

**THE ANIMAL WELFARE (LICENSING OF ACTIVITIES  
INVOLVING ANIMALS) (SCOTLAND) REGULATIONS 2021**

**GUIDANCE FOR LOCAL AUTHORITIES**

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## **Section 1: Introduction**

This guidance applies in Scotland only. It is issued by the Scottish Ministers under section 38 of the Animal Health and Welfare (Scotland) Act 2006. The purpose of this guidance is to help local authorities understand the requirements of and their statutory duties under the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 (hereinafter referred to as “the Regulations”).

This guidance is issued with the purpose of assisting local authorities in the carrying out of their functions under the Regulations. This guidance is advisory only and does not impose legal obligations on local authorities. If there are conflicts between the content of this guidance and the provisions of the Regulations or any other legislation, such binding provisions should take priority. The interpretation of legislation is ultimately a matter for the courts.

The Regulations came into force on 1 September 2021. They replace previous legislation covering pet sales and dog breeding and introduce new licensing requirements for cat and rabbit breeders, animal welfare establishments (such as animal sanctuaries and rehoming centres) and other pet rehoming activities, subject to operators meeting any licensing threshold for each activity.

The Regulations were amended by the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Amendment Regulations 2021, which came into force on 10 October 2021. The licence conditions attached to any licences for certain activities (engaging in animal rehoming and operation an animal welfare establishment) granted under the Regulations during the period 1 September – 9 October 2021 (inclusive) are automatically varied in accordance with the amendments. This guidance is issued in relation to the Regulations as amended.

## **Section 2: Summary of local authority responsibilities**

Under the Regulations the local authorities are, with one exception, the licensing authority. The exception applies in respect to any licence application made in connection with the activity of engaging in animal rehoming activities (described in paragraph 4 of schedule 1 of the Regulations) by persons that neither reside or have a place of business in Scotland. In such circumstances the licensing authority is the Scottish Ministers. Where the applicant for this type of licence resides or has a place of business in Scotland, the licensing authority for the rehoming activity can be any local authority in which there is such a residence or place of business. Such a licence authorises the activity in the whole of Scotland.

For the other licensable activities covered by the Regulations, a licence authorises the activity to be carried on at the premises specified in the licence. The licensing authority is the local authority for the area in which such premises are located. Such a licence does not authorise activities in any other premises.

Local authorities must make available to applicants an application form that is sufficiently detailed to capture all the information needed to enable a thorough initial assessment of any application submitted. The Regulations include a provision that

allows local authorities to charge a fee for the consideration and granting of a licence for a licensable activity. Local authorities should not consider any application submitted for a licence if the applicant fails to pay the initial application fee set by a local authority. Fees and fee setting are discussed in more detail in section 4.

Upon receipt of a valid application for a licence and payment of a fee, if satisfied that on the basis of the information provided that the application should proceed, the local authority must arrange for an inspection of the premises on which the licensable activity is to be undertaken (subject to one exception).

The exception is in relation to the activity described in paragraph 4 of schedule 1 of the Regulations: engaging in animal rehoming activities (other than in the course of operating an animal welfare establishment). The authority has the power to arrange an inspection of any premises in Scotland on which that activity is being, or is to be carried on, but is not required to do so. Circumstances where such an inspection would be warranted would, for example, be where a person carrying on the activity routinely keeps animals brought in for rehoming at a particular premises in Scotland prior to rehoming them with new keepers. Where, however, animals are brought into Scotland and delivered directly to new keepers there will be no premises to inspect and therefore a local authority may decide that no inspection is warranted. Local authorities should ensure that any application submitted from persons or organisations wishing to engage in rehoming activities (other than in the course of operating an animal welfare establishment) provides information about whether animals will be held at premises prior to rehoming or directly delivered to new keepers.

Local authorities should ensure that any inspector appointed to undertake the inspection is suitably experienced and qualified to do so. The appointment of inspectors is discussed in more detail in section 5.

If an inspection arising from an application is instructed, the local authority must arrange for the submission to it of a report by the inspector. The purpose of the report is to enable the local authority to make an informed decision on whether or not to grant a licence to an applicant. The information that must be included in the inspector's report is covered in section 6.

Local authorities, having considered the report submitted by the appointed inspector, must either grant a licence or refuse it. Where a local authority decides to refuse a licence it must notify the applicant accordingly, stating the reasons why and making clear the applicant's right to appeal the decision. Appeals are covered in section 13.

Where a local authority decides to grant a licence it must ensure that any licence granted includes, for the benefit of understanding, the definitions set out in regulation 2 of the Regulations and the conditions of the licence which licence holders must comply with. Detailed guidance on the information that must be included in any licence granted is covered in section 8.

A local authority, having considered the application, any report submitted by an inspector and all other risk factors must issue a licence if certain criteria are established. The licence may be for a period of one, two or three years. Any

decision on licence duration will need to take into account a number of factors and these are addressed in section 9.

Local authorities are responsible for administering any application for the renewal of a licence previously granted under the Regulations. The process for administering a renewal application under the Regulations mirrors that for a new application.

The Regulations require local authorities to publish and maintain a register of all those holding a licence under the Regulations (except certain operators engaging in breeding activities). The rationale for the register and for making it available to the public is to enable prospective buyers of pet animals, and other people dealing with operators carrying on licensable activities, to quickly and easily check whether the person they are dealing with is licenced by the licensing authority. Detailed guidance on what information needs to be included in the register is provided in section 14.

### **Section 3: Licensable activities & thresholds**

Under the Regulations persons engaging in the following activities and meeting, where stated, the specified thresholds **are required** to hold a licence.

- **Anyone selling animals as pets in the course of a business**

See Part 1 of schedule 1 of the Regulations

This activity captures the following conduct:

- 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,
- keeping animals in the course of a business with a view them being resold as pets.

The activity of selling animals as pets does not include selling or keeping animals in the course of any of the licensable activities of operating an animal welfare establishment (such as an animal sanctuary or rehoming centre), engaging in other animal rehoming activities or dog, cat or rabbit breeding (a breeding licence allows for the direct supply of animals as pets). However, if a licence holder is licenced to carry on one of those other licensable activities and carries on the activity of selling animals as pets in the course of a business outside the licenced activity, a separate licence will be required for the activity of selling animals as pets.

To determine whether a person supplying pets requires to be licensed, local authorities may consider a number of factors which must include:

- whether the person engages in the activity in order to make a profit,
- whether engaging in the activity earns the person any commission or other fee,
- the frequency of sales, and
- the number of animals kept by the person for the purposes selling them (as pets or to be resold as pets).

The criteria set out above for determining whether a person is selling animals as pets in the course of a business is not exhaustive and local authorities should use their own professional judgement and experience to decide whether a person selling pets requires to be licensed.

Other factors or situations that may need to be considered include the following:

- whether the licence holder imports, distributes and sells animals as a business,
- whether the business is registered with Companies House (some individuals operating for commercial purposes may however not be listed with Companies House),
- whether premises are open to members of the public or to other businesses where animals are available for purchase,
- whether animals are bought and then re-advertised for sale or sold within a short period of time,
- the variability in the animals traded (a wide variety of species or taxa being traded could indicate the commercial nature of the activity).

Although the frequency of sales is factor to be taken into account, a low volume of sales does not necessarily lead to the conclusion that the person is not carrying on the activity in the course of a business, particularly where high prices or large profit margins are involved.

Situations likely to be outwith the scope of licensing include the following:

- the infrequent sale of a small number of surplus offspring or excess stock by an individual who breeds animals as a hobby, for pleasure, exhibition or for education, study or scientific advancement (clearly, where hobby breeders breed 3 or more litters of dogs or cats or 6 or more litters of rabbits in any 12-month period they should be licensed as a breeder),
- the private sale of an individual animal, or animals on an infrequent basis, from one individual to another for no profit.

“Pet” means an animal kept permanently, or intended to be kept permanently, by a person mainly for personal interest, companionship, ornamental purposes or a combination of such purposes. ***Horses and other equines are not normally considered to be pets as they are generally kept for riding or other sporting or recreational purposes.***

- **Anyone engaging in animal rehoming activities (other than operating an animal welfare establishment)**

See Part 2 of schedule 1 of the Regulations

**Note** that this activity **is separate** to the activity of operating an **animal welfare establishment** defined in Part 3 of schedule 1 of the Regulations. An animal rehoming centre is likely to qualify as an animal welfare establishment. A licence for engaging in animal rehoming activities **is not** required in relation to the rehoming of animals from an animal welfare establishment.

As highlighted in section 2, where the applicant for this type of licence resides or has a place of business in Scotland, the licensing authority for the rehoming activity can be any local authority in which there is such a residence or place of business. Where however the applicant neither resides or has a place of business in Scotland the licensing authority is the Scottish Ministers.

Under the Regulations this means any operator that supplies an animal as a pet to a person in Scotland is required, subject to some exceptions, to be licenced if the following conditions are met:

- the person being supplied physically receives the animal in Scotland, and
- the supply takes place during a 12 month period in which at least 4 other animals are supplied by the operator as pets to persons in Scotland.

Rehoming will require a licence where 5 animals are supplied as pets in a single movement or where 5 animals are cumulatively supplied as pets over the course of a 12 month period.

This activity relates to both the rehoming of animals originating within and outwith Scotland. An example would be an operator that sources street or rescue dogs from eastern Europe for the purposes of rehoming them as pets with persons in Scotland, if the threshold number of animals is supplied within a 12 month period.

This activity does not relate to the supply of fish or animals bred by the operator and any such animals do not count towards the total number of animals supplied within a 12 month period. Additionally, horses and other equines are not normally considered to be pets as they are generally kept for riding or other sporting or recreational purposes.

#### ▪ **Operators of animal welfare establishments (AWEs)**

See Part 3 of schedule 1 of the Regulations

Under the Regulations, an operator of an AWE (such as an animal sanctuary or animal rehoming centre) will require a licence if the number of animals kept in the AWE for their care reaches a threshold.

An AWE is a place in Scotland where—

- animals that have been abandoned or otherwise separated from their keepers, **or**
- sick, injured or captured animals that were previously living in a wild state,

are kept for their care.

This activity only requires a licence if the number of animals kept in the AWE for their care reaches a threshold. This threshold will be met if—

- 5 dogs, **or**
- 5 equines, **or**
- 5 animals comprising a mix of dogs and equines, **or**
- 8 animals (of any type – except any animal under the age of 4 months born within the AWE or received into the AWE with its mother)

are kept in the AWE **at the same time** for their care.

An AWE can consist of multiple locations within the area of a local authority. If the operator keeps animals for their care at multiple locations within the area of the local authority, and each of those locations falls within the description of an AWE, all such animals will count towards the threshold.

A person does not carry on the activity of operating an AWE establishment by virtue of the following:

- keeping an animal as a pet,
- keeping an animal at premises used for the care or treatment of animals by a person who is a veterinary surgeon,
- a local authority keeping an animal,
- keeping an animal as part of farming or for use in the course of a business,
- carrying on an activity that requires a licence under section 1(1) of the Animal Boarding Establishments Act 1963,
- keeping or training an animal solely for military, police or sporting purposes,
- keeping or training an animal solely for exhibition for the purposes of education or entertainment of an audience,
- keeping or training an assistance dog,
- keeping an animal on premises if required to do so under or because of the Animal Health Act 1981,
- keeping an animal at a zoo,
- keeping an animal in the licensable activity of selling animals as pets in the course of a business or the licensable breeding activities,
- providing food or shelter to animal which roams onto land from which it is free to leave.

A fish is not a relevant animal for the purposes of the activity of operating an animal welfare establishment.

#### ▪ **Dog breeders**

See Part 4 of schedule 1 of the Regulations

Under the Regulations any person breeding **3 or more** litters of puppies in any 12 month period **must** be licensed. The requirement to be licensed applies regardless



of whether the breeder sells or otherwise supplies a puppy as a pet to another person. The requirement to be licensed does not apply however to the breeding of dogs where the offspring are intended to be trained and used as assistance dogs. Where a breeder claims to be breeding assistance dogs, the local authority should take all necessary steps to verify that this is indeed the case.

- **Cat breeders**

See Part 5 of schedule 1 of the Regulations

Under the Regulations any person breeding **3 or more** litters of kittens in any 12 month period **must** be licensed. The requirement to be licensed applies regardless of whether the breeder sells or otherwise supplies a kitten as a pet to another person.

- **Rabbits breeders**

See Part 6 of schedule 1 of the Regulations

Under the Regulations any person breeding **6 or more** litters of kits in any 12 month period **must** be licensed. The requirement to be licensed applies regardless of whether the breeder sells or otherwise supplies a kit to be kept as a pet to another person.

The requirement to be licensed as a rabbit breeder does not apply where a person is breeding rabbits for the purposes of its consumption or in the course of commercial meat production.

## **Section 4: Fees**

### **Regulation 15**

The Regulations make provision for local authorities to charge a fee for the consideration of an application for grant, renewal or variation of a licence and the subsequent grant, renewal and variation of the licence. The fee for consideration of an application can include the cost of any related inspection. The fee charged for the consideration of an application and for the related inspection must not exceed the reasonable costs of the consideration and the inspection. Application fees should not be front-loaded to include the anticipated costs described in regulation 15(1)(b) and (c) of the Regulations.

Local authorities may also charge a fee for the reasonable anticipated costs of consideration of a licence holder's compliance with the Regulations and the licence conditions (including any inspection relating to that consideration). Such a fee under regulation 15(1)(b) should only be charged to successful applicants, i.e. those that are granted a licence by the local authority.

Local authorities may also charge a fee for the reasonable anticipated costs of enforcement action in relation to any licensable activity of unlicensed operators.

Such a fee under section 15(1)(c) of the Regulations should only be charged to successful applicants.

In setting its fees local authorities must ensure that the fees charged do not exceed the reasonable cost of administering and enforcing the licensing requirements and you should be able to justify the fees charged and be able to demonstrate how fee levels have been calculated if asked to do so.

Given that the vast majority of animal welfare establishments are run by charities and are regarded as being for the wider public good (given wider society's wish to protect animals from abuse and other forms of suffering), local authorities are encouraged to do all they can to minimise the cost of licensing for AWEs.

## Section 5: Appointing inspectors

Except for one of the licensable activities, local authorities must instruct an inspector to inspect the premises on which the applicant intends to undertake the activity after receipt of an application if the following conditions are met:

- the application is not from a person who is not permitted to apply for a licence (see regulation 13),
- the application has been made to the correct local authority,
- the application gives such information as the local authority has required,
- any appropriate fee charged by the local authority has been paid.

The exception referred to above is in relation to an application to carry on animal rehoming activities (other than in the course of operating an animal welfare establishment). In relation to an application for that particular type of licence, a local authority may choose to instruct inspection of the premises but is not under a duty to do so.

An inspector is a person appointed by a local authority or the Scottish Ministers for the purposes of the Regulations. A person does not need to be employed by the local authority in order to be appointed as an inspector by the local authority.

In appointing an inspector local authorities should ensure that the person appointed is both suitably experienced and qualified and has a sound understanding of animal welfare. This is to provide reassurance to the applicant and ensure that any potential issues with the premises or the animals on site will be identified and addressed prior to any licence being granted. As a minimum appointed inspectors should be trained in animal welfare, have at least 1 year of experience in undertaking animal health/welfare related inspections and undertake regular CPD activities. Where local authorities cannot appoint appropriately experienced and qualified staff to undertake inspections they should consider if a neighbouring authority (with suitably qualified/experienced staff) can undertake the inspection on its behalf or consider using an **appropriately trained** private veterinary surgeon.

The Scottish SPCA has kindly offered to assist with or undertake inspections linked to applications under the Regulations on behalf of local authorities in Scotland (excluding any inspection of its own premises) **where the authority lacks particular expertise or where an operator or premises is being considered for the first time**. The Scottish SPCA would be particularly suited to assist in relation to applications by dog breeders and AWE operators. The Scottish SPCA has indicated that it would not expect to be asked to inspect premises that have previously been licensed without issue by local authorities.

Any local authority wishing to take up this offer of assistance should contact the Scottish SPCA direct.

## Section 6: Inspector's report

### Regulation 12

If instructed by the local authority, the inspector should undertake a thorough inspection of any premises and vehicles to be used for the licensable activity. As part of the inspection process the inspector must produce a report that meets the requirements of regulation 12. A key requirement of the inspection is to gather information about whether the applicant is meeting, or is ready to meet, the conditions for holding a licence. It is crucial therefore that the inspector is conversant with the conditions of licence.

The inspector's report must provide information on:

- the applicant,
- the suitability of the premises for the proposed activity (the inspector should ideally take into consideration the overall condition, security, availability of necessary equipment/facilities; ventilation, cleanliness etc.),
- any relevant records,
- the condition of any animals, and
- any other relevant matter the inspector considers relevant.

The other relevant matters referred to above would normally include:

- the staffing ratio,
- staff experience and, where applicable, staff qualifications,
- the quality of record keeping or the likelihood of the applicant keeping records that meet the record keeping requirements set out in the general and activity specific licence conditions in the Regulations.

*Note: any significant animal welfare issues identified at the time of inspection should be immediately addressed through existing mechanisms.*

In addition, the inspector's report **must** state whether in the inspector's opinion the general licence conditions (set out in schedule 2 of the regulations) and activity specific licence conditions (the particular conditions applicable to the activity set out in one of schedules 3 to 8 of the Regulations) are likely to be met.

It should be noted that, in relation to the breeding of dogs, cats and rabbits, the activity specific licence conditions that apply to each activity include a condition that prohibits breeding from an animal (dog, cat or rabbit) if it can be reasonably expected that, on the basis of its genotype, conformation, behaviour or state of health, breeding from it would have a detrimental effect on its health or welfare or that of its offspring. Accordingly, any inspector appointed to undertake an inspection related to the activity of dog, cat or rabbit breeding should take this into account and where relevant record and report any such concerns in the inspection report. This is covered in more detail in Annexes F, G and H.

For the activities of dog breeding, cat breeding and rabbit breeding the inspector **must** recommend in any report produced the maximum number of breeding females that should be kept on the premises at any one time for the purposes of the licensable activity. When making this recommendation the inspector should take into consideration all of the matters above, insofar as relevant. Animal welfare should however be the primary consideration.

The above is not an exhaustive list and any inspector appointed to undertake an inspection should include any other information that is considered relevant.

## **Section 7: Deciding on applications submitted**

### **Regulation 6**

All applications that have been duly made must be carefully considered by the receiving authority.

Note that a person subject to a disqualification order of a type listed in regulation 13 is **not** permitted to apply for a licence. An application by such a person may therefore be refused without the need to instruct an inspector to prepare a report.

An application should not be considered unless it has been duly made in accordance with regulation 4, the application gives such information as the authority has required and any appropriate fee that has been paid.

If the application has been duly made, the authority must grant (or renew) the licence if it is satisfied of the following:

- the licence conditions (including any particular licence condition that the authority intends to impose on the operator under regulation 6(5)) are likely to be met, and
- the grant (or renewal) is appropriate.

In considering whether the standard licence conditions are likely to be met, a licensing authority **must** take account of the following:

- the applicant's conduct, if any, as the operator of the licensable activity,

- whether the applicant is a fit and proper person to be the operator in relation to the activity, and
- any other relevant circumstances.

Where the authority is not satisfied that the applicant meets the necessary criteria, the application should be refused and the applicant duly informed. The applicant has the right to appeal any decision of the local authority not to grant or renew a licence.

## Section 8: Granting/renewing a licence

### Regulation 6

Any licence granted or renewed by a local authority **must** include the following information:

- **except for** the activity of engaging in animal rehoming activities (other than in the course of operating an animal welfare establishment) described in paragraph 4 of schedule 1 of the Regulations, the premises (including the address) on which the licence holder may carry on the licensable activity,
- for the activities of breeding dogs, cats or rabbits, the maximum number of breeding bitches, queens or does permitted to be kept on the licenced premises at any one time,
- for the activity of selling pets, the animals or types of animals that may be sold by the licence holder, and
- a copy of the definitions set out at regulation 2 of the Regulations.

In addition to the above, local authorities **must** attach to **any** licence granted or renewed the general licence conditions set out in schedule 2 of the Regulations. The activity specific licence conditions in one of schedules 3 to 8 **must** also be included in the licence as appropriate, i.e. if you are granting a dog breeding licence you would attach the specific licence conditions for dog breeding set out at schedule 6.

Regulation 6(5) provides the licensing authority with flexibility to attach further licence conditions to any licence granted or renewed if considered necessary for the purposes of securing the welfare of animals for which any licence holder is or will be responsible. It must be stressed that this provision has been included **only** to address situations where the general and relevant specific conditions are not considered adequate to address a particular animal welfare concern; it is **not** intended to be used routinely. Where a licensing authority considers that the imposition of an additional condition or conditions is necessary, it must notify the applicant of that decision by way of a notice under regulation 7. Any such notice served must include information on the applicant's right to appeal the decision (under regulation 27) and the local authority's reason for the decision.

No condition should be specified under regulation 6(5) which relates to matters in relation to which requirements or prohibitions are or could be imposed by virtue of Part 3 of the Fire (Scotland) Act 2005. This is because section 71(2) of the Fire (Scotland) Act 2005 provides that any such condition will be of no effect.

## Section 9: Duration of licences

### Regulation 8

The Regulations allow for local authorities to issue licences with a duration of one, two or three years. In determining the duration of a licence the authority **must** be satisfied that the period to be granted is appropriate on the basis of its assessment of the following:

- the risk of the applicant breaching the licence conditions (including any particular licence conditions to be attached to the licence by the authority in relation to that particular operator),
- the possible impact of any such breaches on the welfare of any animals, and
- whether the applicant is already operating to higher standards of animal welfare than required by the licence conditions.

In assessing the risk of the applicant breaching the licence conditions, the authority should take into account the following factors:

- whether, in the case of dog, cat or rabbit breeders, the applicant is already a member of any UKAS accredited breeder scheme or governing body, such as the Kennel Club Assured Breeder Scheme or the Governing Council of the Cat Fancy (in which case the applicant can be expected to be operating to a higher standard),
- the knowledge and experience of the applicant in relation to the activity to be licenced, and
- in the case of licence renewals, whether the applicant has a history of good compliance and consistently operates to and demonstrates high animal welfare standards.

Unless the local authority is otherwise satisfied, applications for a licence from persons with no demonstrable past experience in the activity for which a licence is sought should generally be considered a higher risk. It is recommended therefore that such applicants be licensed initially for a period of one year. Once the licence holder has demonstrated compliance with the conditions of the licence and no issues have been identified local authorities should reassess the risk and determine subsequent licence duration accordingly.

Local authorities should note that the fee charged for consideration of the application should be the same regardless of whether the licence is granted for one, two or three years. Licence holders that consistently demonstrate high compliance levels and operate to high standards of animal welfare should rightly have that recognised and it would not be appropriate to apply a higher fee for consideration of the application simply because the licence is granted for two or three years' duration.

## Section 10: Frequency of inspections

For most of the licensable activities, local authorities **must** as a minimum arrange for the inspection of any premises linked to an application for the grant or renewal of a

licence. For the majority of premises this is likely to be the only inspection they will receive over the duration of any licence held. **Local authorities can of course choose to inspect any premises at any time during the term of a licence** if they have any reason to believe that the licence holder may not be in compliance with the terms of their licence.

The Regulations provide local authorities with powers to enter premises except domestic premises to undertake an inspection of any licensed premises and any animals on the premises and to ascertain if the requirements of the Regulations and the licence conditions of any licence held are being complied with. This is covered in detail in section 11 of this guidance which addresses enforcement of licences and notices. Domestic premises may be entered under authority of a warrant.

## **Section 11: Enforcement of licences and notices**

### **Regulations 17 to 26**

Part 4 of the Regulations sets out the enforcement powers available to local authorities. Local authorities should ensure therefore that they read and understand the requirements of Part 4.

#### **▪ Suspending, varying or revoking a licence (regulation 17)**

Under regulation 17 a local authority may, without the consent of the licence holder, suspend, vary or revoke a licence granted if:

- a licence condition is not being complied with,
- there has been a failure to comply with the Regulations,
- information supplied by the licence holder is false or misleading, or
- doing so is necessary to protect the welfare of an animal.

Varying a licence essentially means changing any detail of a licence held other than the general or activity specific licence conditions, but does include attachment or removal of a particular condition imposed by the authority on the licence holder under regulation 6(5).

#### **▪ Procedure for suspending or varying a licence (regulation 18)**

Any decision taken by a local authority to suspend or vary a licence under regulation 17 **must** be notified by way of a notice served on the licence holder. A notice served on the licence holder to vary or suspend their licence will take effect after a period of 7 working days, beginning from the date on which the notice is served unless the local authority specifies that the suspension or variation is to have immediate effect (see following paragraph) or the licence holder makes written representations within the prescribed period detailed below. Service of the notice constitutes the **first stage** of the process.

If the local authority considers it necessary to protect the welfare of an animal, the authority may specify in any notice served on a licence holder that the suspension or variation has immediate effect (see regulation 18(2)).

Regulation 26 allows any notice served under the Regulations to be amended, suspended or revoked by service of a further notice.

When a local authority serves a notice of suspension or variation it **must** ensure that the notice includes the following information:

- the local authority's grounds for the suspension or variation of the licence,
- when the variation or suspension is to come into effect,
- specification of the remedial steps that the authority considers to be necessary in order to remedy the grounds for suspension or variation of the licence,
- an explanation of the licence holder's right to make representations in writing, and
- details of the person to whom such representations may be made and the date by the end of which they must be received.

The Regulations require that any licence holder wishing to make representations to a local authority about a decision to suspend or vary a licence must do so within **7 working days** of the notice being served (or, if the date of service was not a working day, within 7 working days of the next working day). Local authorities **must** therefore ensure that this timescale is made clear in any notice served on a licence holder.

Where a local authority receives representations from a licence holder within the prescribed period of 7 working days, the suspension or variation will not come into effect unless the authority, after considering the representations, takes the positive step of suspending or varying the licence in accordance with regulation 18(6). If however the notice was served under regulation 18(2) and therefore had immediate effect, the variation or suspension continues to have effect for the time being.

Within a period of **14 working** days from the receipt of any timeous written representations from the licence holder (or if the date of receipt was not a working day, within 14 working days of the next working day) the authority must serve notice on the licence holder of a decision to take one of following steps:

- suspend or vary the licence,
- cancel the decision to suspend or vary the licence,
- if the suspension or variation had immediate effect under regulation 18(2), confirm the suspension or variation (so that it continues to have effect),
- if a suspension had immediate effect under regulation 18(2), reinstate the licence, or
- if a variation had immediate effect under regulation 18(2), cancel the variation.

This **intermediate stage** of the process only takes place if the licence holder makes written representations in accordance with the Regulations.

The notice served must:

- state the reasons for the local authority's decision, and



- if the decision is to **vary or confirm the variation** of a licence, give notice of the licence holder's right to appeal to a sheriff and the timeframe for making such an appeal (28 days beginning from the day after the date the notice is served).

If, after the designated 14 working days, a local authority has failed to make a decision in accordance with regulation 18(6) or has failed to serve notice in accordance with regulation 18(7) following receipt of written representations, then any suspension or variation imposed will no longer apply.

In circumstances where a licence has been **suspended** by a local authority for **28 days**, the Regulations require that within 14 working days of that 28 day period a local authority must make a decision to either:

- reinstate it without varying it,
- vary it and then reinstate the licence as so varied, or
- revoke it.

Note that this time period is **28 standard days** (not working days).

The authority must make this decision regardless of whether it has gone through the intermediate stage of the process (i.e. regardless of whether the licence holder made written representations). In order to communicate its decision, the local authority **must** serve on the licence holder a notice of a decision regarding a licence that has been suspended for 28 days. This **final stage** must take place within 14 working days following the lapse of the 28 days.

A decision to vary or revoke a licence at this final stage is subject to appeal. If the decision at this final stage is to vary or revoke the licence, the notice **must** state the authority's reasons and must give notice of the licence holder's right of appeal to the sheriff. Such a notice **must** also inform the licence holder about the timescale for submitting an appeal to the sheriff (28 standard days beginning from the day after the date the notice is served). If a local authority fails to notify the licence holder of its decision within the 14 working days allowed then the licence is automatically reinstated without variation with immediate effect. Any decision taken by the local authority within the 14 working day period takes effect as soon as the notice confirming the decision of the local authority is served on the licence holder.

If during any period where a licence has been suspended by a local authority, and where it is satisfied that the grounds for suspension have been or will be remedied, the local authority must, by serving a notice, reinstate the licence. If the local authority considers that there is sufficient reason, it may reduce the period of any licence so reinstated.

#### ▪ **Procedure for immediate revocation (regulation 20)**

Local authorities may also revoke a licence without first suspending or varying it. A local authority may decide to do so on one of the following grounds:

- a licence condition is not being complied with,
- there has been a failure to comply with the Regulations,

- information supplied by the licence holder is false or misleading, or
- doing so is necessary to protect the welfare of an animal.

Any notice served by a local authority to revoke a licence under regulation 20 of the Regulations, **must** state the licensing authority's reasons for revoking it and make clear that the licence holder has a right of appeal to the sheriff. The notice **must** also inform the licence holder about the timescale for submitting an appeal to the sheriff (28 days beginning from the day after the date the notice is served).

▪ **Service of notices under regulations 18, 19 and 20**

Although not specified in the Regulations, notices under regulations 18, 19 and 20 may only be served by certain means. These permissible means of service are found in section 26 of the Interpretation and Legislative Reform (Scotland) Act 2020 and comprise the following:

- by being delivered personally to the operator,
- by being sent to the proper address of the operator by a registered post service or by a postal service which provides for the delivery of the notice to be recorded,
- by being sent to the person using electronic communications, but only where the licensing authority and the operator have previously agreed in writing that the notice may be sent to the operator by being sent to an electronic address and in an electronic form specified by the operator.

▪ **Powers of entry for appointed inspectors (regulation 24)**

Inspectors may enter any premises except domestic premises for the purposes of ascertaining whether the requirements of the Regulations and/or licence conditions are being complied with. When making use of this power of entry, the inspector may take on to the premises such persons to give the inspector such assistance and such equipment considered necessary. An inspector, if asked by the owner or occupant of the premises, must produce evidence of their authority to enter a premises.

If an inspector has reasonable grounds to suspect that an offence under the Regulations is being or has been committed at a domestic premises then the inspector **must** firstly obtain a warrant from a sheriff or justice of the peace before entering the domestic premises. If a warrant is issued to the inspector then the inspector can enter the premises, by reasonable force if need be and at all reasonable times, in order to inspect the premises and any animals found there.

If so required, a warrant may authorise other persons to accompany the inspector executing the warrant. Warrants issued under the Regulations remain in force for a period of one month from the date of issue.

If an inspector enters unoccupied premises, regardless of whether under authority of the statutory power of entry or a warrant, then the inspector must ensure that the premises are left as secure as he or she found them.

## Section 12: Offences and penalties

### Regulation 23

The Regulations include the following offence provisions:

- The Regulations specify a number of general (welfare and animal husbandry) conditions that, regardless of which of the licensable activities is being carried out, apply to all licences issued by a local authority (the “general licence conditions”). The regulations also set out conditions that are specific to the various licensable activities (the activity specific conditions). Subject to the exceptions detailed below, licence holders will commit a criminal offence if they fail to comply with the general or relevant specific licence conditions.
- Licence holders will not commit a criminal offence by reason of breaching any of the licence conditions provided for in paragraph 3 of schedule 6, paragraph 3 of schedule 7 and paragraph 3 of schedule 8 (maximum number of breeding female animals). Whilst failing to comply with those particular conditions would not be a **criminal offence**, it would represent a breach of the licence and accordingly might result in suspension, variation or revocation of the licence.
- Licence holders will not commit a criminal offence if they fail to comply with an additional licence condition attached to the licence by the local authority under regulation 6(5) of the Regulations. Whilst failing to comply with such a condition would not constitute a **criminal offence**, it would represent a breach of the licence and accordingly might result in suspension, variation or revocation of the licence.
- It is a criminal offence to undertake a licensable activity without an appropriate licence from the local authority.
- It is a criminal offence to provide to an inspector information required by or under the Regulations which the person knows, or ought reasonably to have known, is to a material extent false or misleading.
- It is a criminal offence to fail to comply with any reasonable request from an inspector to facilitate the identification and examination of an animal and the taking of samples (including restraint of any animal where requested by an inspector).
- It is an criminal offence to intentionally obstruct any inspector appointed to enforce the regulations in the exercise of any powers conferred on them.
- It is a criminal offence for the purpose of obtaining or holding a licence—
  - to make a statement required by or under the Regulations to a local authority (of someone acting on its behalf) which the person knows, or ought reasonably to have known, is to a material extent false or misleading, or

- o recklessly to make a statement required by or under the Regulations to the local authority (or somebody acting on its behalf) which is to a material extent false or misleading.

### **Penalties:**

A person who breaches a licence condition (where this is a criminal offence) is liable, on summary conviction only, to a fine not exceeding £5,000.

A person who commits any other criminal offence under the Regulations is liable to a fine not exceeding £40,000 or to imprisonment for a term not exceeding 12 months (or both).

## **Section 13: Applicant or licence holder appeals against local authority decisions**

### **Regulation 27**

The Regulations allow for licence holders or licence applicants who disagree with the decision of a licensing authority to appeal to the sheriff. Licence holders or applicants can appeal against a decision to:

- refuse to grant or renew a licence,
- attach a further condition or conditions (under regulation 6(5)) to any licence granted or renewed,
- revoke or vary a licence.

Any licence holder or applicant wishing to appeal to the sheriff must do so within 28 days beginning from the day after the notice is served by the licensing authority.

Upon receipt of any appeal made, a sheriff may, until such time as the appeal is determined or withdrawn, decide to:

- permit the licence holder to continue the licenced activity where the local authority has decided not to renew a licence,
- permit the licence holder to continue the licenced activity without having to comply with the additional condition or conditions attached to their licence (under regulation 6(5)) by the local authority, or
- suspend a revocation or variation.

A sheriff may, having considered any appeal made, either confirm or overturn a local authority's decision, with or without modification.

## **Section 14: Publication of register of licence holders**

### **Regulation 28**

The Regulations require local authorities to publish a register of licence holders for each of the licensable activities on its website. The rationale for the register and for

making it available to the public is to enable the public to quickly and easily check whether they are dealing with a licensed operator. Unlicensed breeding and selling, particularly of puppies, is a significant and growing problem often linked to wider criminal activity. Those involved in the unlicensed trade usually have little regard for the welfare of the animals they breed and/or sell, which leads to considerable suffering for the animals concerned.

The provision of this register is seen as an important step forward insofar as it will assist the public in identifying legitimate, licensed breeders and sellers and help the public avoid falling victim to unscrupulous operators. It will also enable any person wishing to obtain an animal to check that they are sourcing it from a properly licensed charity or person and not from an individual claiming to operate as a rehoming charity when they are in fact a dealer.

Each local authority must normally publish a register on its website for each licensable activity in relation to which it has issued any licence that continues to have effect. Registers of licence holders published by a local authority **must** include the following information:

- the name of the licence holder (see below),
- the licence number,
- the postcode, or postcodes, of the licenced premises to which the licence relates within the local authority area (note additional information below regarding engaging in animal rehoming activities),
- the date on which the licence was granted,
- if a licence has been renewed, the date on which it was renewed,
- the date on which the licence is due to expire,
- in the case of a pet selling licence, the animals or types of animals that can be sold by the licence holder,
- whether the licence is currently suspended.

The register of licence holders does not require to include information on persons holding a licence for pet selling or the breeding of dogs, cats or rabbits **if the authority is satisfied** that all animal sales in the course of the activity are to persons buying the animals for the purpose of reselling them (as pets or otherwise). An example of this would be a breeder of rabbits who breeds them solely for sale to a business such as Pets at Home who then resells them as pets from their stores. The breeder would of course still require to hold a breeder's licence, but as they do not supply animals directly to the public as pets they are not required to be included on the register.

In addition, holders of a dog, cat or rabbit breeding licence do not require to be included in the register of licence holders **if the authority is satisfied** that no animals are being sold by the licence holder in the course of the licensable activity. Local authorities will clearly wish to confirm that this is indeed the case before any decision is taken not to include the holder of a dog, cat or rabbit breeding licence on the register.

Local authorities **are required** under the Regulations to keep the information in the register under review and, where appropriate, to keep the information up to date, and

publish new or revised information. Local authorities are under a duty to remove the information about a licence if the licence expires, is revoked or is otherwise no longer required to be included in the register. Suspension of a licence does not require removal of information about the licence from the register. However, the fact that the licence has been suspended **must** be recorded on the register until such time as the suspension comes to an end.

## **Section 15: Transitional and saving provisions**

### **Regulation 30**

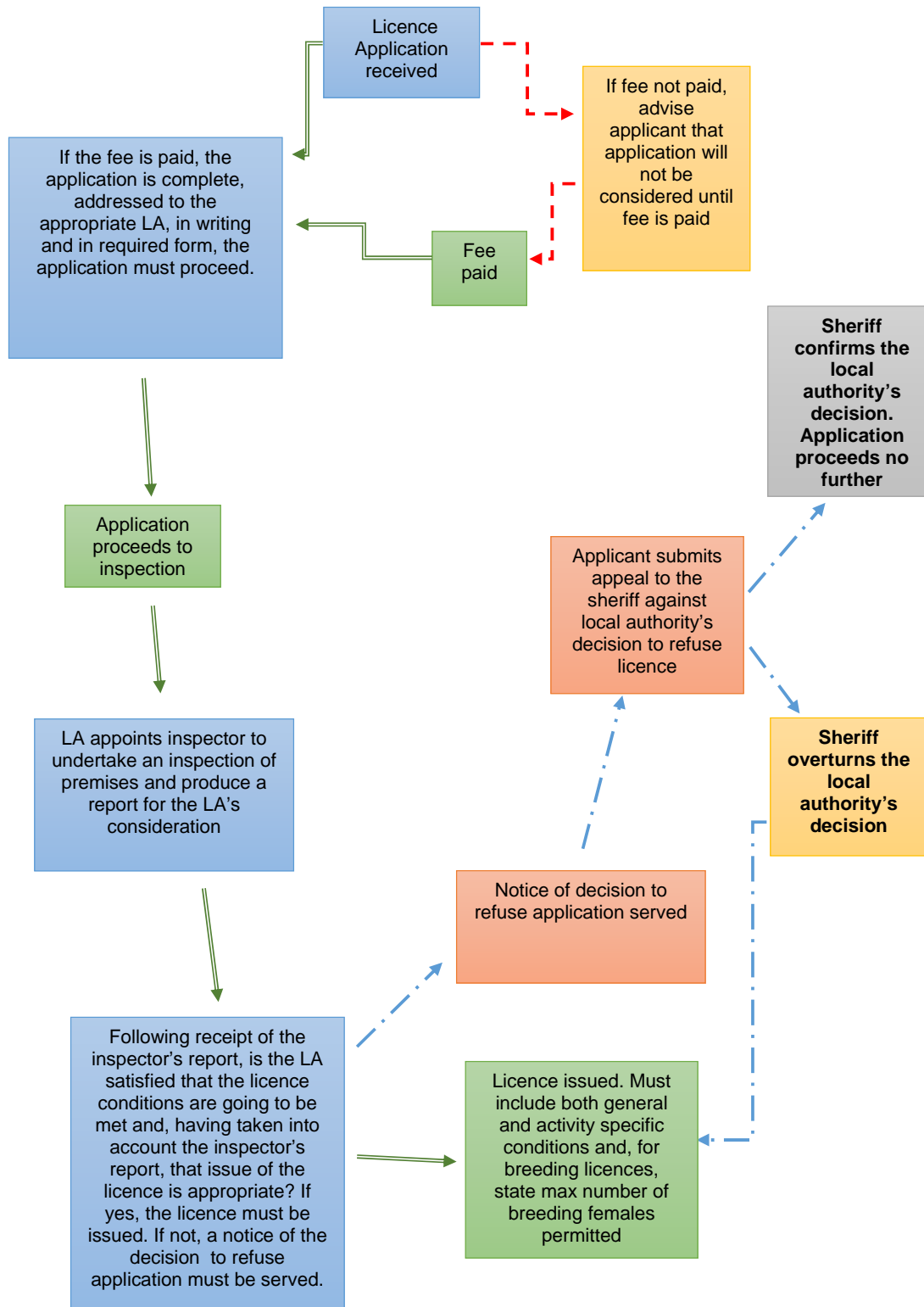
The Licensing of Animal Dealers (Young Cats and Dogs) (Scotland) Regulations 2009 (“the 2009 Regulations”) were revoked on 1 September 2021. The Regulations make provision for any unexpired licences granted under the 2009 Regulations to continue in force after 1 September 2021 for the remainder of their term. Holders of such a licence must continue to comply with the requirements of the 2009 Regulations until expiry of the licence granted.

Provision was made in other legislation, brought into force by the Animal Health and Welfare (Scotland) Act 2006 (Commencement No. 3 and Saving Provisions) Order 2020 (“the Commencement Order”), for the repeal of the Breeding of Dogs Act 1973 and the Pet Animals Act 1951. These two Acts were revoked on 1 September 2021. The Commencement Order makes provision for any unexpired licences granted under the Breeding of Dogs Act 1973 and the Pet Animals Act 1951 to continue in force after their repeal.

The Regulations provide that a person does not commit the offence under regulation 3, of operating without a licence, by reason of carrying on an activity authorised by a licence granted under the 2009 Regulations, the Breeding of Dogs Act 1973 or the Pet Animals Act 1951 which continues in force after 1 September 2021.

Upon the expiry of any such licence issued under the Breeding of Dogs Act 1973 or the Pet Animals Act 1951, a new licence will be required under the Regulations should the individual concerned wish to continue engaging in either activity (assuming that the activity carried on by the operator falls within the licensable activities under the Regulations).

**Flowchart of licensing process**



## Guidance on the General Conditions of licence

The general conditions set out in schedule 2 of the Regulations **must** be attached to any licence granted by a local authority.

### 1. Licence display

**Condition: A copy of the licence must be clearly and prominently displayed on any premises used for the licensable activity.**

#### Guidance:

The local authority should be satisfied that any licence granted will be or is being displayed in a prominent, public-facing area of the premises such as the entrance to the premises or animal introduction area. The appointed inspector should check to ensure that this is the case.

**Condition: The name of the licence holder, the number of the licence and the name of the local authority that issued the licence must be clearly and prominently displayed on any website used in respect of the licensable activity.**

#### Guidance:

Local authorities should ensure that where the holder of a licence operates a website as part of the licensable activity the required information is displayed on that website or, in the case of new applicants, will be clearly displayed. Inspectors should ensure that this requirement is understood by applicants during any inspection.

Local authorities should note that the name of the licence holder on the licence should be the person that will carry on the business (regardless of whether that person is an individual or a legal person such as a limited company).

### 2. Records

**Condition: 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 as such premises, are kept in a manner in which they can be readily made available to an inspector.**

**Condition: 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 in a form from which they can readily be produced in a visible and legible form.**



***Condition: The licence holder must keep all such records for at least 3 years beginning with the date on which the record was created.***

***Condition: 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.***

**Guidance:**

Clearly, premises being inspected for the first time for the purposes of becoming licensed may not be keeping records to the level of detail required or in the format required. Initial inspections should therefore determine what records are being kept and in what format, with advice provided to applicants on any remedial actions required to ensure compliance. Only upon further inspection will compliance or otherwise with the record keeping conditions become evident. Where issues are identified, appropriate steps should be taken by the local authority to ensure compliance. Where records are retained electronically, inspectors should encourage applicants or licence holders to ensure that they regularly back-up all necessary records.

Local authorities should ensure that licence holders are aware of the requirement to retain all required records for a period of three years from the date on which a record is created.

### **3. Number of animals**

***Condition: The total number of animals kept for the licensable 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.***

**Guidance:**

For dog, cat and rabbit breeding activities the total number of breeding females permitted to be kept for the licensable activity on the premises must be specified on the licence granted by the local authority. Clearly, the size and quality of the facilities and the numbers of staff and their experience will be important factors that will help local authorities to determine the number of animals to be permitted under licence.

For all activities, and having considered the relevant activity specific guidance, a local authority will need to determine whether it is satisfied that the number of animals kept is appropriate for the facilities and staff ratio. Where it considers the numbers to be more than is acceptable, the local authority should ensure that the licence holder takes whatever action is agreed and necessary to address the situation. Local authorities should be prepared to explain the rationale for why any such action is necessary. Such action could include reducing the number of animals on site or providing additional accommodation to reduce stocking density etc. This will be particularly relevant in the context of operating an animal welfare

establishment, where an operator could potentially find themselves taking in more animals than they or the premises can reasonably cope with.

AWEs provide a vital and important safety net for vulnerable animals in Scotland and, while the Regulations clearly need to be complied with, this must be considered alongside the practical challenges of protecting vulnerable animals. In some cases it may become necessary to stipulate the maximum number of animals that can be kept as an additional licence condition (under regulation 6(5)) to avoid an operator of an AWE becoming overwhelmed or if there appears to be a risk of “animal hoarding” by the licence holder.

#### 4. Staffing

***Condition: 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 in the licenced premises are met.***

***Condition: 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.***

***Condition: Volunteers who assist in relation to the licensable activity must only undertake tasks for which they have been suitably trained.***

***Condition: 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.***

#### **Guidance:**

Local authorities should consider the following when determining whether the above staffing conditions are being met by the licence holder:

- the size of the premises,
- the layout of the premises i.e. how many animals are permitted in each specific area,
- the type of animal; species, breed, age, health status and needs,
- the qualifications/experience of staff,
- use of part-time or voluntary staff,
- staffing levels can in part be influenced by site-specific and automated processes.

Suitable and sufficient training of staff must be demonstrated to have been carried out in the following areas:

- animal welfare, including recognising poor welfare,
- animal handling,

- animal behaviour,
- cleanliness and hygiene,
- feeding and food preparation,
- disease control,
- recognition and first aid action for sick animals,
- new information on disease and inherited disease, legislation and behaviour.

Staff should hold a relevant qualification and/or be able to clearly evidence knowledge through experience, for example through on the job in-house training.

The training policy for staff should be reviewed and updated on an annual basis and may include:

- annual appraisal,
- planned continued professional development,
- recognition of knowledge gaps,
- use of online courses and literature,
- if no staff are employed the licence holder must demonstrate their own knowledge development.

The training policy must be applicable to any members of staff and volunteers and can be evidenced by engagement with courses, written or online learning, keeping up to date with any research or developments for specific species and the documentation of the annual appraisal. Evidence of staff and volunteer attendance or completion of the training should be provided. Training records for individual staff and volunteers should be retained.

## 5. Suitable Environment

In determining whether the licence holder is meeting the conditions under this section, local authorities should consider the following and be satisfied that the licence holder meets the requirements and that appropriate controls and procedures are in place to ensure animal health and welfare.

***Condition: 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.***

### **Guidance:**

#### Non-domestic environment

- Housing should be secure to prevent injuries and reduce risk of disease transmission. Structural integrity must be maintained, and housing designed to ensure dry, easily cleansed surfaces (including junctions) for non-aquatic species. Materials must be non-toxic and non-porous or be appropriately treated.

- Accommodation should be regularly inspected for damage and potential injury or escape points. Damaged accommodation must be repaired or, where an immediate repair isn't possible, made safe and secure until it can be repaired or replaced.
- For dogs, floors should be non-slip, impervious and easily capable of being cleaned and disinfected. Doors should be strong enough to resist impact, scratching and chewing and should be capable of being secured.
- Hazards must be minimised in accommodation. There should be no projections or rough edges liable to cause injury. No electrical cables must be within reach of any animal that could chew or damage them.
- All licence holders should be able to demonstrate that both environmental and biosecurity, including zoonotic disease, risks have been considered in the enclosure selection and use.
- Drainage in enclosures, activity areas, passageways and preparation areas should be adequate to reduce the risk of pathogens associated with standing water. Enclosures should be designed to minimise issues with standing or pooling liquids which may be hazardous to animals.
- Where new accommodation units are built, they should be built in compliance with relevant building regulations and ensure that any animals to be housed therein have sufficient space and are protected from the effects of weather.

#### Domestic (home) environment

- The home should be well maintained and in good repair. There should not be any sharp edges, projections, rough edges or other hazards which may present risk of injury to an animal.
- Where pens are used in domestic properties, e.g. pens in the garden, they must meet the standards of the non-domestic dwelling.
- For dogs, all outdoor fencing should be strong and secure and kept in a good state of repair.

***Condition: 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.***

#### **Guidance:**

- Animals must be able to exhibit normal behaviour in their environment e.g. move around freely climb, fly, swim or jump where appropriate.
- Accommodation must provide shelter from adverse environmental conditions and predators.

- Enclosure sizes should be appropriate to the species, and be adjusted to the animal's size as it grows (**see Annex I for guidance on the acceptable minimum enclosure/cage sizes for all licensable activities**).
- Where animals are kept communally they should be monitored to ensure none are disadvantaged. Any change in group dynamics may require separation or larger enclosures.

(a) Behavioural needs

- Where appropriate, animals should have separate areas for hiding, sleeping, toileting and exercising. Sleeping areas must be dry, draught-free, well ventilated and clean as well as large enough to allow all the animals housed to rest together fully outstretched where appropriate and turn around unimpeded. Any substrate used should be appropriate to the species concerned.

(b) Situation, space, air quality, cleanliness and temperature

- Licence holders must ensure that environmental conditions such as temperature, relative humidity, ventilation and lighting are carefully controlled at all times, are within the appropriate range for the species housed and monitored as appropriate, with any deviations recorded.
- Staff should be able to outline the remedial action taken when parameters deviate from the acceptable ranges for the species housed. Over-exposure to direct sunlight and other unintended heat sources must be avoided.
- Animals held or displayed outdoors must always have access to suitable protection from adverse weather conditions.
- Animals should not be exposed to draughts.

(c) Water quality (where relevant)

- For aquatic species appropriate water testing and recording must be undertaken as water quality and temperature is a major part of the life support mechanism for aquatic species. The frequency of such testing should be appropriate to the scale and complexity of the system, but as a minimum water temperature should be checked once a day and water quality checked weekly. The results of these checks should be recorded along with any remedial action which has been undertaken to restore water quality to acceptable parameters. Remedial action may include the use of electric cooling fans, water chillers etc.
- Detailed information on water quality and its impact on the health and welfare of aquatic species can be found here: [water quality criteria-FINAL 13-03-08.doc \(ornamentalfish.org\)](#). Information on testing water quality can be found here: [understand and test water quality \(ornamentalfish.org\)](#).

(d) Noise levels

- Noise and vibration should only be at levels appropriate to the species, and enclosures must be situated away from sources causing stress or disturbance.

(e) Light levels

- Light should be provided in a suitable natural cycle for the species and where natural light is insufficient, suitable artificial lighting must be used.

(f) Ventilation

- Ventilation should be provided to all interior areas. Ventilation should be appropriate to the species and have no detrimental effect on temperature or humidity. Humidity must be appropriate for the species.

**Condition: Animals must be kept clean and comfortable.**

**Guidance:**

Local authorities should ensure that where accommodation is on a tiered system, it must be designed such that water, food or waste products must not be allowed to contaminate lower levels. All tiered accommodation should be secure to ensure that no animal can escape or fall out.

**Condition: 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.**

**Guidance:**

Local authorities should ensure that all animals kept by the licence holder for the licensable activity are provided with a toileting area that is appropriate for the animal or species concerned. Where a separate area is provided this must be thoroughly cleaned at regular intervals to maintain cleanliness and reduce the risk of illness or disease. For animals kept in pens or cages etc. procedures must be in place to ensure accommodation and any equipment within it is cleaned and disinfected as often as necessary to minimise the risk of disease and protect the health of the animals. Spot cleaning is acceptable if done frequently. Local authorities should be satisfied that accommodation is capable of being thoroughly cleaned and disinfected.

**Condition: 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 cleansed and disinfected.  
(b) any equipment within the accommodation is cleaned as often as necessary, and  
(c) good hygiene standards are maintained.**

**Guidance:**

- All units, corridors, common areas, kitchens etc. should be capable of being kept clean and free from accumulations of dirt and dust and must be kept in a condition which will reduce the risk of disease spread and possible accidents. Moveable items should be removed for cleaning at regular and appropriate intervals.

- Accommodation must be cleaned and disinfected with products effective against likely pathogens. At normal usage levels, disinfectants must be non-toxic to the species housed, used at an appropriate dilution factor and as per the manufacturer's instructions, with appropriate timed separation between disinfection and (re)introduction of animals observed
- Soiled bedding must be removed in a timely fashion and immediately replaced.
- Empty enclosures should be fully cleaned and, where appropriate, disinfected and allowed to dry when vacated and before new animals arrive. Substrate must be replaced as appropriate, and enclosure fixtures and fittings where they exist should be adequately disinfected.
- Enclosures should be cleaned at least daily and as necessary, unless such routine cleaning would cause stress or otherwise impact negatively on the welfare of the animals. Spot cleaning of enclosures is acceptable where appropriate.

***Condition: 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.***

**Guidance:**

- The local authority should take all reasonable steps to confirm that any vehicles used in connection with the licensable activity are suitably equipped with appropriate ventilation, temperature control, security etc.
- Any animals received or consigned must be transported in accordance with current legislation.
- Where predator and prey animals are being transported in the same vehicle care should be taken to ensure that there is no visual contact.
- Vehicles or relevant carriers / compartments should be cleaned and disinfected after each collection / delivery of animals.
- Animals must be transported in suitable containers and/or be suitably restrained and must not be mixed with different species or unfamiliar animals. Where a number of animals are transported in the same container then it must be of an appropriate size and construction to minimise stress and avoid welfare issues.
- Animals should not be left in vehicles for unreasonable periods and must never be left unattended in a car or other vehicle when the temperature may pose a risk.
- On longer journeys, there must be planned stops to allow for toileting, access to water etc as appropriate, and to allow checks to be made on the welfare of all animals being transported.
- Injured, diseased or ill animals must not be transported unless being taken to a veterinarian, quarantine or isolation facility. In these situations, where applicable, there must be barriers between containers to reduce the transmission of disease or avoid further injury, where applicable, and the vehicle and equipment should be appropriately disinfected following transportation.
- Details of diseased or ill animals being transported should be recorded.

***Condition: 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.***

**Guidance:**

- Local authorities will need to be satisfied that the premises on which animals are kept or enclosures where they are housed are so designed to allow for at least daily visual inspection, with minimal disturbance to the animal.
- Easy, safe access to animals is required to enable ready access to any animal in distress or is otherwise in need of assistance.
- Unless a particular animal or species requires to be kept in a low light environment, premises must have lighting that is adequate to allow for thorough inspection.

***Condition: 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.***

**Guidance:**

- Resources include, but are not limited to: food, water, enrichment items and resting/sleeping/toileting areas.
- There must be sufficient resources for each individual animal in any shared enclosure to minimise monopolisation of resources by dominant animals, and where this is identified, additional resources must be provided, or dominant animals removed where appropriate.
- Staff must be trained to recognise signs of group disruption (e.g. competition and aggression), which could compromise animal welfare.

***Condition: The animals must not be left unattended in any situation or for any period likely to cause them distress.***

**Guidance:**

- Licence holders should demonstrate that they have appropriate procedures and sufficient staff in place to ensure that animals kept for the licensable activity are routinely checked and not subjected to situations that would impact negatively on the animals' welfare or lead to unnecessary stress. Where a local authority has reason to believe that animals are being left unattended in such circumstances it should discuss any concerns with the licence holder and ensure that remedial action is taken. Examples would be keeping an animal that normally lives in social groups completely isolated from its own kind unnecessarily or without good reason, e.g. for reasons of disease or aggressive dominance.



## 6. Suitable Diet

***Condition: 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.***

### **Guidance:**

- The quantity, frequency, delivery and type of food must be determined by what is appropriate for the species, its life stage and the individual animal's behavioural and nutritional needs. Staff should have knowledge of the feeding requirements for all the species held for which they are responsible.
- Fresh foods must be kept refrigerated where appropriate. Frozen foods intended for use should be stored in an appropriate deep freeze and defrosted thoroughly to room temperature before use.
- Live invertebrate food intended for use must be housed in suitable escape proof containers.
- Live food, if uneaten in a short period, should be removed where it may pose a risk to the species housed e.g. crickets biting reptiles.

***Condition: Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.***

### **Guidance:**

- Licence holders should demonstrate adequate procedures to record abnormalities in animals eating and/or drinking habits and the actions to be taken in such circumstances. Licence holders should know when to seek appropriate veterinary advice if necessary.
- Dogs must not remain inappetent (without appetite) for longer than 24 hours without veterinary advice being sought. Where there are specific concerns about the welfare of the dog veterinary advice must be sought earlier.
- If an animal is housed as part of a social group, the establishment should have the ability to isolate an individual to ascertain whether it is eating or not.
- For small mammals, guinea pigs, rabbits and birds, if there is no improvement in food intake within 12 hours following remedial action by a competent person or the condition of the individual deteriorates a veterinary surgeon must be consulted without delay.
- Significant weight loss or gain in animals kept for the licensable activity must be assessed by a competent person. Where the underlying reason cannot be identified, and/or remedial measures have been unsuccessful, the animal must be assessed by a veterinarian.

***Condition: Feed and drinking water provided to the animals must be unspoilt and free from contamination.***

### **Guidance:**

- Animals must have access to fresh, clean drinking water at all times, unless it is being restricted on veterinary advice.
- Any uneaten food should be removed within 24 hours of being supplied to an animal or sooner if spoilt.
- Refrigeration facilities for food storage should be provided. High risk foods (such as cooked or raw meat and fish, or dairy products) and the remains of opened tinned or pouched food must be stored in covered, non-metal, leak proof containers and refrigerated.
- Dried food should be stored in appropriately cool and dry places.
- Food must be protected against dampness, deterioration, mould or from contamination by other animals.

***Condition: Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.***

**Guidance:**

- Receptacles should be non-porous, or disposable.
- Receptacles must be cleaned daily and disinfected at least once a week. If damaged they must be disposed of.
- Disposable receptacles should only be used once.
- Animals undergoing treatment for illness or disease must have separate food and water containers whilst treatment is ongoing to protect the health of other animals on the premises.

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

**Guidance:**

- Fresh clean water must be available at all times, except when withdrawn on veterinary advice, and during the transitional period when water supplies are being changed e.g. when water bottles are removed for filling, cleaning etc.
- Water should be located away from the sleeping area to help prevent this becoming damp or waterlogged.
- There should be sufficient water receptacles for the number of animals kept on site.

***Condition: 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.***

**Guidance:**

- Staff should conform to good hygiene practice in the preparation of food, having due regard to the risk of cross contamination between equipment, utensils and

surfaces. There should be appropriate disinfectants available to clean the food preparation area immediately following its use.

- The food preparation area must be kept clean and vermin free.
- Human and animal food preparation should not take place in shared preparation areas at the same time or using shared utensils.
- In establishments where staff are employed, appropriate hand washing facilities with an adequate supply of hot and cold water must be provided for them to wash their hands.

## 7. Enrichment and training of animals

***Condition: 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.***

### **Guidance:**

- Licence holders should demonstrate, where appropriate for the species, enrichment both inside and outside, including activities such as training, grooming, socialisation and play.
- Environmental enrichment accessories which stimulate natural behaviour must be provided as appropriate to the species maintained. Such accessories could include ramps, tunnels, hides and toys etc. These must not have the potential to cause injury, must be checked daily and replaced if damaged.
- As appropriate to the species, enrichment devices should be changed on a regular basis to introduce novelty and maintain interest. When adding new enrichment devices, staff should ensure that the animal is closely monitored for signs of distress.
- Accessories should be disposable or be disinfected between animals where there is an identified risk of disease spread if enrichment toys or other forms of enrichment are allowed to be shared.
- Where training is undertaken it must not involve methods that may cause pain, injury or suffering. Training should be reward based, i.e. it should reward desired behaviour and ignore unwanted behaviour.

## 8. Animal Handling and interactions

***Condition: 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.***

### **Guidance:**

- All staff must be trained and competent in the handling of the animals for which they are responsible and be able to demonstrate that they understand the signs of an animal that is stressed or uncomfortable with being handled.
- Where a customer, visitor or potential adopter is handling an animal, a competent member of staff should be present to demonstrate how the animal

should be handled and ensure the interaction is appropriate and is stopped if the animal shows sign of fear, suffering or fatigue.

- Visitors, especially children, handling animals must be supervised and offered facilities (and encouraged) to clean their hands before and afterwards (e.g. hand sanitisers). Hand washing facilities should be available.
- Appropriate handling equipment should be available and used when necessary. All equipment used should be safe and appropriate for the intended use.

***Condition: 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. No animals from a social species may be isolated or separated from others of their species for any longer than is necessary.***

**Guidance:**

- Where appropriate, all animals should be housed in social groups of suitable size. Group-housed animals must be monitored for any signs of domination or wider group disruption and remedial action taken, and documented if necessary.
- Acceptable reasons for isolation/separation of social species if remedial action has not been successful include demonstrable risk of disease, injury, stress or behavioural issues such as persistent domination/aggression.
- Where practical and appropriate for the species, to help avoid unwanted litters, all animals should be sexed immediately on arrival to the premises and housed in single sex groups unless this would compromise welfare.
- Species that are not social or of limited sociability, e.g. cats, should be housed individually or in small groups with animals that they are sociable with. Individual animals must be monitored and separated if necessary, even if in small groups as some individuals that tolerated one another in a household may not be so tolerant in the confines of a pen or enclosure.

## **9. Protection from Pain, Suffering, Injury and Disease**

***Condition: 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 deceased animals);***

***(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.**

**Condition: 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.**

**Guidance:**

- Written procedures should be proportional to the size and complexity of the licenced activity. Written procedures must be made available to inspectors when requested. The licence holder and any staff (including volunteers) must be fully aware of these procedures and be confident in their application.
- Procedures should demonstrate how the conditions outlined in this guidance are met.

**Condition: 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.**

**Guidance:**

- Provision must be made for the isolation of sick/injured/infectious animals and those that are potentially infected or otherwise a risk, e.g. a rescued animal that is clearly in a poor state of health.
- Adequate isolation facilities may be on site or at another location, such as a local veterinary practice or introduced through specific changes in management practices demonstrated by written procedures. If the isolation facility is at another location, such as a local veterinary practice, a letter must be provided by the practice stating that they are prepared to provide such facilities. Isolation facilities must be available 24 hours per day. Where isolation facilities are not provided through a local veterinary practice, the local authority should be satisfied that the facilities are indeed appropriate and secure.
- Documented procedures must be in place, and understood by all staff, to prevent the spread of infectious disease, parasites etc between isolated animals and the other animals on the premises.
- Where infectious disease is present in premises, appropriate procedures to mitigate against further spread must be implemented. This includes use of protective clothing and footwear (where applicable) changed between enclosures; separate storage and use of equipment, thorough cleaning of utensils, and segregation of waste.
- Isolated animals must be kept in a secure, comfortable location where their condition and needs can be monitored and a record kept of their treatment.
- Sick, injured or infectious animals must not be handled by members of the public.

**Condition: All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.**

**Guidance:**

- Procedures should be in place so that signage, care information and/or staff inform visitors about the risks of infectious disease transmission.
- Any animal which is suffering from, or is reasonably suspected of having come into contact with any other animal suffering from, any infectious or contagious disease or which is clinically infested with parasites, must be quarantined from healthy animals.
- Where appropriate, any animals brought on to a facility that is suspected of having disease or parasitic infestation must be kept isolated until cleared by a veterinarian.

***Condition: All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.***

**Guidance:**

- Licenced premises must have facilities for the appropriate storage, treatment and disposal of all classifications of waste produced as part of the licensable activity.
- Excreta and soiled bedding should be removed from the premises on a regular basis, at least weekly, disposed of to the satisfaction of the appropriate local authority, and in accordance with current regulations and good waste management practice.
- All excreta and soiled bedding must be stored away from where food and animals are kept.

***Condition: 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.***

**Guidance:**

- Licence holders should demonstrate that they have procedures in place to ensure that any sick or injured animal receives appropriate care and treatment without delay. Animals must only be treated by appropriately competent and trained staff or veterinarians. "Care and treatment" may include euthanasia. Where euthanasia is to be carried out it must only be done by a suitably qualified and trained person.
- With the exception of fish (where the usual practice is to treat all fish in a tank), any animal showing any sign of disease, injury or illness must be kept separate from other animals and veterinary advice, or that of a competent person in the case of fish, must be promptly sought. Any instructions for the treatment of an animal must be strictly followed, with appropriate records kept (see relevant specific guidance).

***Condition: Where necessary, animals must receive preventative treatment by an appropriately competent person in consultation with a veterinary surgeon.***

**Guidance:** See guidance notes directly above.

***Condition: The licence holder must register with a veterinary surgeon and the contact details of that veterinarian must be readily available to all staff on any premises on which animals are kept and where the licensable activity is carried on.***

**Guidance:**

- Licence holders must provide local authorities with evidence of registration with a veterinary practice.
- The name, address and telephone contact number, including out of hours provision, of the veterinary practice used by the licenced premises must be easily available to all staff and included as part of overall emergency planning.

***Condition: 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.***

**Guidance:**

- Local authorities should ensure that, where applicable, licence holders can demonstrate safe and secure storage for prescribed medicines and appropriate procedures to ensure that only staff with sufficient knowledge or training have access to medicines on site.
- Local authorities should be satisfied that appropriate procedures are in place to record any use of prescribed medicines.

***Condition: Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinary surgeon.***

**Guidance:**

- Local authorities should be satisfied that the licence holder has appropriate storage and usage and disposal procedures for non-prescribed medicines.

***Condition: 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.***

**Guidance:**

- Manufacturers' recommended guidelines for use, correct dilutions and contact time for use in cleaning and disinfection procedures must be followed.
- Any equipment that has been used on an infectious or suspected infectious animal must be cleaned and disinfected after use, or disposed of.
- Staff using cleaning products must be competent in the safe use of those cleaning products and understand the compatibility or otherwise of different bactericides, fungicides and virucides.

***Condition: 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.***

**Guidance:**

- Euthanasia must be carried out using a humane and effective method in a manner compliant with current legislation, including, but not limited to, the Animal Health and Welfare (Scotland) Act 2006.
- Under no circumstances may an animal be euthanized other than in a humane and effective manner. In case of doubt as to humane and effective methods of euthanasia, veterinary advice must be sought.
- Where a licence holder is breeding or purchasing live vertebrate animals that are to be euthanased for the purpose of feeding to other animals held on the premises, the method of euthanasia must be assessed by a veterinarian and signed off as to the satisfaction of the veterinarian that the method is humane and effective and continues to be so. The method of euthanasia must be safe and humane for both the culled animal and the animal that is to be fed.

***Condition: 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.***

***Condition: 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.***

**Guidance:**

- Checks should not cause unnecessary stress or disturbance. Visual checks are acceptable.
- A system of recording abnormalities must be maintained and demonstrated to the satisfaction of the local authority.



- Where necessary for specific species, vulnerable animals, such as young, pregnant, sick or injured animals, must be checked more frequently than the minimum of once daily.
- Licence holders or any staff responsible for the care of animals should be competent in identifying signs of suffering or abnormal behaviour and know whom to contact for advice.

## 10. Emergencies

***Condition: 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.***

### **Guidance:**

- Local authorities must be satisfied that the licence holder has an emergency plan in place that is appropriate for the size and complexity of the premises and facilities on which animals are kept.
- A copy of the emergency plan must be permanently available and displayed to allow staff to access it as and when required.
- Both the licence holder and, where applicable, all staff on site must be able to demonstrate that they are both aware of and conversant with the requirements of the emergency plan.
- Suitable emergency response plans must cover arrangements for emergency evacuation, housing, husbandry and loss of power/water. Emergency evacuation must detail how and by what means animals, staff and the public must evacuate the establishment, identify designated fire assembly points, designated holding areas for animals and which animals can and cannot be evacuated (such as aquaria and ponds).
- Consideration must be given to using systems which would allow timely removal of the animals in the case of emergency. Where emergencies are potentially life threatening, humans must not be put at risk attempting to remove animals.
- Emergency drills should be regularly practised and practices recorded with any failings noted and addressed in the procedures. Drills should be undertaken at least annually, or as determined by fire risk assessments.
- All staff and volunteers should undergo regular training and records must be kept of such training. Sufficient nominated staff must be properly trained on the use of any emergency equipment provided.
- All emergency equipment must be maintained in a good state of repair and serviced according to manufacturer's guidelines.
- Entrances and fire exits must be clear of obstructions at all times.

- Suitable firefighting, prevention and detection equipment must be provided and maintained in good working order. Any buildings must have at least one working smoke detector (or other suitable fire detection system) installed in a suitable location on each separate level / floor of the property and there must be at least one carbon monoxide detector.

***Condition: 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.***

**Guidance:**

- The emergency plan should include a list of any species listed in the first column of the current schedule of the Dangerous Wild Animals Act 1973 held on site, where applicable, and a specific action plan for their safe removal and immediate appropriate rehoming in the case of emergency. Enclosures where such animals are housed must be secure and marked accordingly.
- There must be a plan for the relocation and accommodation of animals kept for the licensable activity should the premises become uninhabitable.
- There must be a documented policy in place for dealing with emergencies, including extremes of temperature and weather conditions (both hot and cold).

***Condition: External doors and gates must be lockable.***

**Guidance:**

- Licence holders must demonstrate that any areas where animals are kept for the purposes of the licensable activity have secure and lockable external doors and gates. This is to ensure that only authorised persons can access areas where animals are kept and keep animals on the premises from escaping.
- If any of the animals kept by the licence holder are classed as dangerous wild animals, then local authorities must ensure that the licence holder is complying with all relevant legislation regarding security and public safety.

***Condition: If animals are kept in premises from which the licensable activity is undertaken, 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.***

**Guidance:**

- A reasonable distance would, in normal conditions, be no more than 30 minutes travelling time.
- On non-domestic premises an emergency contact name / number should be displayed on the outside of the premises.

- The designated key holder must be fully conversant with the emergency plan and know exactly what animals are on the premises and where they are located. They should be familiar with the layout of the licensed premises.
- Ideally, an on-call rota system should be in place.

## Guidance on activity specific conditions - pet sellers

### 1. Definitions

“*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 of selling animals as pets, as described in paragraph 1 of schedule 1 of the Regulations is carried on,

“*purchaser*” means a person who purchases an animal to be kept or to be resold as a pet.

### 2. Records and advertisements

***Condition: 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 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).***

#### **Guidance:**

The information to be recorded and retained by licence holders is set out above. Where a licence holder is clearly failing to record the information required under licence, the local authority must take such action as it considers necessary to address the situation. Local authorities should recognise however that for certain types of animal, for example small furries (gerbils, hamsters etc.) bought in batches for resale, licence holders may not know an animal’s exact date of birth or its precise age. So long as the licence holder can demonstrate that all known information is being recorded then this should be considered acceptable.

For fish sales the acceptable minimum for the licence holder to record is the type of fish sold, i.e. tropical marine, tropical freshwater or cold water along with the number of each sold per day. For example: on [date] sales were: 15 cold water and 10 tropical freshwater; total fish sales for the day 20. For fish, deaths should be recorded when mortality exceeds 5% of a fish type on site, over a 24 hour period. As for all records this information needs to be retained for 3 years.

The register must be a stand-alone dedicated document. This can be a centralised system, but must either be accessible in store or be readily and promptly made available to an inspector upon request. The register may be in electronic or paper format. Registers must be inspected on site, treated in confidence and not routinely removed from the licensed premises. Regulation 24 does however provide inspectors with powers to copy or remove registers where there is cause to suspect that an offence has been committed.

The register must contain sufficient detail as to allow identification of the supplier of the animals.

**Condition: 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 for the purposes 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.**

**Guidance:**

Local authorities should ensure that licence holders understand that they must not sell any animal that is undergoing any medical treatment unless a veterinarian confirms that it is in a fit state to be rehomed. Licence holders should retain proof of such advice and this should be shared with any prospective owner or purchaser along with reasons for the treatment. Licence holders should be able to demonstrate the procedures that are in place to ensure that an animal undergoing treatment that makes it unsuitable for sale is clearly identified, segregated where necessary and not sold.

For clarity, medical treatment does not include routine, preventative measures such as the administration of wormers or flea/tick treatments, unless a veterinary surgeon advises otherwise.

**Condition: Any advertisement for the sale of an animal must—**

**- include the number of the licence holder's licence,**

**- specify the local authority that issued the licence,**

**- if the animal being advertised is a dog or cat, include a recognisable photograph of the animal,**

**- (except in the case of fish) display the age of the animal being advertised,**

**- state the country of residence of the animal from which it is being sold, and**

**- state the country of origin of the animal.**

**Guidance:**

Local authorities should ensure that the licence holder understands that “**any advertisement**” includes ads placed on social media platforms, ad sites like Gumtree, Pets4Homes etc., and any other web site on which the licence holder advertises animals for sale to the public.

Where an ad is for a dog or cat, the ad must include a recognisable photograph of the animal for sale.

The country of origin must refer to the country of birth of the specific animal. Where this is not known, the country of export of the specific animal may be used.

### 3. Prospective sales: pet care and advice

***Condition: Any equipment and accessories being sold with an animal must be suitable for the animal.***

**Guidance:**

Inspections undertaken by local authorities should, as far as possible, confirm that licensed pet sellers only stock and supply equipment and accessories that are designed for and are suitable for the particular animal or animals being sold.

***Condition: 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.***

**Guidance:**

Local authorities should be satisfied that the licence holder is fulfilling their obligation to provide pet purchasers with appropriate and accurate advice on the care of any animal sold. The information provided must as a minimum include that set out in the box above. Local authorities should be satisfied that the licence holder understands that only suitably qualified or experienced staff should provide such advice. Pet care advice may be in the form of pet care leaflets or other similar written or electronic instructions, given at the point of sale to the purchaser.

Ideally, any advice given by licence holders should outline the 5 Welfare Needs of Animals and make reference to an owner’s legal obligations under the Animal Health and Welfare (Scotland) Act 2006. Advice on microchipping should also be covered where appropriate. Where such advice is not being given by the licence holder, local authorities should encourage its inclusion.

In particular, licence holders must provide the following information for each of the animals below:

***Dogs:***

Information provided to the purchaser must include advice on updating microchip database registration, vaccinations, routine worming, socialisation and neutering. A transitional feeding schedule must also be provided showing the day by day ratio if changing puppies on to a different food. A puppy contract and puppy information pack must be provided at the point of sale.

***Cats:***

This must include advice on, vaccinations, worming, socialisation and neutering. A transitional feeding schedule must also be provided showing the day by day ratio if changing kittens on to a different food.

**NOTE:** HOLDERS OF A PET SELLING LICENCE CAN ONLY SELL PUPPIES OR KITTENS THAT THEY HAVE BRED THEMSELVES. WHERE A LICENSED PET SELLER IS SELLING PUPPIES OR KITTENS (DEFINED IN THE REGULATIONS AS A DOG OR CAT UNDER 6 MONTHS OLD) THE AUTHORITY SHOULD SEEK EVIDENCE TO CONFIRM THAT THE SELLER IS INDEED THE BREEDER. IF THEY ARE BREEDING MORE THAN 3 LITTERS OF PUPS OR KITTENS IN ANY 12 MONTH PERIOD THEY MUST HOLD A DOG OR CAT BREEDING LICENCE.

***Rabbits:***

Where sold singly, the licence holder and/or staff must ask if the purchaser owns a compatible conspecific and if not, encourage them to purchase one, or check that they have a care plan in place for a single housed rabbit. This must also include advice on vaccinations and reproductive health care.

***Ferrets:***

This must include advice on vaccinations, socialisation and reproductive management.

***Reptiles:***

Advice must be given on enclosure setup, lighting, appropriate environmental conditions and dietary and water requirements. Advice on common ailments and how to spot and treat these should be provided.

***Fish:***

Advice must cover feeding and appropriate feed types, aquarium setup and maintenance, the importance of water quality to fish health, compatible and incompatible fish species and stocking densities. Purchasers of fish should be signposted to relevant online resources such as the web site of the Ornamental Aquatic Trade Association. Licence holders should ensure that when fish are being sold any tank and equipment also purchased is appropriate for the type of fish and the numbers of fish being purchased in order to ensure that the recommended stocking density is not likely to be exceeded.

**Condition:** *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.*

**Guidance:**

Information could include Codes of Practice issued by Government, animal welfare organisations or the veterinary profession.

**Condition:** *The licence holder and all staff must have been suitably trained to advise prospective owners about the animals being sold.*

**Guidance:**

Local authorities should be satisfied that the licence holder and any staff employed are suitably experienced, knowledgeable and appropriately trained to advise prospective purchasers about an animal in which they are interested and its long-term needs and care. This could be evidenced, for example, through the provision of an established and ongoing staff training program or the holding of a recognised, relevant qualification.

**Condition:** *The purchaser must be informed of, where known, the country of origin, age, sex and veterinary record of the animal being sold.*

**Guidance:**

If the licence holder is keeping the required records then the provision of such information, where it is known or can be determined, should not be problematic. Local authorities should therefore ensure that the required information is being recorded whenever the premises is inspected. Clearly, it may not be possible to provide the age and/or sex for all animals being sold under licence, for example fish.

#### **4. Suitable accommodation**

**Condition:** *Animals must be kept in housing which minimises stress including from other animals and the public.*

**Guidance:**

Housing or other accommodation must be suitable for the species/animals kept. It must have lighting and ventilation appropriate for the needs of the animal/species and offer the animals a sense of security where appropriate. For dogs and cats



particularly, the design and layout of accommodation should be such that the animal can control visual contact with its surroundings and animals in other enclosures.

Generally speaking, animals presented for sale by pet sellers will only remain on the premises from which they are being sold for a relatively short period of time. Whilst on site they must however be kept in housing that provides each animal with sufficient space to stretch out, turn around unimpeded, and, where applicable, lie down fully stretched out without touching any other animal in the enclosure. **The minimum enclosure/cage sizes (where these are used) that apply to all the licensable activities are as specified in Annex I.**

***Condition: 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.***

**Guidance:**

If animals are on public display, signs must be displayed on enclosures to deter members of the public from tapping on glass or poking fingers into cages. When licensed premises are inspected the inspector should ensure that suitable signage is in place, with appropriate action taken when it clearly is not.

Clear signage should be in place at all times outlining health and safety risk to customers and appropriate behaviour around animals on the premises relevant to the specific species. In addition to signs, other measures may be required, such as limiting access to some animal enclosures. The licence holder must ensure that no animal is handled by the public without the licence holder's or a staff member's supervision. Signs should inform the public that they should not handle an animal without first speaking to the licence holder or a member of staff.

***Condition: Dangerous wild animals (if any) must be kept in secure accommodation that is lockable and appropriate for the species.***

**Guidance:**

For species listed in the first column of the schedule of the Dangerous Wild Animals Act 1976 (DWAA), licence holders must be able to demonstrate to the local authority that the safety of staff and the general public has been considered in the design of the enclosures, layout of the premises where the animals are kept, and in the design of any safety barriers that may be present.

Design must also demonstrate that prevention of escape has been considered and addressed. Licence holders selling animals on the Schedule to the DWAA must inform the purchaser that they require a licence under the DWAA and also inform the issuing authority of the details of the purchase. Local authorities should be satisfied that the licence holder is aware of these obligations.

Whilst pet shops are exempt from the DWAA, consideration must be given to complying with any special requirement(s) specified in the DWAA for the safe accommodation and care of any DWAA listed animal. The licence holder must

demonstrate that effective plans are in place to deal with the escape of any dangerous wild animal.

## 5. Training and exercise

***Condition: 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.***

### **Guidance:**

While it is recognised that animals kept for sale may only be on the premises for a short length of time, licence holders must be able to demonstrate that where it is necessary for an animal's physical and mental wellbeing there are designated areas where animals can play and exercise. Periods of exercise should include social interaction with animals of the same species where this clearly benefits an animal's welfare. For birds kept in aviaries or animals kept in enclosures the provision of appropriate environmental enrichment (physical stimuli) would be acceptable and should be encouraged.

***Condition: All immature animals must be given suitable and adequate opportunities to learn how to-***

***(a) 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.***

***Condition: The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.***

### **Guidance:**

For animals destined to be sold as pets, interaction with and habituation to people, noise and other stimuli is important. Licence holders must be able to demonstrate therefore that they understand the need to provide regular opportunities to allow for such interaction and habituation and that they have the time, staff and, where appropriate, the required facilities to facilitate this.

## 6. Sale of animals

***Condition: 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.***

**Guidance:**

Puppies and kittens can only be sold in the course of a business by the person responsible for breeding them. The breeder must be the person named as the licence holder on the pet selling licence. If the holder of a pet selling licence is also a regular breeder of dogs and cats (3 or more litters in any 12-month period) then they must be licenced as a breeder and comply with the conditions of that licence.

In order to demonstrate that they are the breeder of any puppies or kittens being offered for sale, the holder of a pet selling licence must be able to provide evidence to the local authority, when requested to do so, that they had control over the decisions made for the complete reproductive process from dam/sire selection, conception and gestation to birth. Local authorities must be shown records of the mating(s), including the location of mating/fertilisation, the identity of the sire (where known), as well as being shown where the animals are or will be born, reared and kept until sale. Where the holder of a pet selling licence is also a licenced breeder of dogs or cats, they must comply with the conditions on that licence regarding record keeping.

Licence holders selling puppies or kittens that they have bred (but who are not licenced as breeders due to not meeting the criteria for licensing) should be encouraged by the local authority to retain other supporting evidence such as photographs, microchip and veterinary records to show that they housed and cared for the young and their mother for the first 8 weeks of its life.

***Condition: The sale of a dog or a cat must be completed in the presence of the purchaser on the premises.***

**Guidance:**

Where the holder of a pet sellers licence sells dogs or cats (including puppies and kittens) that sale must take place on the premises used by the licence holder for the licensable activity and the purchaser must be on the premises. Where a prospective purchaser of a puppy or kitten wishes to see the animals for sale, but the animals are under 8 weeks old and therefore not able to be sold, they should only be shown to the prospective purchaser if they are with their biological mother and the viewing should be supervised to ensure the safety of the mother and pups.

***Condition: No animals or types of animal other than those animals and types of animal specified in the licence may be sold.***

**Guidance:**

Local authorities must ensure that any licence issued specifies the type of animals that may be sold by the holder of the licence. Where a licence holder wishes to sell other animal types not specified on the licence they must make a request to the issuing authority to have the licence varied. Before any variation is granted the local

authority must be satisfied that the holder of the licence has the required facilities, staff ratio and knowledge to both keep and care for the animal in question.

***Condition: 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).***

**Guidance:**

The local authority should ensure that the licence holder understands that the sale of animals from these locations is prohibited under the terms of the licence granted.

## **7. Protection from suffering, injury and disease**

***Condition: All animals for sale must be in good health.***

**Guidance:**

Licence holders must not knowingly sell any animal that is not fit, healthy or, where applicable, socialised. Where it is clear that an animal that is for sale is not in good physical or mental health it must be removed from sale and provided with appropriate care, including veterinary care where necessary, until it is considered fit for sale. In order to meet this licence obligation the licence holder and any staff employed must be adequately trained and experienced enough to identify when an animal is unsuitable for sale due to ill-health, injury or another form of suffering. Local authorities should therefore be satisfied that the licence holder has sufficient experience and knowledge to identify such animals and the action that should be taken. Procedures should be in place to deal with ill and injured animals.

***Condition: 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.***

**Guidance:**

Local authorities should be satisfied that the licence holder has provision on the licenced premises or at another nearby suitable facility to isolate any animal with a condition that is likely to be affecting its quality of life, either short-term or long-term. If the animal is to remain on the licensed premises it should be located in a suitably quiet and safe part of the premises which is readily accessible to allow for regular monitoring of its condition. Veterinary opinion should be sought where necessary, and must be sought, except in the case of fish, where it is clear that the animals condition is long-term or unlikely to improve. If the animal requires to be transported to a veterinary facility then it should be done in a manner that minimises the stress on the animal.

***Condition: 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.***

***Condition: 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.***

**Guidance:**

In a suitable manner means, in a manner that ensures the animal is safe from harm, unable to escape and has both space and ventilation commensurate with the animal type and distance to be travelled. The licence holder should be able to demonstrate that containers used meet these requirements. All reasonable steps should be taken to minimise the stress on the animal during transportation.

Where fish are being sold or transported any containers used must contain a sufficient oxygen supply for the duration of the journey plus some contingency. They must contain appropriate quantities of water and be suitably insulated to protect against large fluctuations in temperature. Ideally, fish should be transported in specifically designed fish transportation bags and these should be made available to any purchaser of fish. For longer journeys consideration should be given to using protective and insulated containers, for example a polystyrene box with a lid. If the purchaser is travelling longer distances oxygen tablets should be used or alternatively an air pump.

Species of fish that may be aggressive to one another must be packed separately. Fish should not be transported with other aquatic species, including invertebrates, aquatic plants, corals etc.

## Guidance on specific conditions – rehoming activities (other than in the course of operating an AWE)

### 1. Supply of animals

**Condition: 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 which were not bred by the licence holder.**

#### **Guidance:**

Holders of a rehoming licence **must not** supply any puppy (a dog under 6 months old) as a pet unless they are the breeder of the animal being supplied. Evidence of such **must** be provided where requested by an inspector. Such evidence could include records of the mating(s), including the location of mating/fertilisation, the identity of the sire (where known), being shown where the animals were or will be born, reared and kept until old enough to be supplied as a pet and other documentary/photographic evidence.

### 2. Protection from suffering, injury and disease

**Condition: All animals supplied as pets must be in good health.**

#### **Guidance:**

Licence holders must not knowingly rehome any animal that is not fit, healthy or, where applicable, socialised. Where it is clear that an animal is not in good physical or mental health it must not be rehomed. The animal must be provided with appropriate care, including veterinary care where necessary, until it is fit for rehoming. In order to meet this licence obligation the licence holder and any staff employed must be adequately trained and experienced enough to identify when an animal is unsuitable for rehoming due to ill-health, injury or another form of suffering. Local authorities should therefore be satisfied that the licence holder has sufficient experience and knowledge to identify animals that are ill, stressed or injured and know the remedial action that needs to be taken. Procedures must be in place to deal with ill and injured animals.

**Condition: 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.**

**Guidance:**

Local authorities should be satisfied that the licence holder has provision on any associated licensed premises or at another nearby suitable facility to isolate any animal with a condition that is likely to be affecting its quality of life, either short-term or long-term. If the animal is to remain on the premises, it should be located in a suitably quiet and safe part of the premises which is readily accessible to allow for regular monitoring of its condition. Veterinary opinion should be sought where necessary, and must be sought where it is clear that the animals condition is long-term or unlikely to improve. If the animal requires to be transported to a veterinary facility then it should be done in a manner that minimises the stress on the animal.

***Condition: 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.***

**Guidance:**

In a suitable manner means, in a manner that ensures the animal is safe from harm, unable to escape and has both space and ventilation commensurate with the animal type and distance to be travelled. The licence holder should be able to demonstrate that any containers used for the handover of animals meet these requirements. All reasonable steps should be taken to minimise the stress on the animal during transportation.

***Condition: 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.***

**Guidance:**

Licence holders must ensure, and demonstrate where asked to do so, that only appropriate containers, ideally designed for the purpose, are being used to transport an animal or when an animal is being transferred to its new owner or keeper. Containers used must meet the needs of the animal in terms of ventilation, temperature, light and security. Where an animal needs to stay in a container until reaching its new home consideration must be given to the animals water, food and toileting requirements where relevant.

### 3. Pet care and advice

***Condition: Any equipment and accessories being supplied with an animal must be suitable for the animal.***

**Guidance:**

Inspections undertaken by local authorities should, as far as possible, confirm that where applicable licence holders only supply new keepers with equipment and

accessories that are designed for and are suitable for the particular animal being supplied as a pet.

***Condition: A person supplied with an animal as a pet by the licence holder 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 (including details of any vaccinations and disease testing that the licence holder has arranged for the animal).***

**Guidance:**

Local authorities should be satisfied that the licence holder is fulfilling their obligation to provide persons being supplied with an animal with appropriate and accurate advice on the care of any animal rehomed. The information provided must as a minimum include that set out in the box above. Local authorities should be satisfied that the licence holder understands that, where applicable, only suitably qualified or experienced staff should provide such advice. Pet care advice may be in the form of pet care leaflets or other similar written or electronic instructions, given at the point of handover to the person being supplied with an animal.

Ideally, any advice given by licence holders should outline the 5 Welfare Needs of Animals and make reference to an owner's legal obligations under the Animal Health and Welfare (Scotland) Act 2006. Advice on microchipping should also be covered where appropriate. Where such advice is not being given by the licence holder, local authorities should encourage its inclusion.

If the animal being rehomed is a dog or cat then licence holders should provide advice on microchipping or updating the microchip database registration, vaccinations, routine worming, socialisation and neutering. A transitional feeding schedule must also be provided showing the day by day ratio if dietary changes are required.

***Condition: 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.***

**Guidance:**

In order to meet this condition of licence the licence holder will need to ensure that they are recording this information where it is known or can be determined. Local authorities should therefore ensure that the required information is being recorded whenever the premises is inspected. Where it is established that the licence holder is



failing to record this information the local authority should seek to establish how the licence holder is meeting this condition of their licence.

#### 4. Return of animals

***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.***

##### **Guidance:**

Licence holders should be able to demonstrate that they have appropriate return procedures in place to facilitate the return of any animal that they have supplied as a pet if requested to do so within 10 days of the date of handover. Licence holders should be able to demonstrate that they have robust contingency measures in place to accommodate returned animals or can readily organise accommodation for any animal being returned.

Where an animal cannot be returned within the 10 day window due to it not being fit for transport, but the licence holder has been requested to accept its return within the 10 days, the licence holder must arrange for the return of the animal once the animal is fit enough to travel.

To avoid such situations licence holders should take all reasonable steps to rehome animals responsibly and only rehome an animal where they are satisfied that the animal is a suitable match for the adopter and the adopter's home situation, particularly when there are children and/or vulnerable adults in the household.

Unless circumstances dictate otherwise, licence holders should not rehome any equine, dog or cat with anyone that has not met and interacted with the animal beforehand. Ideally such interaction should be supervised by the licence holder or where appropriate suitably experienced staff. Ideally, the licence holder as part of the rehoming process will ensure interaction with the animal to be rehomed takes place in the prospective new owners premises to allow for an assessment of the environment in which the animal will be rehomed. It should be recognised however that this will not always be possible or practical.

### Guidance on specific conditions - animal welfare establishments

The Regulations require anyone operating an animal welfare establishment (AWE) to be licensed by the local authority. Essentially, AWEs will, for the most part, generally fall into one of two general categories - **animal rehoming centres** or **animal sanctuaries**.

In considering an application for a licence to operate an AWE, local authorities should establish if the applicant is a member of any recognised sector body that already requires operators to operate to agreed standards of animal welfare. An example of such is the Association of Dog and Cat Homes (ADCH), which exists to set high standards of animal care amongst dog and cat rescue and rehoming organisations, develop and disseminate good practice and provide mutual support across the sector. The ADCH requires all its members to operate to the standards set out in its “Minimum Welfare and Operational Standards” which can be found here: [ADCH-minimum-welfare-and-operational-standards-2020v1.pdf](#).

Applicants that are members of such bodies are likely to be lower risk than those that are not and are likely to already be operating to high animal welfare standards. However, this will not always be the case and local authorities need to consider each application for a licence on the basis of information provided by the applicant and the information provided in the inspector’s report.

Any AWE licence granted under the Regulations must include the general conditions set out in schedule 2 of the Regulations and the activity specific conditions in schedule 5. Any inspector appointed to undertake an inspection of any premises must ensure that they are familiar with these conditions prior to the inspection. A key requirement of the inspection is to gather information about whether the applicant is meeting, or can demonstrate that they are ready to meet the conditions for holding a licence. It is crucial therefore that the inspector understands the conditions of licence.

The specific conditions that must apply to AWEs are detailed below. For each condition we have provided guidance for appointed inspectors on what is expected and what the applicant therefore needs to demonstrate in order to meet the requirements for licensing. It must be stressed however that this guidance is simply to aid the inspector. Ultimately, the decision on whether to grant a licence is one for the local authority to make. Clearly, as this has previously been an unregulated activity, initial inspections will need to determine whether the applicant can demonstrate that they are suitably prepared and ready to comply rather than demonstrating how they have complied.

#### 1. Definitions

*“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).

## 2. Records and Advertisements

**Condition:** *A register must be kept of 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—*

- *the species of the animal where known,*
- *the animal’s sex where known,*
- *the animal’s age where known (except in the case of fish),*
- *details of any veterinary treatment where known,*
- *the date on which the animal was received by the licence holder,*
- *the date on which the animal was rehomed or otherwise released from the establishment (if applicable),*
- *the site of the animal’s release into the wild (if applicable),*  
*the date of the animal’s death.*

### **Guidance:**

Local authorities must ensure that AWE licence holders are keeping records in accordance with the requirements of paragraph 2 of schedule 2 of Regulations. The information to be recorded and retained by licence holders is set out above. Where a licence holder is clearly failing to record the information required under licence, the local authority must take such action as it considers necessary to address the situation. All records must be kept for at least 3 years beginning from the date on which the record is created and made available for inspection by an inspector when so requested. Licence holders should be encouraged to back up any records if this is not already being done.

**Condition:** *Where an animal is undergoing any medical treatment it may only be supplied as a pet to a prospective keeper if—*

- *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 the animal, and*
- *a veterinary surgeon advises that the animal is in a suitable condition to be supplied as a pet.*

### **Guidance:**

Local authorities should ensure that licence holders understand that they must not rehome any animal that is undergoing any medical treatment unless a veterinarian confirms that it is in a fit state to be rehomed. Licence holders should retain proof of such veterinary advice and this should be shared with any prospective owner along with reasons for the treatment and whether ongoing treatment will be required.

Licence holders should be able to demonstrate the procedures that are in place to ensure that an animal undergoing treatment that makes it unsuitable for rehoming is clearly identified, segregated where necessary and not rehomed.

Treatments administered as part of any routine, preventative measures are not considered as an animal under treatment e.g. worming treatments as part of new acquisition admission policies.

**Condition: Any advertisement for the rehoming of an animal must—**

- **include the number of the licence holder's licence,**
- **state the local authority that issued the licence,**
- **if the animal being advertised is a dog, cat or horse, include a recognisable photograph of the animal, and**
- **except in the case of fish, display the age of the animal being advertised (where known).**

**Guidance:**

Local authorities should ensure that the licence holder understands that “any advertisement” includes ads placed on social media platforms, ad sites like Gumtree, Pets4Homes etc., and any other web site on which the licence holder advertises animals for the purpose of rehoming them.

Where an ad is for a horse, dog or cat the licence holder must ensure the ad includes a recognisable photograph of the animal for sale.

### **3. Rehoming: Pet Care and Advice**

**Condition: Any equipment and accessories being provided with an animal must be suitable for the animal.**

**Guidance:**

Inspections undertaken by local authorities should, as far as possible, confirm that AWE licence holders only supply equipment and accessories that are designed for and/or are suitable for the particular animal or animals being rehomed. In particular any housing supplied with an animal that is being rehomed must meet the minimum size recommended for the animal or species concerned. Only suitably qualified or experienced staff should provide advice to prospective or new owners on housing and equipment that is both required and appropriate for the animal being rehomed.

Minimum enclosure/housing sizes (where used) are as specified in Annex I.

**Condition: Prospective keepers must be provided with information on the appropriate care of the animal including in relation to—**

- **feeding**
- **housing**
- **husbandry**
- **the life of expectancy of its species**
- **the provision of suitable accessories, and**
- **veterinary care**

**Guidance:**

Local authorities should be satisfied that the licence holder is fulfilling their obligation to provide new owners with appropriate and accurate advice on the care of any animal being rehomed. The information provided must as a minimum include that set out in the box above. Local authorities should be satisfied that the licence holder understands that only suitably qualified or experienced staff should provide such advice. Pet care advice may be in the form of pet care leaflets or other similar written or electronic instructions, given at the point of handover to the new owner.

Ideally, any advice given by licence holders should outline the 5 Welfare Needs of Animals and make reference to an owner's legal obligations under the Animal Health and Welfare (Scotland) Act 2006. Advice on microchipping should also be covered where appropriate. Where such advice is not being given by the licence holder, local authorities should encourage its inclusion.

In particular, licence holders must provide the following information for each of the animals below:

**Equines:**

Information provided to the new owner must include advice on official equine identification requirements, vaccination, routine worming and other veterinary care, feeding, shoeing/hoof care, feeding, socialisation with other equines, grazing/stabling requirements and fitting of tack as appropriate. Specific advice should be given on the suitability of the animal for its intended purpose (such as the appropriate age and ability of riders) and any previous relevant history of training, injury, health or behavioural issues.

**Dogs:**

Information provided to the new owner must include advice on updating microchip database registration, vaccinations, feeding, routine worming, socialisation and neutering. A transitional feeding schedule must also be provided showing the day by day ratio if changing puppies on to a different food. Advice must be provided on any specific dietary needs that apply to individual animals, e.g. an animal may require to be fed a particular diet or receive a routine supplement to ensure its health.

**Cats:**

This must include advice on, vaccinations, worming, parasite control, socialisation and neutering. A transitional feeding schedule must also be provided showing the day by day ratio if changing kittens on to a different food. Advice must be provided

on any specific dietary needs that apply to individual animals, e.g. an animal may require to be fed a particular diet or receive a routine supplement to ensure its health.

**Rabbits:**

If being rehomed singly, the licence holder and/or staff should ask if the prospective or new owner owns a compatible conspecific and if not, encourage them to rehome one, or check that they have a care plan in place for a single housed rabbit. The licence holder must also provide advice on vaccinations and reproductive health care.

**Ferrets:**

Licence holders must include advice on vaccinations, socialisation and reproductive management.

**Condition: A suitably trained person must be available to provide advice to prospective keepers about the animals made available for rehoming.**

**Guidance:**

Licence holders must be able to demonstrate that only suitably trained staff are allowed to provide advice to prospective keepers. This is to ensure that any prospective owner receives accurate advice, background and guidance on any animal that they are considering rehoming, allowing them to make an informed decision about whether the animal is right for them and their household. Advice should ideally include the likely costs of keeping the animal, particularly food and veterinary costs.

**Condition: Any new keeper to whom an animal is being rehomed must be informed of, where known, the age, sex and veterinary record of the animal.**

**Guidance:**

If the licence holder is recording the information required as a condition of their licence then the provision of this information, where it is known, should be straightforward. Where it becomes clear to the local authority that such information is not being recorded and/or not being provided to new keepers, the local authority must take such action as it considers necessary to ensure compliance.

#### **4. Release of Animals into the wild**

**Condition: 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.**

**Guidance:**

The chosen area should provide for the animal's requirements for food, shelter and ability to join other animals of the same species or establish its own territory as

appropriate. Risks from predators, conflict with animals of the same species or human interactions should be minimised. Risks of possible harm to the environment or to other animals should also be considered.

***Condition: 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.***

**Guidance:**

AWE licence holders that release wild animals back to the wild must have protocols in place relating to the release of animals back to the wild. The licence holder and any staff involved in the release of animals to the wild must be suitably trained and have a good understanding of the factors that must be considered prior to any release. Local authorities should be satisfied that the protocols in place include, as a minimum, the following considerations:

- procedures for determining when an animal is fit and healthy enough for release,
- appropriate locations depending on the species or type of animal (consider whether social animals will be able to and readily find a flock or group to join and whether animal from solitary species will be able to establish a territory,
- the most appropriate time of year to maximise the animals chances of survival and adapt to its new environment,
- weather forecast for the day of release and several days after,
- food and water availability, availability of shelter, likelihood of predation or disturbance by humans or human activity,
- for animals that are tracked or monitored after release actions to be taken if it becomes clear that the released animal is not coping or becomes injured etc.

Animals must only be released with the landowners knowledge and permission.

## **5. Dangerous wild animals: duty to notify**

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

**Guidance:**

Holders of a AWE licence must notify the local authority if they wish to keep or temporarily hold any dangerous wild animal at any premises used for the licensable activity. Before keeping any dangerous wild animal operators must obtain a licence that permits them to do so from the local authority.

Local authorities should be satisfied that licence holders and any person applying for a licence to operate an AWE are familiar with the requirements of the Dangerous Wild Animals Act 1976 (as amended) and understand that no dangerous wild animal can be held or kept without first obtaining a licence permitting them to do so.

Guidance for local authorities on licensing under the Dangerous Wild Animals Act 1976 can be found here: [Dangerous wild animals: licensing guidance for local authorities - gov.scot \(www.gov.scot\)](http://www.gov.scot).

## 6. Suitable accommodation

***Condition: Animals must be kept in housing which minimises stress including from other animals and the public.***

### **Guidance:**

Housing or other accommodation must be suitable for the species/animals kept. It must have lighting and ventilation appropriate for the needs of the animal/species and offer the animals a sense of security where appropriate. Accommodation must protect temperature sensitive animals from wide temperature fluctuations. Where at all possible housing must be designed to avoid sensory contact between prey and predator species. Naturally social animals should be housed together whenever possible.

Each animal must be provided with sufficient space to stretch out, turn around unimpeded, and, where applicable, lie down fully stretched out without touching any other animal in the enclosure. **The minimum enclosure/cage sizes to apply are as specified in Annex I.**

***Condition: Where members of the public can view or come into contact with animals, signage must be in place to deter disturbance of the animals.***

### **Guidance:**

If animals are on public display, signs must be displayed on enclosures to deter members of the public from tapping on glass or poking fingers into cages. When licensed premises are inspected the inspector should ensure that this is the case and where such signage is lacking this should be discussed with the licence holder.

Clear signage must be in place at all times outlining health and safety risk to customers and appropriate behaviour around animals on the premises relevant to the specific species. In addition to signs, other measures may be required, such as limiting access to some animal enclosures. The licence holder must ensure that no animal is accessed or handled by the public without the licence holder's or a staff member's supervision. Signs should inform the public that they should not enter an enclosure or handle an animal without first speaking to the licence holder or a member of staff.

***Condition: Dangerous wild animals must be kept in secure accommodation that is lockable and appropriate for the species.***

### **Guidance:**



For species listed in the first column of the schedule of the Dangerous Wild Animals Act 1976, licence holders must be able to demonstrate to the local authority that the safety of staff and the general public has been considered in the design of the enclosures, layout of the premises where the animals are kept, and in the design of any safety barriers that may be present. Design must also demonstrate that prevention of escape has been considered and addressed.

As AWE licence holders will also need to be licensed to keep dangerous wild animals (if such animals are to be kept) the requirements around secure accommodation will have been discussed and agreed with the relevant authority.

***Condition: No animal kept in the course of operating the animal welfare establishment, of any of the following descriptions, may be supplied as a pet by or on behalf of the licence holder—***

- (a) unweaned animals,***
- (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.***

**Guidance:**

Local authorities should ensure that licence holders understand that they are prohibited by licence from supplying any of the above animals in the course of operating and animal welfare establishment. These are particularly vulnerable animals and any non-compliance should be timeously addressed.

## Guidance on specific conditions – breeding dogs

### 1. Definitions

“*dogs*” includes breeding bitches and male dogs,

“*exercise area*” means a secure area where dogs may exercise and play,

“*puppy*” means a dog aged less than 6 months,

“*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,

“*breeding*” when used in the context of “*breeding dog*” means any adult dog intended to be used, being used or that has been used for the purposes of producing offspring.

### 2. Advertisements and sales

***Condition: 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.***

#### **Guidance:**

The steps from birth to sale must be clear, and the licensing authority must be shown how and where puppies are bred, born, reared and kept until sale. Local authorities should also see what potential buyers are shown including the details of mating.

To demonstrate that they are the breeder, the licence holder’s involvement in the complete reproductive process from conception and gestation to birth must be evident. Where requested, local authority inspectors must be shown details of the mating(s) and both parents.

Licence holders may provide other supporting evidence such as photographs, microchip and veterinary records to show that they housed and cared for the pups and their mother for the first 8 weeks of its life.

***Condition: 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.***

**Guidance:**

Local authorities should ensure that the licence holder understands that “any advertisement” includes ads placed on social media platforms, ad sites like Gumtree, Pets4Homes etc, and any other web site on which the licence holder advertises animals for sale to the public.

The ad must include a recognisable photograph of the animal for sale and state its age. Local authorities should take all practicable steps to verify that ads posted by the licence holder meet these requirements and take steps to ensure compliance where it becomes clear that this condition of licence is not being met.

***Condition: Any equipment and accessories being sold with a dog must be suitable for it.***

**Guidance:**

Inspections undertaken by local authorities should, as far as possible, confirm that licenced breeders only supply equipment and accessories that are designed for and are suitable for the puppies (or dogs) being sold.

***Condition: The purchaser must be informed of the age, sex and veterinary record of the dog being sold.***

**Guidance:**

Local authorities should ensure that the licence holder provides this information as a minimum for any puppy sold.

***Condition: No puppy aged under 8 weeks may be—***

***(a) sold, or***

***(b) permanently separated from its biological mother.***

***Condition: A puppy may only be shown to a prospective purchaser if it is together with its biological mother.***

***Condition: The conditions regarding permanent separation from the biological mother (para. 2(5)(b) of schedule 6) and only showing a puppy to a prospective purchaser if together with its biological mother (para. 2(6) of schedule 6) do not apply in relation to a puppy if such separation is necessary for the health or welfare of the puppy, the other puppies in the litter or its biological mother or if the puppy's biological mother is deceased.***

**Guidance:**

Puppies must remain with their mother for the first eight weeks of life unless the mother dies or there is a health risk to the puppy or its littermates or the mother from remaining with her. Where necessary, a veterinarian may certify that it is in the best

interests of the animal to be removed earlier, **but it must not be sold**. The local authority should be satisfied that licence holders retain records that are sufficient to demonstrate compliance with these conditions.

If during any inspection of the premises puppies are present, inspectors should request sight of the mother and where there is any doubt about the bitch being the mother relevant records should be requested to confirm the relationship of the pups and bitch.

Where an inspector finds a puppy less than 8 weeks old that has been separated from its mother, they must take steps to determine why and any evidence provided to justify the separation should be supported by veterinary advice.

When puppies are being viewed by a prospective purchaser licence holders should ensure that such viewings are supervised to protect the welfare of the pups and their mother.

***Condition: A dog may only be sold if the name, and an address, of the licence holder are disclosed to the purchaser.***

**Guidance:**

Local authorities should ensure that the holder of a dog breeding licence understands this condition of licence. It is recommended that local authorities establish upfront with the breeder the address that will be used and where this differs from the address on which the licensable activity is undertaken take the necessary steps to confirm that the address given is legitimate. Ideally, local authorities should seek to establish the association between the address given and the licence holder.

### **3. Number of breeding bitches and litters produced**

***Condition: 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.***

**Guidance:**

Regulation 6(6)(b) of the Regulations requires local authorities to specify in any breeding licence granted the maximum number of breeding bitches that can be kept on the premises for the licensable activity. During any inspection local authorities should determine as far as possible that the licence holder is complying with this condition and where more bitches are found on site than are permitted by licence action must be taken to establish the status of any additional bitches and whether they are or have been used for breeding purposes (again as far as this is possible). Veterinary advice should be sought where this is considered necessary.

***Condition: 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.***

**Guidance:**

Records should be thoroughly checked during any local authority inspection to ensure that the number of litters produced in the preceding 12 month period correlates with the maximum number of breeding bitches permitted under licence. Action must be taken where it is evident that more litters of pups have been bred than is permitted based on bitch numbers (remember, the breeder's licence restricts each bitch to a maximum of one litter in a 12-month period).

#### **4. Suitable environment**

***Condition: Each dog must have access to a clean, dry and warm sleeping area with comfortable bedding and which is free from draughts and an exercise area.***

**Guidance:**

Dogs kept in domestic premises for the licensable activity should have access to more than one room, a separate sleeping location, outdoor access for toileting as needed and be exercised at least twice daily.

Dogs kept by the licence holder in a kennel environment must have an adjoining run or be given access to an outside secure area where they can exercise. Kennels must be secure, protect the dogs from weather and provide a comfortable and warm sleeping area. Each dog must have sufficient space within its enclosure to lie down fully stretched out without coming into contact with another dog. Ideally, the design and layout of accommodation should be such that dogs can control visual contact with their surroundings and animals in other enclosures.

***Condition: 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.***

**Guidance:**

The minimum acceptable kennel/enclosure sizes for breeding dogs are as set out in Annex I. **Bitches with a litter of pups should have an enclosure size double that stated for its normal weight range.**

***Condition: The exercise area must not be used as a sleeping area unless the dog chooses to do so.***

**Guidance:**

Local authorities need only confirm that both a separate sleeping area and exercise area are provided for each dog kept for the licensable activity and that these meet the needs of the dogs.

***Condition: There must be a separate whelping area for each breeding bitch to whelp in which contains a suitable bed for whelping.***

**Guidance:**

There must be a whelping bed raised off the floor and with sides high enough to prevent new born puppies from falling out. The bed must contain sufficient bedding to ensure a soft surface for the bitch and to enable the absorption of mess resulting from whelping.

The bed must be constructed of easily cleanable impervious material and must be thoroughly cleaned and disinfected between litters.

Bitches must be moved to their whelping accommodation 60 days after mating or sooner if signs of imminent whelping are shown.

There should be access to the whelping area without disturbing other dogs.

Where a bitch is whelped in a domestic environment it is acceptable for a temporary disposable covering to be used.

***Condition: 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.***

**Guidance:**

Licence holders must be able to demonstrate that the whelping area is capable of being maintained within a temperature range of 18°C – 24°C, with provision for higher temperatures in a whelping box for the first two weeks after puppies are born if appropriate. Monitoring of the temperature in the whelping area must be in place. The whelping area must be designed to allow the bitch and growing pups to move away from areas that are either too warm or too cold.

***Condition: Each dog must be provided with constant access to a sleeping area.***

**Guidance:**

Each dog kept for the licensable activity must have access to a safe and comfortable sleeping area where it can rest protected from the weather. The sleeping area must also protect the dog from temperature extremes.

***Condition: A separate bed or area with bedding must be provided for each adult dog.***

**Guidance:**

Clean and dry beds or bedding material must be provided for each dog. Any bedding material used must clearly be non-toxic, be absorbent, non-allergenic and padded so not to cause injury.

Bedding material must be cleaned or disposed of in accordance with the documented cleaning and disinfection procedure.

The bed must be easy to clean and disinfect, sited away from draughts and free from hazards. Bedding material must be non-irritant and dry and used in sufficient amounts to provide the necessary comfort and warmth required.

***Condition: 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.***

**Guidance:**

Local authorities should encourage licence holders to record the detail of any such instance where it is necessary to transport a puppy under 8 weeks old without its mother, including any agreement from a veterinary surgeon that such transportation should take place. For the avoidance of doubt, the term emergency includes transporting or moving a puppy to a place of safety due to it being seized due to welfare concerns and to protect its welfare.

***Condition: 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.***

**Guidance:**

Licence holders should make all reasonable efforts to ensure that where veterinary advice is needed the vet visits the premises on which the pregnant bitch is kept rather than transporting the bitch to the vet.

A pregnant breeding bitch can of course still be transported if it has been seized due to welfare concerns and in order to safeguard its welfare.

***Condition: 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.***

**Guidance:**

All efforts should be made to have the veterinary surgeon attend the premises where the bitch is located rather than transporting the dog to the veterinary surgery, unless the circumstances require urgent transportation to a veterinarian.

A breeding bitch can of course still be transported earlier than 48 hours after whelping if it has been seized due to welfare concerns and in order to safeguard its welfare.

## **5. Suitable diet**

***Condition: Each puppy must be provided with the opportunity to start weaning as soon as it is capable of ingesting feed on its own.***

***Condition: Each adult dog must be provided with feed appropriate to its needs.***

**Guidance:**

Licence holders should have appropriate feeding plans in place for both breeding bitches and any pups produced. Where advised by a veterinary surgeon, dietary supplements should be given.

***Condition: Each puppy must be provided with feed appropriate for its stage of development.***

***Condition: Reasonable efforts must be made so that each puppy ingests the correct share of the feed provided.***

**Guidance:**

Licence holders must have a feeding plan in place that ensures puppies are being fed a diet appropriate for their age. All reasonable efforts should be made by the licence holder to supervise feeding to ensure that less dominant or smaller pups get their allocated share of the food. Where it is evident that a pup is not eating as expected or is struggling to compete for its share, the licence holder must take steps to address this.



## 6. Monitoring of behaviour, exercise and training

***Condition: The licence holder must implement and be able to demonstrate use of a documented socialisation and habituation programme for the puppies.***

### **Guidance:**

The licence holder must have in place an adequate programme to socialise puppies and prepare them for life in the environment in which they are going to live. Procedures must be available so that all staff know how to appropriately socialise puppies.

Where bitches are anxious or aggressive when puppies are approached, this process should be gradual.

Puppies must be handled regularly from shortly after birth for short periods (e.g. gently picking up and examining) to habituate them to human contact and to examine them for any sign of disease and to ensure they are feeding properly.

Toilet training of puppies should be started before sale.

***Condition: 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.***

### **Guidance:**

See guidance directly above regarding a socialisation and habituation programme for puppies.

***Condition: Each dog must be provided with toys or feeding enrichment (or both) unless advised otherwise by a veterinary surgeon.***

### **Guidance:**

Food provision can be used to enhance enrichment, for example through the use of devices increasing the time and effort taken to access food (e.g. puzzle feeders, activity balls, stuffed rubber toys etc).

Where dogs are kept in pairs or larger groups, more devices must be available than the number of dogs and use should ideally be supervised carefully to identify where adverse behaviour occurs.

Dogs which show adverse behaviour associated with feeding, or when provided with food based enrichment, must be separated from other dogs prior to feeding.

***Condition: All adult dogs must be exercised at least twice daily away from their sleeping area unless advised otherwise by a veterinary surgeon.***

**Guidance:**

There are various options for exercise – a secure exercise space, on-lead walks etc. Regardless of the approach taken to exercise, licence holders must ensure that dogs receive adequate exercise time.

Pregnant and lactating bitches will require frequent opportunity to toilet with short gentle exercise. Consideration must be given to bitches within 48 hours of birth to access short toilet breaks.

***Condition: Where a veterinary surgeon has advised against exercising a dog, the dog must be provided with alternative forms of mental stimulation or environmental enrichment.***

**Guidance:**

Walks must be replaced with two extra periods of human interaction during the day which may include grooming and/or toys/play. Ideally any toys used during this period should be rotated to prevent boredom, provide stimulation and minimise stress. Toys should be appropriate for the breed and size of dog and damaged toys must be replaced to protect the welfare of the animal.

***Condition: All adult dogs must have at least daily opportunities to interact with people where such interaction benefits their welfare.***

**Guidance:**

Licence holders must exercise, or provide dogs with opportunities for exercise, at least twice daily. These periods of exercise should also be used to interact with the dogs where such interaction is welcomed by the dog and benefits its overall welfare. Where possible, dogs should have the opportunity for interaction with more than one person where such opportunities arise. Ideally, further interaction will occur periodically throughout the day.

## **7. Housing with or apart from other dogs**

***Condition: Each adult dog must be provided with opportunities for social contact with other dogs where such contact benefits the dog's welfare.***

**Guidance:**

Dogs must not routinely be kept separate from other dogs where possible. Clearly where a particular dog is the target of more dominant dogs, steps must be taken to address the situation. Mothers and puppies, must be kept together in a kennel area of acceptable size (see Annex I) for their sole occupancy.

Suitable facilities must be available to securely separate male dogs from bitches in season to avoid frustration.

***Condition: Each adult dog must be given suitable and adequate opportunities to become habituated to handling by people.***

**Guidance:**

See guidance notes above on socialisation and habituation.

***Condition: 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.***

**Guidance:**

The design and layout of kennels must allow dogs to be able to control their visual access to surroundings and dogs in other kennels. Ideally, the layout should also minimise the number of dogs that staff disturb when removing any individual dog and ensure the safety of staff when passing other dogs.

There must be facility for a dog to be able to hide to avoid visual contact with other dogs.

## **8. Protection from suffering, injury and disease**

***Condition: All dogs for sale must be in good health.***

**Guidance:**

Licence holders must not knowingly sell any animal that is not fit, healthy or, where applicable, socialised. Where it is clear that an animal that is for sale is not in good physical or mental health it must be removed from sale and provided with appropriate care, including veterinary care where necessary, until it is considered fit for sale. In order to meet this licence obligation the licence holder and any staff employed must be adequately trained and experienced enough to identify when a puppy is unsuitable for sale due to ill-health, injury or another form of suffering. Local authorities should therefore be satisfied that the licence holder has sufficient experience and knowledge to identify such animals and know the remedial action that should be taken. Procedures should be in place to deal with ill and injured animals.

***Condition: 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.***

**Guidance:**

Local authorities should be satisfied that the licence holder has provision on the licenced premises or at another nearby suitable facility to isolate any animal with a condition that is likely to be affecting its quality of life, either short-term or long-term. If the animal is to remain on the licenced premises it should be located in a suitably quiet and safe part of the premises which is readily accessible to allow for regular monitoring of its condition. Veterinary opinion should be sought where necessary, and must be sought, where it is clear that the animals condition is long-term or unlikely to improve. If the animal requires to be transported to a veterinary facility then it should be done in a manner that minimises the stress on the animal.

***Condition: 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***
  - two litters delivered by caesarean section, or***
  - 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.***

**Guidance:**

Local authorities must be satisfied that any breeding programme implemented by the licence holder is fully compliant with the above conditions. The conditions set out above are particularly significant in terms of protecting the welfare of breeding bitches and local authorities should ensure that relevant records are thoroughly inspected during any inspection to confirm compliance.

***Condition: Each puppy must be microchipped and registered to the licence holder before it is sold.***

**Guidance:**

It is the responsibility of the breeder to get the dog microchipped by a suitably qualified person, as it must be done no later than eight weeks after birth and it is not possible to rehome before eight weeks. Any health exemptions from microchipping must be supported by a veterinary certificate. The microchip details must be recorded on a compliant database.

The breeder must be registered as the first keeper.

***Condition: 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.***

**Guidance:**

Licence holders should take all reasonable steps to ensure that dogs to be used for breeding are of good physical and genetic health, of acceptable temperament and fit for function (e.g. be able to see, breathe normally, and be physically fit and able to exercise freely). Appropriate health screening of breeding dogs, for example in accordance with Kennel Club recommendations, should be in place and be relevant to the breed.

The Kennel Club operate a scheme called “Breed Watch”, which serves as an 'early warning system' to identify points of concern for individual breeds. Breed Watch provides information about specific health concerns to anyone involved in the world of dogs. The Breed Watch guidance can be found here:

<https://www.thekennelclub.org.uk/events-and-activities/dog-showing/judging-dog-shows/breed-watch/>

All the breeds of dog recognised by the Kennel Club are placed into either category 1, 2 or 3. Breeds in category 3 are deemed to be of highest potential concern. The Kennel Club has highlighted a number of breeds as category 3 breeds on Breed Watch, as these breeds have been considered to be more susceptible to developing specific health conditions associated with exaggerated conformation: in particular problems that involve the eyes, skin, dentition, movement and respiratory function (breathing).

Where a local authority receives an application from a breeder wishing to breed a category 3 breed then it should take all reasonable steps to confirm that the applicant has demonstrable knowledge and experience of breeding the breed concerned. The local authority should also seek to confirm that the breeder implements robust selection and health screening procedures and that these are sufficient to minimise the risk of extreme conformations in any offspring produced. Local authorities should seek veterinary advice/input to confirm this where necessary.

Currently, the category 3 listed breeds are:

- Bloodhound
- Bulldog
- Dogue de Bordeaux
- German Shepherd Dog
- Mastiff
- Neapolitan Mastiff
- Pekingese
- Pug
- St. Bernard

Outside of Kennel Club recognised breeds, breeding of so called “Teacup” dogs is likely to amount to a breach of the above licence condition. The fact that an applicant is specifically seeking to breed such dogs may lead to the conclusion that the application should be refused on the basis that the above licence condition is unlikely to be met. The Kennel Club oppose the breeding of “Teacup” dogs as the pups produced have an increased risk of suffering serious health problems as they are generally bred from the runts of litters to produce a dog that is as small as possible. A breeder who genuinely cares for the welfare and health of the dogs they breed would be very unlikely to engage in such breeding practices and any application received from a breeder wishing to breed such dogs should be treated with caution.

Licence holders must be aware of any health risks that may be specific to the breed of dog they wish to breed. Where appropriate veterinary advice on the suitability of an animal for breeding must be sought. Licence holders must not breed from animals that show fear or aggression.

Dogs that have required surgery to rectify a conformation that has caused adverse welfare, or requires lifelong medication, **must not** be bred from.

The prospective purchaser of a puppy from a category 3 breed should ideally be provided with written guidance on any relevant conformation issues for the breed and how to manage them in the relevant literature handed over with each sale.

***Condition: Each dog must be checked in person at least two times per day.***

**Guidance:**

This may be undertaken by the licence holder when the dogs are being walked. However, the checks should be thorough and include checking ears, eyes and paws and the dogs overall condition and temperament.

***Condition: 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.***

**Guidance:**

During inspections, local authorities must ensure that the licence holder is recording all the required information required in respect to the birth of each puppy and the litter. Significant events could include whether any pups were stillborn, under-developed or human assistance being required during the birth due to the position of a puppy or the puppy’s size. Any veterinary input required, be it advice or hands-on assistance, should be recorded.

**Condition: 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.**

**Guidance:**

Local authorities during any inspection must ensure that the licence holder is accurately recording and retaining this information. Licence holders should be encouraged to also record any other information of significance for any puppy sold.

**Condition: 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).**

**Guidance:**

Local authorities must during any inspection undertaken confirm that this information is being accurately recorded by the licence holder. The records must be made available to an inspector upon request.

**Condition: The licence holder must also 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.**

**Guidance:**

Local authorities must during any inspection undertaken confirm that this information is being accurately recorded by the licence holder. The records must be made available to an inspector upon request.

***Condition: 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.***

**Guidance:**

Local authorities must, as far as practicably possible, confirm that any preventative healthcare plan in place and that was agreed with the breeder's veterinary surgeon is being implemented. More generally, breeders should, as a minimum, be expected to have a healthcare plan that covers vaccinations, parasite control (internal and external) and body weight/conditioning monitoring.

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

**Guidance:**

Local authorities must during any inspection undertaken confirm that this information is being accurately recorded by the licence holder. The records must be made available to an inspector upon request.

***Condition: 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.***

**Guidance:**

Local authorities must be satisfied that where other activities involving animals are being conducted on the premises used for dog breeding they are undertaken in a separate area or building. Local authorities should, where possible, seek to confirm the nature of the other activity and whether it is an activity that requires to be undertaken under licence and, if so, whether the operator is licenced.



## Guidance on specific conditions – breeding cats

### 1. Definitions

“*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,

“*exercise area*” means a secure area where cats may exercise and play,

“*breeding*” when used in the context of “*breeding cat*” means any adult cat intended to be used, being used or that has been used for the purposes of producing offspring.

### 2. Advertisements and sales

***Condition: A cat must not be advertised or offered for sale—***

***- which was not bred by the licence holder,***

***- from a 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.***

#### **Guidance:**

The steps from birth to sale must be clear, and the licensing authority must be shown how and where kittens are bred, born, reared and kept until sale.

To demonstrate that they are the breeder, the licence holder’s involvement in the complete reproductive process from conception and gestation to birth should be evident. Where requested, local authority inspectors must be shown details of the mating(s) and both parents (where known).

Licence holders may provide other supporting evidence such as photographs and veterinary records to show that they housed and cared for the kittens and their mother for the first 8 weeks of its life.

**Condition: Any advertisement for the sale of a cat must—**  
**- include the number of the licence holder’s licence,**  
**- specify the local authority that issued the licence, and**  
**- display the age of the cat being advertised.**

**Guidance:**

Local authorities should ensure that the licence holder understands that “any advertisement” includes ads placed on social media platforms, ad sites like Gumtree, Pets4Homes etc., and any other web site on which the licence holder advertises animals for sale to the public.

Local authorities should, where practicable, verify that ads posted by the licence holder meet the above requirements and take steps to ensure compliance where it becomes clear that this condition of licence is not being met.

**Condition: Any equipment and accessories being sold with a cat must be suitable for it.**

**Guidance:**

Inspections undertaken by Local authorities should, as far as possible, confirm that licenced breeders only supply equipment and accessories that are designed for and are suitable for the kittens (or cats) being sold.

**Condition: The purchaser must be informed of the age, sex and veterinary record of the cat being sold.**

**Guidance:**

Local authorities should ensure that the licence holder provides this information as a minimum for any cat sold.

Ideally, breeders should also be providing new owners with information on how to properly care for their new cat. Such guidance could be in the form of care leaflets or through the provision of links to appropriate websites.

**Condition: No kitten aged under 8 weeks may be—**  
**(a) sold, or**  
**(b) permanently separated from its biological mother.**

**Condition: The condition regarding permanent separation from the biological mother (para. 2(5)(b) of schedule 7) does not apply in relation to a kitten if separation is necessary for the health or welfare of the kitten, other kittens from the same litter or its biological mother or if the kittens biological mother is deceased.**

**Guidance:**

Kittens must remain with their mother for the first eight weeks of life unless the mother dies or there is a health risk to the kitten or its littermates or the mother from remaining with her. Where necessary, a veterinarian may certify that it is in the best interests of the animal to be removed earlier, **but it must not be sold**. The local authority should be satisfied that licence holders retain records that are sufficient to demonstrate compliance with these conditions.

Where an inspector finds a kitten less than 8 weeks old that has been separated from its mother, they must take steps to determine why and any evidence provided to justify the separation should be supported by veterinary advice.

***Condition: A cat may only be sold if the name, and an address, of the licence holder are disclosed to the purchaser.***

**Guidance:**

Local authorities should ensure that the holder of a cat breeding licence understands this condition of licence. It is recommended that local authorities establish upfront with the breeder the address that will be used. Where this differs from the address on which the licensable activity is undertaken, the necessary steps should be taken to confirm that the address given is legitimate. Ideally, local authorities should seek to establish the association between the address given and the licence holder.

### **3. Number of breeding female cats and litters produced**

***Condition: 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 number specified by the local authority in the licence.***

**Guidance:**

Regulation 6(6)(b) requires local authorities to specify in any breeding licence granted the maximum number of breeding queens that can be kept on the premises for the licensable activity. During any inspection local authorities should determine as far as possible that the licence holder is complying with this condition and where more queens are found on site than are permitted by licence action must be taken to establish the status of any additional queens and whether they are or have been used for breeding purposes (again as far as this is possible). Veterinary advice should be sought where this is considered necessary.

***Condition: 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 twice the maximum number of breeding female cats specified in the licence.***

**Guidance:**

Records should be thoroughly checked during any local authority inspection to ensure that the number of litters of kittens produced in the preceding 12 month period does not exceed 2 x the maximum number of breeding queens permitted under licence. Action must be taken where it is evident that more litters of kittens have been bred than is permitted based on queen numbers (remember, the breeder's licence restricts each queen to a maximum of two litters in a 12-month period).

#### **4. Suitable environment**

**Condition: 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.**

**Guidance:**

Cats kept in domestic premises for the licensable activity must have access to more than one room, a separate sleeping location, outdoor access for toileting as needed and be permitted to exercise at least twice daily.

Cats kept by the licence holder in an enclosure style environment must have an adjoining run or be given access to an outside secure area where they can exercise. Enclosures must be secure, protect the cats from weather and provide a comfortable and warm sleeping area.

**Condition: 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.**

**Guidance:**

The minimum acceptable enclosure sizes (where these are used) for breeding cats are as set out in Annex I. In circumstances where licence holders breed cats from their place of residence, local authorities must be satisfied that any queens kept for the licensable activity have sufficient space and freedom to perform the above behaviours in a safe and secure environment.

**Condition: The exercise area must not be used as a sleeping area unless the cat chooses to do so.**

**Guidance:**

Local authorities need only confirm that both a separate sleeping area and exercise area are provided for each cat kept for the licensable activity and that these meet the needs of the cats.

***Condition: There must be a separate birthing area for each breeding female cat to give birth in and which contains a suitable bed for giving birth.***

**Guidance:**

Cats must be provided with a private, quiet and safe location in which to give birth. This area may be equipped with a suitable birthing bed or alternatively a suitable box lined with appropriate bedding material. There must be sufficient bedding to ensure a soft surface for the cat and to enable the absorption of mess resulting from birthing. The cat should have access to this location and to the bed 5 to 7 days prior to her due date to ensure she is comfortable accessing it. The breeder should be able to easily access the birthing area in case the cat needs assistance during the birth of her litter.

The bed must be constructed of easily cleanable impervious material and must be thoroughly cleaned and disinfected between litters. Where a queen is giving birth in a domestic environment it is acceptable for a temporary disposable covering to be used.

The birthing area should contain everything the cat may need including, some food, plenty of fresh drinking water and a litter tray.

In domestic premises cats may choose a birthing area somewhere other than that intended by the owner and should be allowed to do so.

***Condition: 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.***

**Guidance:**

Licence holders must be able to demonstrate that any areas to be used for birthing are capable of being maintained within a temperature range of 18°C – 24°C. Monitoring of the temperature in the birthing area must be in place. The birthing area must be designed to allow the cat to move away from areas that are either too warm or too cold.

***Condition: Each cat must be provided with constant access to a sleeping area.***

**Guidance:**

Each cat kept for the licensable activity must have access to a safe and comfortable sleeping area where it can rest protected from the weather and temperature extremes.

***Condition: 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.**

**Guidance:**

Local authorities should encourage licence holders to record the detail of any such instance where it is necessary to transport a kitten under 8 weeks old without its mother, including any agreement from a veterinary surgeon that such transportation should take place. For the avoidance of doubt, the term emergency includes transporting or moving a kitten to a place of safety due to it being seized due to welfare concerns and to protect its welfare.

***Condition: 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.***

**Guidance:**

Licence holders should make all reasonable efforts to ensure that where veterinary advice is needed the vet visits the premises on which the pregnant cat is kept rather than transporting the cat to the vet.

A pregnant breeding cat can of course still be transported if it has been seized due to welfare concerns and in order to safeguard its welfare.

***Condition: No breeding female cat may be transported earlier than 48 hours after giving birth except to a veterinary surgeon where it is not otherwise practicable or appropriate for that person to attend to the female cat.***

**Guidance:**

All efforts must be made to have the veterinary surgeon attend the premises where the cat is located rather than transporting the cat to the veterinary surgery, unless the circumstances require urgent transportation to a veterinarian.

A breeding cat can of course still be transported earlier than 48 hours after whelping if it has been seized due to welfare concerns and in order to safeguard its welfare.

## **5. Suitable diet**

***Condition: Each kitten must be provided with the opportunity to start weaning as soon as it is capable of ingesting feed on its own.***

***Condition: Each adult cat must be provided with feed appropriate to its needs.***

**Guidance:**

Licence holders should have appropriate feeding plans in place for breeding queens and any kittens produced. Where advised by a veterinary surgeon, dietary supplements should be given. A supply of clean, fresh drinking water must always be made available as this is vital for milk production.

***Condition: Each kitten must be provided with feed appropriate for its stage of development.***

***Condition: Reasonable efforts must be made so that each kitten ingests the correct share of the feed provided.***

Licence holders must have a feeding plan in place that ensures kittens are being fed a high quality diet appropriate for their age. All reasonable efforts should be made to supervise feeding to ensure that less dominant or smaller kittens get their allocated share of the food. Where it is evident that a kitten is not eating as expected or is struggling to compete for its share, the licence holder must take steps to address this. Kittens should be weighed regularly in order to monitor their growth rate.

## **6. Training and exercise**

***Condition: Opportunities to exercise which benefit the cats' physical and mental health must be provided, unless advice from a veterinarian suggests otherwise.***

### **Guidance:**

Cats kept in enclosed areas should be allowed opportunities to climb or jump onto different levels within the enclosure and be able to use scratching posts and play with cat toys or other forms of environmental enrichment which should be changed sufficiently often to reduce boredom.

***Condition: 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.***

### **Guidance:**

The licence holder must have in place an adequate programme to socialise kittens and prepare them for life in the environment in which they are going to live. This is particularly important where a breeder keeps a large number of breeding cats in facilities separate from domestic dwellings where regular interaction is much more likely to occur. Procedures must be available so that all staff know how to appropriately socialise kittens.

Where queens are anxious or aggressive when kittens are approached and handled, this process must be gradual.

Kittens must be handled regularly from shortly after birth for short periods (e.g. gently picking up and examining) to habituate them to human contact and to examine them for any sign of disease and to ensure they are feeding properly. The window of opportunity for socialising kittens is short so habituating kittens to humans and the human environment must start early.

***Condition: All adult cats must have at least daily opportunities to interact with people where such interaction benefits their welfare.***

**Guidance:**

Licence holders must make time to interact with all adult cats kept for the licensable activity on a daily basis where such interaction is welcomed by the cat and benefits its overall welfare. Where possible, cats should have the opportunity for interaction with more than one person where such opportunities arise. Ideally, further interaction will occur naturally and periodically throughout the day.

***Condition: Each adult cat must be given suitable and adequate opportunities to become habituated to handling by people.***

**Guidance:**

Cats to be used for breeding should be carefully selected to ensure they have the right temperament and confidence to live with people and are comfortable with regular handling. To determine their suitability and to ensure they become habituated, regular interaction and handling needs to occur. Breeders should therefore be able to demonstrate that they understand the importance of habituation and the steps they implement to ensure it.

## **7. Protection from suffering, injury and disease**

***Condition: All cats for sale must be in good health.***

**Guidance:**

Licence holders must not knowingly sell any kitten or cat that is not fit, healthy or, where applicable, socialised. Where it is clear that an animal that is for sale is not in good physical or mental health it must be removed from sale and provided with appropriate care, including veterinary care where necessary, until it is considered fit for sale. In order to meet this licence obligation the licence holder and any staff employed should be adequately trained and experienced enough to identify when a kitten or cat is unsuitable for sale due to ill-health, injury or another form of suffering. Local authorities should therefore be satisfied that the licence holder has sufficient experience and knowledge to identify such animals and know the remedial action



that should be taken. Procedures should be in place to deal with ill and injured animals.

**Condition: 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.**

**Guidance:**

Local authorities should be satisfied that the licence holder has provision on the licenced premises or at another nearby suitable facility to isolate any animal with a condition that is likely to be affecting its quality of life, either short-term or long-term. If the animal is to remain on the licenced premises it should be located in a suitably quiet and safe part of the premises which is readily accessible to allow for regular monitoring of its condition. Veterinary opinion should be sought where necessary, and must be sought, where it is clear that the animals condition is long-term or unlikely to improve. If the animal requires to be transported to a veterinary facility then it should be done in a manner that minimises the stress on the animal.

**Condition: The licence holder must ensure that no female cat—**

- a) is mated or artificially inseminated if aged less than 10 months,**
- b) gives birth to more than two litters of kittens within 12 months,**
- c) gives birth to more than 8 litters of kittens in its 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.**

**Guidance:**

Local authorities must be satisfied that any breeding programme implemented by the licence holder is fully compliant with the above conditions. The conditions set out above are particularly significant in terms of protecting the welfare of breeding queens and local authorities should ensure that relevant records are inspected during any inspection to confirm compliance.

**Condition: 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.***

**Guidance:**

It is the view of the Scottish Government that the breeding of two particular breeds of cats would likely represent a breach of the above licence condition. These are the Munchkin and the Scottish Fold. The breeding of these breeds is not supported by cat welfare organisations and the veterinary profession. These two breeds are also not accepted by the Governing Council of the Cat Fancy (GCCF) for registration, so are seen as unacceptable by many in pedigree and showing circles. A local authority should refuse to grant a licence if it is not entirely satisfied that the above licence condition is likely to be met by the applicant.

The table below lists a number of cat breeds, the key characteristics of those breeds and the health issues specific to each breed. The table does not list all breeds of cats, only those breeds in which regular health issues arise. A person who intends to breed cats other than the Scottish Fold and the Munchkin will not necessarily be likely to breach the above licence condition. Before granting a licence to such a person, the local authority should be satisfied that the licence applicant has sufficient knowledge of and experience with the breed in question. Demonstration of a history of successfully breeding a particular breed may be relevant to any assessment of whether the above licence condition will be met.

Breeders must screen and select both parents carefully in order to avoid conformational extremes, inherited diseases or negative behavioural traits. In cases where such experience cannot be demonstrated, a local authority can of course decide to issue a licence to the applicant, but where it does it is recommended that the licence be issued initially for a period of 1 year.

Breed characteristic	Health problem	Breed examples
Flat-faced (brachycephalic)	<ul style="list-style-type: none"> <li>• Breathing difficulties due to short muzzle and small nostrils. Nose may be positioned between eyes</li> <li>• Tear duct abnormalities and tear overflow</li> <li>• Eye problems</li> <li>• Skin problems due to skin folds on face</li> <li>• Dental problems</li> <li>• Difficulty eating</li> <li>• Difficulty grooming</li> </ul>	<ul style="list-style-type: none"> <li>• Most Persians</li> <li>• Exotic Shorthairs</li> <li>• British Longhair</li> <li>• British Shorthair</li> <li>• American Shorthair</li> <li>• Himalayan</li> </ul>

Short limbs/dwarfism	<ul style="list-style-type: none"> <li>• Abnormal joints and limb deformities</li> <li>• Reduced mobility and difficulty jumping</li> <li>• Increased risk of spinal problems</li> <li>• Arthritis</li> <li>• Unable to groom properly due to reduced flexibility</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Munchkin</b></li> <li>• Bambino</li> </ul>
No tails or short (bobbed) tails	<ul style="list-style-type: none"> <li>• Spinal deformities or Spina bifida</li> <li>• Incontinence</li> <li>• Mobility problems due to weakness or paralysis</li> <li>• Arthritis</li> <li>• Unable to display normal cat body language due to lack of tail</li> </ul>	<ul style="list-style-type: none"> <li>• Manx</li> <li>• Pixie Bobs</li> <li>• American Bobtail</li> <li>• American Bobtail Shorthair</li> <li>• Japanese Bobtail</li> <li>• Japanese Bobtail Longhair</li> <li>• Kurilian Bobtail</li> <li>• Kurilian Bobtail Longhair</li> </ul>
Curled or folded ears	<ul style="list-style-type: none"> <li>• Cartilage deformity throughout body</li> <li>• Joint and mobility problems</li> <li>• Arthritis</li> <li>• Unable to display normal cat body language</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Scottish Fold</b></li> <li>• <b>Scottish Fold Longhair</b></li> <li>• American Curl</li> <li>• American Curl Longhair</li> </ul>
Hairless	<ul style="list-style-type: none"> <li>• Behavioural problems as no coat to groom</li> <li>• Skin problems due to excessive skin oils or damage from grooming hairless skin</li> <li>• Reduced insulation</li> </ul>	<ul style="list-style-type: none"> <li>• Sphynx</li> <li>• Peterbald</li> </ul>

	<ul style="list-style-type: none"> <li>• Sunburn</li> <li>• No whiskers limit navigational skills</li> </ul>	
Deformed coats	<ul style="list-style-type: none"> <li>• Increased risk of skin problems</li> </ul>	<ul style="list-style-type: none"> <li>• Cornish Rex</li> <li>• Devon Rex</li> <li>• American Wirehair</li> <li>• La Perm</li> <li>• La Perm Shorthair</li> <li>• Selkirk Rex</li> <li>• Selkirk rex Longhair</li> </ul>
Very long, fine coats	<ul style="list-style-type: none"> <li>• Matt easily</li> <li>• Difficult for cat to groom easily</li> </ul>	<ul style="list-style-type: none"> <li>• Himalayan</li> </ul>
Wild cat hybrids	<ul style="list-style-type: none"> <li>• Wild cat characteristics</li> <li>• Aggressive to people or animals</li> <li>• Injury or death of domestic female during mating</li> <li>• Behavioural problems</li> </ul>	<ul style="list-style-type: none"> <li>• Bengal</li> <li>• Savannah</li> <li>• Chausie</li> <li>• Cheetoh</li> </ul>

***Condition: 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.***

**Guidance:**

During inspections, local authorities must ensure that the licence holder is recording all the required information required in respect to the birth of each kitten and the litter. Significant events could include whether any kittens were stillborn, under-

developed or human assistance being required during the birth due to the position of a kitten or the kitten's size. Any veterinary input required, be it advice or hands-on assistance, should be fully recorded.

**Condition: 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.**

**Guidance:**

Local authorities during any inspection must ensure that the licence holder is accurately recording and retaining this information. Licence holders should be encouraged to also record any other information of significance for any kittens sold.

**Condition: 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 (if any),**
- d) its date of birth (if known),**
- 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).**

**Guidance:**

Local authorities must during any inspection undertaken confirm that this information is being accurately recorded by the licence holder. The records must be made available to an inspector upon request.

**Condition: The licence holder must also 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,**
- c) the date or dates on which it has given birth, and**
- d) the number of caesarean sections it has had, if any.**

**Guidance:**

Local authorities must during any inspection undertaken confirm that this information is being accurately recorded by the licence holder. The records must be made available to an inspector upon request.

***Condition: Any preventative healthcare plan agreed with the veterinary surgeon with whom the licence holder has registered (under the condition in paragraph 9(8) of the general conditions) must be implemented.***

**Guidance:**

Local authorities must, as far as practicably possible, confirm that any preventative healthcare plan in place and that was agreed with the breeder's veterinary surgeon is being implemented. More generally, breeder's should, as a minimum, be expected to have a healthcare plan for all breeding cats that covers vaccinations, parasite control (internal and external), body weight/conditioning monitoring and screening for feline leukaemia (FeLV) and feline immunodeficiency virus (FIV).

***Condition: The licence holder must keep a record of any preventative or curative healthcare (or both) given to each cat.***

**Guidance:**

Local authorities must during any inspection undertaken confirm that this information is being accurately recorded by the licence holder. The records must be made available to an inspector upon request.

***Condition: 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.***

**Guidance:**

Local authorities must be satisfied that where other activities involving animals are being conducted on the premises used for cat breeding they are undertaken in a separate area or building. Local authorities should, where possible, seek to confirm the nature of the other activity and whether it is an activity that requires to be licenced and, if so, whether the operator is so licenced.

## Annex H

### Guidance on specific conditions – breeding rabbits

#### 1. Definitions

“*adult rabbit*” means a rabbit aged 3 months or more,

“*kit*” means a rabbit aged less than 3 months,

“*nesting box*” means a fully-enclosed indoor area in which a rabbit can rest and sleep,

“*exercise area*” means a secure area where rabbits can hop, scratch, forage and stretch to their full height,

“*breeding*” when used in the context of “*breeding rabbit*” means any adult rabbit intended to be used, being used or that has been used for the purposes of producing offspring.

## 2. Advertisements and sales

**Condition: No kit aged under 8 weeks may be—**

**(a) sold, or**

**(b) permanently separated from its biological mother.**

**Condition: The condition regarding permanent separation from the biological mother (para. 2(b) of schedule 8) does not apply in relation to a kit if separation is necessary for the health or welfare of the kit, other kits from the same litter or its biological mother, or if the kit’s biological mother is deceased.**

### **Guidance:**

Kits must remain with their mother for the first eight weeks of life unless the mother dies or there is a health risk to the kit or its littermates or the mother from remaining with her. Where necessary, a veterinarian may certify that it is in the best interests of the animal to be removed earlier, **but it must not be sold**. The local authority should be satisfied that licence holders retain records that are sufficient to demonstrate compliance with these conditions.

Where an inspector finds a kit less than 8 weeks old that has been separated from its mother, they must take steps to determine why and any evidence provided to justify the separation should be supported by veterinary advice.

**Condition: 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.**

### **Guidance:**

Local authorities should ensure that the licence holder understands that “any advertisement” includes ads placed on social media platforms, ad sites like Gumtree, Pets4Homes etc., and any other web site on which the licence holder advertises animals for sale to the public.

Local authorities should, where practicable, verify that ads posted by the licence holder meet the above requirements and take steps to ensure compliance where it becomes clear that this condition of licence is not being met.

### 3. Number of breeding female rabbits

***Condition: 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 number specified by the local authority in the licence.***

#### **Guidance:**

Regulation 6(6)(b) of the Regulations requires local authorities to specify in any breeding licence granted the maximum number of breeding does that can be kept on the premises for the licensable activity. During any inspection local authorities should determine as far as possible that the licence holder is complying with this condition and where more does are found on site than are permitted by licence action must be taken to establish the status of any additional does and whether they are or have been used for breeding purposes (again as far as this is possible). Veterinary advice should be sought where this is considered necessary.

### 4. Suitable environment

***Condition: Each rabbit must have access to—***  
***(a) a clean, dry and warm sleeping area which is free from draughts, and***  
***(b) an exercise area.***

#### **Guidance:**

Rabbits kept for the licensable activity must be kept in housing that ideally has two separate areas- a larger general area where the rabbit can stretch out, play, hop and stand on their hind legs fully stretched out and generally relax. The second area should be the sleeping area which must protect the rabbit from the weather, draughts etc. Sleeping and exercise areas do not however need to be separated by a physical barrier if rabbits are housed inside in pens of suitable design and sufficient size to allow a clean, dry, warm and draught free area for sleeping to be available at all times.

Ideally, the rabbit's enclosure will have an outdoor run directly attached to it to allow the rabbits to exercise and engage in normal activity. Runs must be secure and protect the rabbits from weather. If an attached run is not possible then ideally a free-standing run of appropriate size should be made available where it is practical to do so. If rabbits are not able to access an outdoor run then additional forms of environmental enrichment should be provided.

***Condition: Each rabbit must be provided with sufficient space in the sleeping area to—***  
***a) lie down fully stretched out,***  
***b) hop, and***  
***c) turn around***



***without touching another rabbit or the walls of the sleeping area.***

**Guidance:**

The minimum acceptable kennel/enclosure sizes are as set out in Annex I.

***Condition: The exercise area must not be used as a sleeping area unless the rabbit chooses to do so.***

**Guidance:**

Local authorities need only confirm that both a separate sleeping area and exercise area are provided for each rabbit kept for the licensable activity and that these meet the needs of the rabbits. Where it is not practical to provide each rabbit with its own dedicated exercise area it is acceptable for licence holders to have an allocated exercise area which rabbits are provided with daily access to on a rotational basis.

If rabbits are kept in indoors pens where the sleeping and exercise areas are not separated by a physical barrier they must be of suitable design and sufficient size to allow a clean, dry, warm and draught free area for sleeping to be available at all times.

***Condition: For each breeding female rabbit, there must be—  
(a) 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  
(b) a plentiful supply of such nesting material available to the rabbit.***

**Guidance:**

Pregnant does should be given access to a nesting box (where used) around 5 to 7 days before the kits are expected to allow the doe to start to prepare her nest. Nest boxes should not be too large, it only needs to allow for the doe to stand up and comfortably turn around. The doe must be provided with suitable nesting material such as dry wood shavings and she should have a fresh supply of grass hay, water and her regular feed. The nest box should be located in a quiet location away from other rabbits and sources of disturbance. Where a breeder's preference is not to use nest boxes they must ensure that a plentiful supply of good quality nesting material is made available to the doe so that she can prepare her nest prior to birthing.

***Condition: The nesting box must not be accessible to other rabbits when being used by a breeding female rabbit to give birth in.***

**Guidance:**

Does must be provided with a nest box (or good quality nesting material) that is in a quiet area, separate from other rabbits to ensure that she can give birth in peace and without any unnecessary disturbance. Sudden loud noises can spook a doe during the period of birthing, causing the doe to accidentally injure or kill the new born kits. Breeders should be aware of this and take all practical steps to minimise such risk.

## 5. Training and exercise

***Condition: Opportunities to exercise which benefit the rabbits' physical and mental health must be provided, unless advice from a veterinarian suggests otherwise.***

### **Guidance:**

Rabbit enclosures should ideally have an exercise area adjoining that is of appropriate size for the size and numbers of rabbits housed. Alternatively, a separate suitably sized exercise run must be provided to permit the rabbits to exercise and exhibit natural behaviours, or, where rabbits are kept in pens indoors, they should be provided with additional forms of environmental enrichment, following veterinary advice as appropriate.

Where it is clear that either opportunities to exercise or appropriate environmental enrichment are not being provided, the local authority should seek to find out why this is. Proof of veterinary advice against exercising a rabbit or a group of rabbits or against providing environmental enrichment should be provided by the breeder if so requested by the local authority.

***Condition: 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.***

### **Guidance:**

The licence holder must have in place an adequate programme to socialise kits and prepare them for life in the environment in which they are going to live. Procedures must be in place so that all staff know how to appropriately socialise kits.

Ideally, kits should be handled regularly from shortly after birth for short periods (e.g. gently picking up and examining) to habituate them to human contact and to examine them for any sign of disease and to ensure they are feeding properly. The window of opportunity for habituating kits to human touch is short, so habituating kits to humans and the human environment must start early, ideally between 7 to 21 days old. Interaction should be gradual, frequent and gentle and needs to continue as the kit matures to ensure they become confident and relaxed adults.

***Condition: All rabbits must have at least daily opportunities to interact with people where such interaction benefits their welfare.***

### **Guidance:**

Licence holders must make time to interact with adult rabbits kept for the licensable activity on a daily basis where such interaction is welcomed by the rabbits and benefits its overall welfare. Where possible, rabbits should have the opportunity for interaction with more than one person where such opportunities arise. Ideally, further interaction will occur naturally and periodically throughout the day.

## 6. Suitable diet

**Condition:** *All adult rabbits must have continuous access to clean and safe drinking water.*

**Condition:** *Each adult rabbit must be provided with feed appropriate to its needs.*

**Condition:** *Each kit must be provided with feed appropriate for its stage of development.*

### **Guidance:**

Licence holders must have appropriate feeding plans in place for bucks, breeding does and any kits produced. Where advised by a veterinary surgeon, dietary supplements should be given. A supply of clean, fresh drinking water must always be made available.

Licence holders must have a feeding plan in place that ensures kits are being fed a high quality diet appropriate for their age. All reasonable efforts should be made to supervise feeding to ensure that less dominant or smaller kits get their allocated share of the food. Where it is evident that a kit is not eating as expected or is struggling to compete for its share, the licence holder must take steps to address this.

## 7. Protection from suffering, injury and disease

**Condition:** *All rabbits for sale must be in good health.*

### **Guidance:**

Licence holders must not knowingly sell any animal that is not fit, healthy or, where applicable, socialised. Where it is clear that an animal that is for sale is not in good physical or mental health it must be removed from sale and provided with appropriate care, including veterinary care where necessary, until it is considered fit for sale.

In order to meet this licence obligation the licence holder and any staff employed must be adequately trained and experienced enough to identify when a kit or rabbit is unsuitable for sale due to ill-health, injury or another form of suffering. Local authorities should therefore be satisfied that the licence holder has sufficient experience and knowledge to identify such animals and know the remedial action

that should be taken. Appropriate procedures should be in place to deal with ill and injured animals.

**Condition: 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.**

**Guidance:**

Local authorities should be satisfied that the licence holder has provision on the licenced premises or at another nearby suitable facility to isolate any animal with a condition that is likely to be affecting its quality of life, either short-term or long-term. If the animal is to remain on the licenced premises it should be located in a suitably quiet and safe part of the premises which is readily accessible to allow for regular monitoring of its condition. Veterinary opinion should be sought where necessary, and must be sought, where it is clear that the animals condition is long-term or unlikely to improve. If the animal requires to be transported to a veterinary facility then it should be done in a manner that minimises the stress on the animal.

**Condition: 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 its lifetime,**
- d) is mated or artificially inseminated if aged 6 or more years.**

**Guidance:**

Local authorities must be satisfied that any breeding programme implemented by the licence holder is fully compliant with the above conditions. The conditions set out above are particularly significant in terms of protecting the welfare of breeding does and local authorities should ensure that relevant records are inspected during any inspection to confirm compliance.

**Condition: 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.**

**Guidance:**

Certain breeds of rabbit show exaggerated conformations such as brachycephaly (flat faces) which can result in chronic health problems associated with jaw misalignments and overgrown teeth causing chronic pain and mouth injuries. Distortion of the tear duct can also cause chronic overflow of tears onto their faces. Breeds such as the Netherland Dwarf and the Lionhead have become increasingly brachycephalic.

Lop ears are associated with a higher incidence of ear infections than normal upright ears.

Before issuing a licence for rabbit breeding local authorities should be satisfied that the applicant has sufficient knowledge of the breeds they propose to breed and the risks of exaggerated conformations. Breeders should select both parents carefully in order to avoid conformational extremes, inherited diseases or negative behavioural traits. In cases where such knowledge or experience cannot be demonstrated, a local authority can still decide to issue a licence to the applicant, but where it does it is recommended that the licence be issued initially for a period of 1 year.

Veterinary advice should be sought where appropriate.

***Condition: 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.***

**Guidance:**

Local authorities must be satisfied that where other activities involving animals are being conducted on the premises used for rabbit breeding they are undertaken in a separate area or building. Local authorities should, where possible, seek to confirm the nature of the other activity and whether it is an activity that requires to be licenced and, if so, whether the operator is so licenced.

***Condition: No adult rabbit may be isolated or separated from others rabbits for longer than is necessary.***

**Guidance:**

Rabbits are naturally social creatures that have evolved to live in large social groups. Accordingly, licence holders must only completely isolate a rabbit when strictly necessary. Isolated rabbits can suffer stress when housed alone and this can lead to negative behaviours that are detrimental to the animal's welfare.

Physical separation of unneutered rabbits is necessary at times to control breeding, avoid fighting and to allow females to nest and rear their young without disturbance but this can be done with individual pens which still allow sight of other rabbits in adjacent pens thereby avoiding feelings of isolation and stress.

## Annex I

### Minimum cage/enclosure sizes (where used) applicable to all licensable activities

#### *Dogs: Minimum enclosure/kennel size:*

Dog weight	Minimum Kennel area (m <sup>2</sup> ) (per dog)	Kennel <u>example</u> dimensions (LxW) (m)	Minimum area per additional dog (m <sup>2</sup> )	Minimum height of kennel (m)
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<5kg (incl. puppies)	4	2 x 2	0.5	2
5 to 10kg	4	2 x 2	1.0	2
10 to 15kg	4	2 x 2	1.5	2
15 to 20kg	4	2 x 2	2	2
20 to 30kg	8	4 x 2	4	2
Over 30kg	Must be scaled up as appropriate	Must be scaled up as appropriate	Must be scaled up as appropriate	2

The kennel area should be large enough to allow separate sleeping and activity areas. The activity area must not be used (designated) as a sleeping area or part of the sleeping area. The kennel should allow each dog to be able to walk, turn around and wag its tail without touching the sides of the kennel. The dogs should have sufficient room to play, stand on their hind limbs and to lie down fully stretched out without touching another individual. The kennel size required will increase in relation to the size and number of dogs housed at any one time. **Bitches with a litter of pups should have an enclosure size double that stated for its normal weight range.**

The length and the width should be sufficient to allow all the dogs to lie outstretched without their noses or tails touching the walls or other individuals. Where the exercise area is physically separate from the dogs resting/sleeping area dogs must be given access to the exercise area at least four times a day. Part or all of the exercise area should be outdoors. Any separate exercise area should be fully cleaned and disinfected between its use by different batches of dogs to minimise the risk of disease transmission.

***Cats: Minimum enclosure size for adult cats (older than 26 weeks old):***

The size of a cat unit includes the sleeping area plus the exercise area. These sizes are outlined below.

The sleeping area may be full height or penthouse sleeping accommodation (an enclosed boxed sleeping area or pod raised off the ground). The pod needs to be high enough off the ground to be able to clean underneath but not too high as to make cleaning inside the box difficult. The height of the pod must be between 75cm and 1.5m and the total height of the sleep area must be a minimum of 1.8m whether full height or a pod. The area under the pod cannot be considered as part of the exercise area.

In some catteries that are completely indoors, it is not necessary to have completely separate sleeping and exercise areas. The floor area must be equal to the sum of the above sleeping and exercise areas and the cat needs a unit to sleep on.

Size	Min area for the sleeping area	Min area for the exercise area	Minimum total area if single indoor unit	Min height
One cat	0.85m <sup>2</sup>	1.65m <sup>2</sup>	2.5m <sup>2</sup>	1.8m
Up to 2 cats	1.1m <sup>2</sup>	2.2m <sup>2</sup>	3.3m <sup>2</sup>	1.8m
Up to 4 cats	1.7 m <sup>2</sup>	2.8m <sup>2</sup>	4.5m <sup>2</sup>	1.8m

**Minimum enclosure sizes for kittens up to 26 weeks old**

Cats	Minimum floor area (m <sup>2</sup> )	Example dimensions (m) W x L	Minimum cage height (m)	Additional space
4 Kittens <12-weeks old	1	1 x 1	0.6	0.25m <sup>2</sup> / kitten
Single cat 12 – 26 weeks old	0.85	0.9 x 0.95	1.8	-
2 cats 12 – 26 weeks old	1.5	0.9 x 1.66	1.8	-
3 to 4 cats 12 – 26 weeks old	1.9	0.9 x 2.1	1.8	-

Kittens require adequate space to play together and to have space for a litter tray and bed. Where practical, varying floor heights to enable climbing should also be provided. There should be adequate space for feeding, drinking, sleeping and litter tray to be kept separate.

**Rabbits: Minimum enclosure sizes (excluding exercise run/area)**

Weight of rabbit	Maximum stocking density	Minimum floor area (m <sup>2</sup> )	Example dimensions (m) W x L	Minimum cage height (m)	Additional floor area for each additional rabbit (m <sup>2</sup> )
Up to 4kg	4	0.75	1.5 x 0.5 or 1.0 x 0.75	0.45	0.25
4 – 6kg	2	0.75	1.5 x 0.5 or 1.0 x 0.75	0.5	0.25
>6kg	2	1.08	1.8 x 0.6 or 1.5 x 0.72	0.8	0.54

Enclosures should be large enough for rabbits to be able to stand fully upright on their haunches without their ears touching the roof and lie fully outstretched (without touching the sides of the enclosure or another rabbit). Slatted, grid or wire mesh floors must not be used in rabbit accommodation. Where exercise runs are attached to enclosures these must be of sufficient size to allow rabbits to hop, jump and generally enjoy total freedom of movement.

**Ferrets: Minimum enclosure sizes**

Age of ferret	Maximum stocking density	Minimum floor area (m <sup>2</sup> )	Dimensions (m) W x L	Minimum dimensions (m)	Minimum cage height (m)	Additional floor area for each
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						additional ferret (m <sup>2</sup> )
<12 weeks old	1 – 4	1	1 x 1 or 1.66 x 0.6	0.6	0.6	0.25
>12 weeks old	1	0.6	1 x 0.6 or 0.77 x 0.77	0.6	0.6	0.6

Accommodation needs to be of sufficient size to allow all the ferrets housed to be able to lie fully outstretched in any direction, run, forage, explore or play, as well as to stand fully upright without touching the roof of the enclosure. Ferrets must be provided with constant access to places to hide. As a minimum, each hiding place must be large enough to allow one ferret to rest alone.

### ***Guinea Pigs: Minimum enclosure sizes***

Type	Stocking density	Minimum floor area (m <sup>2</sup> )	Example dimensions (m) W x L	Minimum cage height (m)	Additional floor area for each additional animal (m <sup>2</sup> )
Guinea pig	1-4	0.23	1 x 0.23 or 0.52 x 0.52	0.3	0.09

Accommodation needs to be of sufficient size to allow all the guinea pigs housed to be able to lie fully outstretched (without touching the sides of the enclosure or another guinea pig), run, play, tunnel and stand without touching the roof of the enclosure. Ramps within enclosures must be no steeper than 45° as guinea pigs are poor climbers.

Where guinea pigs are housed in hutches, provision must be made for regular exercise in a secure area outside of the hutch.

Guinea pigs must be provided with constant access to places to hide, which may include hay piles, in addition to their sleeping area. At a minimum each hiding place is to be large enough to allow one guinea pig to rest alone.

### ***Small Rodents: Minimum enclosure sizes***

No. of Animals	Area per number of animals (cm <sup>2</sup> )							Minimum Cage Height (cm)	Minimum Cage Depth (cm)
	1 – 4	5	6	7	8	9	10		
Mice and hamsters	680	790	900	1000	1113	1240	1350	25	25
Gerbils	680	790	900	1000	1113	1240	1350	30	25

Rats	1350	1570	1800	2020	2225	2470	2700	30	28
Degus	2250	2630	3000	3380	3750	4130	4500	30	30
Chinchillas	2500	3750	5000	6250	7500	8750	10000	45	45

Every animal should be able to lie fully outstretched, turn around unimpeded, stand fully upright without touching the cage roof, hide, dig, and play.

Sleeping areas need to be dry, draught-free, well ventilated and clean as well as large enough to allow all the small rodents housed to rest together fully outstretched, turn around unimpeded and move around comfortably.

**Birds: Minimum enclosure/cage sizes**

Species	Approx. length of bird (head to tip of tail) (cm)	Average length of flying wingspan (cm)	Minimum cage dimensions (cm) (L= 2 x wingspan, D = 1.5 x wingspan, H = 1.5 x wingspan)			Suggested % enclosure size increase per additional bird.
			L	D	H	
Budgerigar	18	30	60	45	45	5
Cockatiel	30	48	96	72	72	10
Love bird	15	28	56	42	42	10
Small parakeets and conures	20	35	70	52.5	52.5	10
Large parakeets, conures and small macaws	34	70	140	105	105	20
Amazon parrots	30	60	120	90	90	20
African grey	34	70	140	105	105	20
Cockatoo (small - medium)	35	75	150	112.5	112.5	20
Large cockatoos and macaws	85	110	220	165	165	20
Canary	10 -12	22	44	33	33	5
Zebra finch	10 -12	22	44	33	33	5
Pigeon	35	70	140	105	105	10
Turaco	40-50	50	100	75	75	20

Care must be taken where aviaries or cages are constructed of newly galvanised mesh to prevent heavy metal poisoning, particularly in psittacines which will often chew the metal. If wire mesh is used in the construction of an enclosure the mesh hole size must be small enough that birds housed within cannot put their head or wing through it. The mesh gauge must be stout enough that the birds cannot break or bend it. The licence holder must be able to demonstrate the steps taken to minimise or prevent any poisoning.

Birds should not have to compete for drinkers/feeders and risk exclusion. Passerines should have food available at all times. Enrichment and feeding devices need to be provided for larger psittacids. For parrots, it is preferable to use swinging systems

such that the keeper does not need to enter the cage in order to change food/water. Bowls should not be able to be removed from holders by the parrot.

There must be adequate perching space for all birds at the same time. Perches must be positioned so that birds do not defecate on each other and must be of appropriate size and shape for each species. Outdoor aviaries must include sufficient sheltered and non-sheltered space. Cage size must be adequate to allow birds to open their wings fully in all directions. Cages must include appropriate environmental enrichment.

**Reptiles and amphibians: minimum acceptable enclosure sizes**

*SVL: Snout-to-vent length (distance from nose to cloaca).*

*STL: Snout-to-tail length (distance from nose to tip of tail).*

*SCL: Straight-carapace-length (straight length of the curved part of the shell of a tortoise). Carapace is the curved top part of the tortoise or terrapin shell, as opposed to the flat bottom part which is the plastron.*

<b>Group</b>	<b>Length</b>	<b>Width</b>	<b>Height</b>	<b>Water depth (where appropriate)</b>
Frogs and toads	30cm or 3 x SVL (whichever is larger)	30cm or 3 x SVL (whichever is larger)	30cm or 3 x SVL (whichever is larger)	2 x SVL
Newts and salamanders	30cm or 3 x SVL (whichever is larger)	30cm or 2 x SVL (whichever is larger)	30cm or 3x SVL (whichever is larger)	2 x SVL
Snakes (currently subject to review by UK Animal Welfare Commission)	No less than 2/3 length STL	No less than 1/3 length STL	-	-
Lizards	4 x SVL	2.5 x SVL	-	-
Terrapins and turtles	90cm or 5 x SCL (whichever is larger)	3x SCL	-	4 x carapace height*
Tortoises	90cm or 5 x SCL (whichever is larger)	5 x SCL	2 x SCL	-

Height and Width of the enclosure must be appropriate to the species, with arboreal species requiring more height than terrestrial species. When considering vivarium size for arboreal species the licence holder should look to increase the heights outlined above. Where this is the case it is acceptable to reduce the length of the vivarium dimensions by a maximum of 30%. Any reduction in length must, at least, equal the additional height.

Most amphibians and reptiles are not social and may, therefore, be kept individually. Decisions to pair- or group-house amphibian or reptile species must be made by suitably trained and competent staff. Compatible species-specific sex ratios and

suitable group sizes must be observed bearing in mind potential for persistent aggression.