

SCHEDULE 1

Regulation 2

Licensable activities

PART 1

Business test

1. The circumstances which a local authority must take into account in determining whether an activity is being carried on in the course of a business for the purposes of this Schedule include, for example, whether the operator—

- (a) makes any sale by, or otherwise carries on, the activity with a view to making a profit, or
- (b) earns any commission or fee from the activity.

PART 2

Selling animals as pets

2. Selling animals as pets (or with a view to their being later resold as pets) in the course of a business including keeping animals in the course of a business with a view to their being sold or resold.

3. The activity described in paragraph 2 does not include—

- (a) selling animals in the course of an aquaculture production business authorised under regulation 5(1) of the Aquatic Animal Health (England and Wales) Regulations 2009⁽¹⁾, or
- (b) a person who is the holder of a licence under the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014⁽²⁾ selling;
 - (i) puppies the person has bred themselves from the premises where the puppy was bred, or;
 - (ii) adult dogs the person has bred themselves.

⁽¹⁾ S.I. 2009/463.

⁽²⁾ S.I. 2014/3266 (W. 333)