

Policy Position: Licensing and Registration of Dog Breeders and Sale of Puppies

Introduction

It is of fundamental importance that the care of dogs used for breeding and their puppies is of the highest standard to ensure their health and welfare. Puppies may be produced in a wide range of environments, from domestic premises, to kennels used on a small-scale in non-commercial settings, through to commercial operations of varying scale, including breeding enterprises which may keep a very large number of breeding dogs. This may be in excess of one hundred dogs in some cases. Dog breeding regulations^{1 2} specify certain minimum standards through a process of licensing, but there is evidence of often poor welfare standards in breeding premises, whether licensed or unlicensed. Enforcement of current legislation is of very variable quality from excellent to very poor.

Puppies produced may be transferred through a variety of routes. This may include informal channels where litters are distributed to friends and relatives for the occasional breeder operating from home; purchase direct from a breeder's premises; sale by commercial operators via Internet advertising; sale to third-party dealers and pet shops. Indirect routes of sale (for example, via dealers and pet shops) can mean that the provenance of puppies is concealed, that traceability to the original breeder is prevented, that risks of infection and subsequent behavioural problems are increased, and that uninformed purchase is encouraged.

There is an urgent need to ensure adequate protection of the health and welfare of dogs in breeding establishments, and that the process of sale protects both puppy and consumer.

Issues

A) Breeding and rearing

In England and Wales, dog breeders are required to be licensed by the local authority if they are 'commercial' (i.e. they breed for profit) or, by default, if they produce and sell from, in England¹, five or more litters per year, or in Wales², three or more litters per year. Some breeding establishments (which include many home breeders) are 'exempt' because they do not meet these criteria, while others may operate illegally as 'unlicensed' premises. Standards specified in current dog breeding regulations in both England and Wales, are limited and not always well defined. While guidance is available for local authorities, the guidance is not statutory and may be ignored. There is widespread variation in standards applied by different authorities, and evidence of poor practice in a number of authorities with breeders being licensed without inspection in contravention of the legislation. This may reflect a range of factors including lack of resources and lack of appropriate training of inspecting officers.

Another factor affecting welfare standards in dog breeding premises is that many local authorities have failed to apply, or have chosen not to apply, the further standards required by the Animal Welfare Act, 2006 (AWA), which effectively supplement and enhance licensing regulation requirements. For example, by requiring that those responsible for dogs protect them from injury and disease, and ensure that dogs kept are able to express normal behaviour. The basis of this choice is that enforcement of the AWA is not a statutory requirement for local authorities.

It can be difficult for a local authority to detect or determine if poor standards occur in particular premises. This reflects the nature of the inspection which is usually based on a one-off visit (though further unannounced checks may occur), the difficulty in obtaining relevant evidence of proper practice (eg exercising of dogs, whether adequate staffing is supplied). In some cases there is deliberate deception or concealment by breeding premises operators.

Where a premises is reported to regularly sell puppies which develop infectious disease, or other health conditions arising from breeding, this will not affect decisions to licence or re-licence a premises. Such occurrences are

often not reported or collated and are viewed as a civil matter, external to the licensing process. As a result of this, establishments may continue in operation even if multiple complaints are received by trading standards officers concerning diseased or poorly nourished puppies.

Where breaches of licensing regulations are discovered then a local authority will have potential recourse through a magistrate's court. However, this is a lengthy process and an expensive one. Many authorities are reluctant to pursue it and may instead rely on advice to the breeder and potentially, non-award of a licence when it comes up for renewal. New regulations in Wales² allow Welsh local authorities to directly suspend or revoke a licence, but this provision does not currently apply in England. Breeders operating illegally without a licence may, in some cases, do so with impunity as authorities may not have the willingness to prosecute.

Licensing regulations applicable to England and Wales^{1 2} do not require that a breeder takes appropriate steps to protect the health and welfare of offspring. For example, that a breeder conducts relevant health tests or that steps are taken to avoid producing dogs which have extreme conformations. Certain types of commercial breeder, which may be described as puppy farmers, are particularly unlikely to conduct such assessments and may put significant numbers of puppies on to the market with genetic defects. Where puppies are 'Kennel Club' registered this provides little assurance that the puppies' parents have been carefully selected, beyond a requirement that close in-breeding has not occurred, as relevant evaluations are not a requirement of registration.

There is also no requirement for proper behavioural rearing of puppies. Many large volume breeders make no attempt to properly socialise their puppies leading to long-term behaviour problems that can lead to the re-homing of the dog or even euthanasia.

Licensing regulations do not currently impose any responsibility on breeders to provide for the future care of dogs no longer wanted for breeding. Large numbers of ex-breeding dogs are simply unaccounted for and reports from campaigning organisations suggest they may be killed by the breeder (rather than euthanized by a vet or rehomed). The regulations do not impose any

requirement on breeders to socialise or to provide suitable training for ex-breeding dogs which would facilitate their re-homing.

B) Sale

Government advice and that of welfare bodies is that potential purchasers should fully consider whether a puppy is right for them, to research suppliers thoroughly and to always see a puppy with the female parent. Puppies obtained without seeing the parent have increased risk of later behavioural problems and illness.

Puppies are sold through a variety of routes. These include directly from a breeder, or indirectly via a third party such as a dealer or pet shop. Puppies may be advertised through breeder web-sites, on-line via general sites which post advertisements from sellers, on notice-boards and in newspaper advertisements.

There is very limited regulation of sale of puppies or other domestic pets. The major relevant statute, the Pet Animals Act, 1951³, requires that third-party sellers have a licence and meet certain limited conditions for care. Under the Breeding and Sale of Dogs (Welfare) Act, 1999¹, licensed breeders may only sell direct to the final owner, or to a third-party with a pet shop licence. Many holders of 'pet shop' licences have no retail premises and operate as dealers. Some 'hybrid breeders' operate which not only sell puppies they have bred, but sell on puppies they have purchased from other breeders. Pets sold through third-parties may have been imported. While import regulations formally require vaccination at 12 weeks of age or later against rabies, treatment against certain parasites, and a 'passport', puppies continue to enter the U.K. which do not have these, which are under-age, and which have often been reared in poor and unregulated conditions.

The process of sale of puppies through third-parties creates considerable health and welfare risk to them. The puppies are transported often long-distances at an early stage of life, and may be mixed with others that have been collected from different breeders. They are exposed to risk of infectious disease. They may be kept in poor conditions pending sale at a critical time for socialisation. Puppies sold via pet shops have increased risk of developing later behavioural problems. Sale through pet shops encourages 'impulse buying' and precludes seeing a puppy with its mother. While 'model licence'

conditions for pet shop conditions are available, these are often not abided by, and do not prevent the range of harms associated with the entire process of sale through third-parties.

Much deception occurs in the sale of puppies. This includes misrepresentation of the provenance and circumstances or rearing of puppies in advertisements; claims that puppies have been bred by a breeder when in fact they have been bought in (cf. 'hybrid breeders'); and the presentation of unrelated individuals as the parents of a puppy. Pedigree and other certification may be forged.

In principle, a purchaser of a puppy may have redress against a breeder where it has been misrepresented or develops disease that is the breeder's fault. However, this process may in practice be difficult, involving lengthy legal action. It can be very difficult to trace the original breeder. The recently introduced Micro-chipping of Dogs Regulations (England) 2016⁴ and (Wales) 2016⁵, do not require that the original breeder details are kept as a record associated with the microchip. This represents a major lost opportunity which would have otherwise facilitated traceability.

A significant proportion of puppy sales result from Internet advertising. Purchasers are able to search on-line for a desired breed type. Many Internet sold puppies have dubious provenance and the Internet is a primary route of sale for puppy farmers. Internet sales of puppies are unregulated. While there have been some voluntary codes developed (eg by the Pet Animal Advertising Group, PAAG)⁶ and signed up to by certain major web-sites, support is not universal and advertisements continue to fail to require sellers to provide adequate details to enable traceability and accountability.

DBRG position

DBRG believes that strict minimum standards for the breeding of dogs are essential to ensure health and welfare. Current regulations do not do this and require urgent reform. New regulations should require comprehensive standards which include: ensuring the health of all dogs kept; adequate socialisation of puppies; appropriate minimum exercise levels and facilities; environmental enrichment; suitable accommodation which fully protects dog's welfare; a requirement that breeders take reasonable steps to assess the

suitability of parents before mating; and adequate levels of trained staff. Required conditions should fully embed the over-arching requirements of the Animal Welfare Act, 2006. Adherence to updated CIEH Model Licence Conditions should be a statutory minimum requirement for any licensed breeder.

Dog breeding regulations should be extended to make provision for ex-breeding dogs. A responsibility should be imposed on all licensed breeders to provide appropriate socialisation and training for breeding dogs they no longer require, and to take all reasonable steps to enable their re-homing. It should be the responsibility of a breeder to ensure neutering of ex-breeding dogs prior to sale.

DBRG recognises the value of risk-based licensing for dog breeding establishments. However, it views annual licensing inspections as essential. Risk-based licensing may include the degree of attention focused on an establishment and the potential for unannounced inspections. Consideration of previous certification under accredited schemes, consistent with the minimum requirements of CIEH Model Conditions, may inform this assessment. Local authorities should be enabled to take into account any history of civil complaints made against a breeder, for example for sale of diseased dogs, before award of a licence. DBRG opposes the transfer of licensing responsibilities to UKAS-accredited schemes and supports the requirement that local authorities retain ultimate responsibility for the award of licences.

New regulations should enable local authorities to take action where a dog breeder breaches required licence conditions. The potential for prosecution through a Magistrates court should remain, but local authorities should be provided with the power to directly suspend or revoke licences without recourse to a court. Local authorities require sufficient resources and funding to enable them not only to conduct inspections and to licence premises, but also to pursue enforcement activity, for example against breeders who operate illegally without a licence. Proper charging for the licensing process should enable local authorities to provide an effective licensing regime without incurring extra costs. Local authorities should receive Government guidance on training requirements for officers engaged in inspections.

DBRG believes that traceability of puppies to the original breeder is essential. An amendment should be urgently introduced to the Micro-chipping Regulations (England and Wales) requiring that the breeder's details are retained in association with the micro-chip and may be accessed by an authorised person. All dog breeders should be registered with the local authority and a registration number assigned which is required to be published with any advertisement for a puppy.

DBRG opposes the sale of puppies through third parties. It does not support the continued sale of puppies through outlets which may meet 'model licence conditions for pet shops'. These can never adequately protect puppies from the range of harms associated with the process of sale through third parties.

Recommendations

- current dog breeding regulations to be repealed and replaced with Regulations under the Animal Welfare Act.
- new dog breeding regulations to :

provide explicit standards embracing requirements of the Animal Welfare Act, 2006

provide statutory guidance to local authorities based on up-dated *CIEH Model Licence Conditions* for dog breeding

provide local authorities with the power to directly suspend or revoke licences

require that breeders have due regard for the health of breeding parents prior to mating

ensure local authorities retain primary responsibility for licensing but enable them to adopt a risk-based approach which includes information on membership of accredited schemes, meeting CIEH standards, and the complaints history for an establishment

require that breeders take appropriate steps to enable the on-going care or re-homing of ex-breeding dogs

require that all dog breeders are registered with the local authority and receive a registration number

require Government advice to local authorities on training requirements of inspecting officers

- updated regulations on sale of dogs to require:

sale of puppies may only occur directly from a breeder, except in individual non-commercial cases where circumstances necessitate that a purchased puppy is transferred to a new owner to ensure its welfare

all web-sites advertising puppies to meet Pet Advertising Advisory Group (PAAG) recommended guidelines

no puppy to be sold below 8 weeks

local authority registration number to be displayed in all advertisements for puppies

- amendment to the Micro-chipping Regulations England (2016) and Wales (2016) to require that original breeder details are kept with the microchip registration and are accessible to an authorised person.

Written February 2017

Sources:

1 Breeding of Dogs Act, 1973; Breeding and Sale of Dogs (Welfare) Act, 1999

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

3 Pet Animals act, 1951

4 Microchipping of Dogs (England) Regulations, 2015

5 Microchipping of Dogs (Wales) Regulations, 2015

6 Pet Advertising Advisory Group (PAAG). Minimum Standards

<http://paag.org.uk/about-paag/minimum-standards/>

