

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for the licensing of persons who in Scotland carry on activities of selling animals as pets, rehoming animals as pets, operating animal welfare establishments (including sanctuaries and rehoming centres), breeding dogs, breeding cats and breeding rabbits (“the licensable activities”).

Regulation 3 provides that a person must not carry on a licensable activity without the authority of a licence issued under these Regulations.

Regulation 4 specifies the appropriate licensing authorities to which a person may apply for the grant or renewal of a licence and makes further provision about how applications must be made. For all activities except rehoming animals as pets, the licensing authority is the local authority for the area in which the activity is carried on. For the activity of rehoming animals as pets, the licensing authority is the local authority for the area in which the applicant resides or has a place of business (including a registered office or other official address) or, if the applicant has no such residence or place of business in Scotland, the Scottish Ministers. Regulation 5 makes provision regarding the extent of the authority arising from a licence issued under these Regulations.

Part 3 of these Regulations sets out how a person may apply to the licensing authority for a licence, sets out matters in respect of which a licensing authority must be satisfied when considering the granting or renewing of a licence, and makes other provision in relation to licences. It provides for a licensing authority to charge fees to cover the costs it incurs in performing this function, anticipated costs of considering a licence holder’s compliance with these Regulations and the licence conditions to which a licence holder is subject, and anticipated costs of enforcement in relation to the activity of an unlicensed operator. It makes provision for the inspection of premises and gives inspectors powers to take samples from animals.

Part 4 sets out the circumstances and procedures under which a licence may be suspended, varied or revoked. It also provides that breach of a licence condition (except one which is not a standard licence condition attached to all licences for the licensable activity), the carrying on of a licensable activity without the authority of a licence, failure to assist with in the taking of samples and obstruction of inspectors are all offences in the absence of a reasonable excuse. It also provides for offences in relation to provision of false or misleading information to inspectors and the making of false or misleading statements to a licensing authority for the purpose of obtaining or holding a licence. It also specifies maximum penalties for such offences and applies certain post-conviction powers contained in the Animal Health And Welfare (Scotland) Act 2006. It also gives inspectors powers of entry for the purposes of preparing reports and of ascertaining compliance with these Regulations and licence conditions.

Part 5 provides for appeals against licensing decisions by licensing authorities. Part 6 places a duty on each licensing authority to publish a register of licences for each licensable activity in relation to which it has issued a licence. Part 7 revokes the Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009. Part 8 makes transitional and saving provision for unexpired licences under pre-existing licensing regimes.

Schedule 1 describes each licensable activity. Schedule 2 sets out the general licence conditions that apply to all licensable activities. Schedules 3 to 8 set out the specific conditions that apply to each licensable activity.

**Changes to legislation:**

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