

SCHEDULE 1

Licensable activities

PART 3

Operating an animal welfare establishment

8. Subject to paragraph 10, operating an animal welfare establishment.

9. In this Part of schedule 1, “animal welfare establishment” means a place, or places, in Scotland where—

- (a) relevant animals that have been abandoned or otherwise separated from their keeper including as a result of a relevant relinquishment or a relevant seizure, or
- (b) sick, injured or captured relevant animals that were previously living in a wild state,

are kept for their care.

10. The activity described in paragraph 8 (operating an animal welfare establishment) is only carried on by a person if at least—

- (a) 8 relevant animals, except for any animal under the age of 4 months if it was born within the animal welfare establishment or received into the establishment together with its mother, or
- (b) 5 dogs or equines,

are kept at the same time by that person at the animal welfare establishment for their care.

11. A person does not keep an animal for its care for the purposes of regulations 9 and 10, by reason of—

- (a) keeping an animal as a pet,
- (b) keeping an animal in premises used for the care or treatment of animals by a person in the capacity of a veterinary surgeon,
- (c) if the person is a local authority, keeping an animal,
- (d) keeping an animal in the course of farming activities or for its use in the course of a business,
- (e) carrying on the activity that requires a licence under section 1(1) of the Animal Boarding Establishments Act 1963⁽¹⁾,
- (f) keeping or training an animal solely for military, police or sporting purposes,
- (g) keeping or training animals solely for exhibition in the course of the provision of—
 - (i) education, or
 - (ii) entertainment to an audience,
- (h) keeping or training an assistance dog intended to be used as an assistance dog within the meaning of section 173 of the Equality Act 2010⁽²⁾,
- (i) keeping an animal on any premises pursuant to a requirement imposed under, or having effect by virtue of, the Animal Health Act 1981⁽³⁾,

⁽¹⁾ 1963 c.43. Section 1 was amended in relation to Scotland by S.S.I. 2006/536.

⁽²⁾ 2010 c.15.

⁽³⁾ 1981 c.22.

Status: This is the original version (as it was originally made).

- (j) keeping an animal in a zoo within the meaning of the Zoo Licensing Act 1981⁽⁴⁾,
- (k) keeping an animal in the course of any of the activities described in paragraphs 1, 14, 17 or 20, or
- (l) providing food or shelter to an animal which may enter and is free to leave land which the person owns or occupies.

12. If any relevant animal kept in an animal welfare establishment in the course of the activity described in paragraph 8 (operating an animal welfare establishment) is supplied as a pet by the person carrying out the activity to another person, such supply is considered to form part of that activity for the purposes of these Regulations.

13. In this Part of this schedule—

“care” includes, but is not limited to, care for the purpose of rehoming or release to the wild,

“relevant animal” means an animal which is not a fish,

“relevant relinquishment” means the voluntary relinquishment of possession or ownership of an animal for welfare reasons,

“relevant seizure” means taking into possession of an animal by a person under authority of an enactment or order of a court.

(4) 1981 c.37.