
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 84

The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021

PART 1

Introduction

Title and commencement

1. These Regulations may be cited as the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 and come into force on 1 September 2021.

Commencement Information

II [Reg. 1](#) in force at 1.9.2021, see [reg. 1](#)

Interpretation

2. In these Regulations—

“the Act” means the Animal Health and Welfare (Scotland) Act 2006,

“animal” has the meaning given in section 16 of the Act,

“breeding”, when used in the context of a “breeding dog”, “breeding bitch”, “breeding cat”, “breeding female cat”, “breeding female rabbit” or “breeding female animal” means that the animal is an adult and is intended to be used, is used or has been used for the purpose of producing offspring,

“dangerous wild animal” means an animal of a kind specified in the first column of the schedule of the Dangerous Wild Animals Act 1976⁽¹⁾,

“general conditions” means the conditions set out in schedule 2,

“inspector” means a person appointed as an inspector by the Scottish Ministers or a local authority for the purposes of these Regulations,

“in writing”, when used in relation to an application, representations or a notice to a licensing authority, has a meaning which includes sending by means of an electronic communication as defined in section 15(1) of the Electronic Communications Act 2000⁽²⁾, which has been recorded and is consequently capable of being reproduced, provided that the application, representations or notice shall only be sent to a licensing authority by an electronic communication if the licensing authority has represented that electronic communication is a means by which a person can send such an application, notice or representations to it,

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

(1) 1976 c.38. The schedule was substituted in relation to Scotland by [S.S.I. 2008/302](#).

(2) 2000 c.7. Section 15(1) was relevantly amended by paragraph 158 of schedule 17 of the Communications Act 2003 (c.21).

“kitten” means a cat aged less than 6 months,

“licence”, except where more specifically provided, means a licence to carry on a licensable activity granted or renewed under these Regulations and cognate expressions are to be construed accordingly,

“licence conditions”, except where the context otherwise requires, means—

- (a) the general conditions,
- (b) the relevant specific conditions, and
- (c) any other conditions attached to a licence by a licensing authority in accordance with these Regulations,

“licensable activity” means an activity described in paragraph 1, 4, 8, 14, 17 or 20 of schedule 1,

“operator” means an individual who—

- (a) carries on a licensable activity, or
- (b) where a licence has been granted or renewed, is the licence holder,

“pet” means an animal kept permanently, or intended to be kept permanently, by a person mainly for—

- (a) personal interest,
- (b) companionship,
- (c) ornamental purposes, or
- (d) any combination of (a) to (c),

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

“relevant specific conditions” means—

- (a) in relation to the activity described in paragraph 1 of schedule 1 (selling animals as pets), the conditions set out in schedule 3,
- (b) in relation to the activity described in paragraph 4 of schedule 1 (engaging in animal rehoming activities), the conditions set out in schedule 4,
- (c) in relation to the activity described in paragraph 8 of schedule 1 (operating an animal welfare establishment), the conditions set out in schedule 5,
- (d) in relation to the activity described in paragraph 14 of schedule 1 (breeding dogs), the conditions set out in schedule 6,
- (e) in relation to the described in paragraph 17 of schedule 1 (breeding cats), the conditions set out in schedule 7, and
- (f) in relation to the activity described in paragraph 20 of schedule 1 (breeding rabbits), the conditions set out in schedule 8,

“standard conditions” means—

- (a) the general conditions, and
- (b) the relevant specific conditions,

“veterinary surgeon” means a person registered in the register of veterinary surgeons, or the supplementary veterinary register, kept under the Veterinary Surgeons Act 1966(3),

“working day” means any day other than a Saturday, a Sunday or a day which, under the Banking and Financial Dealings Act 1971(4), is a bank holiday in Scotland.

(3) 1966 c.36.
(4) 1971 c.80.

Commencement Information

I2 [Reg. 2](#) in force at 1.9.2021, see [reg. 1](#)

PART 2

Licensing of activities involving animals

Licensing of activities involving animals

3. A person must not carry on a licensable activity without the authority of a licence granted under regulation 6.

Commencement Information

I3 [Reg. 3](#) in force at 1.9.2021, see [reg. 1](#)

Application for a licence

4.—(1) A person may apply to an appropriate licensing authority for the grant or renewal of a licence to carry on a licensable activity.

(2) An application for a licence to carry on a licensable activity must be—

- (a) addressed, and sent, to an appropriate licensing authority, and
- (b) in writing, and
- (c) in the form required by the appropriate licensing authority.

(3) The appropriate licensing authority for any of the licensable activities described in paragraphs 1, 8, 14, 17 and 20 of schedule 1 is the local authority for the area in which the licensable activity is carried on.

(4) Subject to paragraph (5), an appropriate licensing authority for the licensable activity described in paragraph 4 of schedule 1 (engaging in animal rehoming activities) is a local authority for an area in which the applicant resides or has a place of business.

(5) If the applicant neither resides nor has a place of business in Scotland, the appropriate licensing authority for the licensable activity described in paragraph 4 of schedule 1 (engaging in animal rehoming activities) is the Scottish Ministers.

(6) In this regulation, if the applicant is not an individual, “place of business” includes a registered office or other official address.

Commencement Information

I4 [Reg. 4](#) in force at 1.9.2021, see [reg. 1](#)

Authority of a licence

5.—(1) A licence granted or renewed under regulation 6 authorises the carrying on of the licensable activity—

- (a) on the premises specified in the licence, in the case of a licence for any of the licensable activities described in paragraphs 1, 8, 14, 17 and 20 of schedule 1,
 - (b) throughout Scotland, in the case of the licensable activity described in paragraph 4 of schedule 1 (engaging in animal rehoming activities).
- (2) If a licence authorises the carrying on of a licensable activity which involves supply of an animal, the supply is not to be treated as carrying on the licensable activity outwith the premises specified in the licence by reason that the supply is negotiated or agreed when the recipient of the animal, or the supplier, is not physically present at the premises specified in the licence provided that the condition mentioned in paragraph (3) is met.
- (3) The condition referred to in paragraph (2) is that the animal being supplied is not removed from the premises for the purpose of the supply until the supply of the animal has been agreed.

Commencement Information

I5 [Reg. 5](#) in force at 1.9.2021, see [reg. 1](#)

PART 3

Grant, renewal and variation of a licence and inspection of premises

Conditions of grant or renewal of a licence

- 6.—(1) This regulation applies where—
- (a) a licensing authority has received an application that complies with regulation 4(2) for the grant or renewal of a licence to carry on—
 - (i) a licensable activity described in paragraphs 1, 8, 14, 17 or 20 of schedule 1 on premises in the area of the local authority that is the licensing authority, or
 - (ii) the licensable activity described in paragraph 4 of schedule 1 (engaging in animal rehoming activities), where the licensing authority is an appropriate licensing authority in terms of regulation 4(4) or (5),
 - (b) the application gives such information as the licensing authority has required, and
 - (c) any appropriate fee charged in accordance with regulation 15 has been paid.
- (2) The licensing authority—
- (a) must (where paragraph (1)(a)(i) applies) instruct one or more inspectors to inspect the premises on which the licensable activity is being or is to be carried on,
 - (b) may (where paragraph (1)(a)(ii) applies) instruct one or more inspectors to inspect any premises on which the licensable activity described in paragraph 4 of schedule 1 (engaging in animal rehoming activities) is being or is to be carried on.
- (3) Following the receipt by the local authority of an inspector's report submitted to it under regulation 12, or the taking of a decision not to instruct an inspection under paragraph (2)(b), the licensing authority must grant a licence to the applicant, or renew the applicant's licence, in accordance with the application if it is satisfied that—
- (a) the standard conditions are likely to be met,
 - (b) any licence condition which it intends to attach to the licence in accordance with paragraph (5) is likely to be met, and

- (c) the grant or renewal is appropriate, having taken into account any report submitted to it in accordance with regulation 12.
- (4) A licensing authority must attach to each licence granted or renewed—
 - (a) a copy of the definitions in regulation 2, and
 - (b) the standard conditions.
- (5) A licensing authority may attach such further conditions to licences granted or renewed under this regulation as it considers necessary for the purposes of securing the welfare of animals for which the applicant is or will be responsible.
- (6) A licensing authority must specify in a licence granted or renewed by it under this regulation—
 - (a) for a licensable activity described in paragraph 1, 8, 14, 17 or 20 of schedule 1, the premises on which the licensable activity may be carried on,
 - (b) for a licensable activity described in paragraph 14, 17 or 20 of schedule 1 (dog breeding, cat breeding or rabbit breeding), the maximum number of breeding bitches, breeding female cats or breeding female rabbits, as the case may be, that may be kept in relation to the licensable activity at any time on the premises on which the activity will be carried on,
 - (c) for the licensable activity described in paragraph 1 of schedule 1 (selling animals as pets), the animals or types of animal that may be sold by the applicant as an operator.
- (7) In considering whether the standard licence conditions and any licence conditions which it intends to attach to the licence are likely to be met, a licensing authority must take account of—
 - (a) the applicant's conduct, if any, as the operator of the licensable activity to which the application for the grant or renewal relates,
 - (b) whether the applicant is a fit and proper person to be the operator of that activity, and
 - (c) any other relevant circumstances.
- (8) A licensing authority must not grant a licence to an applicant, or renew an applicant's licence, in any circumstances other than those described in these Regulations.
- (9) Any licence granted or renewed in relation to any of the licensable activities is subject to—
 - (a) the standard conditions, and
 - (b) any other licence conditions attached to the licence by the licensing authority in accordance with paragraph (5).

Commencement Information

16 [Reg. 6](#) in force at 1.9.2021, see [reg. 1](#)

Notices arising from an application

- 7.—(1) A decision of a licensing authority to—
 - (a) refuse an application for grant or renewal of a licence that has been made in accordance with regulation 6(1)(a), or
 - (b) attach a condition to a licence in accordance with regulation 6(5),must be notified to the applicant by service of a notice on the applicant.
- (2) A notice under paragraph (1) must include—
 - (a) a description of the applicant's right of appeal to the sheriff including specification of the period under regulation 27 within which such an appeal may be brought, and
 - (b) the licensing authority's reasons for the decision.

Commencement Information

I7 [Reg. 7](#) in force at 1.9.2021, see [reg. 1](#)

Period of licence

8.—(1) A licensing authority may grant or renew a licence for a period of one, two or three years in respect of the licensable activity.

(2) A licensing authority must be satisfied that the period for which a licence is granted or renewed is appropriate on the basis of its assessment of—

- (a) the risk of an applicant breaching any standard conditions or other licence conditions to be attached to the licence by the licensing authority in accordance with regulation 6(5),
- (b) the impact on animal welfare of any such breaches, and
- (c) whether the applicant is already meeting higher standards of animal welfare than are required by the licence conditions.

Commencement Information

I8 [Reg. 8](#) in force at 1.9.2021, see [reg. 1](#)

Power to take samples from animals

9. For the purposes of checking compliance with these Regulations or the licence conditions, an inspector may take samples, or arrange for samples to be taken by a veterinary surgeon, from any animals on premises occupied by an operator for laboratory testing.

Commencement Information

I9 [Reg. 9](#) in force at 1.9.2021, see [reg. 1](#)

Duty to assist in the taking of samples from animals

10. An operator must comply with any reasonable request of an inspector to facilitate the identification and examination of an animal and the taking of samples in accordance with regulation 9 and, in particular, must arrange the suitable restraint of an animal if so requested by an inspector.

Commencement Information

I10 [Reg. 10](#) in force at 1.9.2021, see [reg. 1](#)

Variation of a licence on the application, or with the consent, of a licence holder

11.—(1) A licensing authority may at any time vary a licence—

- (a) on the application in writing of the licence holder, or
- (b) on its own initiative, with the consent of the licence holder.

(2) Variation of a licence under paragraph (1) means changing the details of a licence other than a standard licence condition and includes—

- (a) attachment of a condition to a licence of the same legal effect as if it had been attached under regulation 6(5), if the requirements for attachment of a licence under regulation 6(5) are also met, and
- (b) removal of a condition that has been attached to a licence under regulation 6(5) or by way of variation of a licence.

Commencement Information

I11 Reg. 11 in force at 1.9.2021, see [reg. 1](#)

Inspector's report

12.—(1) Where a licensing authority instructs an inspection pursuant to regulation 6(2), it must arrange for the submission to it of a report by the inspector.

- (2) The inspector's report must—
 - (a) contain information about the applicant, any relevant premises, any relevant records, the condition of any animals and any other relevant matter the inspector considers relevant,
 - (b) state whether or not the inspector considers that the standard licence conditions are likely to be met, and
 - (c) where the application is for a licence to carry out any of the activities defined in paragraphs 14, 17 and 20 of schedule 1 (dog breeding, cat breeding and rabbit breeding), recommend a maximum number of breeding female animals for the purposes of regulation 6(6)(b).

Commencement Information

I12 Reg. 12 in force at 1.9.2021, see [reg. 1](#)

Persons who may not apply for a licence

13.—(1) A person may not apply for a licence in respect of a licensable activity while the person is disqualified under—

- (a) section 40(1) (disqualification orders) of the Act as applied by any enactment if the disqualification is of a type specified in section 40(2)(a), (b), (c), (d), (f), (g) or (h) of the Act,
 - (b) section 34(1) (disqualification) of the Animal Welfare Act 2006⁽⁵⁾ if the disqualification is of a type specified in section 34(2), (3) or (4) of that Act, or
 - (c) section 33(1) (disqualification) of the Welfare of Animals Act (Northern Ireland) 2011⁽⁶⁾ if the disqualification is of a type specified under section 33(2), (3) or (4) of that Act.
- (2) Any licence held by a person mentioned in paragraph (1) is automatically revoked.

Commencement Information

I13 Reg. 13 in force at 1.9.2021, see [reg. 1](#)

⁽⁵⁾ 2006 c.45.

⁽⁶⁾ 2011 c. 16 (N.I.). Section 33 was amended by section 48(5)(b) of the Justice Act (Northern Ireland) 2006 (c.21) (N.I.).

Death of a licence holder

14.—(1) In the event of the death of a licence holder, the licence is deemed to have been granted to, or renewed in respect of, the personal representatives of that former licence holder.

(2) In the circumstances described in paragraph (1), and subject to paragraph (4), the licence is to remain in force for three months beginning with the date of the death of the former licence holder or for as long as it was due to remain in force but for the death (whichever period is shorter) but remains subject to the provisions in Part 4.

(3) The personal representatives must give notice in writing to the licensing authority which granted or renewed the licence that they are now the licence holders within 28 days beginning with the date of the death of the former licence holder.

(4) If the personal representatives fail to notify the licensing authority within the period specified in paragraph (3), the licence ceases to have effect on the expiry of that period.

(5) The licensing authority which granted or renewed the licence may, on the application of the personal representatives, extend the period specified in paragraph (2) for up to three months if it is satisfied that the extension is necessary for the purpose of winding up the estate of the former licence holder and is appropriate in all the circumstances.

Commencement Information

I14 [Reg. 14](#) in force at 1.9.2021, see [reg. 1](#)

Fees

15.—(1) A licensing authority may charge such fees as it considers necessary for—

- (a) the consideration of an application for the grant, renewal or variation of a licence including any inspection relating to that consideration, and for the grant, renewal or variation,
- (b) the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in sub-paragraph (a) including any inspection relating to that consideration, and
- (c) the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator.

(2) The fee charged for the consideration of an application for the grant, renewal or variation of a licence and for any inspection relating to that consideration must not exceed the reasonable costs of that consideration and related inspection.

Commencement Information

I15 [Reg. 15](#) in force at 1.9.2021, see [reg. 1](#)

Guidance

16. A local authority must have regard in the carrying out of its functions under these Regulations to such guidance as may be issued by the Scottish Ministers.

Commencement Information

I16 Reg. 16 in force at 1.9.2021, see [reg. 1](#)

PART 4

Enforcement and notices

Grounds for suspension, variation (without consent) or revocation of a licence

17.—(1) A licensing authority may, without any requirement for the licence holder's consent, decide to suspend, vary or revoke a licence at any time on being satisfied that—

- (a) a licence condition is not being complied with,
- (b) there has been a failure to comply with these Regulations,
- (c) information supplied by the licence holder is false or misleading, or
- (d) it is necessary to protect the welfare of an animal.

(2) Variation of a licence under paragraph (1) means changing the details of a licence other than a standard condition and includes—

- (a) attachment of a condition to a licence of the same legal effect as if it has been attached under regulation 6(5), if the requirements for attachment of a licence under regulation 6(5) are also met, and
- (b) removal of a condition that has been attached to a licence under regulation 6(5) or by way of variation of a licence.

Commencement Information

I17 Reg. 17 in force at 1.9.2021, see [reg. 1](#)

Procedure for suspension or variation without consent

18.—(1) Except as otherwise provided in this regulation, the suspension or variation of a licence following a decision under regulation 17 has effect at the end of a period of 7 working days beginning with the date on which notice of the decision is served on the licence holder or, if that date is not a working day, the next working day.

(2) If it is necessary to protect the welfare of an animal, the licensing authority may specify in the notice of its decision that the suspension or variation has immediate effect, in which case the suspension or variation will take effect on service of the notice.

(3) A decision to suspend or vary a licence must—

- (a) be notified by service of a notice on the licence holder,
- (b) state the licensing authority's grounds for suspension or variation,
- (c) state when it comes into effect,
- (d) specify measures that the licensing authority considers are necessary in order to remedy the grounds, and

- (e) explain the right of the licence holder to make representations in writing in accordance with paragraph (4) and give details of the person to whom such representations may be made and the date by the end of which they must be received.
- (4) The licence holder may make representations in writing to the licensing authority which must be received by the licensing authority within 7 working days beginning with the date of service of notice of the decision under regulation 17 to suspend or vary the licence or, if that date is not a working day, the next working day.
- (5) Except in relation to notices under paragraph (2), where a licence holder makes representations in writing which are received by the licensing authority within the period specified in paragraph (4), the suspension or variation is not to have effect unless the licensing authority, after considering the representations, suspends or varies the licence in accordance with paragraph (6)(a).
- (6) Within 14 working days beginning with the date of receipt of any representations made in accordance with paragraph (5) or beginning with the next working day if the date of receipt is not a working day, the licensing authority must after considering the representations serve notice on the licence holder of a decision to—
- (a) suspend or vary the licence,
 - (b) cancel its decision under regulation 17 to suspend or vary the licence,
 - (c) confirm the suspension or variation of the licence under paragraph (2), or
 - (d) reinstate the licence if it has been suspended, or cancel its variation if it has been varied, under paragraph (2).
- (7) Notice of a decision under paragraph (6) must—
- (a) state the reasons for the decision, and
 - (b) where the decision is to vary or confirm the variation of a licence, give notice of the licence holder's right of appeal to the sheriff and the period within which such an appeal may be brought under regulation 27.
- (8) Paragraph (9) applies if the licensing authority fails to comply with paragraph (6) or (7).
- (9) Where this paragraph applies, after 14 working days beginning with the date of receipt of any representations made in accordance with paragraph (4) or, if that date is not a working day, beginning with the next working day—
- (a) a licence suspended under paragraph (2) is deemed to be reinstated,
 - (b) a licence varied under paragraph (2) is deemed to have effect as if it had not been so varied,
 - (c) a licence suspended under paragraph (6)(a) is deemed to be reinstated,
 - (d) a licence varied under paragraph (6)(a) is deemed to have effect as if it had not been so varied,
 - (e) a licence held by the licence holder which the licensing authority decided to suspend or vary under regulation 17 is to remain in force and not to be so suspended or varied, if it was not a licence suspended or varied under paragraph (2) or (6)(a).
- (10) Once a licence has been suspended for 28 days, the licensing authority must within the next 14 working days—
- (a) decide to—
 - (i) reinstate it without varying it,
 - (ii) vary and reinstate it as varied, or
 - (iii) revoke it, and
 - (b) serve on the licence holder a notice of the decision.

(11) If the licensing authority fails to comply with paragraph (10), the licence is deemed to have been reinstated without variation with immediate effect.

(12) A licensing authority's decision under paragraphs (6) or (10) has effect on service of the notice of the decision.

Commencement Information

I18 [Reg. 18](#) in force at 1.9.2021, see [reg. 1](#)

Reinstatement of a suspended licence by a licensing authority

19.—(1) A licensing authority must reinstate a suspended licence by way of notice once it is satisfied that the grounds specified in the notice of suspension have been or will be remedied.

(2) Where a licensing authority reinstates a licence under paragraph (1), it may reduce the period for which it is reinstated.

Commencement Information

I19 [Reg. 19](#) in force at 1.9.2021, see [reg. 1](#)

Revocation

20.—(1) A licensing authority may revoke a licence at any time on any of the grounds in regulation 17 by service of a notice on the licence holder.

(2) The revocation takes effect on service of the notice if served in accordance with regulation 21.

Commencement Information

I20 [Reg. 20](#) in force at 1.9.2021, see [reg. 1](#)

Notices of revocation and variation upon reinstatement

21.—(1) A notice of a decision to—

- (a) revoke a licence regardless of whether under regulation 18(10)(a)(iii) or 20,
- (b) vary and reinstate a licence as varied under regulation 18(10)(a)(ii).

must comply with paragraph (2).

(2) The notice must—

- (a) state the licensing authority's reasons for the decision, and
- (b) give notice of the licence holder's right of appeal to the sheriff and the period under regulation 27 within which such an appeal may be brought.

Commencement Information

I21 [Reg. 21](#) in force at 1.9.2021, see [reg. 1](#)

Obstruction of inspectors

22. A person must not intentionally obstruct an inspector appointed for the purposes of these Regulations in the exercise of any powers conferred by or under these Regulations.

Commencement Information

I22 [Reg. 22](#) in force at 1.9.2021, see [reg. 1](#)

Offences and penalties

23.—(1) It is an offence for a person without reasonable excuse—

- (a) subject to the exceptions provided for in paragraph (2), to breach a standard licence condition,
- (b) to fail to comply with regulations 3 (carrying on a licensable activity without the authority of a licence), 10 (duty to assist in the taking of samples from animals) or 22 (obstruction of inspectors),
- (c) to provide to an inspector information required by or under these Regulations which the person knows, or ought reasonably to have known, is to a material extent false or misleading, or
- (d) for the purposes of obtaining or holding a licence under these Regulations—
 - (i) to make a statement required by or under these Regulations to the licensing authority (or someone acting on its behalf) which the person knows, or ought reasonably to have known, is to a material extent false or misleading, or
 - (ii) recklessly to make a statement required by or under these Regulations to the licensing authority (or someone acting on its behalf) which is to a material extent false or misleading.

(2) A person does not commit an offence by reason of breaching the licence conditions provided for in—

- (a) paragraph 3 of schedule 6,
 - (b) paragraph 3 of schedule 7,
 - (c) paragraph 3 of schedule 8.
- (3) A person who commits an offence under—
- (a) paragraph (1)(a) is liable on summary conviction to a fine not exceeding level 5 on the standard scale,
 - (b) paragraph (1)(b) to (d) is liable on summary conviction to a fine not exceeding £40,000, or to imprisonment for a term not exceeding 12 months, or both.

Commencement Information

I23 [Reg. 23](#) in force at 1.9.2021, see [reg. 1](#)

Powers of entry

24.—(1) Any inspector may enter any premises except domestic premises at all reasonable times and inspect such premises and any animals found there for the purposes of preparing an inspector's report.

(2) An inspector may enter any premises except domestic premises at all reasonable times for the purpose of ascertaining whether any requirement of these Regulations or any licence condition is being, or has been, complied with and, in particular, may—

- (a) inspect the premises,
- (b) inspect and copy any records (in whatever form they are held) kept under these Regulations or any licence condition, or remove such records to enable them to be copied,
- (c) inspect and check the operation of any computer and any associated apparatus or material which is or has been in use in connection with the records,
- (d) for that purpose, require any person having charge of, or otherwise concerned with, the operation of the computer, apparatus or material to afford the inspector such assistance as the inspector may reasonably require (including giving access to password protected materials and systems),
- (e) where a record is kept by means of a computer, require the record to be produced in a form in which it may be taken away,
- (f) examine, or require the examination of, any animal kept on the premises,
- (g) exercise the power in regulation 9 (power to take samples from animals), and
- (h) take on to the premises such persons to give the inspector such assistance and such equipment as the inspector considers necessary.

(3) An inspector must produce evidence of the inspector’s authority to enter the premises if such evidence is requested by an owner or occupant of the premises when the inspector is exercising, or seeking to exercise, either of the powers of entry in paragraphs (1) or (2).

(4) If a sheriff or justice of the peace is satisfied by evidence on oath laid by any inspector that there are reasonable grounds for suspecting that an offence against these Regulations has been or is being committed at any domestic premises in the area of the licensing authority, the sheriff or justice may issue a warrant authorising any inspector to enter those premises, by reasonable force if need be, and inspect the premises and any animals or anything found there.

(5) A warrant issued under paragraph (4) above—

- (a) may authorise persons to accompany the person who is executing the warrant, and
- (b) continues in force for the period of one month beginning with the date of issue.

(6) The power of entry conferred by the warrant may be exercised at all reasonable times and any person entering the premises in exercise of that power must—

- (a) produce the warrant if so required, and
- (b) comply with such precautions (if any) as the sheriff or justice of the peace may specify to prevent the spread among animals of infectious or contagious diseases.

(7) If an inspector enters any unoccupied premises, the inspector must leave them as effectively secured against entry as the inspector found them.

Commencement Information

I24 [Reg. 24](#) in force at 1.9.2021, see [reg. 1](#)

Post-conviction powers

25.—(1) The post-conviction powers contained in sections 39 (deprivation orders) and 40 (disqualification orders) of the Act apply in relation to a conviction for an offence under regulation [23](#).

(2) Sections 41 (seizure orders where disqualification breached), 42 (termination or variation of disqualification) and 43 (appeal against orders) of the Act apply to an order made by virtue of paragraph (1) as if the order had been made in relation to an offence under the Act.

Commencement Information

I25 [Reg. 25](#) in force at 1.9.2021, see [reg. 1](#)

Notices

26. Any notice served by a licensing authority under these Regulations may be amended, suspended or revoked by further notice served by the licensing authority at any time.

Commencement Information

I26 [Reg. 26](#) in force at 1.9.2021, see [reg. 1](#)

PART 5

Appeals

Appeals

27.—(1) Any applicant or operator who is aggrieved by a decision by a licensing authority—

- (a) to refuse to grant or renew a licence,
- (b) to attach a licence condition to a licence under regulation 6(5), or
- (c) to revoke or vary a licence,

may appeal to the sheriff.

(2) The period within which a person may bring such an appeal is 28 days beginning with the day following the date of service of the relevant notice of the decision in accordance with these Regulations.

(3) The sheriff may on application and until the appeal is determined or withdrawn—

- (a) in the case of a decision to refuse to renew a licence, permit a licence holder to continue to carry on a licensable activity or any part of it subject to the licence conditions,
- (b) in the case of a decision to attach a condition to a licence under regulation 6(5), to permit a licence holder to carry on a licensable activity or any part of it without complying in whole or in part with the imposed licence condition, or
- (c) suspend a revocation or variation under regulation 17.

(4) On appeal, the sheriff may overturn or confirm the licensing authority's decision, with or without modification.

Commencement Information

I27 [Reg. 27](#) in force at 1.9.2021, see [reg. 1](#)

PART 6

Duty to publish register of licences

Duty to publish register of licences

28.—(1) Subject to paragraph (5), a licensing authority must publish a register of licences containing the information specified in paragraph (2) for each licensable activity in relation to which it has granted a licence.

(2) Registers published under this regulation must include—

- (a) the name of the licence holder,
- (b) the licence number,
- (c) the postcodes of—
 - (i) in the case of a licence for the licensable activity described in paragraphs 1, 8, 14, 17 or 20 of schedule 1, the premises specified in the licence under regulation 6(6)(a) (the premises on which the licensable activity may be carried on),
 - (ii) in the case of a licence for the licensable activity described in paragraph 4 of schedule 1 (engaging in animal rehoming activities), the postcode of any premises in Scotland from which the activity is carried on (if known to the authority),
- (d) the date on which the licence was granted,
- (e) if the licence has been renewed, the date on which it was renewed,
- (f) the date on which the licence is due to expire,
- (g) in the case of a licence for the licensable activity described in paragraph 1 of schedule 1 (selling animals as pets), the information specified in the licence of the type mentioned in regulation 6(6)(c) (the animals or types of animal that may be sold),
- (h) information as to whether the licence is suspended,

in relation to each relevant licence granted by the licensing authority for the licensable activity.

(3) In this regulation, “relevant licence” means any licence which—

- (a) either—
 - (i) continues to have the effect of authorising the carrying on of a licensable activity, or
 - (ii) is suspended, and
- (b) is not a licence mentioned in paragraph (4).

(4) A licensing authority is not required to include any details in a register published under this regulation for a licence if—

- (a) the licence is for a licensable activity described in paragraph 1, 14, 17 or 20 of schedule 1, and
- (b) the licensing authority which granted the licence is satisfied that—
 - (i) regardless of which licensable activity is being carried on, all animal sales by the licence holder in the course of the licensable activity are to persons who buy the animals for purpose of reselling them (as pets or otherwise), or
 - (ii) if the activity being carried on is an activity described in paragraph 14, 17 or 20, no animals are sold in the course of the activity.

(5) The duty in paragraph (1) does not require a licensing authority to publish a register for any licensable activity where there are no relevant licences to include within the register.

(6) A licensing authority must publish the register required by this regulation by making it available to the public on a website of the authority.

(7) A licensing authority must—

- (a) keep the information in registers published under this regulation under review,
- (b) where appropriate to keep the information referred to in paragraph (2) up to date (including upon grant, variation or suspension), publish new or revised information, and
- (c) remove information about a licence from the published register if the licence—
 - (i) expires at the end of period of the licence,
 - (ii) is revoked, or
 - (iii) otherwise ceases to be a relevant licence.

Commencement Information

I28 [Reg. 28](#) in force at 1.9.2021, see [reg. 1](#)

PART 7

Revocation

Revocation of the Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009

29. The Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009(7) are revoked.

Commencement Information

I29 [Reg. 29](#) in force at 1.9.2021, see [reg. 1](#)

PART 8

Transitional and saving provisions

Transitional and saving provisions

30.—(1) Any unexpired licence granted under and in accordance with the provisions of the Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009 continues in force for the remainder of its term subject to the provisions of those Regulations as they had effect on the relevant date.

(2) If a licence of the type—

- (a) referred to in paragraph (1),
- (b) granted under and in accordance with the Pet Animals Act 1951(8),

(7) [S.S.I. 2009/141](#).

(8) [1951 c.35](#) (14 & 15 Geo 6).

(c) granted under and in accordance with the Breeding of Dogs Act 1973⁽⁹⁾, continues in force after the relevant date, the holder of that licence does not commit the offence of failing to comply with regulation 3 by reason of carrying on the activity authorised by the licence.

(3) In this regulation—

“unexpired” means still in force on, and with any of its term remaining after, the relevant date,

“the relevant date” means 31 August 2021.

Commencement Information

I30 [Reg. 30](#) in force at 1.9.2021, see [reg. 1](#)

St Andrew’s House,
Edinburgh

BEN MACPHERSON
Authorised to sign by the Scottish Ministers

Changes to legislation:

There are currently no known outstanding effects for the The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021.