to exhibit wildlife simply for monetary gain.

Concern about the standards of zoo animal management, accommodation, and public and staff safety grew. By the early seventies, an attempt was made to introduce into Parliament a "Bill to Control Zoological Gardens." This bill was doomed from the outset for, while the better zoos of Britain accepted the idea that some form of control was needed, the commercialized zoos banded together in a concentrated effort to change the proposed legislation. The British government told the zoo world to "get its house in order" and return with concrete proposals, agreeable to all, at a later date.

The issue remained dormant for some years, despite protests from organizations like the RSPCA about the appalling conditions in a number of zoos, until the gauntlet was once again picked up, on this occasion by Lord Craigton, at that time Chairman of the Federation of Zoological Gardens of Great Britain and Ireland. Lord Craigton agreed to draft a bill to license zoos. Over a 2-year period, he consulted with many people in the zoo industry and the animal welfare field. In the winter of 1980 his bill was picked up by John Blackburn, and introduced, with some minor amendments, into the House of Commons.

One of the major stumbling blocks in this proposed piece of legislation was the question of enforcement or, more precisely, who was to be designated as the agent of enforcement? In the United Kingdom, the responsibility for enforcing much legislation devolves upon the local authority, such as the County Council or District Council, and many of the Acts relating to animal welfare legislation fall into this category. In the view of the RSPCA, in certain cases this enforcement has proven to be inadequate. So the RSPCA, and many of Britain's leading zoos, objected strongly to the suggestion that zoos should be inspected by the local authority. They felt that the science of captive animal management had advanced sufficiently in recent years to warrant zoo inspection by experts, and that local authorities were unlikely to have sufficient incentive to consult such experts.

It was also felt that the local authority might well have a personal interest in a zoo in his or her area; for instance, many authorities lease the land to the zoo. Even in those cases where there is no direct financial link between zoo and local authority, it is not uncommon for the council members to look upon the zoo as a free tourist attraction, especially when it is located in a coastal resort. Zoos also generate income: in the U.K. all property owners pay an annual tax to the local authority based on the notional value of the premises. Equally, some zoos felt that they might be subject to unfair restrictions if the council felt hostile to a particular collection. Lord Craigton accepted these points as matters of concern and consulted with the Secretary of State for the Environment. It was subsequently agreed that an independent panel of experts should be established for the purposes of zoo inspection. This panel would be known as the Secretary of State's List.

This new agreement represents an innovation in British legislation. What it

means, in practice, is that although a local authority functions as the licensing body for the purposes of the act and will make inspections of the zoo premises, it is obligated to include, among its inspection team, some members drawn from the Secretary of State's List. This novel provision must be read in conjunction with another significant section, entitled "Secretary of State's Standards," which reads: "After consulting such persons on the list and such other persons as he thinks fit, the Secretary of State may from time to time specify standards of modern zoo practice, that is, standards with respect to the management of zoos and the animals in them." This may seem a somewhat ambiguous statement that implies some degree of circularity. It certainly leaves the details of welfare conditions to be incorporated in a Code of Practice, but it clearly allows room for further maneuver if the legislation fails to improve standards adequately; and it does have the advantage that improvements in standards do not have to be won in Parliament. This is significant.

The Zoo Licensing (no. 2) Bill (as it was called) had a fairly stormy passage through Parliament, and many amendments that the RSPCA had hoped for were lost in the process. However, some progress was realized. A particularly worrying provision that related to the setting up of temporary seaside zoos was successfully removed as a result of Society pressure, and the RSPCA also obtained a tighter definition of what constitutes a zoo, removing one potential loophole involving trade in wild animals. The bill finally became an Act of Parliament on July 27, 1981.

It is therefore apparent why the RSPCA is not entirely satisfied with the completed Act, as there is little in the way of welfare considerations specifically written into it. And it is regrettable that the Act appears to rely solely on good faith; for upon the inspectors' interpretation of the Act, and the standards prescribed by the Code of Practice, will depend the quality of British zoos.

Nonetheless, it would be wrong to condemn this piece of legislation at this early stage. Since the Act was passed by Parliament, there has been consultation with the various bodies concerned with zoos, and a draft Code of Practice has subsequently been submitted to the government department concerned. This code is of a high standard, and if the quality of the inspectors matches it, and the legislation is enforced with vigor, it may well mean an end to the slum zoos of Britain.

At present, the Zoo Licensing Act has not yet been brought into force, pending decisions on the standards to be applied and the membership of the list. Once it is in force, the RSPCA will monitor its effect with interest. If it appears to fail in its objective, namely, an improvement in the welfare of captive animals, the Society will once again focus its attention on legislation, urging an interpretation more favorable to the welfare of zoo animals.

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