

Regulatory Committee

2.00pm, Thursday, 31 March 2022

Animal Welfare Regulations

Executive/routine Wards Council Commitments	Executive All
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1. Recommendations

- 1.1 Regulatory Committee is asked to:
 - 1.1.1 Note the contents of this report;
 - 1.1.2 Agree to implement the new licensing regime and notes the fee structure and mandatory conditions of licence as set out in Appendices 1 to 8;
 - 1.1.3 Agree to delegate authority to the Executive Director of Place to determine whether to grant, renew or vary any licence under the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021; and
 - 1.1.4 Instruct the Chief Executive to include this additional delegation in future drafts of the Council's Scheme of Delegation when submitted to Council for approval.

Paul Lawrence

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Animal Welfare Regulations

2 Executive Summary

- 2.1 The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 (the 2021 Regulations) came into force on 1 September 2021. This new legislation introduced a revised licensing regime for some animal-related businesses.
- 2.2 The purpose of the Regulations is to provide for the licensing of persons who, in Scotland, carry on activities of:
 - 2.2.1 Selling animals as pets;
 - 2.2.2 Rehoming animals as pets;
 - 2.2.3 Operating animal welfare establishments (including sanctuaries and rehoming centres); and
 - 2.2.4 The breeding of dogs, cats and rabbits.
- 2.3 This means that any pet shops, animal breeders and sanctuaries or rehoming centres will now be required to be licensed under the new legislation, with the City of Edinburgh Council being the Licensing Authority. Current licences will be permitted to continue until their expiry, after which a licence must be applied for in line with the new scheme. A licensed premises register will be made available for all licences held under the legislation.

3 Background

- 3.1 Previously, legislation such as The Pet Animals Act 1951 and The Breeding of Dogs Act 1973 ensured that activities such as the sale of animals as pets and the breeding of dogs came under the remit of a licensing regime. This legislation became outdated and no longer fit for purpose. While a small number of independent pet shops and a few larger operators continue to exist, the majority of licensed sales of puppies and kittens are now made direct from breeder to purchaser or are completed online.
- 3.2 Similarly, licensing controls which already existed for dog breeders also became outdated and no longer fit for purpose. This legislation only imposed basic conditions

to protect animal welfare and, as demand for puppies continues to increase, this has resulted in an alarming increase in low-welfare breeders.

- 3.3 The breeding of cats and rabbits was previously an unregulated activity. This meant that there was no oversight of these activities and no way to ensure that persons breeding cats or rabbits had any regard to the welfare of the animals.
- 3.4 Prior to 2021, there were no licensing requirements for the rehoming of animals; the operation of animal welfare establishments; or the breeding of cats and rabbits
- 3.5 While most animal welfare establishments and rehoming activities were well run, the fact that it was an unregulated activity could result in animal welfare issues. There were concerns that such activities might be undertaken by un/underqualified individuals; that unsuitable premises might be used; that some establishments might also be operating as a pet retailer; and that imported animals could be carrying diseases not found in the UK.
- 3.6 In the Programme for Government 2017-18, the Scottish Government committed to preparing legislation for a modern system of registration and licensing of animal sanctuaries and rehoming activities in Scotland, and improving licensing for dog, cat and rabbit breeding, dealing and selling so that conditions in breeding units in Scotland could be controlled and breeders identified when advertising animals for sale.
- 3.7 The above resulted in the introduction of The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021. The 2021 Regulations replaced the outdated licensing legislation and also extended licensing regimes to a wider range of activities to ensure better protection of animal welfare. Under the legislation local authorities are, with one exception, the Licensing Authority. The exception applies in respect of any licence application made in connection with the activity of rehoming animals as pets in Scotland by persons that neither reside in or have a place of business in Scotland. In such circumstances the Licensing Authority is Scottish Ministers.
- 3.8 Pet shops, animal breeders and sanctuaries or rehoming centres will be required to be licensed under the 2021 Regulations, with the City of Edinburgh Council being the Licensing Authority. Current licences will be permitted to continue until their expiry, after which a licence must be applied for in line with the new scheme.

4 Main report

- 4.1 As the Licensing Authority, the Council has an obligation to facilitate the revised licensing regime introduced by the 2021 Regulations.
- 4.2 The licensing system must include conditions of licence, an application process, an inspection regime and a fee structure. A person may apply to the Council to grant or renew a licence to carry out a licensable activity.

- 4.3 The updated mandatory conditions are attached at Appendices 1 - 7 and detail the conditions that will be applicable across all licence types and conditions specific to each licence type. The conditions will thereafter be applicable in respect of any licence granted or renewed under the 2021 Regulations.
- 4.4 The 2021 Regulations include a provision that allows local authorities to charge a fee for the consideration and granting of a licence for a licensable activity. The Council can refuse to consider any application submitted for a licence if the applicant fails to pay any fee set by the Council. The proposed fee structure is set out at Appendix 8.
- 4.5 When a valid application is received, the Council should arrange for an inspection of the premises on which the licensable activity is to be undertaken. The inspector appointed must be suitably experienced and qualified and have a sound understanding of animal welfare. Following an inspection, a report which includes sufficient information to enable the Council to make an informed decision on whether to grant a licence must be produced.
- 4.6 In addition to inspections carried out by Council officers, there may be occasions where the appointment of a private veterinary surgeon is necessary. Any veterinary fees incurred by the Council shall be charged to the applicant in addition to any fee already set.
- 4.7 The Regulations require the Council to publish a register of licence holders for each of the licensable activities on its website in order to enable the public and prospective buyers of pet animals to quickly and easily check whether a breeder or seller is indeed licensed by the Council to operate as such.
- 4.8 The Scottish Government has produced a helpful toolkit that provides additional guidance and information for potential applicants in a simplified manner to assist with the process.
- 4.9 Regulatory Committee is therefore asked to:
- 4.9.1 Approve the updated conditions and fee structure;
 - 4.9.2 Agree the additional request for delegation of authority to the Executive Director of Place to grant, renew and vary and licence as detailed in this report where there are no objections to the application from members of the public or the Chief Constable; and
 - 4.9.3 Request that such delegated authority be included within the next iteration of the Council's Scheme of Delegation when submitted to Council for approval.

5 Next Steps

- 5.1 If Committee approves the recommendations in this report, officers will contact all known parties that will be affected by the changes, both existing and new.

6 Financial impact

- 6.1 There is no financial impact arising directly from this report. Any costs implementing policy changes will be contained within the current ring-fenced income generated from licence application fees and the proposed fee structure.

7 Stakeholder/Community Impact

- 7.1 The development of policy in respect of licensing of Animal Welfare is part of a wider place-making role for the Council. It is essential that all the strategic aims of the Council are considered and that the revised conditions are consistent with these.
- 7.2 That the city's licensing function is modernised to ensure that it meets the needs of customers.
- 7.3 That any Licensing policy adopted balances appropriate protection of citizens with the need to ensure a minimum burden on economic development.
- 7.4 The revised licensing conditions and fee structure are suitable for the needs of the city and address concerns raised with the Council.

8 Background reading/external references

- 8.1 [The Animal Welfare \(Licensing of Activities Involving Animals\) \(Scotland\) Regulations 2021 \(legislation.gov.uk\)](https://legislation.gov.uk)
- 8.2 [Regulatory Committee report - Animal Boarding Establishments - 26 June 2018](#)
- 8.3 The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 Toolkit (available from Licensing on request)

9 Appendices

- 9.1 Appendix 1 - The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021- GENERAL CONDITIONS
- 9.2 Appendix 2 - The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021- SPECIFIC CONDITIONS – SELLING ANIMALS AS PETS
- 9.3 Appendix 3 - The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021- SPECIFIC CONDITIONS – ENGAGING IN ANIMAL REHOMING
- 9.4 Appendix 4 - The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021- SPECIFIC CONDITIONS – OPERATING AN ANIMAL WELFARE ESTABLISHMENT

- 9.5 Appendix 5 - The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021- SPECIFIC CONDITIONS – BREEDING DOGS
- 9.6 Appendix 6 - The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021- SPECIFIC CONDITIONS – BREEDING CATS
- 9.7 Appendix 7 - The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021- SPECIFIC CONDITIONS – BREEDING RABBITS
- 9.8 Appendix 8 – Proposed Fee Structure

The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021- GENERAL CONDITIONS

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) Any website operated by the licence holder in respect of the licensable activity must clearly and prominently display—

- (a) the name of the licence holder,
- (b) the number of the licence holder's licence, and
- (c) the name of the licensing authority that granted the licence.

Records

2.—(1) The licence holder must ensure that all the records that the licence holder is required to keep as a condition of the licence are either—

- (a) available for inspection by an inspector in a visible and legible form at any premises specified in the licence at which the licensable activity is carried on, or
- (b) if not kept at such premises, are kept in a manner in which they can be readily made available to an inspector.

(2) Where any records that the licence holder is required to keep as a condition of the licence are stored in electronic form they must be stored in a form from which they can readily be produced in a visible and legible form.

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

(4) Where records are not kept at any premises specified in the licence at which the licensable activity is carried on, the licence holder must promptly make such records available (whether in electronic format or otherwise) for inspection upon request by an inspector.

Number of animals

3. The total number of animals kept for the activity at any time must not exceed the maximum that is reasonable taking into account the facilities and numbers of employed staff and volunteers 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 be competent to identify the normal behaviour of the species for which they routinely care and to recognise signs of, and take appropriate measures to mitigate or prevent, suffering, injury, disease or abnormal behaviour.

(3) Volunteers who assist in relation to the licensable activity must only undertake tasks for which they have been suitably trained.

(4) The licence holder must provide and ensure the implementation of a written training policy for all staff members and volunteers who care for the animals.

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) If the licensable activity is carried on from premises at which animals are kept, such premises must provide an environment suitable to their species and condition (including health status and age) with respect to—

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

(3) Animals must be kept clean and comfortable.

(4) Where appropriate for the species—

- (a) opportunities for toileting must be provided, and
- (b) a toileting area must be provided if the licensable activity is carried on from premises at which animals are kept.

(5) Procedures must be in place to ensure that—

- (a) accommodation in any premises from which the licensable activity is carried on and in which animals are kept is capable of being thoroughly cleaned and disinfected,
- (b) any equipment within the accommodation is cleaned as often as necessary, and
- (c) good hygiene standards are maintained.

(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 suffering, injury and disease.

(7) If the animals are kept in premises from which the licensable activity is carried on, 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) If the animals are kept in premises from which the licensable activity is carried on, constant access to fresh and clean drinking water must be provided in a suitable receptacle for the species that require it.

(6) Where feed is prepared on any premises from 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.

Enrichment and training of animals

7. If the animals are kept in premises from which the licensable activity is carried on, active and effective environmental enrichment must be provided to the animals in inside and any outside environments.

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 suffering, injury or disease.

(2) If the animals are kept in premises from which the licensable activity is carried on, the animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals.

(3) No animals from a social species may be isolated or separated from others of their species for any longer than is necessary.

Protection from 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, and

(vi) except in relation to fish, the death or escape of an animal (including the storage of carcasses),

(b) be in place covering the care of the animals—

(i) following the suspension or revocation of the licence,

(ii) during an emergency, and

(iii) following an emergency.

(2) All people responsible for the care of the animals must be made fully aware of these procedures before they attend to any animal in the course of the licensable activity.

(3) If animals are kept in premises from which the licensable activity is carried on, appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.

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

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

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

(7) Where necessary, animals must receive preventative treatment by an appropriately competent person in consultation with a veterinary surgeon.

(8) The licence holder must register with a veterinary surgeon and the contact details of that veterinary surgeon must be readily available to all staff on any premises on which animals are kept and from which the licensable activity is carried on.

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

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

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

(12) No person may euthanase an animal except a veterinary surgeon, a person acting under supervision of a veterinary surgeon, a person who has been authorised by a veterinary surgeon 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 equines and species generally regarded as farmed livestock, a person who is competent, and who holds a licence or certificate which is relevant to the species, for such purpose,

except where the purpose of the euthanasia is to end suffering that has arisen suddenly and unexpectedly and to arrange for such a person to euthanase the animal would prolong the suffering.

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

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

Emergencies

10.—(1) If animals are kept in premises, other than domestic premises, from which the licensable activity is carried on—

(a) a written emergency plan, acceptable to the licensing authority, must be in place, known and available to all the staff on the premises, and

(b) such a plan must be followed where necessary to ensure appropriate steps are taken to protect all animals on the premises (without risking human life) in case of fire, breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

(2) Any such emergency 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) If animals are kept in premises from which the licensable activity is carried on, a designated key holder with access to all animal areas must at all times be within reasonable travel distance of those premises and available to attend in an emergency.

The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021- SPECIFIC CONDITIONS – SELLING ANIMALS AS PETS

Specific conditions: selling animals as pets

Interpretation

1. In this schedule—
 - “prospective owner” means a person who seeks to purchase an animal to be kept or to be resold as a pet,
 - “premises” means the premises specified in the licence and on which the licensable activity described in paragraph 1 of schedule 1 is carried on,
 - “purchaser” means a person who purchases an animal to be kept or to be resold as a pet.

Records and advertisements

2. (1) A register must be maintained for all the animals or, in the case of fish or other animals (not including dogs and cats) kept in groups where it is not practicable to keep individual records, all the groups of such animals, 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,
 - (g) the date of the animal's death (if applicable), and
 - (h) the animal's microchip number (if any).
- (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, if it is on display in the premises with the purpose of being sold, and
 - (b) it may only be sold to a prospective owner if—
 - (i) a veterinary surgeon advises that the animal is in a suitable condition to be rehomed, and
 - (ii) details of, and the reasons for, the treatment are communicated to the prospective owner prior to the sale.
- (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) if the animal being advertised is a dog or cat, include a recognisable photograph of the animal,
 - (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) Any equipment and accessories being sold with an animal must be suitable for the animal.
- (2) The purchaser must be 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—
 - (a) on display and available to be consulted by prospective owners in the premises, or

- (b) provided to prospective owners in an electronic format, if the licensable activity is conducted in a way that involves persons attending the premises to view animals available for sale as pets, or otherwise in relation to arranging the purchase of animals as pets.
- (4) The licence holder and all staff must have been suitably trained to advise prospective owners about the animals being sold.
- (5) The purchaser must be informed of, where known, the country of origin, 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 secure accommodation that is lockable and appropriate for the species.

Training and Exercise

- 5. (1) For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinary surgeon recommends otherwise.
- (2) 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 associated with a domestic environment.
- (3) The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

Sale of Animals

- 6. (1) No animal of any of the following descriptions may be sold as a pet, or sold with a view to being resold as a pet, by or on behalf of the licence holder—
 - (a) unweaned mammals,
 - (b) mammals weaned at an age at which they should not have been weaned,
 - (c) non-mammals that are incapable of feeding themselves,
 - (d) puppies, kittens, ferrets or kits, aged under 8 weeks, and
 - (e) puppies or kittens which were not bred by the licence holder.
- (2) The sale of a dog or a cat must be completed in the presence of the purchaser on the premises.
- (3) No animals or types of animal other than those animals and types of animal specified in the licence may be sold.
- (4) No animal may be sold in any part of a road or public place or at a point of sale at a market (unless the point of sale at the market forms part of the premises).

Protection from suffering, injury and disease

- 7. (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) When an animal is to be transported or handed to a purchaser in a container, the container must be suitable for the species and expected duration of the journey.

The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021- SPECIFIC CONDITIONS – ENGAGING IN ANIMAL REHOMING

Specific conditions: engaging in animal rehoming activities (other than in the course of operating an animal welfare establishment)

Supply of animals

1. No animal of any of the following descriptions may be supplied as a pet by or on behalf of the licence holder—
 - (a) unweaned mammals,
 - (b) mammals weaned at an age at which they should not have been weaned,
 - (c) non-mammals that are incapable of feeding themselves,
 - (d) puppies, kittens, ferrets or kits, aged under 8 weeks, and
 - (e) puppies or kittens which were not bred by the licence holder.

Protection from suffering, injury and disease

2.
 - (1) All animals supplied as pets 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 supplied as a pet 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) When an animal is transported in or handed over in a container to the person to whom the licence holder is supplying the animal, the container must be suitable for the species and expected duration of the journey.

Pet care and advice

3.
 - (1) Any equipment and accessories being sold with an animal must be suitable for the animal.
 - (2) The purchaser must be 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) A person supplied with the animal as a pet must be informed of the country of origin of the animal and the species, and where known, the age, sex and veterinary record of the animal.

Return of animals

4. The licence holder must accept return of any live animal that the licence holder has supplied to a person in the course of the licensable activity, and arrange for the collection of the animal to facilitate the return if requested by the person supplied, if—
 - (a) the person supplied notifies the licence holder of the intention to return the animal within the 10 days following the date the animal was supplied, and
 - (b) the animal is in a fit state to be transported.

The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021- SPECIFIC CONDITIONS – OPERATING AN ANIMAL WELFARE ESTABLISHMENT

Specific conditions: operating an animal welfare establishment

Interpretation

1. In this schedule—
 - “animal welfare establishment” means the place or places within the areas of the local authority at which the licensable activity of operating an animal welfare establishment is carried on,
 - “prospective keeper” means a person who seeks to become the keeper of the animal (or, where it is proposed that there be more than one keeper of the animal, one of such persons).

Records and advertisements

2. (1) A register must be maintained for all the animals or, in the case of animals (not including dogs and cats) kept in groups where it is not practicable to keep individual records, all the groups of such animals, in the animal welfare establishment which must include—
 - (a) the species of the animal (where known),
 - (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 on which the animal was received by the licence holder,
 - (f) the date on which the animal was rehomed or otherwise released from the animal welfare establishment (if applicable),
 - (g) the site of the animal’s release into the wild (if the animal is so released), and
 - (h) the date of the animal’s death (if applicable).
- (2) Where an animal is undergoing any medical treatment it may only be supplied as a pet to a prospective keeper if—
 - (a) details of, and the reasons for, the treatment are communicated to the prospective keeper of the animal prior to any agreement being concluded with that person for the supply of that animal, and
 - (b) a veterinary surgeon advises that the animal is in a suitable condition to be supplied to a person as a pet from the animal welfare establishment.
- (3) Any advertisement for the rehoming of an animal must—
 - (a) include the number of the licence holder’s licence,
 - (b) specify the local authority that issued the licence,
 - (c) if the animal being advertised is a dog, cat or horse, include a recognisable photograph of the animal, and
 - (d) (except in the case of fish) display the age of the animal being advertised (where known).

Rehoming: pet care and advice

3. (1) Any equipment and accessories being sold with an animal must be suitable for the animal.
- (2) Prospective keepers must be 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) A suitably trained person must be available to provide advice to prospective keepers about the animals made available for rehoming.

- (4) Any new keeper (or at least one new keeper where there is more than one new keeper of the animal) to whom an animal is being rehomed must be informed of, where known, the age, sex and veterinary record of the animal.

Release of animals into the wild

4. (1) An animal that has been kept at the animal welfare establishment must only be released into the wild in an area that is suitable for its species.
- (2) An animal that has been kept at the animal welfare establishment must only be released into the wild if it is able to feed and fend for itself.

Dangerous wild animals: duty to notify

5. The licence holder must notify the licensing authority of any dangerous wild animals held in the animal welfare establishment.

Suitable accommodation

- 6 (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 secure accommodation that is lockable and appropriate for the species.

The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021- SPECIFIC CONDITIONS – BREEDING DOGS

Specific conditions: breeding dogs

Interpretation

1. In this schedule—
 - “adult dog” means a dog aged 6 months or more,
 - “breeding procedure” means a procedure involving—
 - (a) artificial insemination of semen into the vagina or uterus, or
 - (b) the placement of one or more embryos into the uterus, with the purpose of establishing pregnancy,
 - “microchipped” means microchipped in accordance with regulation 6(5) of the Microchipping of Dogs (Scotland) Regulations 2016(1),
 - “prospective purchaser” means a person who seeks to purchase a puppy,
 - “sleeping area” means a fully-enclosed indoor area in which a dog can rest and sleep.

Advertisements and sales

2. (1) A dog must not be advertised or offered for sale—
 - (a) which was not bred by the licence holder,
 - (b) from any place other than the premises where it was born and reared under the licence, unless the dog is over the age of 12 months and was procured by the licence holder for breeding purposes.
- (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) Any equipment and accessories being sold with a dog must be suitable for it.
- (4) The purchaser must be informed of the age, sex and veterinary record of the dog being sold.
- (5) No puppy aged under 8 weeks may be—
 - (a) sold, or
 - (b) 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)(b) and (6) do not apply in relation to a puppy if—
 - (a) 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, or
 - (b) the puppy’s biological mother is deceased.
- (8) A dog may only be sold if the name, and an address, of the licence holder are disclosed to the purchaser.

Number of breeding bitches and litters produced

3. (1) The number of breeding bitches kept in relation to the licensable activity of breeding dogs at any time on the premises specified in the licence and on which the licensable activity is carried on must not exceed the maximum number specified by the local authority in the licence.
- (2) The number of litters produced on the premises during each consecutive 12 month period commencing with the date on which the licence was granted or, as the case may be, renewed must not exceed the maximum number of breeding bitches specified in the licence.

Suitable environment

4. (1) Each dog must have access to—
 - (a) a clean, dry and warm sleeping area with comfortable bedding and which is free from draughts, and
 - (b) an exercise area.
- (2) Each dog must be provided with sufficient space to—

- (a) stand upright 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 unless the dog chooses to do so.
 - (4) There must be a separate whelping area for each breeding bitch to whelp in which contains a suitable bed for whelping.
 - (5) Each whelping area must be maintained at an appropriate temperature and include an area which allows the breeding bitch to move away from heat spots and from her young if she chooses to do so.
 - (6) Each dog must be provided with constant access to a sleeping area.
 - (7) A separate bed or area with bedding must be provided for each adult dog.
 - (8) No puppy aged under 8 weeks may be transported without its biological mother except—
 - (a) if a veterinary surgeon agrees for health or welfare reasons that it may be so transported, or
 - (b) in an emergency.
 - (9) No pregnant breeding bitch may be transported later than 54 days after the date of successful mating or breeding procedure except to a veterinary surgeon.
 - (10) No breeding bitch may be transported earlier than 48 hours after whelping except to a veterinary surgeon where it is not otherwise practicable or appropriate for that person to attend to the bitch.
 - (11) In this paragraph, “exercise area” means a secure area where dogs may exercise and play.

Suitable diet

- 5. (1) Each puppy must be provided with the opportunity to start weaning as soon as it is capable of ingesting feed on its own.
- (2) Each adult dog must be provided with feed appropriate to its needs.
- (3) Each puppy must be provided with feed appropriate for its stage of development.
- (4) Reasonable efforts must be made so that each puppy ingests the correct share of the feed provided.

Monitoring of behaviour, exercise and training

- 6. (1) The licence holder must implement and be able to demonstrate use of a documented socialisation and habituation programme for the puppies.
- (2) All puppies must be given suitable and adequate opportunities to—
 - (a) learn how to interact with people, dogs and other animals where such interaction benefits their welfare, and
 - (b) become habituated to noises, objects and activities associated with a domestic environment.
- (3) Each dog must be provided with toys or feeding enrichment (or both) unless advised otherwise by a veterinary surgeon.
- (4) All adult dogs must be exercised at least twice daily away from their sleeping area unless advised otherwise by a veterinary surgeon.
- (5) Where a veterinary surgeon has advised against exercising a dog, the dog must be provided with alternative forms of mental stimulation or environmental enrichment.
- (6) All adult dogs must have at least daily opportunities to interact with people where such interaction benefits their welfare.

Housing with or apart from other dogs

- 7. (1) Each adult dog must be provided with opportunities for social contact with other dogs where such contact benefits the dog’s welfare.
- (2) Each adult dog must be given suitable and adequate opportunities to become habituated to handling by people.
- (3) 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 suffering, injury and disease

- 8. (1) All dogs for sale must be in good health.

- (2) Any dog with a condition which materially affects, or is likely to materially affect, its quality of life must not be—
- (a) transferred in ownership,
 - (b) offered for sale, or
 - (c) moved from the premises specified in the licence and on which the licensable activity is carried on, other than to an isolation facility or veterinary care facility where the animal is in need of isolation or treatment,
- until it has recovered, ceased to require isolation or, where there is no need for the animal to be isolated, been certified by a veterinary surgeon as being in a condition that is suitable for such transfer, sale or movement.
- (3) The licence holder must ensure that no bitch—
- (a) is mated or undergoes a breeding procedure 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 6 litters of puppies in her lifetime,
 - (d) is mated or undergoes a breeding procedure if she has had—
 - (i) two litters delivered by caesarean section, or
 - (ii) one litter delivered by caesarean section if the need for the caesarean section was due to the conformation of the bitch or her offspring.
 - (e) is mated or undergoes a breeding procedure if aged 8 or more years.
- (4) Each puppy must be 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, conformation, behaviour 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) Each dog must be checked in person at least two times per day.
- (7) Breeding bitches must be adequately supervised during whelping and the licence holder must keep a record of—
- (a) the date of birth of each puppy,
 - (b) each puppy's sex and colour,
 - (c) the number of puppies in the litter, and
 - (d) 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) the date or dates of any matings and breeding procedures (whether or not any such mating or procedure is successful),
 - (h) details of its biological parents,
 - (i) details of any veterinary treatment it has received, and
 - (j) the date and cause of its death (where applicable).
- (10) In addition to the matters mentioned in sub-paragraph (9), the licence holder must keep a record of the following in relation to each breeding bitch—
- (a) the number of matings and breeding procedures,
 - (b) its age at the time of each mating and breeding procedure,
 - (c) the total number of its litters,
 - (d) the date or dates on which it has given birth, and
 - (e) the caesarean sections it has had, if any, and their cause.
- (11) Any preventative healthcare plan agreed with the veterinary surgeon with whom the licence holder has registered under the condition specified in paragraph 9(8) of the general conditions must be implemented.
- (12) The licence holder must keep a record of any preventative or curative healthcare (or both) given to each dog.
- (13) 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.

The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021- SPECIFIC CONDITIONS – BREEDING CATS

Specific conditions: breeding cats

Interpretation

1. In this schedule—
 - “adult cat” means a cat aged 6 months or more,
 - “sleeping area” means a fully-enclosed indoor area in which a cat can rest and sleep.

Advertisements and sales

2. (1) A cat must not be advertised or offered for sale—
 - (a) which was not bred by the licence holder,
 - (b) from any place other than the premises where it was born and reared under the licence, unless the cat is over the age of 12 months and was procured by the licence holder for breeding purposes.
- (2) Any advertisement for the sale of a cat must—
 - (a) include the number of the licence holder’s licence,
 - (b) specify the local authority that issued the licence,
 - (c) display the age of the cat being advertised.
- (3) Any equipment and accessories being sold with a cat must be suitable for it.
- (4) The purchaser must be informed of the age, sex and veterinary record of the cat being sold.
- (5) No kitten aged under 8 weeks may be—
 - (a) sold, or
 - (b) permanently separated from its biological mother.
- (6) Sub-paragraph (5)(b) does not apply in relation to a kitten if—
 - (a) separation of the kitten from its biological mother is necessary for the health or welfare of the kitten, other kittens from the same litter or its biological mother, or
 - (b) the kitten’s biological mother is deceased.
- (7) A cat may only be sold if the name, and an address, of the licence holder are disclosed to the purchaser.

Number of breeding female cats and litters produced

3. (1) The number of breeding female cats kept in relation to the licensable activity of breeding cats at any time on the premises specified in the licence and on which the licensable activity is carried on must not exceed the maximum number specified by the local authority in the licence.
- (2) The number of litters produced on the premises during each consecutive 12 month period commencing with the date on which the licence was granted or, as the case may be, renewed must not exceed the maximum number of breeding female cats specified in the licence.

Suitable environment

4. (1) Each cat must have access to—
 - (a) a clean, dry and warm sleeping area with comfortable bedding and which is free from draughts, and
 - (b) an exercise area.
- (2) Each cat must be provided with sufficient space to—
 - (a) stand upright on its hind legs,
 - (b) lie down fully stretched out,
 - (c) walk, and
 - (d) turn around,
 without touching another cat or the walls of the sleeping area.
- (3) The exercise area must not be used as a sleeping area unless the cat chooses to do so.
- (4) There must be a separate birthing area for each breeding female cat to birth in which contains a suitable bed for giving birth.

- (5) Each birthing area must be maintained at an appropriate temperature and include an area which allows the breeding female cat to move away from heat spots and from her young if she chooses to do so.
- (6) Each cat must be provided with constant access to a sleeping area.
- (7) No kitten aged under 8 weeks may be transported without its biological mother except—
 - (a) if a veterinary surgeon agrees for health or welfare reasons that it may be so transported, or
 - (b) in an emergency.
- (9) No pregnant breeding female cat may be transported later than 54 days after the date of successful mating or artificial insemination except to a veterinary surgeon.
- (10) In this paragraph, “exercise area” means a secure area where cats may exercise and play.

Suitable diet

5. (1) Each kitten must be provided with the opportunity to start weaning as soon as it is capable of ingesting feed on its own.
- (2) Each adult cat must be provided with feed appropriate to its needs.
- (3) Each kitten must be provided with feed appropriate for its stage of development.
- (4) Reasonable efforts must be made so that each kitten ingests the correct share of the feed provided.

Training and exercise

6. (1) Opportunities to exercise which benefit the cats’ physical and mental health must be provided, unless advice from a veterinarian suggests otherwise.
- (2) All kittens must be given suitable and adequate opportunities to—
 - (a) learn how to interact with people, cats and other animals where such interaction benefits their welfare, and
 - (b) become habituated to noises, objects and activities associated with a domestic environment.
- (3) All adult cats must have at least daily opportunities to interact with people where such interaction benefits their welfare.

Housing with or apart from other cats

7. (1) Each adult cat must be given suitable and adequate opportunities to become habituated to handling by people.

Protection from suffering, injury and disease

8. (1) All cats for sale must be in good health.
- (2) Any cat with a condition which materially affects, or is likely to materially affect, its quality of life must not be—
 - (a) transferred in ownership,
 - (b) offered for sale, or
 - (c) moved from the premises specified in the licence and on which the licensable activity is carried on, other than to an isolation facility or veterinary care facility where the animal is in need of isolation or treatment, until it has recovered, ceased to require isolation or, where there is no need for the cat to be isolated, been certified by a veterinary surgeon as being in a condition that is suitable for such transfer, sale or movement.
- (3) The licence holder must ensure that no female cat—
 - (a) is mated or undergoes a breeding procedure if aged less than 10 months,
 - (b) gives birth to more than two litters of kittens in a 12-month period,
 - (c) gives birth to more than 8 litters of kittens in her lifetime,
 - (d) is mated or artificially inseminated if aged 8 or more years,
 - (e) is mated or artificially inseminated after she has delivered one litter of kittens by caesarean section.
- (4) No cat may be kept for breeding if it can reasonably be expected, on the basis of its genotype, conformation, behaviour 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.
- (5) Breeding female cats must be supervised with minimal disturbance during birthing and the licence holder must keep a record of—
 - (a) the date of birth of each kitten,

- (b) each kitten's sex and colour,
 - (c) the number of kittens in the litter, and
 - (d) any other significant events.
- (6) The licence holder must keep a record of each kitten sale including—
- (a) the microchip number of the kitten (if any),
 - (b) the date of the sale, and
 - (c) the age of the kitten on that date.
- (7) The licence holder must keep a record of the following in relation to each breeding cat—
- (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) details of its biological parents (to the extent known),
 - (i) details of any veterinary treatment it has received, and
 - (j) the date and cause of its death (where applicable).
- (8) 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 female cat—
- (a) the number of any known pregnancies,
 - (b) the number of its litters,
 - (d) the date or dates on which it has given birth, and
 - (e) the caesarean sections it has had, if any.
- (9) Any preventative healthcare plan agreed with the veterinary surgeon with whom the licence holder has registered under the condition specified in paragraph 9(8) of the general conditions must be implemented.
- (10) The licence holder must keep a record of any preventative or curative healthcare (or both) given to each cat.
- (11) Where any other activity involving animals is undertaken on the premises on which the licensable activity of breeding cats is carried on, it must be kept entirely separate from the area where that licensable activity is carried on.

The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021- SPECIFIC CONDITIONS – BREEDING RABBITS

Specific conditions: breeding rabbits

Interpretation

1. In this schedule—
 - “adult rabbit” means a rabbit aged 3 months or more,
 - “nesting box” means a fully-enclosed indoor area in which a rabbit can rest and sleep.

Advertisements and sales

2. (1) No kit aged under 8 weeks may be—
 - (a) sold, or
 - (b) permanently separated from its biological mother.
- (2) Sub-paragraph (1)(b) does not apply in relation to a kit if—
 - (a) separation of the kit from its biological mother is necessary for the health or welfare of the kit, other kits from the same litter or its biological mother, or
 - (b) the kit’s biological mother is deceased.
- (3) Any advertisement for the sale of a rabbit must—
 - (a) include the number of the licence holder’s licence, and
 - (b) specify the local authority that issued the licence.

Number of breeding female rabbits

3. (1) The number of breeding female rabbits kept in relation to the licensable activity of breeding rabbits at any time on the premises specified in the licence and on which the licensable activity is carried on must not exceed the maximum number specified by the local authority in the licence.

Suitable environment

4. (1) Each rabbit must have access to—
 - (a) a clean, dry and warm sleeping area which is free from draughts, and
 - (b) an exercise area.
- (2) Each rabbit must be provided with sufficient space in the sleeping area to—
 - (a) lie down fully stretched out,
 - (c) hop, and
 - (d) turn around,
 without touching another rabbit or the walls of the sleeping area.
- (3) The exercise area must not be used as a sleeping area unless the rabbit chooses to do so.
- (4) For each breeding female rabbit, there must be—
 - (i) a nesting box to give birth in and which is lined with suitable nesting material such as dust-free wood shavings or grass hay, or
 - (ii) a plentiful supply of such nesting material available to the rabbit.
- (5) The nesting box must not be accessible to other rabbits when being used by a breeding female rabbit to give birth in.
- (6) In this paragraph, “exercise area” means a secure area where rabbits can hop, scratch, forage and stretch to their full height.

Training and exercise

5. (1) Opportunities to exercise which benefit the rabbits’ physical and mental health must be provided, unless advice from a veterinarian suggests otherwise.
- (2) All kits must be given suitable and adequate opportunities to—
 - (a) learn how to interact with people, rabbits and other animals where such interaction benefits their welfare, and
 - (b) become habituated to noises, objects and activities associated with a domestic environment.

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

Suitable diet

6. (1) All adult rabbits must have continuous access to clean and safe drinking water.
- (2) Each adult rabbit must be provided with feed appropriate to its needs.
- (3) Each kit must be provided with feed appropriate for its stage of development.

Protection from suffering, injury and disease

7. (1) All rabbits for sale must be in good health.
- (2) Any rabbit with a condition which materially affects, or is likely to materially affect, its quality of life must not be—
 - (a) transferred in ownership,
 - (b) offered for sale, or
 - (c) moved from the premises specified in the licence and on which the licensable activity is carried on, other than to an isolation facility or veterinary care facility where the animal is in need of isolation or treatment, until it has recovered, ceased to require isolation or, where there is no need for the rabbit to be isolated, been certified by a veterinary surgeon as being in a condition that is suitable for such transfer, sale or movement.
- (3) The licence holder must ensure that no female rabbit—
 - (a) is mated or artificially inseminated if aged less than 5 months,
 - (b) gives birth to more than 4 litters of kits within 12 months,
 - (c) gives birth to more than 16 litters of kits in her lifetime,
 - (d) is mated or artificially inseminated if aged 6 or more years,
- (4) No rabbit may be kept for breeding if it can reasonably be expected, on the basis of its genotype, conformation, behaviour 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.
- (5) Where any other activity involving animals is undertaken on the premises on which the licensable activity of breeding rabbits is carried on, it must be kept entirely separate from the area where that licensable activity is carried on.
- (6) No adult rabbit may be isolated or separated from others rabbits for longer than is necessary.

Proposed Fee Structure

OTHER LICENCE TYPES		
ANIMAL BOARDING		
	Commercial Kennels*	£372 – 1 year
	Home Boarding or Dog Day Care (1–10 animals) *	£173 – 1 year
	Home Boarding or Dog Day Care (>10 animals) *	£372 – 1 year
*any application that involves a vet inspection will be charged the full cost of that inspection <u>in addition to</u> the licence application fee		
ANIMAL WELFARE		
New & Renewal	Breeding of animals - dogs, cats and rabbits *	£372 – 1 year
	animal rehoming activities (other than in the course of operating an animal welfare establishment) (1 -10 animals) *	£173 – 1 year
	animal rehoming activities (other than in the course of operating an animal welfare establishment) (>10 animals)	£372 – 1 year
	animal rehoming activities (animal welfare establishment)	£436 – 1 year
	Sale of animals as pets (Pet shops etc)	£436 – 1 year
Variation of Licence	other than a capacity increases i.e. change of manager	£118
*any application that involves a vet inspection will be charged the full cost of that inspection <u>in addition to</u> the licence application fee		
Breeding of animals - dogs, cats and rabbits	any person breeding three or more litters of kittens or puppies or six or more litters of kits in any 12 month period must be licensed.	

Engaging in animal rehoming activities	<p>engaging in animal rehoming activities.</p> <p>Under the Regulations “engaging in animal rehoming activities” means supplying an animal to a person in Scotland to be kept as a pet, regardless of the country of origin of the animal, provided that the:</p> <ul style="list-style-type: none"> • animal is not a fish • animal was not bred by the supplier • person being supplied takes receipt of the animal in Scotland from the supplier of the animal or a person delivering the animal on behalf of the supplier
Sale of animals as pets	<p>Under the Regulations any person selling animals as pets in the course of a business, selling animals with the expectation that they will be resold as pets in the course of a business, keeping animals in the course of a business with a view to them being sold as pets, or keeping animals in the course of a business with a view them being resold as pets must be licensed</p>