

# CEREDIGION COUNTY COUNCIL

**Report to:** Healthier Communities Overview and Scrutiny Committee

**Date of meeting:** 22<sup>nd</sup> September 2021

**Title:** An introduction to The Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021; which introduces a ban on third party sales of puppies (and kittens) ("Lucy's law") in Wales.  
Overview of the current situation with licensed dog breeding in Ceredigion.

**Purpose of the report:** To inform Scrutiny of the new legislation and those additional requirements. To provide an outline of the current position on licensed dog breeding.

Officers within Public Protection require authorisation under the above regulations in order to enforce the legislation on behalf of the Authority.

**For:** Scrutiny

**Cabinet Portfolio and Cabinet Member:** Councillor Gareth Lloyd – Public Protection

## Background

On the 19<sup>th</sup> September 2018, the Healthier Communities Overview and Scrutiny Committee passed a motion fully supporting the Lucy's Law National Campaign to ban the selling of puppies by third parties. The Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021, brings this ban into legislation and comes into force on the 10<sup>th</sup> September 2021. The legislation bans the selling of both puppies and kittens by third parties, and in addition places higher standards of welfare on "pet shops".

## Current Position

There are currently 6 licensed pet shops, and 25 licensed dog breeding establishments in Ceredigion. They are licensed annually, and are inspected by Public Protection Officers from the Public Protection team. The legislation is made under the Animal Welfare Act 2006, therefore the focus of the license is to protect the health and welfare of the breeding animals, and the resulting offspring.

There has been some controversy over dog breeding over the recent years, with the authority having to work hard with some breeders to meet the minimum standards for animal welfare. Unfortunately in some instances more formal action was necessary to protect the animals.

Many commercial licensed dog breeders have historically sold their puppies to dealers, who then may sell those puppies onto pet shops. As such those businesses will be affected by the new legislation, as all their puppies will have to be sold from the premises. Of course, those dealers and pet shops will also not be allowed to trade puppies or kittens under the legislation.

### New Position

There is a potential therefore for many local establishments selling animals as pets to now require a license. The draft statutory guidance suggests the following as falling outside the scope criteria: -

- The infrequent sale of a small number of surplus offspring/excess stock by a private individual who breeds animals as a hobby, for pleasure, exhibition for prize, or for education, study or scientific advancement. A hobby breeder may not be breeding with the intention of making a profit
- Organised events where people meet to sell surplus animals they have bred, or animals that are surplus to their requirements
- Aquacultural Production Businesses that are authorised under regulation 5(1) of the Aquatic Animal Health (England and Wales) Regulations 2009
- The non-commercial rehoming of animals, including puppies and kittens.

In determining whether a person requires a license, there is a business test whereby it ensures not all persons selling pets will require a license (thereby exempting someone selling the offspring of a pet etc).

- (a) makes any sale by, or otherwise carries on, the activity with a view to making a profit, or
- (b) earns any commission or fee from the activity

### Third Party Sellers (Lucy's Law)

The new legislation provides an exemption for dog breeders who are licensed under the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014. This avoids dog breeding establishments needing two licenses (and the associated costs for each) Nevertheless the activity of third party selling of puppies is still banned for licensed dog breeders under the new legislation.

The legislation specifies conditions to place on a license, and they are detailed as follows : -

5.1 No animal of any of the following descriptions may be sold as a pet, or sold with a view to being resold as a pet, by or on behalf of the licence holder —

- (a) unweaned mammals;
- (b) mammals weaned at an age at which they should not have been weaned;
- (c) non-mammals that are incapable of feeding themselves;
- (d) puppies, kittens, ferrets or rabbits, aged under 8 weeks.
- (e) puppies or kittens which were not bred by the licence holder at the premises.

The draft statutory guidance further clarifies

- Puppies and kittens can only be sold by their breeder at the premises. The breeder must be the same named individual as the licence holder on the pet vending licence.
- In order to demonstrate that they have bred the animals, the licence holder must be able to evidence that they had control over the decisions made for the complete reproductive process from dam/sire selection, conception and gestation to birth.
- The inspector must be shown records of the mating(s), including the location of mating/fertilisation (including where this may have occurred on other premises), the identity of the sire (where known), as well as being shown how and where the animals are born, reared and kept until sale.
- The expectation is that prospective buyers will ask to see the offspring with the mother before making any purchasing decisions and the inspector should also view the mother and the offspring in the environment that will be used for potential buyers.
- Licence holders may provide other supporting evidence such as photographs, microchip and veterinary records to show that they housed and cared for the animal and its mother for the first 8 weeks of its life.

### Enforcement

The new licensing regime may cause additional workload to the Public Protection team, as it may render some smaller pet breeders as requiring a license. Those breeders who fall below the threshold of requiring a dog breeding license, may pass the “business test” as requiring a license for selling pets. Similarly for any breeder of animals kept as pets, this may bring more workload. This business test assessment process maybe labour intensive, nevertheless it would be beneficial that all pet sellers (especially of puppies) are known/registered/licensed to ensure welfare standards.

There are currently 3 licensed dog breeders who have also historically held a “pet shop” license. They would sell the puppies of other breeders as part of their own business. The legislative changes clearly prevents this practice from occurring further. There is no concern those license holders would not comply with requirements. However the practice of swapping breeding dogs, and otherwise such an activity of passing puppies is a challenging offence to investigate.

The local dog breeding industry has been aware of the impending ban on third party sellers, and has adapted in response. The number of breeders selling puppies to

dealers has decreased markedly, with breeders investing in show spaces on their establishments to show prospective customers.

### General Position on Dog Breeding Licenses

The Public Protection team has worked very hard with the dog breeding establishments to bring all up to the expected licensed standards. Regrettably there have been incidences where the license holders have chosen not to work with the authority, and as such have been subject to enforcement action through the courts. Such decisions are never taken lightly, however it exhibits the commitment Ceredigion County Council holds to maintaining high standards of welfare, and supports those breeders who work hard to maintain the highest standards.

As a result of recent work, the Public Protection Officers have reported that compliance with license conditions have improved across all licensed establishments. Some have adopted higher standards of welfare by securing Kennel Club Accreditation. For example several establishments now retire a breeding bitch after 4 litters (as per kennel club recommendation) whereas a bitch may have up to 6 litters in her career. In addition a number of establishments now provide nursery areas and playrooms as supplementary to whelping areas to enhance socialization and enrichment for puppies, when they are only obliged to provide a whelping area for puppies. The industry understanding of the importance of socialisation and enrichment to produce puppies that will fit into family life has improved.

The drivers for this rise in standards can be explained by any or all of the following reasons

- increased competition amongst breeders for customers
- increased expertise and understanding by breeders through education
- increased expectation, and consumer understanding from prospective customers
- an awareness that several premises in Ceredigion have been refused license in recent years for not meeting the relevant standards

### Unlicensed Breeders

The authority continues to monitor for unlicensed breeders within the area. It works closely with the most prominent puppy selling websites such as Pet4Homes, Preloved, Gumtree and FreeAds. The section utilizes its powers as a delegated authority to enact exemptions to the Data Protection Act 2018 to obtain specific sensitive information regarding accounts on these websites which are routinely used as a platform for puppy selling.

Those breeders who are identified as potentially requiring a license would be subject to the Council Enforcement Policy.

### Summary

The implementation of “Lucy’s Law” will serve to improve the welfare standards that Ceredigion County Council seeks to maintain across all the animal industry sectors.

The introduction of Lucy's Law occurs after the authority has worked hard, and seen genuine improvement within the dog breeding industry within Ceredigion which is an extremely encouraging item to report.

The new pet licensing legislation does introduce concerns over the addition resource implications, therefore requires careful monitoring to assess the impact on the service.

**Has an integrated impact assessment been completed? If not, please state why**

**Wellbeing of Future Generations:** *Summary*

**Long-term:**

The new legal requirements are statutory

Public Protection, animal welfare is a statutory duty of the authority and contributes towards the Well-being goals within the Well-being of Future Generations Act (Wales) 2015.

**Collaboration:** Public Protection collaborate extensively with partner agencies including, Animal & Plant Health Agency, other Local Authorities, Dyfed-Powys Police, Welsh Government, RSPCA

**Involvement:** Public Protection enforcement activity begins with engagement and encouragement and promotes compliance with legislation.

**Prevention**

There is an emphasis on prevention as processes ensure that a number of checks and safeguards are in place before an activity is permitted or licenced.

**Integration**

Public Protection activity is in line with the objectives of health partners and makes a contribution to a number of the Wellbeing goals within the Well-being of Future Generation (Wales) Act 2015and

**Recommendation(s):**

That scrutiny consider the content and implications of the report.

That the additional enforcement requirements on the Public Protection service are noted.

<b>Reason(s) for decision:</b>	In order to comply with statutory requirements and to ensure proper and effective enforcement of the legislation and to improve animal health.
<b>Overview and Scrutiny:</b>	Members of the Healthier Communities Overview and Scrutiny Committee have been asked to consider the content and implications of this report.
<b>Policy Framework:</b>	Corporate Strategy 2017-2022
<b>Corporate Priorities</b>	<ul style="list-style-type: none"> <li>• Investing in People's Future</li> <li>• Promoting Environmental and Community Resilience</li> </ul>
<b>Finance and procurement implications:</b>	None
<b>Legal implications:</b>	Additional legal obligations
<b>Staffing implications:</b>	Potential additional workload may place additional strain on staff resources should significant additional licensing is required
<b>Property/asset implications:</b>	None
<b>Risk(s):</b>	Legal challenge / Reputational damage – Welsh Government has placed a duty to license these premises, and to enforce third party seller ban on puppies and kittens
<b>Statutory Powers:</b>	The Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021 are made under the Animal Welfare Act 2006 which includes enforcement duties on the Local Authority.
<b>Background Papers</b>	<ul style="list-style-type: none"> <li>• The Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021</li> </ul>

- Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014

Corporate Lead Officer: Alun Williams (Policy & Performance)

Reporting Officer: Heddwyn Evans (Environmental Health Manager)

Date: 18 August 2021

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WELSH STATUTORY INSTRUMENTS

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2014 No. 3266 (W. 333)

ANIMALS, WALES

The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014

*Made* - - - - - *10 December 2014*

*Coming into force* - - - *30 April 2015*

The Welsh Ministers, as the appropriate national authority in relation to Wales(1), make the following Regulations in exercise of the powers conferred by sections 13(2), (7), (8)(e), (10) and Parts 1 and 3 of Schedule 1 to the Animal Welfare Act 2006(2).

In accordance with section 13(9) of that Act, the Welsh Ministers have consulted those persons appearing to them to represent interests with which these Regulations are concerned as they considered appropriate.

In accordance with section 61(2) of that Act(3), a draft of this instrument has been laid before, and approved by resolution of, the National Assembly for Wales.

PART 1

Introduction

**Title, application and commencement**

**1.—(1)** The title of these Regulations is the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.

(2) They apply in relation to Wales and come into force on 30 April 2015.

**Repeal of section 1(1) of the Breeding of Dogs Act 1973**

**2.** In section 1 of the Breeding of Dogs Act 1973 (licensing of breeding establishments for dogs), after subsection (1) insert—

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(1) The appropriate national authority is defined in section 62(1) of the Animal Welfare Act 2006. Functions conferred on the National Assembly for Wales are now vested in the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) 2006 c.45.

(3) 2006 c.45 By virtue of section 162 of, and paragraph 34 of Schedule 11 to, the Government of Wales Act 2006 (c.32), the reference in section 61(2) to “House of Parliament” includes the National Assembly for Wales.

“(1A) Subsection (1) does not apply in relation to Wales.”

## Interpretation

### 3. In these Regulations—

“the Act” (“*y Ddeddf*”) means the Animal Welfare Act 2006;

“adult dog” (“*ci llawndwf*”) means a dog which is not less than 6 months old;

“breeding bitch” (“*gastfridio*”) means an un-neutered female dog that is not less than 6 months old;

“draft enhancement and enrichment programme” (“*rhaglen wella a chyfoethogi ddrafft*”) means a document detailing how dogs will have the opportunity to express normal behaviour patterns submitted by the applicant to the local authority under regulation 7;

“draft socialisation programme” (“*rhaglen gymdeithasoli ddrafft*”) means a document detailing how puppies will be introduced to human handling, domestic environments, play and how they will be prepared for separation from the dam submitted by the applicant to the local authority under regulation 7;

“enhancement and enrichment programme” (“*rhaglen wella a chyfoethogi*”) means a document approved in writing by the local authority detailing how dogs will have the opportunity to express normal behaviour patterns;

“full-time attendant” (“*gweinydd llawn-amser*”) means a person who works, either paid or unpaid, at least 37 hours per week on the licence holder’s premises;

“inspector” (“*arolygydd*”) means any person who has written authority from a local authority to act in matters arising under or in relation to the Act or these Regulations;

“licence” (“*trwydded*”) means a licence granted under regulation 8;

“licence conditions” (“*amodau trwydded*”) means those conditions set out in Schedule 1 to these Regulations and any further conditions attached to a licence by the local authority;

“local authority” (“*awdurdod lleol*”) means the county council or a county borough council in whose area the applicant for a licence under regulation 7 carries out the activity of dog breeding;

“part-time attendant” (“*gweinydd rhan-amser*”) means a person who works, either paid or unpaid, between 18.5 and 37 hours per week on the licence holder’s premises;

“puppy” (“*ci bach*”) means a dog which is less than 6 months old;

“socialisation programme” (“*rhaglen gymdeithasoli*”) means a document approved in writing by the local authority detailing how puppies will be introduced to human handling, domestic environments, play and how they will be prepared for separation from the dam.

## PART 2

### Requirement to hold a licence

#### Licensing of dog breeders

##### 4. Dog breeding is a specified activity, for the purposes of section 13(1) of the Act.

#### Dog breeding: interpretation

##### 5.—(1) A person carries on the activity of dog breeding for the purposes of section 13(1) of the Act if that person keeps on premises 3 or more breeding bitches and—

- (a) breeds on those premises 3 or more litters of puppies in any 12 month period;
  - (b) advertises for sale from those premises a puppy or puppies born from 3 or more litters of puppies for sale in any 12 month period;
  - (c) supplies from those premises a puppy or puppies born from 3 or more litters of puppies in any 12 month period; or
  - (d) advertises a business of breeding or selling puppies from those premises.
- (2) For the purposes of paragraph (1) any dog found on premises will be presumed to be kept by the occupier of those premises until the contrary is proved.
- (3) For the purposes of paragraph (1)(a) to (c) it is immaterial whether or not the litters of puppies are bred from the breeding bitches referred to in paragraph (1).
- (4) This regulation is subject to regulation 6.

#### **Dog breeding: exclusion**

6.—(1) A person does not carry on the activity of dog breeding for the purposes of section 13(1) of the Act if the dogs mentioned in regulation 5 are bred—

- (a) for use in regulated procedures, and
- (b) at a place specified in a section 2C licence by virtue of section 2B(2)(b) of the Animals (Scientific Procedures) Act 1986.

(2) In paragraph (1) “regulated procedure” and “section 2C licence” have the meaning given by section 30 of the Animals (Scientific Procedures) Act 1986.

## **PART 3**

### **Licences**

#### **Application for a licence**

- 7.—(1) To apply for a licence under these Regulations an applicant must submit—
- (a) an application in a form and manner approved by the local authority;
  - (b) a draft enhancement and enrichment programme;
  - (c) a draft socialisation programme;
  - (d) details of the anticipated number of adult dogs and puppies to be present on the premises at any one time; and
  - (e) such supporting documentation as the authority reasonably requires.
- (2) The applicant must pay any appropriate fee in accordance with regulation 12.

#### **Grant or renewal of licences**

8.—(1) On receipt of an application complying with regulation 7, a local authority must inspect the applicant’s premises and if satisfied—

- (a) that the licence conditions are or will be met;
- (b) with the draft enhancement and enrichment programme;
- (c) with the draft socialisation programme; and
- (d) as to any other matters the local authority considers relevant;

may grant a licence to the applicant.

- (2) The local authority must attach to each licence granted—
  - (a) the conditions contained in Schedule 1 to these Regulations;
  - (b) a condition specifying the maximum number of adult dogs and puppies to be kept under the terms of the licence; and
  - (c) a condition specifying a staff to adult dog ratio which must ensure as a minimum staff requirement—
    - (i) 1 full-time attendant per 20 adult dogs kept; or
    - (ii) 1 part-time attendant per 10 adult dogs kept.
- (3) Subject to paragraph (2) the local authority may also attach further conditions to a licence as it considers necessary.
- (4) The local authority may grant or renew a licence for any period up to 1 year.

### **Consideration of applications for licences**

**9.—(1)** When considering whether to grant or renew a licence the local authority must be satisfied that—

- (a) dogs are at all times kept in accommodation that is of an appropriate construction and size, with appropriate exercise facilities, temperature, lighting, ventilation and cleanliness;
  - (b) appropriate whelping facilities are available;
  - (c) dogs are supplied with suitable food, drink and bedding; and
  - (d) dogs are supplied with adequate facilities to enable them to exhibit normal behaviour patterns.
- (2) Prior to granting or renewing a licence, in considering whether the licence conditions will be met, a local authority is entitled to take account of the applicant's conduct or any other circumstances that the local authority considers are relevant.

### **People who may not apply for a licence**

- 10.** No person may apply for a licence if they are disqualified under—
- (a) section 33 of the Welfare of Animals Act (Northern Ireland) 2011(**4**);
  - (b) section 34 of the Act;
  - (c) section 40(1) and (2) of the Animal Health and Welfare (Scotland) Act 2006(**5**);
  - (d) section 33A of the Dogs (Northern Ireland) Order 1983(**6**);
  - (e) section 3(3) of the Breeding of Dogs Act 1973(**7**) from keeping a breeding establishment;
  - (f) section 4(3) of the Riding Establishments Act 1964 from keeping a riding establishment(**8**);
  - (g) section 3(3) of the Animal Boarding Establishments Act 1963 from keeping a boarding establishment(**9**);
  - (h) section 1(1) of the Protection of Animals (Amendment) Act 1954 from having custody of an animal(**10**);

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(4) 2011 c. 16.

(5) 2006 asp 11.

(6) 1983/764 (N.I. 8).

(7) 1973 c. 60. Section 3(3) was amended by section 5(1) of the Breeding and Sale of Dogs (Welfare) Act 1999 ([c. 11](#)).

(8) 1964 c. 70. Section 4(3) was amended by section 64 of, and paragraph 6(2) of Schedule 3 to, the Animal Welfare Act 2006.

(9) 1963 c. 43. Section 3(3) was amended by section 64 of, and paragraph 5(2) of Schedule 3 to, the Animal Welfare Act 2006.

(10) 1954 c. 40. Section 1 was repealed by section 65 of, and Schedule 4 to, the Animal Welfare Act 2006.

- (i) section 5(3) of the Pet Animals Act 1951 from keeping a pet shop(11); or
- (j) section 6(2) of the Dangerous Wild Animals Act 1976 from the ownership of an animal(12),

and any licence issued to a person so disqualified is invalid.

#### **Death of a licence holder**

**11.**—(1) If the licence holder dies that licence is deemed to have been granted to the personal representatives of the licence holder so long as none of the personal representatives is subject to an order for disqualification under any of the provisions set out in regulation 10, and remains in force for a period of 3 months beginning with the date of death, but remains subject to the provisions in Part 3.

(2) The personal representatives must notify the local authority which issued the licence that the licence has vested in them within 4 weeks of the death of the licence holder.

(3) Subject to paragraphs (4) and (5), a local authority may, on the application of those personal representatives, extend the period of 3 months referred to in paragraph (1) if the local authority is satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make extension undesirable.

(4) Before extending a licence beyond 1 year from the date upon which it was issued, a local authority must inspect the licence holder's premises, and at least once per year thereafter during the period of extension.

(5) No licence may be extended under paragraph (3) beyond 3 years from the date upon which the licence was issued.

#### **Fees**

**12.**—(1) A local authority may charge such fees as it considers necessary—

- (a) for the consideration of an application for a licence; and
- (b) for the grant or renewal of a licence.

(2) The fee charged for consideration of an application for a licence must not exceed the reasonable costs of carrying out that consideration.

(3) The fee charged for granting or renewing a licence must not exceed the sum of the costs of making the grant or renewal and the reasonable anticipated costs of future monitoring of compliance with these Regulations and the licence conditions by the licence holder.

#### **Guidance**

**13.** The local authority must have regard in the carrying out of its functions under these Regulations to such guidance as may be issued by the Welsh Ministers.

## **PART 4**

### **Suspension, Variation and Revocation of a Licence**

#### **Grounds for suspension and variation**

**14.** A local authority may at any time suspend or vary a licence on being satisfied that—

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(11) [1951 c.35](#) Section 5(3) was amended by section 64 of, and paragraph 3(2) of Schedule 3 to, the Animal Welfare Act 2006.  
(12) [1976 c.38](#). Section 6(2) was amended by section 64 of, and paragraph 9 of Schedule 3 to, the Animal Welfare Act 2006.

- (a) the matters referred to in regulation 9(1)(a) to (d) are not satisfied;
- (b) the licence conditions are not being complied with;
- (c) there has been a breach of these Regulations;
- (d) information supplied by the licence holder is false; or
- (e) it is necessary to protect the welfare of a dog.

### **Procedure for suspension and variation**

**15.**—(1) A suspension or licence variation under regulation 14 has effect at the end of the period of 7 days beginning with the date of service of the notice of suspension or notice of variation.

(2) If it is necessary to protect the welfare of a dog the local authority may specify in the notice that the suspension or variation has immediate effect.

(3) A notice of suspension or variation must—

- (a) state the local authority's grounds for suspension or variation;
- (b) state when it comes into effect;
- (c) specify measures that the local authority considers are necessary in order to remedy the grounds; and
- (d) explain the right of the licence holder to make written representations in accordance with paragraph (4) and give the details of the person to whom such representations may be made and the date by which they must be made.

(4) Where the notice does not have immediate effect the licence holder may make written representations against the notice to the local authority within 7 days of the date of service of the notice.

(5) Where representations are made under paragraph (4), the suspension or variation does not have effect until the local authority considers the representations and makes a determination on them in accordance with paragraph (6).

(6) The local authority must make a determination on the representations and notify the licence holder in writing, giving its reasons, within 7 days of receipt of those representations.

(7) If a licence has been suspended for more than 28 days the local authority must—

- (a) reinstate that suspended licence; or
- (b) revoke that suspended licence.

### **Reinstatement of licence**

**16.**—(1) A local authority must reinstate a suspended licence by way of notice once it is satisfied that the grounds specified in the notice of suspension have been or will be remedied.

(2) Where a licence is reinstated under paragraph (1) the period for which it is issued may be varied but the licence may not be extended beyond 1 year from the date upon which it was reinstated.

### **Grounds for revocation of a licence**

**17.**—(1) The local authority may revoke a licence on being satisfied that—

- (a) the matters referred to in regulation 9(1)(a) to (d) are not satisfied;
- (b) the licence conditions are not being complied with;
- (c) there has been a breach of these Regulations;
- (d) information supplied by the licence holder is false; or

(e) it is necessary to protect the welfare of a dog.

(2) Where a licence holder is disqualified under any of the enactments listed in regulation 10 their licence is automatically revoked when the time limit for any appeal against that disqualification expires or, if an appeal is made, when that appeal is refused.

### **Notice of revocation**

**18.** A notice of revocation must—

- (a) state the local authority's grounds for revocation;
- (b) state when it comes into effect; and
- (c) set out the right of appeal to a magistrates' court.

## **PART 5**

### Appeals

#### **Right of Appeal**

**19.—(1)** Any person who is aggrieved by the refusal to grant or renew, or the decision to revoke, a licence may appeal to a magistrates' court.

(2) The procedure on an appeal to a magistrates' court under paragraph (1) is by way of complaint, and the Magistrates' Courts Act 1980(**13**) applies to the proceedings.

(3) The period within which an appeal may be brought is 28 days beginning with the day following the date on which the decision is notified.

## **PART 6**

### Miscellaneous provisions

#### **Power to take samples**

**20.** An inspector may, for the purposes of ensuring the provisions of these Regulations are being complied with, take saliva or hair samples for DNA testing, from any dog on premises occupied by the licence holder.

#### **Duty to assist in the taking of samples**

**21.** The licence holder must comply with any reasonable request of an inspector in order to facilitate the identification and examination of a dog and the taking of samples in accordance with regulation 20 and, in particular, must arrange the penning of a dog if so requested by an inspector.

#### **Offences**

**22.—(1)** It is an offence for a person, without lawful authority or excuse, to contravene any licence condition.

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(13) 1980. c. 43.

(2) A person guilty of an offence under this regulation is liable on summary conviction to imprisonment for a term not exceeding 6 months, a fine not exceeding level 5 on the standard scale, or both.

### **Powers of Entry**

**23.** Breach of a licence condition must be treated as a relevant offence for the purpose of section 23 of the Act (entry and search under warrant in connection with offences).

### **Post Conviction Powers**

**24.** The relevant post conviction powers contained in sections 34 and 42 of the Act apply in relation to a conviction for an offence of breach of a condition of a licence granted under these Regulations.

### **Transitional provisions**

**25.** A licence granted under the Breeding of Dogs Act 1973 will continue to have effect as if it were a licence granted under regulation 5.

### **Consequential amendments**

**26.** Schedule 2 (consequential amendments) has effect.

### **Enforcement**

**27.** These Regulations are enforced by the local authority.

*Rebecca Evans*

Deputy Minister for Farming and Food, under  
authority of the Minister for Natural Resources,  
one of the Welsh Ministers

10 December 2014

# SCHEDULES

## SCHEDULE 1

Regulation 8(2)

### PART 1

#### Licence Conditions

##### **Condition 1: Enhancement and Enrichment**

1. The licence holder must implement an enhancement and enrichment programme that has been approved by the local authority.

##### **Condition 2: Socialisation**

2. The licence holder must implement a socialisation programme that has been approved by the local authority.

##### **Condition 3: Health**

3. The licence holder must take all reasonable steps to protect dogs from pain, suffering, injury and disease.

##### **Condition 4: Mating**

4. The licence holder must ensure a breeding bitch—
  - (a) is not mated until she is 12 months old;
  - (b) does not give birth to more than 1 litter of puppies in a 12 month period; and
  - (c) does not give birth to more than 6 litters of puppies in total.

##### **Condition 5: Change of ownership of a puppy**

5. The licence holder must retain ownership and possession of a puppy on the premises occupied by the licence holder until it is at least 56 days old.

##### **Condition 6: Breeding bitch record requirements**

- 6.—(1) The licence holder must maintain a written record in relation to each breeding bitch kept setting out her:

- (a) name;
- (b) date of birth;
- (c) breed;
- (d) physical description including colour and identifying features;
- (e) health status;
- (f) mating details including;

- (i) in relation to the sire, the information required in sub-paragraph 1(a) to (e);
  - (ii) in relation to each puppy born—
    - (aa) date of birth;
    - (bb) when ownership is transferred, the new owners name and address.
- (2) When ownership of a breeding bitch is transferred the name, address and telephone number of the new owner must be recorded by the licence holder on the record referred to in sub-paragraph (1) and a copy of the record must be provided to the new owner and a copy retained by the licence holder.
- (3) The record referred to in sub-paragraph (1) must be available for inspection and retained by the licence holder for the lifetime of the breeding bitch.

#### **Condition 7: Puppy record requirements**

- 7.—(1) The licence holder must maintain a written record confirming the following details in relation to each puppy which is on the premises occupied by the licence holder:
- (a) sex;
  - (b) date of birth;
  - (c) breed;
  - (d) physical description including colour and identifying features;
  - (e) health status;
  - (f) in relation to the dam, the information required by condition 6(1)(a) to (e); and
  - (g) in relation to the sire, the information required by condition 6(1)(a) to (e).
- (2) When ownership of a puppy is transferred, the name address and telephone number of the new owner must be recorded by the licence holder on the record referred to in sub-paragraph (1) and a copy of the record must be provided to the new owner and a copy retained by the licence holder.
- (3) The record referred to in sub-paragraph (1) must be available for inspection by the local authority at any time and retained by the licence holder for 3 years from the date of birth of the puppy.

#### SCHEDULE 2

Regulation 26

##### Consequential amendments

#### **Breeding of Dogs Act 1973**

1. In section 5 of the Breeding of Dogs Act 1973 (interpretation), in subsection (2), in the definition of “local authority”, omit “and in Wales the council of a county or county borough”.

#### **Local Government (Wales) Act 1994**

2. In Schedule 16 of the Local Government (Wales) Act 1994 (other consequential amendments), omit paragraph 42.

#### **Guard Dogs Act 1975**

3. In section 3 of the Guard Dogs Act 1975 (guard dog kennel licences), before subsection (6) insert—

“(5B) Where a person is convicted of an offence under section 13(6) of the Animal Welfare Act 2006 arising from the contravention of section 13(1) of that Act in relation to dog breeding in Wales, or of an offence under the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014, subsections (4) and (5) apply as they do to convictions under this Act.”

### **Dangerous Wild Animals Act 1976**

4. At the end of section 6 of the Dangerous Wild Animals Act 1976 (penalties) insert—

“(3B) Where a person is convicted of an offence under section 13(6) of the Animal Welfare Act 2006 arising from the contravention of section 13(1) of that Act in relation to dog breeding in Wales, or of an offence under the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014, subsections (2) and (3) apply as they do to convictions under this Act”.

### **Zoo Licensing Act 1981**

5. In section 4 of the Zoo Licensing Act 1981 (grant or refusal of licence), in subsection (5), insert at the end—

““section 13(6) of the Animal Welfare Act 2006, so far as the offence arises from the contravention of section 13(1) of that Act in relation to dog breeding in Wales; the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.”

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### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations provide for the licensing of persons involved in the breeding of dogs. Part 2 of the Regulations specifies dog breeding for the purposes of section 13(1) of the Animal Welfare Act 2006 (c.45) (“the Act”). The consequence of this specification is that, subject to qualifying criteria, any person wishing to breed dogs in Wales must obtain a licence from their local authority under these Regulations. This requirement replaces the requirement to obtain a licence under the Breeding of Dogs Act 1973 in Wales.

A person who breeds dogs in Wales without a licence under these Regulations commits an offence under section 13(6) of the Animal Welfare Act 2006 and is liable to imprisonment for a term of up to 6 months, a fine or both. Under section 30 of the Animal Welfare Act 2006 local authorities may prosecute for any offence under the Act.

Part 3 of the Regulations sets out how a person may apply to the local authority for a licence and sets out matters in respect of which a local authority must be satisfied when considering the granting and renewing of a licence. It provides for a local authority to charge fees to cover any reasonable expenses incurred in performing this function and for monitoring compliance with these Regulations. It requires a local authority to have regard to guidance issued by the Welsh Ministers in carrying out their functions under these Regulations.

Part 4 sets out circumstances in which a licence maybe suspended, varied or revoked. Part 5 provides for appeals against licensing decisions by local authorities.

Part 6 provides that a breach of a condition of a licence granted under these Regulations is an offence. It provides powers for inspectors to take samples and enter premises and applies relevant post conviction powers contained in the Act. It provides for local authorities to enforce the Regulations. It provides that licences granted under the Breeding of Dogs Act 1973 continue to have effect as if granted under these Regulations.

Schedule 1 to these Regulations sets out compulsory licence conditions which must be included on each licence granted by a local authority.

Schedule 2 to these Regulations amends the Breeding of Dogs Act 1973 and amends references to it in 4 Acts consequential upon the repeal of section 1(1) of that Act in relation to Wales.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a Regulatory Impact Assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Welsh Government, Cathays Park, Cardiff CF10 3NQ.

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## WELSH STATUTORY INSTRUMENTS

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# 2021 No. 416 (W. 135)

## ANIMALS, WALES

### The Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021

*Made* - - - - - *24 March 2021*

*Coming into force* - - - *10 September 2021*

The Welsh Ministers, as the appropriate national authority in relation to Wales<sup>(1)</sup>, make the following Regulations in exercise of the powers conferred by section 13(2), (7), (8) and (10) of, and Parts 1 and 3 of Schedule 1 to, the Animal Welfare Act 2006<sup>(2)</sup>.

In accordance with section 13(9) of that Act, the Welsh Ministers have consulted those persons appearing to them to represent interests with which these Regulations are concerned as they considered appropriate.

In accordance with section 61(2) of that Act<sup>(3)</sup>, a draft of this instrument has been laid before, and approved by resolution of, Senedd Cymru.

## PART 1

### Introduction

#### Title, commencement and application

1.—(1) The title of these Regulations is the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021.

(2) These Regulations come into force on 10 September 2021.

(3) These Regulations apply to Wales except paragraph 2 of Schedule 5 which applies to both England and Wales.

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(1) The “appropriate national authority” is defined in section 62(1) of the Animal Welfare Act 2006 ([c. 45](#)). Functions conferred on the National Assembly for Wales are now vested in the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 ([c. 32](#)).

(2) [2006 c. 45](#).

(3) By virtue of section 162 of, and paragraph 34 of Schedule 11 to, the Government of Wales Act 2006, the reference in section 61(2) to “House of Parliament” includes Senedd Cymru.

## Interpretation

**2.** In these Regulations—

“the Act” (“*y Ddeddf*”) means the Animal Welfare Act 2006;

“adult dog” (“*ci llawndwf*”) means a dog which is not less than 6 months old;

“general condition” (“*amod cyffredinol*”) means the conditions set out in Schedule 2;

“kitten” (“*cath fach*”) means a cat aged less than 6 months;

“licence” (“*trwydded*”), except as the context otherwise requires in regulation 10(1)(b) or where more specifically provided, means a licence to carry on a licensable activity granted or renewed under these Regulations and cognate expressions are to be construed accordingly;

“licence conditions” (“*amodau trwydded*”) means—

(a) the general conditions, and

(b) the relevant specific conditions;

“licensable activity” (“*gweithgaredd trwyddedadwy*”) means an activity described in paragraph 2 of Schedule 1;

“local authority” (“*awdurdod lleol*”) means the council for a county or county borough in Wales;

“operator” (“*gweithredwr*”) means an individual who—

(a) carries on, attempts to carry on or knowingly allows to be carried on a licensable activity, or

(b) where a licence has been granted or renewed, is the licence holder;

“pet” (“*anifail anwes*”) means an animal mainly or permanently, or intended to be mainly or permanently, kept by a person for—

(a) personal interest,

(b) companionship,

(c) ornamental purposes, or

(d) any combination of paragraphs (a) to (c);

“puppy” (“*ci bach*”) means a dog aged less than 6 months;

“relevant specific conditions” (“*amodau penodol perthnasol*”) means, in relation to the activity of selling animals as pets (or with a view to their being later resold as pets) as described in paragraph 2 of Schedule 1, the conditions set out in Schedule 3;

“veterinary surgeon” (“*milfeddyg*”) means a person registered in the register of veterinary surgeons, or the supplementary veterinary register, kept under the Veterinary Surgeons Act 1996(4).

## Licencing of operators

**3.—(1)** Each licensable activity is a specified activity for the purposes of section 13(1) of the Act.

**(2)** A local authority is the licensing authority for any licensable activity carried on in premises in its area.

## PART 2

### Grant, renewal and variation with consent of a licence and inspection of premises

#### Conditions of grant or renewal of a licence

4.—(1) This regulation applies where—

(a) a local authority has received from an operator an application in writing for the grant or renewal of a licence to carry on a licensable activity on premises in the local authority's area, and

(b) the application gives such information as the local authority has required.

(2) The local authority must—

(a) appoint one or more suitably qualified inspectors to inspect any premises on which the licensable activity or any part of it is being or is to be carried on, and

(b) following that inspection, grant a licence to the operator, or renew the operator's licence, in accordance with the application if it is satisfied that—

(i) the licence conditions will be met,

(ii) any appropriate fee has been paid in accordance with regulation 12, and

(iii) the grant or renewal is appropriate having taken into account the report submitted to it in accordance with regulation 9.

(3) A local authority must attach to each licence granted or renewed—

(a) the general conditions, and

(b) the relevant specific conditions.

(4) In considering whether the licence conditions will be met, a local authority must take account of the applicant's conduct as the operator of the licensable activity to which the application for the grant or renewal relates, whether the applicant is a fit and proper person to be the operator of that activity and any other relevant circumstances.

(5) A local authority must not grant a licence to an operator, or renew an operator's licence, in any circumstances other than those described in these Regulations.

(6) All licences granted or renewed in relation to any of these licensable activities are subject to the licence conditions.

#### Period of licence

5. A local authority may grant or renew a licence for any period up to 1 year.

#### Power to take samples from animals

6. An inspector may, for the purposes of ensuring the licence conditions are being complied with, take samples for laboratory testing from any animals on premises occupied by an operator.

#### Duty to assist in the taking of samples from animals

7. An operator must comply with any reasonable request of an inspector to facilitate the identification and examination of an animal and the taking of samples in accordance with regulation 6 and, in particular, must arrange the suitable restraint of an animal if so requested by an inspector.

## **Variation or revocation of a licence on the application, or with the consent, of a licence holder**

- 8.** A local authority may at any time vary or revoke a licence—  
(a) on the application in writing of the licence holder, or  
(b) on its own initiative, with the consent in writing of the licence holder.

## **Inspector's report**

- 9.**—(1) Where a local authority arranges an inspection pursuant to regulation 4(2)(a), it must arrange for the submission to it of a report by the inspector.  
(2) The inspector's report must—  
(a) contain information about the operator, any relevant premises, any relevant records, the condition of any animals and any relevant matter, and  
(b) state whether or not the inspector considers that the licence conditions will be met.

## **Persons who may not apply for a licence**

- 10.**—(1) The following persons may not apply for a licence in respect of any licensable activity—  
(a) a person listed as a disqualified person in paragraphs 2 to 8 of Schedule 4 where the time limit for any appeal against that disqualification has expired or where, if an appeal was made, that appeal was refused;  
(b) a person listed in paragraph 1 of Schedule 4 as having held a licence which was revoked where the time limit for any appeal against that revocation has expired or where, if an appeal was made, that appeal was refused.  
(2) Any licence granted or renewed, or held by, a person mentioned in paragraph (1)(a) or (b) is automatically revoked.

## **Death of a licence holder**

- 11.**—(1) In the event of the death of a licence holder, the licence is deemed to have been granted to, or renewed in respect of, the personal representatives of that former licence holder.  
(2) In the circumstances described in paragraph (1), the licence is to remain in force for 3 months beginning with the date of the death of the former licence holder or for as long as it was due to remain in force but for the death (whichever period is shorter) but remain subject to the provisions in Part 2.  
(3) The personal representatives must notify in writing the local authority which granted or renewed the licence that they are now the licence holders within 28 days beginning with the date of the death of the former licence holder.  
(4) If the personal representatives fail so to notify the local authority within the period specified in paragraph (3), the licence ceases to have effect on the expiry of that period.  
(5) The local authority which granted or renewed the licence may, on the application of the personal representatives, extend the period specified in paragraph (2) for up to 3 months if it satisfied that the extension is necessary for the purpose of winding up the estate of the former licence holder and is appropriate in all the circumstances.

## **Fees**

- 12.**—(1) A local authority may charge such fees as it considers necessary for—  
(a) the consideration of an application for the grant, renewal or variation of a licence including any inspection relating to that consideration, and for the grant, renewal or variation,

- (b) the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in sub-paragraph (a) including any inspection relating to that consideration,
  - (c) the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator, and
  - (d) the reasonable anticipated costs of compliance with regulation 26.
- (2) The fee charged for the consideration of an application for the grant, renewal or variation of a licence and for any inspection relating to that consideration must not exceed the reasonable costs of that consideration and related inspection.

#### **Guidance**

**13.** A local authority must have regard in the carrying out of its functions under these Regulations to such guidance as may be issued by the Welsh Ministers.

## **PART 3**

### **Enforcement and notices**

#### **Grounds for suspension, variation without consent or revocation of a licence**

**14.** A local authority may, without any requirement for the licence holder's consent, decide to suspend, vary or revoke a licence at any time on being satisfied that—

- (a) the licence conditions are not being complied with,
- (b) there has been a breach of these Regulations,
- (c) information supplied by the licence holder is false or misleading,
- (d) it is necessary to protect the welfare of an animal, or
- (e) the licence holder would not be able to apply for a new licence in accordance with regulation 10.

#### **Procedure for suspension or variation without consent**

**15.—(1)** Except as otherwise provided in this regulation, the suspension or variation of a licence following a decision under regulation 14 has effect at the end of a period of 7 working days beginning with the date on which notice of the decision is issued to the licence holder or, if that date is not a working day, the next working day.

(2) If it is necessary to protect the welfare of an animal, the local authority may specify in the notice of its decision that the suspension or variation has immediate effect.

- (3) A decision to suspend or vary a licence must—
- (a) be notified to the licence holder in writing,
  - (b) state the local authority's grounds for suspension or variation,
  - (c) state when it comes into effect,
  - (d) specify measures that the local authority considers are necessary in order to remedy the grounds, and

- (e) explain the right of the licence holder to make written representations in accordance with paragraph (4) and give details of the person to whom such representations may be made and the date by the end of which they must be received.

(4) The licence holder may make written representations which must be received by the local authority within 7 working days beginning with the date of issue of notice of the decision under regulation 14 to suspend or vary the licence or, if that date is not a working day, the next working day.

(5) Except in relation to notices under paragraph (2), where a licence holder makes written representations which are received by the local authority within the period specified in paragraph (4), the suspension or variation is not to have effect unless the local authority, after considering the representations, suspends or varies the licence in accordance with paragraph (6)(a).

(6) Within 7 working days beginning with the date of receipt of any representations made in accordance with paragraph (5), the local authority must, after considering the representations—

- (a) suspend or vary the licence,
- (b) cancel its decision under regulation 14 to suspend or vary the licence,
- (c) confirm the suspension or variation of the licence under paragraph (2), or
- (d) reinstate the licence if it has been suspended, or cancel its variation if it has been varied, under paragraph (2).

(7) The local authority must issue to the licence holder written notice of its decision under paragraph (6) and the reasons for it within 7 working days beginning with the date of receipt of any representations made in accordance with paragraph (4) or, if that date is not a working day, beginning with the next working day.

(8) The local authority's decision under paragraph (6) is to have effect on service of its notice under paragraph (7).

(9) Paragraph (10) applies if the local authority fails to comply with paragraph (6) or (7).

(10) Where this paragraph applies, after 7 working days beginning with the date of receipt of any representations made in accordance with paragraph (4) or, if that date is not a working day, beginning with the next working day—

- (a) a licence suspended under paragraph (2) is to be deemed to be reinstated;
- (b) a licence varied under paragraph (2) is to be deemed to have effect as if it had not been so varied;
- (c) a licence suspended under paragraph (6)(a) is to be deemed to be reinstated;
- (d) a licence varied under paragraph (6)(a) is to be deemed to have effect as if it had not been so varied;
- (e) any licence held by the licence holder other than a licence suspended or varied under paragraph (2) or (6)(a) which the local authority decided to suspend or vary under regulation 14 is to be deemed to remain in force and not to be so varied.

(11) Once a licence has been suspended for 28 days, the local authority must on the next working day—

- (a) reinstate it without varying it,
- (b) vary and reinstate it as varied, or
- (c) revoke it.

(12) If the local authority fails to comply with paragraph (11), the licence is to be deemed to have been reinstated without variation with immediate effect.

## **Reinstatement of a suspended licence by a local authority**

**16.**—(1) A local authority must reinstate a suspended licence by way of written notice once it is satisfied that the grounds specified in the notice of suspension have been or will be remedied.

(2) Where a local authority reinstates a licence under paragraph (1), it may reduce the period for which it is reinstated.

## **Notice of revocation**

**17.**—(1) A revocation decision must—

- (a) be notified in writing to the licence holder,
- (b) state the local authority's grounds for revocation, and
- (c) give notice of the licence holder's rights of appeal to a magistrates' court and the period under regulation 23 within which such an appeal may be brought.

(2) The decision has effect on service of the notice.

## **Obstruction of inspectors**

**18.** A person must not intentionally obstruct an inspector appointed for the purposes of the enforcement of these Regulations in the exercise of any powers conferred by or under the Act.

## **Offences**

**19.**—(1) It is an offence for a person, without lawful authority or excuse—

- (a) to breach a licence condition;
- (b) to fail to comply with regulation 7 or 18.

(2) A person who commits an offence under paragraph (1) is liable on summary conviction to a fine.

## **Powers of entry**

**20.** Breach of a licence condition must be treated as a relevant offence for the purposes of section 23 of the Act (entry and search under warrant in connection with offences).

## **Post-conviction powers**

**21.** The relevant post-conviction powers contained in sections 34 and 42 of the Act apply in relation to a conviction for an offence under regulation 19.

## **Notices**

**22.**—(1) Any notice issued by a local authority under these Regulations may be amended, suspended or revoked by the local authority in writing at any time.

(2) A notice may be served on a person by—

- (a) personal delivery,
- (b) leaving it or sending it by post to the person's current or last known postal address, or
- (c) emailing it to the person's current or last known email address.

## PART 4

### Appeals

#### Appeals

**23.—(1)** Any operator who is aggrieved by a decision by a local authority to refuse to grant or renew, or the decision to revoke, a licence may appeal to a magistrates' court.

(2) The procedure on an appeal to a magistrates' court under paragraph (1) is by way of complaint, and the Magistrates' Courts Act 1980<sup>(5)</sup> applies to the proceedings.

(3) The period within which an appeal may be brought is 28 days beginning with the day following the date on which the decision is notified.

## PART 5

### Repeals, consequential amendments and saving provision

#### Repeals and consequential amendments

**24.** Schedule 5 (repeals and consequential amendments) is to have effect.

#### Saving provision

**25.** Any unexpired licence granted in accordance with the provisions of the Pet Animal Act 1951<sup>(6)</sup> continues in force for the remainder of its term subject to the provisions of that Act as it had effect on the relevant date.

## PART 6

### Provision of information to the Welsh Ministers

#### Provision of information to the Welsh Ministers

**26.—(1)** Each local authority must provide the following information to the Welsh Ministers in writing—

- (a) the number of licences in force in its area on each reference date, and
- (b) the average level of fees it has charged for licences it has granted or renewed in each reference period.

(2) Each local authority must provide the information to the Welsh Ministers—

- (a) in electronic form, or secure that it is accessible to the Welsh Ministers in electronic form, and
- (b) no later than the next 31 May following the relevant reference date.

(3) In this regulation—

“reference date” (“*dyddiad cyfeirio*”) means 31 March;

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(5) [1980 c. 43](#).

(6) [1951 c. 35](#) (14 & 15 Geo 6).

“reference period” (“*cyfnod cyfeirio*”) means the period beginning with 10 September 2021 and ending with 31 March 2022 and each subsequent period of 12 months beginning with the 1 April.

*Lesley Griffiths*  
Minister for Environment, Energy and Rural  
Affairs, one of the Welsh Ministers

24 March 2021

## SCHEDULE 1

Regulation 2

### Licensable activities

#### PART 1

##### Business test

**1.** The circumstances which a local authority must take into account in determining whether an activity is being carried on in the course of a business for the purposes of this Schedule include, for example, whether the operator—

- (a) makes any sale by, or otherwise carries on, the activity with a view to making a profit, or
- (b) earns any commission or fee from the activity.

#### PART 2

##### Selling animals as pets

**2.** Selling animals as pets (or with a view to their being later resold as pets) in the course of a business including keeping animals in the course of a business with a view to their being sold or resold.

**3.** The activity described in paragraph 2 does not include—

- (a) selling animals in the course of an aquaculture production business authorised under regulation 5(1) of the Aquatic Animal Health (England and Wales) Regulations 2009<sup>(7)</sup>, or
- (b) a person who is the holder of a licence under the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014<sup>(8)</sup> selling:
  - (i) puppies the person has bred themselves from the premises where the puppy was bred, or;
  - (ii) adult dogs the person has bred themselves.

## SCHEDULE 2

Regulation 2

### General conditions

#### Licence display

**1.—(1)** A copy of the licence must be clearly and prominently displayed on any premises on which the licensable activity is carried on.

**(2)** The name of the licence holder followed by the number of the licence holder's licence must be clearly and prominently displayed on any website used in respect of the licensable activity.

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(7) S.I. 2009/463.

(8) S.I. 2014/3266 (W. 333)

## Records

**2.**—(1) The licence holder must ensure that at any time all the records that the licence holder is required to keep as a condition of the licence are available for inspection by an inspector in a visible and legible form or, where any such records are stored in electronic form, in a form from which they can readily be produced in a visible and legible form.

(2) The licence holder must keep all such records for at least 3 years beginning with the date on which the record was created.

## Use, number and type of animal

**3.**—(1) No animals or types of animal other than those animals and types of animal specified in the licence may be used in relation to the relevant licensable activity.

(2) The number of animals kept for the licensable activity at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on any premises on which the licensable activity is carried on.

## Staffing

**4.**—(1) Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met.

(2) The licence holder or a designated manager and any staff employed to care for the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.

(3) The licence holder must provide and ensure the implementation of a written training policy, which complies with the requirements of paragraph 9, for all staff.

## Suitable environment

**5.**—(1) All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape and must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

(2) Animals must be kept at all times in an environment suitable to their species and condition (including health status and age) with respect to—

- (a) their behavioural needs;
- (b) its situation, space, air quality, cleanliness and temperature;
- (c) the water quality (where relevant);
- (d) noise levels;
- (e) light levels;
- (f) ventilation.

(3) Staff must ensure that the animals are kept clean and comfortable.

(4) Where appropriate for the species, a toileting area and opportunities for toileting must be provided.

(5) Procedures must be in place to ensure accommodation and any equipment within it is cleaned as often as necessary and good hygiene standards are maintained and the accommodation must be capable of being thoroughly cleaned and disinfected.

(6) The animals must be transported and handled in a manner (including for example in relation to housing, temperature, ventilation and frequency) that protects them from pain, suffering, injury and disease.

(7) All the animals must be easily accessible to staff and for inspection and there must be sufficient light for the staff to work effectively and observe the animals.

(8) All resources must be provided in a way (for example as regards, frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.

(9) The animals must not be left unattended in any situation or for any period likely to cause them distress.

### **Suitable diet**

6.—(1) The animals must be provided with a suitable diet in terms of quality, quantity and frequency and any new feeds must be introduced gradually to allow the animals to adjust to them.

(2) Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.

(3) Feed and drinking water provided to the animals must be unspoilt and free from contamination.

(4) Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.

(5) Constant access to fresh, clean drinking water must be provided in a suitable receptacle for the species that requires it.

(6) Where feed is prepared on the premises on which the licensable activity is carried on, there must be hygienic facilities for its preparation, including a working surface, hot and cold running water and storage.

### **Monitoring of behaviour and training of animals**

7.—(1) Active and effective environmental enrichment must be provided to the animals in inside and any outside environments.

(2) For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinary surgeon suggests otherwise.

(3) The animals' behaviour and any changes of behaviour must be monitored and advice must be sought, as appropriate and without delay, from a veterinary surgeon or, in the case of fish, any person competent to give such advice if adverse or abnormal behaviour is detected.

(4) Where used, training methods or equipment must not cause pain, suffering or injury.

(5) All immature animals must be given suitable and adequate opportunities to—

(a) learn how to interact with people, their own species and other animals where such interaction benefits their welfare, and

(b) become habituated to noises, objects and activities in their environment.

### **Animal handling and interactions**

8.—(1) All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease.

(2) The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals and no animals from a social species may be isolated or separated from others of their species for any longer than is necessary.

(3) The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

### **Protection from pain, suffering, injury and disease**

**9.—(1)** Written procedures must—

- (a) be in place and implemented covering—
  - (i) feeding regimes;
  - (ii) cleaning regimes;
  - (iii) transportation;
  - (iv) the prevention of, and control of the spread of, disease;
  - (v) monitoring and ensuring the health and welfare of all the animals;
  - (vi) the death or escape of an animal (including the storage of carcasses);
- (b) be in place covering the care of the animals following the suspension or revocation of the licence or during and following an emergency.

(2) All people responsible for the care of the animals must be made fully aware of these procedures.

(3) Appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.

(4) All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.

(5) All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.

(6) Sick or injured animals must receive prompt attention from a veterinary surgeon or, in the case of fish, an appropriately competent person and the advice of that veterinary surgeon or, in the case of fish, that competent person must be followed.

(7) Where necessary, animals must receive preventative treatment by an appropriately competent person.

(8) The licence holder must register with a veterinary surgeon with an appropriate level of experience in the health and welfare requirements of any animals specified in the licence and the contact details of that veterinary surgeon must be readily available to all staff on the premises on which the licensable activity is carried on.

(9) Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinary surgeon.

(10) Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinary surgeon.

(11) Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals and must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.

(12) No person may euthanize an animal except a veterinary surgeon or a person who has been authorised by a veterinary surgeon as competent for such purpose or in the case of fish, a person who is competent for such purpose.

(13) All animals must be checked at least once daily and more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.

- (14) Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinary surgeon (or in the case of fish, of an appropriately competent person) must be sought and followed.

## **Emergencies**

**10.**—(1) A written emergency plan, acceptable to the local authority, must be in place, known and available to all the staff on the premises on which the licensable activity is carried on, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdown of essential heating, ventilation and aeration or filtration systems or other emergencies.

(2) The plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.

(3) External doors and gates must be lockable.

(4) A designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.

## SCHEDULE 3

Regulation 2

### Specific conditions: selling animals as pets

## **Interpretation**

**1.** In this Schedule—

“prospective owner” (“*darpar berchennog*”) means a person purchasing an animal to keep or to be kept as a pet;

“premises” (“*mangre*”) means the premises on which the licensable activity of selling animals as pets (or with a view to their being later resold as pets) is carried on;

“purchaser” (“*prynwr*”) means a person purchasing an animal to keep as a pet or with a view to it later being resold as a pet.

## **Records and advertisements**

**2.**—(1) A register must be maintained for all the animals or, in the case of fish, all the groups of fish, on the premises which must include—

- (a) the full name of the supplier of the animal,
- (b) the animal’s sex (where known),
- (c) (except in the case of fish) the animal’s age (where known),
- (d) details of any veterinary treatment (where known),
- (e) the date of birth of the animal or, if the animal was acquired by the licence holder, the date of its acquisition,
- (f) the date of the sale of the animal by the licence holder, and
- (g) the date of the animal’s death (if applicable).

(2) Where an animal is undergoing any medical treatment—

- (a) this fact must be clearly indicated—

- (i) in writing next to it, or
  - (ii) (where appropriate) by labelling it accordingly, and
- (b) it must not be sold.
- (3) Any advertisement for the sale of an animal must—
- (a) include the number of the licence holder's licence,
  - (b) specify the local authority that issued the licence,
  - (c) include a recognisable photograph of the animal being advertised,
  - (d) (except in the case of fish) display the age of the animal being advertised,
  - (e) state the country of residence of the animal from which it is being sold, and
  - (f) state the country of origin of the animal.

### **Prospective sales: pet care and advice**

3.—(1) The licence holder and all staff must ensure that any equipment and accessories being sold with an animal are suitable for the animal.

(2) The licence holder and all staff must ensure that the prospective owner is provided with information on the appropriate care of the animal including in relation to—

- (a) feeding,
- (b) housing,
- (c) handling,
- (d) husbandry,
- (e) the life expectancy of its species,
- (f) the provision of suitable accessories, and
- (g) veterinary care.

(3) Appropriate reference materials on the care of all animals for sale must be on display and provided to the prospective owner.

(4) The licence holder and all staff must have been suitably trained to advise prospective owners about the animals being sold.

(5) The licence holder and all staff must ensure that the purchaser is informed of the country of origin of the animal and the species, and where known, the age, sex and veterinary record of the animal being sold.

### **Suitable accommodation**

4.—(1) Animals must be kept in housing which minimises stress including from other animals and the public.

(2) Where members of the public can view or come into contact with the animals, signage must be in place to deter disturbance of the animals.

(3) Dangerous wild animals (if any) must be kept in cages that are secure and lockable and appropriate for the species.

(4) For the purposes of sub-paragraph (3), “dangerous wild animal” means an animal of a kind specified in the first column of the Schedule to the Dangerous Wild Animals Act 1976(9).

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(9) [1976 c. 38](#). The Schedule was substituted in relation to England and Wales by article 2 of [S.I. 2007/2465](#).

## Sale of animals

- 5.**—(1) No animal of any of the following descriptions may be sold as a pet, or sold with a view to being resold as a pet, by or on behalf of the licence holder—
- (a) unweaned mammals;
  - (b) mammals weaned at an age at which they should not have been weaned;
  - (c) non-mammals that are incapable of feeding themselves;
  - (d) puppies, kittens, ferrets or rabbits, aged under 8 weeks;
  - (e) puppies or kittens which were not bred by the licence holder at the premises.
- (2) The sale of a dog must be completed in the presence of the purchaser on the premises.

## Protection from pain, suffering, injury and disease

- 6.**—(1) All animals for sale must be in good health.
- (2) Any animal with a condition which is likely to affect the quality of life must not be moved, transferred or offered for sale but may be moved to an isolation facility or veterinary care facility if required until the animal has recovered.
- (3) When arranging for the receipt of animals, the licence holder must make reasonable efforts to ensure that they will be transported in a suitable manner.
- (4) Animals must be transported or handed to purchasers in suitable containers for the species and expected duration of the journey.

## SCHEDULE 4

Regulation 10

### Persons who may not apply for a licence

- 1.** A person who has at any time held a licence which was revoked under regulation 14 of these Regulations.
- 2.** A person who is disqualified under section 33 of the Welfare of Animals Act (Northern Ireland) 2011(**10**).
- 3.** A person who is disqualified under section 34 of the Act.
- 4.** A person who is disqualified under section 40(1) and (2) of the Animal Health and Welfare (Scotland) Act 2006(**11**).
- 5.** A person who is disqualified under section 6(2) of the Dangerous Wild Animals 1976(**12**) from keeping a dangerous wild animal.
- 6.** A person who is disqualified under section 5(3) of the Pet Animals Act 1951(**13**) from keeping a pet shop.
- 7.** A person who is disqualified under section 1(1) of the Protection of Animals (Amendment) Act 1954(**14**) from having custody of an animal.

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(10) 2011 c. 16.

(11) 2006 asp 11.

(12) 1976 c. 38; section 6(2) has been amended but the amendments are not relevant.

(13) Section 5(3) was amended by paragraph 3(2) of Schedule 3 to the Animal Welfare Act 2006.

(14) 1954 c. 40 (2 & 3 Eliz 2); section 1 was repealed by Schedule 4 to the Animal Welfare Act 2006.

- 8.** A person who is disqualified under section 3 of the Protection of Animals Act 1911(**15**) from the ownership of an animal.

## SCHEDULE 5

Regulation 24

### Repeals and consequential amendments

#### Pet Animals Act 1951

- 1.** The Pet Animals Act 1951, section 1(1) (restriction on keeping a pet shop) ceases to have effect in relation to Wales.

#### Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 2.** In Schedule 6(1)(c)(ii) to the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018(**16**), for “the Pet Animals Act 1951 to keep the shop” substitute “regulations 2 and 4 of the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021”.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for the licensing of persons involved in Wales in selling animals as pets.

Regulation 3 specifies these activities for the purposes of section 13(1) of the Animal Welfare Act 2006 (“the 2006 Act”) and provides for local authorities to be the licensing authorities. The consequence of this specification is that, subject to qualifying criteria, any person wishing to carry on any of these activities in Wales must obtain a licence from the local authority under these Regulations. These requirements replace the requirements, in Wales, to obtain a licence under the Pet Animals Act 1951.

A person who carries on any of these activities in Wales without a licence under these Regulations commits an offence under section 13(6) of the 2006 Act and is liable to imprisonment for a term of up to 6 months, a fine or both. Under section 30 of the 2006 Act, local authorities may prosecute for any offence under that Act.

Part 2 of the Regulations sets out how a person may apply to the local authority for a licence and sets out matters in respect of which a local authority must be satisfied when considering the grant or renewal of a licence. It provides for a local authority to charge fees to cover the costs it incurs in performing this function, considering a licence holder’s compliance with these Regulations, enforcement and administration. It specifies that a local authority must attach certain licence conditions to each licence granted or renewed. It provides that a local authority must appoint

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(15) [1911 c. 27](#) (1 & 2 Geo 5); section 3 was repealed by Schedule 4 to the Animal Welfare Act 2006.

(16) [SI 2014/486](#)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

an inspector when it considers it appropriate, for the purpose of ensuring that the licence conditions are being complied with. It requires a local authority to have regard to guidance issued by the Welsh Ministers in carrying out their functions under these Regulations. It provides powers for inspectors to take samples from animals.

Part 3 sets out the circumstances and procedures under which a licence may be suspended, varied or revoked. It also provides that the breach of a condition of a licence or the obstruction of any inspector appointed for the purposes of enforcement of these Regulations is an offence and applies relevant post-conviction powers contained in the 2006 Act.

Part 4 provides for appeals against licensing decisions by local authorities.

Part 5 makes repeals, consequential amendments and saving provision.

Part 6 sets out that local authorities must provide certain information to the Welsh Ministers.

Schedule 1 describes each type of licensable activity.

Schedule 2 sets out the general conditions that apply to all licensable activities.

Schedule 3 sets out the specific conditions that apply to each licensable activity.

Schedule 4 lists persons who may not apply for a licence.

Schedule 5 provides for repeals and consequential amendments.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations in Wales. A copy can be obtained from the Office of the Chief Veterinary Officer, Welsh Government, Cathays Park, Cardiff CF10 3NQ or by emailing a request to: [CompanionAnimalWelfare@gov.wales](mailto:CompanionAnimalWelfare@gov.wales).