

## Appendix 3

### Extracted Legislation for Animal Licencing Conditions

(Cabinet report on proposal to update and adopt animal licencing conditions)

1. Pet Animals Act 1951
2. Breeding of Dogs Act 1973
3. Breeding and Sale of Dogs (Welfare) Act 1999
4. Animal Boarding Establishments Act 1963
5. Animal Welfare Act 2006

#### **1. Pet Animals Act 1951**

##### ***Section 1 Licensing of pet shops.***

- (1) *No person shall keep a pet shop except under the authority of a licence granted in accordance with the provisions of this Act.*
- (2) *Every local authority may, on application being made to them for that purpose by a person who is not for the time being disqualified from keeping a pet shop, and on payment of such fee . . . as may be determined by the local authority, grant a licence to that person to keep a pet shop at such premises in their area as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.*
- (3) *In determining whether to grant a licence for the keeping of a pet shop by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing—*
- (a) that animals will at all times be kept in accommodation suitable as respects size, temperature, lighting, ventilation and cleanliness;*
  - (b) that animals will be adequately supplied with suitable food and drink and (so far as necessary) visited at suitable intervals;*
  - (c) that animals, being mammals, will not be sold at too early an age;*
  - (d) that all reasonable precautions will be taken to prevent the spread among animals of infectious diseases;*
  - (e) that appropriate steps will be taken in case of fire or other emergency;*

*and shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case for securing all or any of the objects specified in paragraphs (a) to (e) of this subsection.*

#### **2. Breeding of Dogs Act 1973**

##### ***Section 1 Licensing of breeding establishments for dogs.***

*(1) No person shall keep a breeding establishment for dogs except under the authority of a licence granted in accordance with the provisions of this Act.*

.....

*(4) In determining whether to grant a licence for the keeping of a breeding establishment for dogs by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing—*

*(a) that the dogs will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;*

*(b) that the dogs will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and F1. . . visited at suitable intervals;*

*(c) that all reasonable precautions will be taken to prevent and control the spread among dogs of infectious or contagious diseases;*

*(d) that appropriate steps will be taken for the protection of the dogs in case of fire or other emergency;*

*(e) that all appropriate steps will be taken to secure that the dogs will be provided with suitable food, drink and bedding material and adequately exercised when being transported to or from the breeding establishment;*

*(f) that b\*\*ches are not mated if they are less than one year old;*

*(g) that b\*\*ches do not give birth to more than six litters of puppies each;*

*(h) that b\*\*ches do not give birth to puppies before the end of the period of twelve months beginning with the day on which they last gave birth to puppies; and*

*(l) that accurate records in a form prescribed by regulations are kept at the premises and made available for inspection there by any officer of the local authority, or any veterinary surgeon or veterinary practitioner, authorised by the local authority to inspect the premises;*

*and shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case for securing all the objects specified in paragraphs (a) to (i) of this subsection.*

### **3. Breeding and Sale of Dogs (Welfare) Act 1999**

*Section 7 Definition of establishments.*

*Before section 5 of the 1973 Act insert—*

*“4A Breeding establishments for dogs.*

*(1) References in this Act to the keeping of a breeding establishment for dogs shall be construed in accordance with this section.*

*(2) A person keeps a breeding establishment for dogs at any premises if he carries on at those premises a business of breeding dogs for sale (whether by him or any other person) .*

(3) Subject to subsection (5) of this section, where— .

- (a) a person keeps a b\*\*ch at any premises at any time during any period of twelve months; and
- (b) the b\*\*ch gives birth to a litter of puppies at any time during that period,

he shall be treated as carrying on a business of breeding dogs for sale at the premises throughout the period if a total of four or more other litters is born during the period to b\*\*ches falling within subsection (4) of this section.

(4) The b\*\*ches falling within this subsection are—

- (a) the b\*\*ch mentioned in subsection (3)(a) and (b) of this section and any other \*\*tches kept by the person at the premises at any time during the period;
- (b) any b\*\*ches kept by any relative of his at the premises at any such time;
- (c) any b\*\*ches kept by him elsewhere at any such time; and
- (d) any b\*\*ches kept (anywhere) by any person at any such time under a breeding arrangement made with him.

(5) Subsection (3) of this section does not apply if the person shows that none of the puppies born to b\*\*ches falling within paragraph (a), (b) or (d) of subsection (4) of this section was in fact sold during the period (whether by him or any other person).

(6) In subsection (4) of this section “breeding arrangement” means a contract or other arrangement under which the person agrees that another person may keep a b\*\*ch of his on terms that, should the b\*\*ch give birth, the other person is to provide him with either—

- (a) one or more of the puppies; or
- (b) the whole or part of the proceeds of selling any of them;.

and “relative” means the person’s parent or grandparent, child or grandchild, sibling, aunt or uncle or niece or nephew or someone with whom he lives as a couple.

(7) In this section “premises” includes a private dwelling.

## **4. Animal Boarding Establishments Act 1963**

### **Section 1 Licensing of boarding establishments for animals.**

(1) No person shall keep a boarding establishment for animals except under the authority of a licence granted in accordance with the provisions of this Act.

...

(3) In determining whether to grant a licence for the keeping of a boarding establishment for animals by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing—

- (a) that animals will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;
- (b) that animals will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and (so far as necessary) visited at suitable intervals;

*(c) that all reasonable precautions will be taken to prevent and control the spread among animals of infectious or contagious diseases, including the provision of adequate isolation facilities;*

*(d) that appropriate steps will be taken for the protection of the animals in case of fire or other emergency;*

*(e) that a register be kept containing a description of any animals received into the establishment, date of arrival and departure, and the name and address of the owner, such register to be available for inspection at all times by an officer of the local authority, veterinary surgeon or veterinary practitioner authorised under section 2(1) of this Act;*

*and shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case for securing all the objects specified in paragraphs (a) to (e) of this subsection.*

## **5. Animal Welfare Act 2006**

### **Section 9 Duty of person responsible for animal to ensure welfare.**

*(1) A person commits an offence if he does not take such steps as are reasonable in all the circumstances to ensure that the needs of an animal for which he is responsible are met to the extent required by good practice.*

*(2) For the purposes of this Act, an animal's needs shall be taken to include—*

*(a) its need for a suitable environment,*

*(b) its need for a suitable diet,*

*(c) its need to be able to exhibit normal behaviour patterns,*

*(d) any need it has to be housed with, or apart from, other animals, and*

*(e) its need to be protected from pain, suffering, injury and disease.*

*(3) The circumstances to which it is relevant to have regard when applying subsection (1) include, in particular—*

*(a) any lawful purpose for which the animal is kept, and*

*(b) any lawful activity undertaken in relation to the animal.*

*(4) Nothing in this section applies to the destruction of an animal in an appropriate and humane manner.*

**Section 11 Transfer of animals by way of sale or prize to persons under 16.**

*(1) A person commits an offence if he sells an animal to a person whom he has reasonable cause to believe to be under the age of 16 years.*

*(2) For the purposes of subsection (1), selling an animal includes transferring, or agreeing to transfer, ownership of the animal in consideration of entry by the transferee into another transaction.*

*(3) Subject to subsections (4) to (6), a person commits an offence if—*

*(a) he enters into an arrangement with a person whom he has reasonable cause to believe to be under the age of 16 years, and*

*(b) the arrangement is one under which that person has the chance to win an animal as a prize.*

*(4) A person does not commit an offence under subsection (3) if—*

*(a) he enters into the arrangement in the presence of the person with whom the arrangement is made, and*

*(b) he has reasonable cause to believe that the person with whom the arrangement is made is accompanied by a person who is not under the age of 16 years.*

*(5) A person does not commit an offence under subsection (3) if—*

*(a) he enters into the arrangement otherwise than in the presence of the person with whom the arrangement is made, and*

*(b) he has reasonable cause to believe that a person who has actual care and control of the person with whom the arrangement is made has consented to the arrangement.*

*(6) A person does not commit an offence under subsection (3) if he enters into the arrangement in a family context.*

**End**