

NOTICE TO KEEPERS OF DOG BREEDING ESTABLISHMENTS

Under the Breeding of Dogs Act 1973, as amended by the Breeding and Sale of Dogs (Welfare) Act 1999, no person shall keep a breeding establishment for dogs except under a licence granted by the local authority.

Licensing of Breeding Establishments for Dogs

Under Section 1 of the Act application for such a licence must be made to the local Authority. The local authority may grant a licence if the applicant is not disqualified under any of the following Acts - the Breeding of Dogs Act 1973; the Pet Animals Act 1951; the Protection of Animals (Amendment) Act 1954; the Animal Boarding Establishments Act 1963.

In deciding whether to grant a licence to an applicant for the first time the authority must arrange for the premises to be inspected by a veterinary surgeon/practitioner and an officer of the authority. Inspections also have to be made on subsequent applications, but can then be by a veterinary surgeon/practitioner or an officer of the authority, or both. A report will be made about the premises, the applicant and any other relevant matter and must be considered by the authority when considering whether to grant or refuse the application.

The authority may set the level of and charge fees in respect of both the application and related inspections under the Act.

The Local Authority's Duty

In determining whether to grant a licence a local authority must have regard to the need for securing -

- that the dogs will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;
- that the dogs will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and visited at suitable intervals;
- that all reasonable precautions will be taken to prevent and control the spread among the dogs of infectious or contagious diseases;
- that appropriate steps will be taken for the protection of the dogs in case of fire or other emergency;
- that all appropriate steps will be taken to secure that the dogs will be provided with suitable food, drink, and bedding material and adequately exercised when being transported to or from the breeding establishment;
- that bitches are not mated if they are less than one year old;
- that bitches do not give birth to more than six litters of puppies each;
- that bitches do not give birth to puppies before the end of the period of 12 months beginning on the day on which they last gave birth to puppies; and
- that accurate records in a form prescribed by regulations are kept at the premises and made available for inspection there by any officer of the authority, or any authorised veterinary surgeon/practitioner authorised by the authority to inspect the premises.

And without prejudice to their right to withhold a licence on other grounds.

The licence must specify such conditions as will ensure that the above named objects are secured.

Commencement and Duration of Licence

The local authority will decide whether to grant a licence within three months from when the application is received. A licence shall come into force at the beginning of the day specified in it and that day shall be the later of (a) the day stated in the application as being the date when the applicant wishes the licence to come into force and (b) the day on which it is granted. The licence will, under normal conditions, expire at the end of one year from the date on which it comes into force.

The Applicant's Right of Appeal against Refusal

Any person aggrieved by the refusal of a local authority to grant such a licence, or by any condition subject to which such a licence is proposed to be granted, may appeal to a magistrates' court (in Scotland to the Sheriff); and the court may on such an appeal give such directions with respect to the issue of a licence or, as the case may be, with respect to the conditions subject to which a licence is to be granted as it thinks proper.

Offences against the Act

The Act provides for the following offences:-

- keeping a breeding establishment for dogs without a licence (liable on summary conviction to imprisonment for up to three months, or to a fine not exceeding level 4 on the standard scale, or to both),
- contravening or failing to comply with any conditions of the licence (liable on summary conviction to imprisonment for up to three months, or to a fine not exceeding level 4 on the standard scale, or to both),
- obstructing or delaying any person in exercise of his/her powers of entry or inspection (liable on summary conviction to a fine not exceeding level 3 on the standard scale),

Where a person is convicted under this Act the Court also has power to order the cancellation of the licence to keep the breeding establishment for dogs and to disqualify such person from keeping a breeding establishment for dogs and/or from having custody of any dog of whatever description is specified in the Court's order for such period as the Court thinks fit.

The Court can make a further order in relation to any dog of the specified description that may have been in the person's custody when the offence was committed or at any time since. Such order can require the offender to deliver the dog to a specified person, and require him/her to pay for the care of the dog until permanent arrangements are made for its care or disposal. The Act provides also for the making of applications for disqualifications to be lifted. A Court may, if it thinks fit, suspend the operation of any order it may make pending an appeal.

Inspection of Dog Breeding Establishments

The local authority is given power under the Act to authorise any of its officers or any veterinary surgeon or veterinary practitioner to inspect any premises in their area for which a licence has been granted under the Act and which is still in force. Such a person, on production of his/her authority if so required, has the statutory right to enter the premises at all reasonable times for the following purposes-

- to inspect the premises,
- to inspect any animals on the premises,
- to ascertain whether any offence has been or is being committed on the premises

Definitions

For the purpose of this Act a person keeps a breeding establishment for dogs at any premises if he/she carries on at those premises a business of breeding dogs for sale. A person whose bitch or bitches give birth to five or more litters in any 12 month period is presumed to be carrying on a dog breeding business. In general, a breeder whose rate of litter production brings him/her within this category will have to be licensed. A decision as to whether a breeder with bitches producing fewer than five litters a year needs to be licensed will depend on whether the breeder concerned is carrying on a business; that can only be determined by the local authority on the facts of the case. It may well be that a breeder producing fewer than five litters a year will still have to be licensed.

Bitches count towards the qualifying total if they are kept at any time during the 12 month period by the applicant/licence holder at the premises at which he/she is carrying on the business of breeding dogs for sale; or if they are kept at those premises by any of his/her relatives (ie parent, grandparent, child, grandchild, brother, sister, aunt, uncle, niece or nephew or someone with whom he/she lives as a couple); or if they are kept by him/her elsewhere; or if they are kept by any other person by a contract or other arrangement with him/her. "Premises" includes a private dwelling.

Sale of Dogs

The Breeding and Sale of Dogs (Welfare) Act 1999 makes additional provisions regulating the sale of puppies born at licensed breeding establishments.

A keeper of a licensed breeding establishment will be guilty of an offence if he/she sells a dog anywhere other than at a licensed breeding establishment, a licensed pet shop or a licensed Scottish rearing establishment, knowing or believing that the dog will be sold on to another person. It is also an offence to sell a dog less than eight weeks old to anyone other than the keeper of a licensed pet shop or a licensed Scottish rearing establishment. Any dog sold by a breeder in this way must have been bred at the breeder's establishment and be wearing an identification tag or badge, which must contain information indicating the licensed breeding establishment at which it was born, its date of birth and any identifying number allocated to it by the establishment at which it was born.

A person committing any offence under these provisions will be liable on summary conviction to imprisonment for up to three months, or to a fine not exceeding level 4 on the standard scale, or to both. There are also similar provisions to those mentioned in paragraph 6 above, concerning cancellation of licences and disqualification.

Further Information

This leaflet is intended as a general guide only and is *not a definitive statement of the law*. A copy of the Act and any relevant Regulations may be inspected at the office named below or may be purchased from The Stationery Office. Details of the conditions upon which the Council will normally grant licences and forms of application can be obtained from:-