STATUTORY INSTRUMENTS

2018 No. 486

ANIMALS, ENGLAND

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

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The Secretary of State is, in relation to England, the appropriate national authority for the purpose of exercising 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(**a**), and makes the following Regulations in exercise of those powers.

In accordance with section 13(9) of that Act, the Secretary of State has consulted such persons appearing to the Secretary of State to represent interests with which these Regulations are concerned as the Secretary of State considered appropriate.

In accordance with section 61(2) of that Act, a draft of this instrument has been laid before Parliament and approved by resolution of each House of Parliament.

PART 1

Introduction

Title, commencement and application

1.—(1) These Regulations—

(a) may be cited as the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018;

(b) come into force on 1st October 2018.

(2) The following provisions of these Regulations apply in England only—

(a) regulations 2 to 24,

(b) regulations 27 to 29, and

(c) Schedules 1 to 8.

Interpretation

2. In these Regulations—

"the Act" means the Animal Welfare Act 2006;

"adult dog" means a dog aged 6 months or more;

"general conditions" means the conditions set out in Schedule 2;

"horse" includes an ass, mule or hinny;

"licence", except as the context otherwise requires in regulation 11(1)(b) and Schedule 8 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" means—

(a) the general conditions, and

(b) the relevant specific conditions;

"licensable activity" means an activity described in paragraph 2, 4, 6, 8 or 10 of Schedule 1;

"listed" means for the time being listed as authorised to carry out an inspection on the list of veterinarians drawn up by the Royal College of Veterinary Surgeons;

"local authority" means—

(a) a district council,

(b) a London borough council,

(**a**) 2006 c. 45. The appropriate national authority is defined in section 62(1) of the Act.

(c) the Common Council of the City of London (in their capacity as a local authority),

(d) the Council of the Isles of Scilly, or

(e) a combined authority in England established under section 103 of the Local Democracy, Economic Development and Construction Act 2009(**a**);

"operator" 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" 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 (a) to (c).

"puppy" means a dog aged less than 6 months;

"relevant specific conditions" means—

(a) 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;

(b) in relation to the activity of providing or arranging for the provision of boarding for cats or dogs as described in paragraph 4 of Schedule 1, the conditions set out in the relevant Part of Schedule 4;

(c) in relation to the activity of hiring out horses as described in paragraph 6 of Schedule 1, the conditions set out in Schedule 5;

(d) in relation to the activity of breeding dogs as described in paragraph 8 of Schedule 1, the conditions set out in Schedule 6;

(e) in relation to the activity of keeping or training animals for exhibition as described in paragraph 10 of Schedule 1, the conditions set out in Schedule 7;

"sleeping area" means a fully-enclosed indoor area in which a dog, or, in the context of Part 1 of Schedule 4, a cat, can rest, sleep or avoid seeing other people or animals;

"veterinarian" means—

(a) a person who is for the time being registered in the register of veterinary surgeons maintained under section 2 of the Veterinary Surgeons Act 1966(**b**), or

(b) a person who is for the time being registered in the supplementary veterinary register maintained under section 8 of that Act;

"working day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under section 1 of the Banking and Financial Dealings Act 1971(**c**).

Licensing of operators

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

(**a**) 2008 c.20. Section 103 has been amended by sections 12(2) and 14(2) of the Cities and Local Government Devolution Act 2016 (2016 c.1).

(**b**) 1966 c. 36. Section 2(2) has been amended by article 12 and paragraph 1 of the Schedule to S.I. 2003/2919 and by article 2 and paragraph (2)(a) and (b) of the Schedule to S.I. 2008/1824.

(**c**) 1971 c. 80.

(2) A local authority is the licensing authority for any licensable activity carried on on 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 13, and

(iii) the grant or renewal is appropriate having taken into account the report submitted to it in accordance with regulation 10.

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

(a) the general conditions, and

(b) the relevant specific conditions.

(4) On receipt of an application in writing for the grant or renewal of a licence in respect of the activity described in paragraph 6 of Schedule 1, if no inspector appointed under paragraph (2)(a) is a listed veterinarian, the local authority must appoint a listed veterinarian to inspect the premises with the inspector appointed under that paragraph.

(5) On receipt of an application in writing for the grant of a licence in respect of the activity described in paragraph 8 of Schedule 1, if no inspector appointed under paragraph (2)(a) is a veterinarian, the local authority must appoint a veterinarian to inspect the premises with the inspector appointed under that paragraph.

(6) Paragraph (5) does not apply where the application is for the grant of such a licence which is to have effect immediately after the remainder of the term of a licence mentioned in regulation 27(5).

(7) 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.

(8) 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.

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

Period of licence

5. A local authority may grant or renew a licence—

(a) for a period of one, two or three years in respect of the activity or any part of the activity described in paragraph 2, 4, 6 or 8 of Schedule 1 if it is satisfied that a period of one, two or three years, as the case may be, is appropriate on the basis of its assessment, having regard to such guidance as may be issued by the Secretary of State, of—

(i) the risk of an operator breaching any licence conditions;

(ii) the impact on animal welfare of any such breaches; and

(iii) whether the operator is already meeting higher standards of animal welfare than are required by the licence conditions;

(b) for a period of three years in respect of the activity or any part of the activity described in paragraph 10 of Schedule 1.

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.

Hiring out horses: requirement for annual inspection of premises

8.—(1) Where there is a licence in force in relation to an activity described in paragraph 6 of Schedule 1, the local authority must appoint a listed veterinarian to inspect the premises on which the activity is being carried on.

(2) For the purposes of paragraph (1), the authority must make an appointment for an inspection to take place before the end of the first anniversary of the day on which the licence, as granted or renewed, came into force and before the end of each subsequent year in respect of which the licence remains in force.

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

9. A local authority may at any time vary 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

10.—(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 other 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

11.—(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 paragraph 4 or any of paragraphs 6 to 17 of Schedule 8 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 any of paragraphs 1 to 3 and 5 of Schedule 8 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

12.—(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 three 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 remains subject to the provisions in Part 3.

(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 shall cease 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 three months if it is 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

13.—(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 29.

(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

14. 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 Secretary of State.

PART 3

Enforcement and notices

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

15. 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, or

(d) it is necessary to protect the welfare of an animal.

Procedure for suspension or variation without consent

16.—(1) Except as otherwise provided in this regulation, the suspension or variation of a licence following a decision under regulation 15 has effect at the end of a period of seven 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 seven working days beginning with the date of issue of notice of the decision under regulation 15 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 seven 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 15 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 seven 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 seven 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 15 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

17.—(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

18.—(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 right of appeal to the First-tier Tribunal and the period under regulation 24 within which such an appeal may be brought.

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

Obstruction of inspectors

19. 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

20.—(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 19.

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

Powers of entry

21. 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

22. 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 20.

Notices

23.—(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

24.—(1) Any operator who is aggrieved by a decision by a local authority—

(a) to refuse to grant or renew a licence, or

(b) to revoke or vary a licence,

may appeal to the First-tier Tribunal.

(2) The period within which an operator may bring such an appeal is 28 days beginning with the day following the date of the decision.

(3) The First-tier Tribunal may on application and until the appeal is determined or withdrawn—

(a) in the case of a decision to refuse to renew a licence, permit a licence holder to continue to carry on a licensable activity or any part of it subject to the licence conditions, or

(b) suspend a revocation or variation under regulation 15.

(4) On appeal, the First-tier Tribunal may overturn or confirm the local authority's decision, with or without modification.

PART 5

Repeals, revocations and consequential amendments

Repeals and consequential amendments

25. Schedule 9 (repeals and consequential amendments) is to have effect.

Revocations and consequential amendments

26. Schedule 10 (revocations and consequential amendments) is to have effect.

PART 6

Transitional and saving provisions

Transitional and saving provisions

27.—(1) Any unexpired licence granted in accordance with the provisions of the Pet Animals Act 1951(**a**) shall continue in force for the remainder of its term subject to the provisions of that Act as it had effect on the relevant date.

(2) Any unexpired licence granted under the Animal Boarding Establishments Act 1963(**b**) shall continue in force for the remainder of its term subject to the provisions of that Act as it had effect on the relevant date.

(3) Any unexpired licence granted under of the Riding Establishments Act 1964(**c**) shall continue in force for the remainder of its term subject to the provisions of that Act as it had effect on the relevant date.

(4) Any unexpired provisional licence granted under the Riding Establishments Act 1970(**d**) shall continue in force for the remainder of its term subject to the provisions of that Act and, so far as relevant, the Riding Establishments Act 1964 as those Acts had effect on the relevant date.

(5) Any unexpired licence granted in accordance with the provisions of the Breeding of Dogs Act 1973(**e**) shall continue in force for the remainder of its term subject to the provisions of—

(a) that Act,

(b) the Breeding of Dogs (Licensing Records) Regulations 1999(**f**),

(c) the Breeding and Sale of Dogs (Welfare) Act 1999(**g**), and

(d) the Sale of Dogs (Identification Tag) Regulations 1999(**h**),

as those enactments had effect on the relevant date.

(6) Any registration of a person under the Performing Animals (Regulation) Act 1925(**i**) in force on the relevant date shall continue in force, subject to the provisions of that Act as it had effect on the relevant date, for a period of six months starting with the date on which these Regulations come into force.

(7) In this regulation—

"unexpired" means still in force on, and with any of its term remaining after, the relevant date;

"the relevant date" means the day before the date on which these Regulations come into force.

PART 7

Review and provision of information to the Secretary of State

Review

28.—(1) The Secretary of State must, from time to time—

(a) carry out a review of the regulatory provision contained in these Regulations, and

(b) publish a report setting out the conclusions of the review.

(**a**) 1951 c. 35 (14 & 15 Geo 6).
(**b**) 1963 c. 43.
(**c**) 1964 c. 70.
(**d**) 1970 c. 32.
(**e**) 1973 c. 60.
(**f**) S.I. 1999/3192.
(**g**) 1999 c. 11.
(**h**) S.I. 1999/3191.
(**i**) 1925 c. 38 (15 & 16 Geo 5).

(2) The first report must be published before 1st October 2023.

(3) Subsequent reports must be published at intervals not exceeding five years.

(4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015(**a**) requires that a report published under this regulation must, in particular—

(a) set out the objectives intended to be achieved by the regulatory provision mentioned in paragraph (1)(a),

(b) assess the extent to which those objectives are achieved,

(c) assess whether those objectives remain appropriate, and

(d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(5) In this regulation, "regulatory provision" has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Provision of information to the Secretary of State

29.—(1) Each local authority must provide the following information to the Secretary of State in writing for the purpose of assisting the Secretary of State to carry out the review in accordance with regulation 28—

(a) the number of licences in force for each licensable activity in its area on each reference date, and

(b) the average level of fees it has charged for licences it has granted or renewed for each licensable activity in each reference period.

(2) Each local authority must provide the information to the Secretary of State—

(a) in electronic form, or secure that it is accessible to the Secretary of State in electronic form, and

(b) no later than the next 31st May following the relevant reference date.

(3) In this regulation—

"reference date" means 1st April each year beginning with 1st April 2019;

"reference period" means the period beginning with 1st October 2018 and ending with 31st March 2019, the year beginning with 1st April 2019 and each subsequent year beginning with an anniversary of 1st April 2019.

Gardiner of Kimble
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

16th April 2018

(**a**) 2015 c. 26.

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 so sold or resold.

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

(a) selling animals in the course of an aquacultural production business authorised under regulation 5(1) of the Aquatic Animal Health (England and Wales) Regulations 2009(**a**), or

(b) the activity described in paragraph 8.

PART 3

Providing or arranging for the provision of boarding for cats or dogs

4. Providing or arranging for the provision of accommodation for other people's cats or dogs in the course of a business on any premises where the provision of that accommodation is a purpose of the business by—

(a) providing boarding for cats;

(b) providing boarding in kennels for dogs;

(c) providing home boarding for dogs; or

(d) providing day care for dogs.

(**a**) S.I. 2009/463.

5. The activity described in paragraph 4 does not include keeping a dog or cat on any premises pursuant to a requirement imposed under, or having effect by virtue of, the Animal Health Act 1981(**a**).

PART 4

Hiring out horses

6. Hiring out horses in the course of a business for either or both of the following purposes—

(a) riding;

(b) instruction in riding.

7. The activity described in paragraph 6 does not include any activity—

(a) solely for military or police purposes, or

(b) involving the instruction of students at a university on a course of study and examinations leading to a veterinary degree to which a recognition order under section 3 of the Veterinary Surgeons Act 1966(**b**) relates and for as long as such an order is in force.

PART 5

Breeding dogs

8. Either or both of the following—

(a) breeding three or more litters of puppies in any 12-month period;

(b) breeding dogs and advertising a business of selling dogs.

9. The activity described in paragraph 8 does not include—

(a) keeping a dog on any premises pursuant to a requirement imposed under, or having effect by virtue of, the Animal Health Act 1981,

(b) breeding only assistance dogs or dogs intended to be used as assistance dogs within the meaning of section 173 of the Equality Act 2010(**c**), or

(c) breeding three or more litters of puppies in any 12-month period if the person carrying on the activity provides documentary evidence that none of them have been sold (whether as puppies or as adult dogs).

PART 6

Keeping or training animals for exhibition

10. Keeping or training animals for exhibition in the course of a business for educational or entertainment purposes—

(a) to any audience attending in person, or

(b) by the recording of visual images of them by any form of technology that enables the display of such images.

11. The activity described in paragraph 10 does not include—

(a) keeping or training animals solely for military, police or sporting purposes,

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(**a**) 1981 c. 22.
(**b**) Section 3(1)(b) has been amended by paragraph 3 of the Schedule to S.I. 2008/1824.
(**c**) 2010 c. 15.

(b) any activity permitted under a licence to operate a travelling circus under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012(**a**), or

(c) any activity permitted under a licence for a zoo under the Zoo Licensing Act 1981(**b**).

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.

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 three 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 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 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**) S.I. 2012/2932.
(**b**) 1981 c. 37.

(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 veterinarian 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 veterinarian 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 veterinarian or, in the case of fish, an appropriately competent person and the advice of that veterinarian 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 veterinarian 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 veterinarian 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 veterinarian.

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

(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 euthanase an animal except a veterinarian or a person who has been authorised by a veterinarian as competent for such purpose or—

(a) in the case of fish, a person who is competent for such purpose;

(b) in the case of horses, a person who is competent, and who holds a licence or certificate, 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 veterinarian (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 breakdowns 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" means a person purchasing an animal to keep or to be kept as a pet;

"premises" 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" 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(**a**).

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

Purchase and sale of animals

5.—(1) The purchase, or sale, by or on behalf of the licence holder of any of the following is prohibited—

(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, cats, ferrets or rabbits, aged under 8 weeks.

(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 its 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 2

Specific conditions: providing boarding for cats or dogs

PART 1

Providing boarding for cats

Interpretation

1. In this Part—

"cat unit" means the physical structure and area that comprises a sleeping area and an exercise run;

"exercise run" means an enclosed area forming part of the cat unit attached to and with direct and permanent access to the sleeping area;

"premises" means the premises on which the licensable activity of providing boarding for cats is carried on.

Suitable environment

2.—(1) Cats within the premises must be prevented from coming into direct contact with other animals from outside the premises.

(2) There must be a safe, secure, waterproof roof over the entire cat unit.

(3) A cat unit may only be shared by cats from the same household.

(4) Communal exercise areas are not permitted.

(5) Each cat unit must be clearly numbered and there must be a system in place which ensures that information about the cat or cats in each cat unit is available to all staff and any inspector.

(6) Each cat unit must provide the cat with sufficient space to—

(a) walk,

(b) turn around,

(c) stand on its hind legs,

(d) hold its tail erect,

(e) climb,

(f) rest on the elevated area, and

(g) lie down fully stretched out,

without touching another cat or the walls.

(7) Each cat unit must have sufficient space for each cat to sit, rest, eat and drink away from the area where it urinates and defecates.

(8) Cats must have constant access to their sleeping area.

(9) A litter tray and safe and absorbent litter material must be provided at all times in each cat unit and litter trays must be regularly cleaned and disinfected.

(10) Each cat unit must include an elevated area.

(11) Adjoining cat units must have solid barriers covering the full height and full width of the adjoining wall.

(12) Any gaps between cat units must be a minimum of 0.6 metres wide.

(13) Any cat taken out of a cat unit must be secured in a suitable carrier.

(14) The sleeping area must form part of the cat unit and be free from draughts.

Monitoring of behaviour and training of cats

3.—(1) There must be an area within each cat unit in which the cat can avoid seeing other cats and people outside the cat unit if it so chooses.

(2) Each cat unit must include a facility for scratching and any surface within a cat unit available for scratching must either be disinfected between uses by different cats or disposed of.

(3) All cats must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.

(4) All toys and other enrichment items must be checked daily to ensure they remain safe and must be cleaned and disinfected at least weekly.

Records

4. A register must be kept of all the cats on the premises which must include—

(a) the dates of each cat's arrival and departure,

(b) each cat's name, age, sex, neuter status and a description of it or its breed,

(c) each cat's microchip number, where applicable,

(d) the number of any cats from the same household,

(e) a record of which cats (if any) are from the same household,

(f) the name, postal address, telephone number (if any) and email address (if any) of the owner of each cat and emergency contact details,

(g) in relation to each cat, the name, postal address, telephone number and email address of a local contact in an emergency,

(h) the name and contact details of each cat's normal veterinarian and details of any insurance relating to the cat,

(i) details of each cat's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise,

(j) details of each cat's diet and related requirements,

(k) any required consent forms,

(l) a record of the date or dates of each cat's most recent vaccination, worming and flea treatments, and

(m) details of any medical treatment each cat is receiving.

Protection from pain, suffering, injury and disease

5.—(1) A cat must remain in its assigned cat unit, except when it is moved to an isolation cat unit or to a holding cat unit.

(2) Where any other activity involving animals is undertaken on the premises, it must be kept entirely separate from the area where the activity of providing boarding for cats takes place.

(3) All equipment must be cleaned and disinfected before a cat is first introduced into a cat unit.

(4) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

(5) A holding cat unit must only be used in an emergency and must not be used for longer than is necessary and in any event for no longer than a total of 12 hours in any 24-hour period.

(6) In this paragraph, "holding cat unit" means a cat unit, separate from any other cat unit, in which a cat may be housed temporarily.

PART 2

Providing boarding in kennels for dogs

Interpretation

6. In this Part—

"exercise run" means an enclosed area forming part of a kennel unit attached to and with direct access to the sleeping area;

"kennel unit" means the physical structure and area that consists of a sleeping area and an exercise run;

"premises" means the premises on which the licensable activity of providing boarding in kennels for dogs is carried on.

Suitable environment

7.—(1) Dogs within the premises must be prevented from coming into contact with other animals from outside the premises.

(2) In each kennel unit, the sleeping area must—

(a) be free from draughts;

(b) provide the dog with sufficient space to—

(i) sit and stand at full height,

(ii) lie down fully stretched-out,

(iii) wag its tail,

(iv) walk, and

(v) turn around,

without touching another dog or the walls;

(c) have a floor area which is at least twice the area required for the dog in it to lie flat; and

(d) if built after the date on which these Regulations come into force, have a floor area of at least 1.9 square metres.

(3) Each kennel unit must be clearly numbered and there must be a system in place which ensures that information about the dog or dogs in each kennel unit is available to all staff and any inspector.

(4) Each dog must have constant access to its sleeping area.

(5) Each dog must have a clean, comfortable and warm area within its sleeping area where it can rest and sleep.

(6) Each exercise run must have a single, safe, secure, waterproof roof over a minimum of half its total area.

(7) Where a dog poses a health or welfare risk to other dogs, it must be kept on its own in a kennel unit and, if that kennel unit adjoins another kennel unit, any adjoining wall must be of full height and width so as to prevent the dog from coming into physical contact with any other dog.

(8) Only dogs from the same household may share a kennel unit.

Monitoring of behaviour and training

8.—(1) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

(2) All dogs must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.

(3) All toys and other enrichment items must be checked daily to ensure they remain safe and must be cleaned and disinfected at least weekly.

(4) Each dog must be exercised at least once daily away from its kennel unit as appropriate for its age and health.

(5) Any dog which, on the advice of a veterinarian, cannot be exercised must be provided with alternative forms of mental stimulation.

(6) There must be an area within each kennel unit in which a dog can avoid seeing people and other dogs outside the kennel unit if it so chooses.

Records

9.—(1) A register must be kept of all the dogs on the premises which must include—

(a) the dates of each dog's arrival and departure;

(b) each dog's name, age, sex, neuter status, microchip number and a description of it or its breed;

(c) the number of any dogs from the same household;

(d) a record of which dogs (if any) are from the same household;

(e) the name, postal address, telephone number (if any) and email address (if any) of the owner of each dog and emergency contact details;

(f) in relation to each dog, the name, postal address, telephone number and email address of a local contact in an emergency;

(g) the name and contact details of the dog's normal veterinarian and details of any insurance relating to the dog;

(h) details of each dog's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise;

(i) details of the dog's diet and related requirements;

(j) any required consent forms;

(k) a record of the date or dates of each dog's most recent vaccination, worming and flea treatments;

(l) details of any medical treatment each dog is receiving.

(2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

Protection from pain, suffering, injury and disease

10.—(1) Where any other activity involving animals is undertaken on the premises, it must be kept entirely separate from the area where the activity of providing boarding for dogs in kennels takes place.

(2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

(3) A holding kennel unit must only be used in an emergency and must not be used for longer than is necessary and in any event for no longer than a total of 12 hours in any 24-hour period.

(4) In sub-paragraph (3), "holding kennel unit" means a kennel unit, separate from any other kennel unit, in which a dog may be housed temporarily.

PART 3

Providing home boarding for dogs

Interpretation

11. In this Part—

"designated room" means a room within the home allocated to a dog;

"home" means a domestic dwelling on which the licensable activity of providing home boarding for dogs is carried on.

Home

12.—(1) Dogs must be accommodated within the home.

(2) The home must include—

(a) direct access to a private, non-communal, secure and hazard-free external area, and

(b) at least two secure physical barriers between any dog and any entrance to or exit from it.

Suitable environment

13.—(1) Dogs from different households may only be boarded at the same time with the written consent of every owner.

(2) Each dog must be provided with its own designated room where it can, if necessary, be kept separate from other dogs.

(3) Each dog must have a clean, comfortable and warm area within its designated room where it can rest and sleep.

(4) Each designated room must have a secure window to the outside that can be opened and closed as necessary.

(5) A dog must not be confined in a crate for longer than three hours in any 24-hour period.

(6) A dog must not be kept in a crate unless—

(a) it is already habituated to it,

(b) a crate forms part of the normal routine for the dog, and

(c) the dog's owner has consented to the use of a crate.

(7) Any crate in which a dog is kept must be in good condition and sufficiently large for the dog to sit and stand in it at full height, lie flat and turn around.

Suitable diet

14. Each dog must be fed separately in its designated room unless its owner has given written consent to the contrary.

Monitoring of behaviour and training

15.—(1) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

(2) Each dog must be exercised at least once daily as appropriate for its age and health.

(3) Dogs which on the advice of a veterinarian cannot be exercised must be provided with alternative forms of mental stimulation.

Housing with or apart from other dogs

16.—(1) Written consent must be obtained from the owner or owners (as the case may be) to keep dogs together in a designated room.

(2) Unneutered bitches must be prevented from mating.

(3) If any person aged under 16 years resides at the home, there must be procedures in place to regulate the interactions between the dogs and that person.

Records

17.—(1) A register must be kept of all the dogs accommodated in the home which must include—

(a) the dates of each dog's arrival and departure;

(b) each dog's name, age, sex, neuter status, microchip number and a description of it or its breed;

(c) the number of any dogs from the same household;

(d) a record of which dogs (if any) are from the same household;

(e) the name, postal address, telephone number (if any) and email address (if any) of the owner of each dog and emergency contact details;

(f) in relation to each dog, the name, postal address, telephone number and email address of a local contact in an emergency;

(g) the name and contact details of each dog's normal veterinarian and details of any insurance relating to the dog;

(h) details of each dog's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise;

(i) details of each dog's diet and related requirements;

(j) any required consent forms;

(k) a record of the date or dates of each dog's most recent vaccination, worming and flea treatments;

(l) details of any medical treatment each dog is receiving.

(2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

Protection from pain, suffering, injury and disease

18.—(1) Before a dog is admitted for boarding, all equipment to be used by or in relation to that dog must be cleaned and disinfected.

(2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

PART 4

Providing day care for dogs

Interpretation

19. In this Part, "premises" means the premises on which the licensable activity of providing day care for dogs is carried on.

No overnight stay

20. No dog may be kept on the premises overnight.

Suitable environment

21.—(1) Each dog must be provided with—

(a) a clean, comfortable and warm area where it can rest and sleep, and

(b) another secure area in which water is provided and in which there is shelter.

(2) Each dog must have access to areas where it can—

(a) interact safely with other dogs, toys and people, and

(b) urinate and defecate.

(3) There must be an area where any dog can avoid seeing other dogs and people if it so chooses.

Suitable diet

22. Any dog that requires specific feed due to a medical condition must be fed in isolation.

Monitoring of behaviour and training

23.—(1) All dogs must be screened before being admitted to the premises to ensure that they are not afraid, anxious or stressed in the presence of other dogs or people and do not pose a danger to other dogs or staff.

(2) Any equipment used that is likely to be in contact with the dogs and any toys provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

Housing apart from other dogs

24.—(1) Unneutered bitches must be prevented from mating.

(2) Dogs which need to be isolated from other dogs must be provided with alternative forms of mental stimulation.

Records

25.—(1) A register must be kept of all the dogs on the premises which must include—

(a) the date of the dog's attendance;

(b) the dog's name, age, sex, neuter status, microchip number and a description of it or its breed;

(c) the name, postal address, telephone number (if any) and email address (if any) of the owner and emergency contact details;

(d) the name and contact details of the dog's normal veterinarian and details of any insurance relating to the dog;

(e) details of the dog's relevant medical and behavioural history, including details of any treatment administered against parasites and any restrictions on exercise;

(f) details of the dog's diet and relevant requirements;

(g) any required consent forms;

(h) a record of the date or dates of the dog's most recent vaccination, worming and flea treatments;

(i) details of any medical treatment the dog is receiving.

(2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

Protection from pain, suffering, injury and disease

26.—(1) The dogs must be supervised at all times.

(2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

(3) Any journeys in a vehicle must be planned to minimise the time dogs spend in the vehicle.

SCHEDULE 5

Regulation 2

Specific conditions: hiring out horses

Interpretation

1. In this Schedule, "client" means a person for whose use a horse is hired out.

Eligibility

2.—(1) The licence holder must—

(a) hold an appropriate formal qualification, or have sufficient demonstrable experience and competence, in the management of horses, and

(b) hold a valid certificate of public liability insurance which—

(i) insures the licence holder against liability for any injury sustained by, and the death of, any client, and

(ii) insures any client against liability for any injury sustained by, and the death of, any other person,

caused by or arising out of the hire of the horse.

(2) The certificate mentioned in sub-paragraph (1)(b) must be clearly and prominently displayed on the premises.

Supervision

3.—(1) The activity must not at any time be left in the charge of a person aged under 18 years.

(2) No horse may be hired out except under the supervision of a person aged 16 years or more unless the licence holder is satisfied that the person hiring the horse is competent to ride without supervision.

(3) The following must be clearly and prominently displayed on the premises—

(a) the full name, postal address (including postcode) and telephone number of the licence holder or other person with management responsibilities in respect of the activity;

(b) instructions as to the action to be taken in the event of a fire or other emergency.

Suitable environment

4.—(1) It must be practicable to bring all the horses on the premises under cover.

(2) Suitable storage must be provided and used for feed, bedding, stable equipment and saddlery.

(3) All arena surfaces must be suitable for purpose, well drained, free of standing water and maintained regularly to keep them level.

Suitable diet

5.—(1) At all times when any horses are kept at grass, adequate pasture, shelter and clean water must be available for them.

(2) Supplementary feed and nutrients must be provided to any horse when appropriate.

(3) Each horse must be fed a balanced diet of a quantity and at a frequency suitable for its age, health and workload to enable it to maintain an appropriate physical condition.

Protection from pain, suffering, injury and disease

6.—(1) The horses must be maintained in good health and must be in all respects physically fit.

(2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented

(3) A daily record of the workload of each horse must be maintained and available for inspection at any reasonable time.

(4) Each horse must be suitable for the purpose for which it is kept and must not be hired out if, due to its condition, its use would be likely to cause it to suffer.

(5) Any horse found on inspection to be in need of veterinary attention must not be returned to work until the licence holder has, at the licence holder's expense, obtained from and lodged with the local authority a veterinary certificate which confirms that the horse is fit for work.

(6) Each horse's hooves should be trimmed as often as is necessary to maintain the health, good shape and soundness of its feet and any shoes should be properly fitted and in good condition.

(7) An area suitable for the inspection of horses by a veterinarian must be provided.

(8) The following must not be hired out—

(a) a horse aged under 3 years;

(b) a mare heavy with foal;

(c) a mare whose foal has not yet been weaned.

(9) The licence holder must keep a register of all horses kept for the licensable activity on the premises, each such horse's valid passport showing its unique equine life number and a record of its microchip number (if any).

Equipment

7. All equipment provided to clients must be in good and safe condition and available for inspection at any reasonable time.

SCHEDULE 6

Regulation 2

Specific conditions: breeding dogs

Advertisements and sales

1.—(1) The licence holder must not advertise or offer for sale a dog—

(a) which was not bred by the licence holder;

(b) except from the premises where it was born and reared under the licence;

(c) otherwise than to—

(i) a person who holds a licence for the activity described in paragraph 2 of Schedule 1; or

(ii) a keeper of a pet shop in Wales who is licensed under the Pet Animals Act 1951(**a**) to keep the shop,

knowing or believing that the person who buys it intends to sell it or intends it to be sold by any other person.

(2) Any advertisement for the sale of a dog 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 dog being advertised, and

(d) display the age of the dog being advertised.

(3) The licence holder and all staff must ensure that any equipment and accessories being sold with a dog are suitable for it.

(4) The licence holder and all staff must ensure that the purchaser is informed of the age, sex and veterinary record of the dog being sold.

(5) No puppy aged under 8 weeks may be sold or permanently separated from its biological mother.

(6) A puppy may only be shown to a prospective purchaser if it is together with its biological mother.

(7) Sub-paragraphs (5) and (6) do not apply if separation of the puppy from its biological mother is necessary for the health or welfare of the puppy, other puppies from the same litter or its biological mother.

Suitable environment

2.—(1) Each dog must have access to a sleeping area which is free from draughts and an exercise area.

(2) Each dog must be provided with sufficient space to—

(a) stand on its hind legs,

(b) lie down fully stretched out,

(c) wag its tail,

(d) walk, and

(e) turn around,

without touching another dog or the walls of the sleeping area.

(3) The exercise area must not be used as a sleeping area.

(4) Part or all of the exercise area must be outdoors.

(5) There must be a separate whelping area for each breeding bitch to whelp in which contains a suitable bed for whelping.

(6) Each whelping area must be maintained at an appropriate temperature (between and including 26 and 28 degrees centigrade) and include an area which allows the breeding bitch to move away from heat spots.

(7) Each dog must be provided with constant access to a sleeping area.

(**a**) 1951 c. 35 (14 & 15 Geo 6).

(8) A separate bed must be provided for each adult dog.

(9) No puppy aged under 8 weeks may be transported without its biological mother except—

(a) if a veterinarian agrees for health or welfare reasons that it may be so transported, or

(b) in an emergency.

(10) No breeding bitch may be transported later than 54 days after the date of successful mating except to a veterinarian.

(11) No breeding bitch may be transported earlier than 48 hours after whelping except to a veterinarian where it is not otherwise practicable or appropriate for that person to attend to the bitch.

(12) Each dog's sleeping area must be clean, comfortable, warm and free from draughts.

(13) In this paragraph, "exercise area" means a secure area where dogs may exercise and play.

Suitable diet

3. Staff must—

(a) ensure that each puppy starts weaning as soon as it is capable of ingesting feed on its own,

(b) provide each breeding bitch with feed appropriate to its needs,

(c) provide each puppy with feed appropriate for its stage of development, and

(d) ensure that each puppy ingests the correct share of the feed provided.

Monitoring of behaviour and training

4.—(1) The licence holder must implement and be able to demonstrate use of a documented socialisation and habituation programme for the puppies.

(2) Each dog must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.

(3) Except in the circumstances mentioned in sub-paragraph (4), all adult dogs must be exercised at least twice daily away from their sleeping area.

(4) Where a veterinarian has advised against exercising a dog, the dog must be provided with alternative forms of mental stimulation.

(5) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

Housing with or apart from other dogs

5.—(1) Each adult dog must be provided with opportunities for social contact with other dogs where such contact benefits the dogs' welfare.

(2) Each adult dog must be given suitable and adequate opportunities to become habituated to handling by people.

(3) Procedures must be in place for dealing with dogs that show abnormal behaviour.

(4) There must be an area within each sleeping area in which dogs can avoid seeing people and other dogs outside the sleeping area if they so choose.

Protection from pain, suffering, injury and disease

6.—(1) All dogs for sale must be in good health.

(2) Any dog with a condition which is likely to affect materially its 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 it has recovered.

(3) The licence holder must ensure that no bitch—

(a) is mated if aged less than 12 months;

(b) gives birth to more than one litter of puppies in a 12-month period;

(c) gives birth to more than six litters of puppies in total;

(d) is mated if she has had two litters delivered by caesarean section.

(4) The licence holder must ensure that each puppy is microchipped and registered to the licence holder before it is sold.

(5) No dog may be kept for breeding if it can reasonably be expected, on the basis of its genotype, phenotype or state of health that breeding from it could have a detrimental effect on its health or welfare or the health or welfare of its offspring.

(6) The health, safety and welfare of each dog must be checked at the start and end of every day and at least every four hours during the daytime.

(7) Breeding bitches must be adequately supervised during whelping and the licence holder must keep a record of—

(a) the date and time of birth of each puppy,

(b) each puppy's sex, colour and weight,

(c) placentae passed,

(d) the number of puppies in the litter, and

(e) any other significant events.

(8) The licence holder must keep a record of each puppy sale including—

(a) the microchip number of the puppy,

(b) the date of the sale, and

(c) the age of the puppy on that date.

(9) The licence holder must keep a record of the following in relation to each breeding dog—

(a) its name,

(b) its sex,

(c) its microchip and database details,

(d) its date of birth,

(e) the postal address where it normally resides,

(f) its breed or type,

(g) its description,

(h) the date or dates of any matings, whether or not successful,

(i) details of its biological mother and biological father,

(j) details of any veterinary treatment it has received, and

(k) the date and cause of its death (where applicable).

(10) In addition to the matters mentioned in sub-paragraph (7), the licence holder must keep a record of the following in relation to each breeding bitch—

(a) the number of matings,

(b) its age at the time of each mating,

(c) the number of its litters,

(d) the date or dates on which it has given birth, and

(e) the number of caesarean sections it has had, if any.

(11) Unless the licence holder keeps the dog as a pet, the licence holder must make arrangements for any dog no longer required for breeding to be appropriately rehomed.

(12) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

(13) The licence holder must keep a record of any preventative or curative healthcare (or both) given to each dog.

(14) Where any other activity involving animals is undertaken on the premises on which the licensable activity of breeding dogs is carried on, it must be kept entirely separate from the area where that licensable activity is carried on.

SCHEDULE 7

Regulation 2

Specific conditions: keeping or training animals for exhibition

Insurance

1. The licence holder must hold valid public liability insurance in respect of the licensable activity of keeping or training animals for exhibition.

Emergencies

2. A written policy detailing contingency measures in the event of the breakdown of a vehicle used to transport the animals or any other emergency must be available to all staff.

Suitable environment

3. Suitable temporary accommodation must be provided for all the animals at any venue where they are exhibited.

Monitoring of behaviour and training

4. The animals must be trained by competent staff and given suitable and adequate opportunities to become habituated to being exhibited, using positive reinforcement.

Housing with or apart from other animals

5.—(1) Social animals must not be exhibited if their removal from and reintroduction to the group with which they are usually housed causes them or any other animal within that group stress, anxiety or fear.

(2) Animals must be prevented from coming into contact with each other during any exhibition where such contact would be likely to cause any of them to show signs of aggression, fear or distress.

(3) All persons likely to come into contact with the animals during an exhibition must be briefed about how to behave around the animals so as to minimise anxiety, fear and stress in the animals.

(4) No female animal with unweaned offspring may be removed from its home environment and newborn, unweaned or dependent offspring must not be removed from their mothers.

Records

6. The licence holder must keep a list of each animal kept, or trained, for exhibition with all the information necessary to identify that animal individually (including its common and scientific names) and must provide the local authority with a copy of the list and any change to it as soon as practicable after the change.

Protection from pain, suffering, injury and disease

7.—(1) A register must be kept of each animal exhibited or to be exhibited which must include—

(a) the full name of its supplier,

(b) its date of birth,

(c) the date of its arrival,

(d) its name (if any), age, sex, neuter status, description and microchip or ring number (if applicable),

(e) the name and contact details of the animal's normal veterinarian and details of any insurance relating to it,

(f) details of the animal's relevant medical and behavioural history including details of any treatment administered against parasites and any restrictions on exercise or diet,

(g) a record of the date or dates of the animal's most recent vaccination, worming and flea treatments, and

(h) the distance to and times taken for it to travel to and from each exhibition event.

(2) A record of when the animals are exhibited must be kept and an animal rotation policy must be put in place to ensure that the animals have enough rest between and during exhibition events.

(3) All the animals used in exhibition events must be in good physical and mental health.

(4) The exhibited animals must be suitable for the specific conditions, type of enclosure and actions involved in the exhibition.

(5) Any equipment, chemicals and other materials used in the exhibition must not cause the animals pain, discomfort, fatigue or stress.

(6) The animals must be transported in suitable, secure and appropriately labelled carriers.

(7) The licence holder or the licence holder's staff must undertake a risk assessment before each exhibition event.

(8) The animals must not be handled by persons whose behaviour appears at the time to be influenced by the consumption of alcohol or by any psychoactive substance.

SCHEDULE 8

Regulation 11

Persons who may not apply for a licence

1. A person who has at any time held a licence which was revoked under regulation 15 of these Regulations.

2. A person who has at any time held a licence which was revoked under regulation 17 of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014(**a**).

3. A person who has at any time held a licence which was revoked under regulation 13 of the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012(**b**).

4. A person who is disqualified under section 33 of the Welfare of Animals Act (Northern Ireland) 2011(**c**).

5. A person who has at any time held a licence which was revoked under regulation 12 of the Welfare of Racing Greyhounds Regulations 2010(**d**).

6. A person who is disqualified under section 34 of the Act.

7. A person who is disqualified under section 40(1) and (2) of the Animal Health and Welfare (Scotland) Act 2006(**e**).

(**a**) S.I. 2014/3266 (W.333).
(**b**) S.I. 2012/2932.
(**c**) 2011 c. 16.
(**d**) S.I. 2010/543.
(**e**) 2006 asp 11.

8. A person who is disqualified under section 4(1) of the Dangerous Dogs Act 1991(**a**).

9. A person who is disqualified under Article 33A of the Dogs (Northern Ireland) Order 1983(**b**).

10. A person who is disqualified under section 6(2) of the Dangerous Wild Animals Act 1976(**c**) from keeping a dangerous wild animal.

11. A person who is disqualified under section 3(3) of the Breeding of Dogs Act 1973(**d**) from keeping a breeding establishment for dogs.

12. A person who is disqualified under section 4(3) of the Riding Establishments Act 1964(**e**) from keeping a riding establishment.

13. A person who is disqualified under section 3(3) of the Animal Boarding Establishments Act 1963(**f**) from keeping a boarding establishment for animals.

14. A person who is disqualified under section 5(3) of the Pet Animals Act 1951(**g**) from keeping a pet shop.

15. A person who is disqualified under section 1(1) of the Protection of Animals (Amendment) Act 1954(**h**) from having custody of an animal.

16. A person who is disqualified under section 4(2) of the Performing Animals (Regulation) Act 1925(**i**).

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

SCHEDULE 9

Regulation 25

Repeals and consequential amendments

Performing Animals (Regulation) Act 1925

1.—(1) The Performing Animals (Regulation) Act 1925 is amended as follows.

(2) Section 1(1) (restriction on exhibition and training of performing animals) ceases to have effect in relation to England.

(3) In section 1—

(a) in subsection (1), after "animal" insert "in Wales";

(b) in subsection (2)—

(i) for "Great Britain" substitute "Wales";

(ii) after "districts" insert "in Wales".

(**a**) 1991 c. 65; section 1(1) has been amended but the amendments are not relevant.
(**b**) S.I 1983/764 (N.I. 8) as amended by S.I. 1991/2292 (N.I. 21) and by sections 17(1) and 18(1) of, and paragraph 3 of the Schedule to the Dogs (Amendment) Act (Northern Ireland) 2011 (c.9) and by article 2 of, and the Schedule to S.R 2011 No. 281.
(**c**) 1976 c. 38; section 6(2) has been amended but the amendments are not relevant.
(**d**) 1973 c. 60; section 3(3) was amended by section 5(1) of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11).
(**e**) 1964 c. 70; section 4(3) was amended by paragraph 6(2) of Schedule 3 to the Animal Welfare Act 2006.
(**f**) 1963 c. 43; section 3(3) was amended by paragraph 5(2) of Schedule 3 to the Animal Welfare Act 2006.
(**g**) Section 5(3) was amended by paragraph 3(2) of Schedule 3 to the Animal Welfare Act 2006.
(**h**) 1954 c. 40 (2 & 3 Eliz 2); section 1 was repealed by Schedule 4 to the Animal Welfare Act 2006.
(**i**) 1925 c. 38 (15 & 16 Geo 5); section 4(2) was amended by paragraph 1 of Schedule 3 to the Animal Welfare Act 2006.
(**j**) 1911 c. 27 (1 & 2 Geo 5); section 3 was repealed by Schedule 4 to the Animal Welfare Act 2006.

(4) In section 4(1) (offences and legal proceedings), in each of paragraphs (a), (b) and (e), after "animal" insert "in Wales".

(5) In section 5(**a**) (interpretation, rules, and expenses)—

(a) in subsection (1), for the definition of "local authority" substitute—

"The expression "local authority" means a county council in Wales or a county borough council in Wales:";

(b) in subsection (3), omit the words from ", and" to the end.

Pet Animals Act 1951

2.—(1) The Pet Animals Act 1951 is amended as follows.

(2) Section 1(1) (restriction on keeping a pet shop) ceases to have effect in relation to England.

(3) In section 1—

(a) in subsection (1), after "shop" insert "in Wales";

(b) in subsection (2), after "Every local authority" insert "in Wales";

(c) in subsection (3), after "shop" and "a local authority" insert "in Wales";

(d) in subsection (4), after "local authority" insert "in Wales".

(4) In section 4(1) (inspection of pet shops), after "A local authority" insert "in Wales".

(5) In section 6 (power of local authority to prosecute)—

(a) the existing text becomes subsection (1) and in that text omit "England or";

(b) after subsection (1) insert—

"(2) A local authority in England may prosecute proceedings for an offence under section 2 committed in the area of the authority.".

Animal Boarding Establishments Act 1963

3.—(1) The Animal Boarding Establishments Act 1963 is amended as follows.

(2) Section 1(1) (licensing of boarding establishments for animals) ceases to have effect in relation to England.

(3) In section 1(1) after "animals" insert "in Wales".

(4) In section 4 (power of local authorities to prosecute) omit "in England or Wales".

(5) In section 5(2) (interpretation), in the definition of "local authority", for the words from "means the" to "London" substitute—

"means a county council in Wales or a county borough council in Wales".

Riding Establishments Act 1964

4.—(1) The Riding Establishments Act 1964 is amended as follows.

(2) Section 1(1) (licensing of riding establishments) ceases to have effect in relation to England.

(3) In section 1(1) after "establishment" insert "in Wales".

(4) In section 5 (power of local authorities to prosecute)—

(a) in subsection (1), omit "in England or Wales".

(b) in subsection (2), omit "In England and Wales".

(5) In section 6 (interpretation)—

(a) in subsection (1) omit paragraph (c);

(**a**) Subsections (1) and (3) were amended by section 16 of, and paragraph 17 of Schedule 8 to, the Local Government Act 1985 (1985 c. 51).

(b) in subsection (4), in the definition of "local authority"(**a**), for the words from "means the council of a district" to "county borough", substitute—

"means a county council in Wales or a county borough council in Wales".

Breeding of Dogs Act 1973

5. The Breeding of Dogs Act 1973 is repealed.

Local Government Act 1974

6. In the Local Government Act 1974(**b**), in Schedule 7 (minor and consequential amendments), paragraph 15 is omitted.

Dangerous Wild Animals Act 1976

7.—(1) The Dangerous Wild Animals Act 1976(**c**) is amended as follows.

(2) In section 5(**d**) (exemptions)—

(a) after paragraph (2), insert—

"(2A) premises in England on which the activity described in paragraph 2 of Schedule 1 to the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (read with paragraph 3 of that Schedule: selling animals as pets etc) is carried on under a licence under those Regulations;";

(b) in paragraph (3), after "premises" insert "in Wales".

(3) In section 6(**e**) (penalties)—

(a) in subsection (2) omit "or the Breeding of Dogs Act 1973,";

(b) at the end insert—

"(3C) 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 the carrying on of an activity in England, or of an offence under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, subsections (2) and (3) apply as they do to convictions under this Act.".

Zoo Licensing Act 1981

8. In section 4(5) of the Zoo Licensing Act 1981(**f**) (grant or refusal of licence)—

(a) after the entry which begins "section 13(6)" insert—

"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 the carrying on of an activity in England;";

(b) at the end insert—

";

(**a**) This definition has been amended by section 251(2) and 272(1) of, and Schedule 29 and paragraph 42 of Schedule 30 to, the Local Government Act 1972 and by section 22(3) of, and paragraph 7 of Schedule 9 to, the Local Government (Wales) Act 1994. There is another amendment but it is not relevant.

(**b**) 1974 c. 7.

(**c**) 1976 c. 38.

(**d**) Section 5 has been amended but the amendments are not relevant.

(**e**) Subsection (2) was amended by section 64 of, and paragraphs 9(b) to (d) of Schedule 3 to, the Act. Subsection (3A) was inserted, in relation to Scotland, by article 2(1) of, and paragraph 8 of Schedule 1 to, SSI 2006/536. Subsection (3B) was inserted, in relation to Wales, by regulation 26 of, and paragraph 4 of Schedule 2 to, SI 2014/3266 (W.333).

(**f**) 1981 c. 37. Subsection (5) was amended by section 64 of, and paragraphs 11(a) to (c) of Schedule 3 to, the Act and, in relation to Wales, by regulation 26 of, and paragraph 5 of Schedule 2 to, SI 2014/3266 (W.333). There were other amendments to section 4 but they are not relevant.

the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.".

Animals (Scientific Procedures) Act 1986

9. In the Animals (Scientific Procedures) Act 1986(**a**), section 27(3) (repeal, consequential amendments and transitional provisions) is omitted.

Breeding of Dogs Act 1991

10. The Breeding of Dogs Act 1991(**b**) is repealed.

Breeding and Sale of Dogs (Welfare) Act 1999

11. The Breeding and Sale of Dogs (Welfare) Act 1999(**c**) is repealed.

Local Authorities (Functions and Responsibilities) (England) Regulations 2000

12. Paragraph B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000(**d**) (licensing and registration functions not to be the responsibility of an authority's executive) is amended as follows—

(a) in column (1) (function)—

(i) for "29. Power to license premises for the breeding of dogs." substitute "29. Power to grant or renew a licence for a licensable activity under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs or keeping or training animals for exhibition).";

(ii) omit "30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business" and "31. Power to register animal trainers and exhibitors";

(b) in column (2) (provision of Act or statutory instrument)—

(i) in relation to the entry relating to item 29, for "Section 1 of the Breeding of Dogs Act 1973 (c. 60), and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11)." substitute "Regulation 4 of those Regulations.";

(ii) omit the entries relating to items 30 and 31.

Courts Act 2003

13. In the Courts Act 2003(**e**), paragraphs 171 and 383 of Schedule 8 (minor and consequential amendments) are omitted.

Criminal Justice Act 2003

14. In the Criminal Justice Act 2003(**f**), paragraph 72 of Schedule 25 (summary offences no longer punishable with imprisonment) is omitted.

(**a**) 1986 c. 14. Section 27(3) was amended by regulations 2 and 26(14) of S.I. 2012/3039.
(**b**) 1991 c. 64.
(**c**) 1999 c. 11.
(**d**) S.I. 2013/2190. Schedule 1 has been amended but the amendments are not relevant.
(**e**) 2003 c. 39.
(**f**) 2003 c. 44.

Regulatory Enforcement and Sanctions Act 2008

15.—(1) The Regulatory Enforcement and Sanctions Act 2008(**a**) is amended as follows.

(2) In Schedule 3 (enactments specified for the purpose of Part 1), the following entries are omitted—

(a) "Breeding and Sale of Dogs (Welfare) Act 1999 (c 11)";

(b) "Breeding of Dogs Act 1973 (c 60)";

(c) "Breeding of Dogs Act 1991 (c 64)".

(3) in Schedule 6 (enactments specified for the purposes of orders under Part 3), the following entries are omitted—

(a) "Breeding of Dogs Act 1973 (c 60)";

(b) "Breeding of Dogs Act 1991 (c 64)".

Deregulation Act 2015

16. In the Deregulation Act 2015(**b**), paragraphs 35, 36 and 41 of Schedule 23 (legislation no longer of practical use) are omitted.

SCHEDULE 10

Regulation 26

Revocations and consequential amendments

Performing Animals Rules 1925

1. In rule 2 of the Performing Animals Rules 1925(**c**), for the first indented paragraph substitute "In Wales:– The City of Cardiff."

Sale of Dogs (Identification Tag) Regulations 1999

2. The Sale of Dogs (Identification Tag) Regulations 1999(**d**) are revoked.

Breeding of Dogs (Licensing Records) Regulations 1999

3. The Breeding of Dogs (Licensing Records) Regulations 1999(**e**) are revoked.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the licensing of persons involved in England in selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs and keeping or training animals for exhibition.

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 England must obtain a licence from their local authority under these Regulations. These requirement replaces the requirement, in England, to be registered under the Performing Animals (Regulation) Act 1925 or to obtain a licence under the Pet Animals Act 1951;

(**a**) 2008 c. 13.
(**b**) 2015 c. 20.
(**c**) SI 1925/1219.
(**d**) SI 1999/3191.
(**e**) SI 1999/3192.

the Animal Boarding Establishments Act 1963; the Riding Establishments Act 1964 or the Breeding of Dogs Act 1973.

A person who carries on any of these activities in England 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 six months, a fine or both. Under section 30 of the 2006 Act, local authorities may prosecute for any offence under the 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 granting or renewing 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 requires a local authority to have regard to guidance issued by the Secretary of State in carrying out their functions under these Regulations. It makes provision for the inspection of premises and 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 6 makes transitional and saving provision for unexpired licences or registrations under the pre-existing statutory regime and Part 7 contains a requirement for the Secretary of State to carry out reviews of these Regulations and for local authorities to provide information to the Secretary of State for the purpose of such reviews.

Schedule 1 describes each type of licensable activity. Schedule 2 sets out the general conditions that apply to all licensable activities and Schedules 3 to 7 set out the specific conditions that apply to each licensable activity. Schedule 8 lists persons who may not apply for a licence and Schedules 9 and 10 provide for repeals, revocations and consequential amendments.

An impact assessment of the effect that this instrument will have on the costs to business and the voluntary sector is available from the Animal Welfare Team of the Department for Environment, Food and Rural Affairs, Area 5B, Nobel House, 17 Smith Square, London SW1P 3JR and is published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk.

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