

EXPLANATORY MEMORANDUM TO

The Welfare of Animals (Dog Breeding Establishments and Miscellaneous Amendments) Regulations (Northern Ireland) 2013

S.R. 2013 No. 43

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development (DARD) to accompany the above-named Statutory Rule which is laid under the draft affirmative resolution process before the Northern Ireland Assembly.

1.2 The Rule is made under powers in Sections 12 and 55(3) of the Welfare of Animals Act (Northern Ireland) 2011 (“the 2011 Act”) and will come into operation on 1st April 2013.

2. Purpose

2.1 The Welfare of Animals (Dog Breeding Establishments and Miscellaneous Amendments) Regulations (Northern Ireland) 2013 (“the Regulations”) make provision for the licensing of dog breeding establishments, the introduction of licensing fees, establishing the minimum conditions under which breeding dogs and their pups are kept, and offences.

3. Background

3.1 Part I of Regulations designates the breeding of dogs as an activity for the purposes of section 12(1) of the 2011 Act. It also sets out various definitions used in the Regulations in particular the definition of what constitutes a “breeding establishment”.

3.2 Subject to meeting the qualifying criteria and exceptions for registered hunt clubs and charities, any person wishing to breed dogs shall obtain a licence from the council in which the establishment is located.

3.3 Part II of the Regulations makes provision for the application for a licence, the granting of the licence by councils and the charging of a licence fee to cover any reasonable expenses incurred in performing this function and for monitoring compliance with these Regulations. It also stipulates that any person who is disqualified from keeping animals under UK legislation shall not apply for a licence.

3.4 Part III provides for the amendment, suspension, reinstatement and revocation of the licence, if the conditions in the Schedule to these Regulations are breached, and it sets out the appeals process.

3.5 Part IV provides powers of entry and applies relevant post conviction powers contained in the 2011 Act. It provides that a breach of the Regulations or any condition of a licence is a criminal offence and provides for councils to enforce the Regulations.

3.6 The Regulations also provide for consequential amendment of the Dogs (Northern Ireland) Order 1983 and the Dogs (Licensing and Identification) Regulations (Northern Ireland) 2012, and will repeal the current Dogs (Breeding Establishments and Guard Dog Kennels) Regulations (Northern Ireland) 1983.

3.7 Schedule 1 sets out the application form for a dog breeding licence.

3.8 Schedule 2 sets out the format of the dog breeding establishment licence.

3.9 Schedule 3 sets out the particulars to be contained in a register of dog breeding establishment licences to be kept by councils.

3.10 Schedule 4 to these Regulations sets out conditions that shall be met in order for a council to grant a dog breeding establishment licence.

4. Consultation

4.1 In September 2011 the Department met with over 20 key stakeholders to seek views on the legislation proposals and there was general support for better regulation in this area. A 12 week consultation was undertaken for these Regulations from 19th October 2011 to 10th January 2012.

4.2 Over 2,000 stakeholders were contacted including registered dog breeders and block licence holders. There were 90 responses to the consultation plus 520 letters endorsing the response submitted by Canine Breeders Ireland, which expressed concerns and opposition to the legislative proposals. However, overall the proposed Regulations were welcomed by the majority of the respondents who submitted substantive responses and there was significant support for the vast majority of the proposals.

4.3 Given the importance of the new Regulations, the Agriculture and Rural Development Committee also held a stakeholder event on 18 September 2012 to obtain comments and views on the draft Regulations following changes made as a result of the earlier consultation. The resulting draft Regulations were considered and approved by the Agriculture and Rural Development Committee on 11 December 2012.

4.4 The aim of the new Regulations are to regulate the commercial breeding of dogs, setting out clear standards to maintain, and where necessary improve the welfare of breeding bitches, dogs and their pups.

4.5 The new standards will not apply to hobby breeders who breed the odd litter of pups.

4.6 A summary of all the consultation responses may be viewed on the Department's website at <http://www.dardni.gov.uk/index/publications/pubs-dard-animalhealth/consultation-reponse-dog-breeding-establishments.htm>

5. Equality Impact

5.1 Under Section 75 of the Northern Ireland Act 1998 DARD has considered and assessed the Regulations for any equality implications. It was not necessary to carry out a full equality impact assessment as the policy has been screen out. No equality differentials were identified in respect of Section 75 groups as a result of the consultation.

5.2 A copy of the equality and screening out template has been placed on the DARD website at http://www.dardni.gov.uk/annex_d_equality_and_human_rights_screening_template-2.pdf

6. Regulatory Impact

6.1 A Regulatory Impact Assessment has been carried out as the Regulations will impact on businesses.

7. Financial Implications

7.1 The Regulations do not have any financial implications for the Department. The level of licence fees has been set to ensure that councils can recoup their expenses on a full cost recovery basis regarding the licensing, inspection and monitoring processes.

7.2 Many dog breeders will already keep premises which meet or exceed the requirements in the draft Regulations and the only additional costs will be the new licence fee and microchipping of dogs and pups. Where breeders have substandard premises, or the welfare of the dogs or pups is otherwise compromised, it is inevitable that there may be some additional compliance costs, the degree of which will vary from breeder to breeder. No financial information was provided from any responses to the consultation from which we could estimate compliance costs.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Regulations set out the required conditions that shall be met in order for a district council to grant a licence. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 Not applicable.

10. Parity or Replicatory Measure

10.1 This is stand alone legislation for Northern Ireland and there is no impact on GB devolved administrations.

10.2 In England provisions are contained within the Breeding of Dogs Act 1973 and the updated Breeding and Sale of Dogs (Welfare) Act 1999.

10.3 In Wales similar provisions have been included in the draft The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2012.

10.4 In Ireland provisions are contained in the Dog Breeding Establishments Act 2010 which was commenced on 1 January 2012.

11. Additional Information

11.1 Not applicable.

12. Contact

12.1 For further information please telephone Kate Davey at the Department of Agriculture and Rural Development Telephone: 028 9052 4408 or e-mail: kate.davey@dardni.gov.uk.