

## SCHEDULE 1

Regulation 2

### Licensable activities

#### PART 1

##### Selling animals as pets

1. Selling animals as pets (or with the expectation of 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 so sold or resold.
2. The activity described in paragraph 1 does not include selling or keeping animals in the course of—
  - (a) an aquaculture production business authorised under regulation 5(1) of the Aquatic Animal Health (Scotland) Regulations 2009<sup>(1)</sup>,
  - (b) the activity described in paragraph 8 (operating an animal welfare establishment),
  - (c) the activity described in paragraph 14 (breeding dogs),
  - (d) the activity described in paragraph 17 (breeding cats), or
  - (e) the activity described in paragraph 20 (breeding rabbits).
3. The circumstances which a licensing authority must take into account in determining whether a person sells or keeps animals in the course of a business for the purposes of paragraph 1 include—
  - (a) whether the person engages in such conduct with a view to making a profit,
  - (b) whether the person earns any commission, fee or other consideration from such conduct,
  - (c) the frequency of any sales of animals as pets (or with the expectation of their being later resold as pets), and
  - (d) the number of any animals kept with a view to their being so sold or resold.

#### PART 2

##### Engaging in animal rehoming activities (other than in the course of operating an animal welfare establishment)

4. Subject to paragraphs 6 and 7, engaging in animal rehoming activities.
5. For the purposes of these Regulations, “engaging in animal rehoming activities” means supplying an animal to a person in Scotland to be kept as a pet, regardless of the country of origin of the animal, provided that—
  - (a) the animal is not a fish,
  - (b) the animal was not bred by the supplier,
  - (c) the person being supplied takes receipt of the animal in Scotland from the supplier of the animal or a person delivering the animal on behalf of the supplier,
  - (d) the supply takes place during a 12 month period in which at least 4 other such animals are supplied by the supplier to persons in Scotland to be kept as pets.

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(1) S.S.I. 2009/85.

*Status: This is the original version (as it was originally made).*

6. The activity described in paragraph 4 (engaging in animal rehoming activities) does not include—

- (a) the activity described in paragraph 1 (selling animals as pets),
- (b) the activity described in paragraph 8 (operating an animal welfare establishment).

7. The activity described in paragraph 4 (engaging in animal rehoming activities) is not carried on solely by virtue of delivering an animal on behalf of a supplier.

## 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<sup>(2)</sup>,
- (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<sup>(3)</sup>,

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(2) 1963 c.43. Section 1 was amended in relation to Scotland by S.S.I. 2006/536.

(3) 2010 c.15.

- (i) keeping an animal on any premises pursuant to a requirement imposed under, or having effect by virtue of, the Animal Health Act 1981(4),
- (j) keeping an animal in a zoo within the meaning of the Zoo Licensing Act 1981(5),
- (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.

## PART 4

### Breeding dogs

**14.** Breeding three or more litters of puppies in any 12 month period.

**15.** If any dog bred or used in the course of the activity described in paragraph 14 (breeding dogs) is sold or otherwise supplied to another person by the person carrying out the activity, such supply is considered to form part of that activity for the purposes of these Regulations.

**16.** The activity described in paragraph 14 (breeding dogs) does not include—

- (a) keeping a dog on any premises pursuant to a requirement imposed under, or having effect by virtue of, the Animal Health Act 1981, or
- (b) breeding only assistance dogs or dogs intended to be used as assistance dogs within the meaning of section 173 of the Equality Act 2010.

## PART 5

### Breeding cats

**17.** Breeding three or more litters of kittens in any 12 month period.

**18.** If any cat bred or used in the course of the activity described in paragraph 17 (breeding cats) is sold or otherwise supplied to another person by the person carrying out the activity, such supply is considered to form part of that activity for the purposes of these Regulations.

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(4) 1981 c.22.

(5) 1981 c.37.

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

19. The activity described in paragraph 17 (breeding cats) does not include keeping a cat on any premises pursuant to a requirement imposed under, or having effect by virtue of, the Animal Health Act 1981.

## PART 6

### Breeding rabbits

20. Breeding six or more litters of kits in any 12 month period.

21. If any rabbit bred or used in the course of the activity described in paragraph 20 (breeding rabbits) is sold or otherwise supplied to another person by the person carrying out the activity, such supply is considered to form part of that activity for the purposes of these Regulations.

22. The activity described in paragraph 20 (breeding rabbits) does not include—

- (a) keeping a rabbit on any premises pursuant to a requirement imposed under, or having effect by virtue of, the Animal Health Act 1981, or
- (b) breeding any rabbit for the purpose of—
  - (i) its consumption (including breeding a rabbit to sell it for the purpose of its consumption), or
  - (ii) its use, including breeding other rabbits, in the course of meat production.

## SCHEDULE 2

Regulation 2

### General conditions

#### Licence display

1.—(1) A copy of the licence must be clearly and prominently displayed on any premises on which the licensable activity is carried on.

(2) Any website operated by the licence holder in respect of the licensable activity must clearly and prominently display—

- (a) the name of the licence holder,
- (b) the number of the licence holder's licence, and
- (c) the name of the licensing authority that granted the licence.

#### Records

2.—(1) The licence holder must ensure that all the records that the licence holder is required to keep as a condition of the licence are either—

- (a) available for inspection by an inspector in a visible and legible form at any premises specified in the licence at which the licensable activity is carried on, or
- (b) if not kept at such premises, are kept in a manner in which they can be readily made available to an inspector.

(2) Where any records that the licence holder is required to keep as a condition of the licence are stored in electronic form they must be stored in a form from which they can readily be produced in a visible and legible form.

(3) The licence holder must keep all such records for at least three years beginning with the date on which the record was created.

(4) Where records are not kept at any premises specified in the licence at which the licensable activity is carried on, the licence holder must promptly make such records available (whether in electronic format or otherwise) for inspection upon request by an inspector.

### **Number of animals**

3. The total number of animals kept for the activity at any time must not exceed the maximum that is reasonable taking into account the facilities and numbers of employed staff and volunteers on any premises on which the licensable activity is carried on.

### **Staffing**

4.—(1) Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met.

(2) The licence holder or a designated manager and any staff employed to care for the animals must be competent to identify the normal behaviour of the species for which they routinely care and to recognise signs of, and take appropriate measures to mitigate or prevent, suffering, injury, disease or abnormal behaviour.

(3) Volunteers who assist in relation to the licensable activity must only undertake tasks for which they have been suitably trained.

(4) The licence holder must provide and ensure the implementation of a written training policy for all staff members and volunteers who care for the animals.

### **Suitable environment**

5.—(1) All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape and must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

(2) If the licensable activity is carried on from premises at which animals are kept, such premises must provide an environment suitable to their species and condition (including health status and age) with respect to—

- (a) their behavioural needs,
- (b) its situation, space, air quality, cleanliness and temperature,
- (c) the water quality (where relevant),
- (d) noise levels,
- (e) light levels,
- (f) ventilation.

(3) Animals must be kept clean and comfortable.

(4) Where appropriate for the species—

- (a) opportunities for toileting must be provided, and
- (b) a toileting area must be provided if the licensable activity is carried on from premises at which animals are kept.

(5) Procedures must be in place to ensure that—

- (a) accommodation in any premises from which the licensable activity is carried on and in which animals are kept is capable of being thoroughly cleaned and disinfected,

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- (b) any equipment within the accommodation is cleaned as often as necessary, and
- (c) good hygiene standards are maintained.

(6) The animals must be transported and handled in a manner (including for example in relation to housing, temperature, ventilation and frequency) that protects them from suffering, injury and disease.

(7) If the animals are kept in premises from which the licensable activity is carried on, all the animals must be easily accessible to staff and for inspection and there must be sufficient light for the staff to work effectively and observe the animals.

(8) All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.

(9) The animals must not be left unattended in any situation or for any period likely to cause them distress.

### **Suitable diet**

6.—(1) The animals must be provided with a suitable diet in terms of quality, quantity and frequency and any new feeds must be introduced gradually to allow the animals to adjust to them.

(2) Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.

(3) Feed and drinking water provided to the animals must be unspoilt and free from contamination.

(4) Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.

(5) If the animals are kept in premises from which the licensable activity is carried on, constant access to fresh and clean drinking water must be provided in a suitable receptacle for the species that require it.

(6) Where feed is prepared on any premises from which the licensable activity is carried on, there must be hygienic facilities for its preparation, including a working surface, hot and cold running water and storage.

### **Enrichment and training of animals**

7. If the animals are kept in premises from which the licensable activity is carried on, active and effective environmental enrichment must be provided to the animals in inside and any outside environments.

### **Animal handling and interactions**

8.—(1) All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from suffering, injury or disease.

(2) If the animals are kept in premises from which the licensable activity is carried on, the animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals.

(3) No animals from a social species may be isolated or separated from others of their species for any longer than is necessary.

### **Protection from suffering, injury and disease**

9.—(1) Written procedures must—

- (a) be in place and implemented covering—

- (i) feeding regimes,
  - (ii) cleaning regimes,
  - (iii) transportation,
  - (iv) the prevention of, and control of the spread of, disease,
  - (v) monitoring and ensuring the health and welfare of all the animals, and
  - (vi) except in relation to fish, the death or escape of an animal (including the storage of carcasses),
- (b) be in place covering the care of the animals—
- (i) following the suspension or revocation of the licence,
  - (ii) during an emergency, and
  - (iii) following an emergency.
- (2) All people responsible for the care of the animals must be made fully aware of these procedures before they attend to any animal in the course of the licensable activity.
- (3) If animals are kept in premises from which the licensable activity is carried on, appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.
- (4) All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.
- (5) All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.
- (6) Sick or injured animals must receive prompt attention from a veterinary surgeon or, in the case of any sick or injured fish, an appropriately trained person and the advice of that veterinary surgeon or that trained person must be followed.
- (7) Where necessary, animals must receive preventative treatment by an appropriately competent person in consultation with a veterinary surgeon.
- (8) The licence holder must register with a veterinary surgeon and the contact details of that veterinary surgeon must be readily available to all staff on any premises on which animals are kept and from which the licensable activity is carried on.
- (9) Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinary surgeon.
- (10) Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinary surgeon.
- (11) Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals and must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.
- (12) No person may euthanase an animal except a veterinary surgeon, a person acting under supervision of a veterinary surgeon, a person who has been authorised by a veterinary surgeon as competent for such purpose or—
- (a) in the case of fish, a person who is competent for such purpose,
  - (b) in the case of equines and species generally regarded as farmed livestock, a person who is competent, and who holds a licence or certificate which is relevant to the species, for such purpose,
- except where the purpose of the euthanasia is to end suffering that has arisen suddenly and unexpectedly and to arrange for such a person to euthanase the animal would prolong the suffering.

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(13) All animals must be checked at least once daily and more regularly as necessary for any signs of suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.

(14) Any signs of suffering, injury, disease or abnormal behaviour must be recorded and if necessary the advice of a veterinary surgeon (or in the case of fish, of an appropriately competent person) must be sought and followed.

### **Emergencies**

**10.**—(1) If animals are kept in premises, other than domestic premises, from which the licensable activity is carried on—

- (a) a written emergency plan, acceptable to the licensing authority, must be in place, known and available to all the staff on the premises, and
- (b) such a plan must be followed where necessary to ensure appropriate steps are taken to protect all animals on the premises (without risking human life) in case of fire, breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

(2) Any such emergency plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.

(3) External doors and gates must be lockable.

(4) If animals are kept in premises from which the licensable activity is carried on, a designated key holder with access to all animal areas must at all times be within reasonable travel distance of those premises and available to attend in an emergency.

## **SCHEDULE 3**

Regulation 2

Specific conditions: selling animals as pets

### **Interpretation**

1. In this schedule—

“prospective owner” means a person who seeks to purchase an animal to be kept or to be resold as a pet,

“premises” means the premises specified in the licence and on which the licensable activity described in paragraph 1 of schedule 1 is carried on,

“purchaser” means a person who purchases an animal to be kept or to be resold as a pet.

### **Records and advertisements**

**2.**—(1) A register must be maintained for all the animals or, in the case of fish or other animals (not including dogs and cats) kept in groups where it is not practicable to keep individual records, all the groups of such animals, on the premises which must include—

- (a) the full name of the supplier of the animal,
- (b) the animal’s sex (where known),
- (c) (except in the case of fish) the animal’s age (where known),
- (d) details of any veterinary treatment (where known),



- (e) the date of birth of the animal or, if the animal was acquired by the licence holder, the date of its acquisition,
  - (f) the date of the sale of the animal by the licence holder,
  - (g) the date of the animal's death (if applicable), and
  - (h) the animal's microchip number (if any).
- (2) Where an animal is undergoing any medical treatment—
- (a) this fact must be clearly indicated—
    - (i) in writing next to it, or
    - (ii) (where appropriate) by labelling it accordingly,if it is on display in the premises with the purpose of being sold, and
  - (b) it may only be sold to a prospective owner if—
    - (i) a veterinary surgeon advises that the animal is in a suitable condition to be rehomed, and
    - (ii) details of, and the reasons for, the treatment are communicated to the prospective owner prior to the sale.
- (3) Any advertisement for the sale of an animal must—
- (a) include the number of the licence holder's licence,
  - (b) specify the local authority that issued the licence,
  - (c) if the animal being advertised is a dog or cat, include a recognisable photograph of the animal,
  - (d) (except in the case of fish) display the age of the animal being advertised,
  - (e) state the country of residence of the animal from which it is being sold, and
  - (f) state the country of origin of the animal.

### **Prospective sales: pet care and advice**

- 3.—**(1) Any equipment and accessories being sold with an animal must be suitable for the animal.
- (2) The purchaser must be provided with information on the appropriate care of the animal including in relation to—
- (a) feeding,
  - (b) housing,
  - (c) handling,
  - (d) husbandry,
  - (e) the life expectancy of its species,
  - (f) the provision of suitable accessories, and
  - (g) veterinary care.
- (3) Appropriate reference materials on the care of all animals for sale must be—
- (a) on display and available to be consulted by prospective owners in the premises, or
  - (b) provided to prospective owners in an electronic format,

if the licensable activity is conducted in a way that involves persons attending the premises to view animals available for sale as pets, or otherwise in relation to arranging the purchase of animals as pets.

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(4) The licence holder and all staff must have been suitably trained to advise prospective owners about the animals being sold.

(5) The purchaser must be informed of, where known, the country of origin, age, sex and veterinary record of the animal being sold.

#### **Suitable accommodation**

4.—(1) Animals must be kept in housing which minimises stress including from other animals and the public.

(2) Where members of the public can view or come into contact with the animals, signage must be in place to deter disturbance of the animals.

(3) Dangerous wild animals (if any) must be kept in secure accommodation that is lockable and appropriate for the species.

#### **Training and exercise**

5.—(1) For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinary surgeon recommends otherwise.

(2) All immature animals must be given suitable and adequate opportunities to—

- (a) learn how to interact with people, their own species and other animals where such interaction benefits their welfare, and
- (b) become habituated to noises, objects and activities associated with a domestic environment.

(3) The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

#### **Sale of animals**

6.—(1) No animal of any of the following descriptions may be sold as a pet, or sold with a view to being resold as a pet, by or on behalf of the licence holder—

- (a) unweaned mammals,
- (b) mammals weaned at an age at which they should not have been weaned,
- (c) non-mammals that are incapable of feeding themselves,
- (d) puppies, kittens, ferrets or kits, aged under 8 weeks, and
- (e) puppies or kittens which were not bred by the licence holder.

(2) The sale of a dog or a cat must be completed in the presence of the purchaser on the premises.

(3) No animals or types of animal other than those animals and types of animal specified in the licence may be sold.

(4) No animal may be sold in any part of a road or public place or at a point of sale at a market (unless the point of sale at the market forms part of the premises).

#### **Protection from suffering, injury and disease**

7.—(1) All animals for sale must be in good health.

(2) Any animal with a condition which is likely to affect its quality of life must not be moved, transferred or offered for sale but may be moved to an isolation facility or veterinary care facility if required until the animal has recovered.

(3) When arranging for the receipt of animals, the licence holder must make reasonable efforts to ensure that they will be transported in a suitable manner.

(4) When an animal is to be transported or handed to a purchaser in a container, the container must be suitable for the species and expected duration of the journey.

## SCHEDULE 4

Regulation 2

Specific conditions: engaging in animal rehoming activities (other than in the course of operating an animal welfare establishment)

### Supply of animals

1. No animal of any of the following descriptions may be supplied as a pet by or on behalf of the licence holder—

- (a) unweaned mammals,
- (b) mammals weaned at an age at which they should not have been weaned,
- (c) non-mammals that are incapable of feeding themselves,
- (d) puppies, kittens, ferrets or kits, aged under 8 weeks, and
- (e) puppies or kittens which were not bred by the licence holder.

### Protection from suffering, injury and disease

2.—(1) All animals supplied as pets must be in good health.

(2) Any animal with a condition which is likely to affect its quality of life must not be moved, transferred or supplied as a pet but may be moved to an isolation facility or veterinary care facility if required until the animal has recovered.

(3) When arranging for the receipt of animals, the licence holder must make reasonable efforts to ensure that they will be transported in a suitable manner.

(4) When an animal is transported in or handed over in a container to the person to whom the licence holder is supplying the animal, the container must be suitable for the species and expected duration of the journey.

### Pet care and advice

3.—(1) Any equipment and accessories being supplied with an animal must be suitable for the animal.

(2) A person supplied with an animal as a pet by the licence holder must be provided with information on the appropriate care of the animal including in relation to—

- (a) feeding,
- (b) housing,
- (c) handling,
- (d) husbandry,
- (e) the life expectancy of its species,
- (f) the provision of suitable accessories, and
- (g) veterinary care (including details of any vaccinations and disease testing that the licence holder has arranged for the animal).

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

(3) A person supplied with the animal as a pet must be informed of the country of origin of the animal and the species, and where known, the age, sex and veterinary record of the animal.

### **Return of animals**

4. The licence holder must accept return of any live animal that the licence holder has supplied to a person in the course of the licensable activity, and arrange for the collection of the animal to facilitate the return if requested by the person supplied, if—

- (a) the person supplied notifies the licence holder of the intention to return the animal within the 10 days following the date the animal was supplied, and
- (b) the animal is in a fit state to be transported.

## SCHEDULE 5

Regulation 2

Specific conditions: operating an animal welfare establishment

### **Interpretation**

1. In this schedule—

“animal welfare establishment” means the place or places within the areas of the local authority at which the licensable activity of operating an animal welfare establishment is carried on,

“prospective keeper” means a person who seeks to become the keeper of the animal (or, where it is proposed that there be more than one keeper of the animal, one of such persons).

### **Records and advertisements**

2.—(1) A register must be maintained for all the animals or, in the case of animals (not including dogs and cats) kept in groups where it is not practicable to keep individual records, all the groups of such animals, in the animal welfare establishment which must include—

- (a) the species of the animal (where known),
- (b) the animal’s sex (where known),
- (c) (except in the case of fish) the animal’s age (where known),
- (d) details of any veterinary treatment (where known),
- (e) the date on which the animal was received by the licence holder,
- (f) the date on which the animal was rehomed or otherwise released from the animal welfare establishment (if applicable),
- (g) the site of the animal’s release into the wild (if the animal is so released), and
- (h) the date of the animal’s death (if applicable).

(2) Where an animal is undergoing any medical treatment it may only be supplied as a pet to a prospective keeper if—

- (a) details of, and the reasons for, the treatment are communicated to the prospective keeper of the animal prior to any agreement being concluded with that person for the supply of that animal, and
- (b) a veterinary surgeon advises that the animal is in a suitable condition to be supplied to a person as a pet from the animal welfare establishment.

(3) Any advertisement for the rehoming of an animal must—

- (a) include the number of the licence holder's licence,
- (b) specify the local authority that issued the licence,
- (c) if the animal being advertised is a dog, cat or horse, include a recognisable photograph of the animal, and
- (d) (except in the case of fish) display the age of the animal being advertised (where known).

### **Rehoming: pet care and advice**

**3.**—(1) Any equipment and accessories being provided with an animal must be suitable for the animal.

(2) Prospective keepers must be provided with information on the appropriate care of the animal including in relation to—

- (a) feeding,
- (b) housing,
- (c) handling,
- (d) husbandry,
- (e) the life expectancy of its species,
- (f) the provision of suitable accessories, and
- (g) veterinary care.

(3) A suitably trained person must be available to provide advice to prospective keepers about the animals made available for rehoming.

(4) Any new keeper (or at least one new keeper where there is more than one new keeper of the animal) to whom an animal is being rehomed must be informed of, where known, the age, sex and veterinary record of the animal.

### **Release of animals into the wild**

**4.**—(1) An animal that has been kept at the animal welfare establishment must only be released into the wild in an area that is suitable for its species.

(2) An animal that has been kept at the animal welfare establishment must only be released into the wild if it is able to feed and fend for itself.

### **Dangerous wild animals: duty to notify**

**5.** The licence holder must notify the licensing authority of any dangerous wild animals held in the animal welfare establishment.

### **Suitable accommodation**

**6.**—(1) Animals must be kept in housing which minimises stress including from other animals and the public.

(2) Where members of the public can view or come into contact with the animals, signage must be in place to deter disturbance of the animals.

(3) Dangerous wild animals (if any) must be kept in secure accommodation that is lockable and appropriate for the species.

## SCHEDULE 6

Regulation 2

### Specific conditions: breeding dogs

#### Interpretation

1. In this schedule—

“adult dog” means a dog aged 6 months or more,

“breeding procedure” means a procedure involving—

(a) artificial insemination of semen into the vagina or uterus, or

(b) the placement of one or more embryos into the uterus,

with the purpose of establishing pregnancy,

“microchipped” means microchipped in accordance with regulation 6(5) of the Microchipping of Dogs (Scotland) Regulations 2016<sup>(6)</sup>,

“prospective purchaser” means a person who seeks to purchase a puppy,

“sleeping area” means a fully-enclosed indoor area in which a dog can rest and sleep.

#### Advertisements and sales

2.—(1) A dog must not be advertised or offered for sale—

(a) which was not bred by the licence holder,

(b) from any place other than the premises where it was born and reared under the licence,

unless the dog is over the age of 12 months and was procured by the licence holder for breeding purposes.

(2) Any advertisement for the sale of a dog must—

(a) include the number of the licence holder’s licence,

(b) specify the local authority that issued the licence,

(c) include a recognisable photograph of the dog being advertised, and

(d) display the age of the dog being advertised.

(3) Any equipment and accessories being sold with a dog must be suitable for it.

(4) The purchaser must be informed of the age, sex and veterinary record of the dog being sold.

(5) No puppy aged under 8 weeks may be—

(a) sold, or

(b) permanently separated from its biological mother.

(6) A puppy may only be shown to a prospective purchaser if it is together with its biological mother.

(7) Sub-paragraphs (5)(b) and (6) do not apply in relation to a puppy if—

(a) separation of the puppy from its biological mother is necessary for the health or welfare of the puppy, other puppies from the same litter or its biological mother, or

(b) the puppy’s biological mother is deceased.

(8) A dog may only be sold if the name, and an address, of the licence holder are disclosed to the purchaser.

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<sup>(6)</sup> S.S.I. 2016/58.

### **Number of breeding bitches and litters produced**

3.—(1) The number of breeding bitches kept in relation to the licensable activity of breeding dogs at any time on the premises specified in the licence and on which the licensable activity is carried on must not exceed the maximum number specified by the local authority in the licence.

(2) The number of litters produced on the premises during each consecutive 12 month period commencing with the date on which the licence was granted or, as the case may be, renewed must not exceed the maximum number of breeding bitches specified in the licence.

### **Suitable environment**

4.—(1) Each dog must have access to—

- (a) a clean, dry and warm sleeping area with comfortable bedding and which is free from draughts, and
- (b) an exercise area.

(2) Each dog must be provided with sufficient space to—

- (a) stand upright on its hind legs,
- (b) lie down fully stretched out,
- (c) wag its tail,
- (d) walk, and
- (e) turn around,

without touching another dog or the walls of the sleeping area.

(3) The exercise area must not be used as a sleeping area unless the dog chooses to do so.

(4) There must be a separate whelping area for each breeding bitch to whelp in which contains a suitable bed for whelping.

(5) Each whelping area must be maintained at an appropriate temperature and include an area which allows the breeding bitch to move away from heat spots and from her young if she chooses to do so.

(6) Each dog must be provided with constant access to a sleeping area.

(7) A separate bed or area with bedding must be provided for each adult dog.

(8) No puppy aged under 8 weeks may be transported without its biological mother except—

- (a) if a veterinary surgeon agrees for health or welfare reasons that it may be so transported, or
- (b) in an emergency.

(9) No pregnant breeding bitch may be transported later than 54 days after the date of successful mating or breeding procedure except to a veterinary surgeon.

(10) No breeding bitch may be transported earlier than 48 hours after whelping except to a veterinary surgeon where it is not otherwise practicable or appropriate for that person to attend to the bitch.

(11) In this paragraph, “exercise area” means a secure area where dogs may exercise and play.

### **Suitable diet**

5.—(1) Each puppy must be provided with the opportunity to start weaning as soon as it is capable of ingesting feed on its own.

(2) Each adult dog must be provided with feed appropriate to its needs.

(3) Each puppy must be provided with feed appropriate for its stage of development.

(4) Reasonable efforts must be made so that each puppy ingests the correct share of the feed provided.

### **Monitoring of behaviour, exercise and training**

6.—(1) The licence holder must implement and be able to demonstrate use of a documented socialisation and habituation programme for the puppies.

(2) All puppies must be given suitable and adequate opportunities to—

- (a) learn how to interact with people, dogs and other animals where such interaction benefits their welfare, and
- (b) become habituated to noises, objects and activities associated with a domestic environment.

(3) Each dog must be provided with toys or feeding enrichment (or both) unless advised otherwise by a veterinary surgeon.

(4) All adult dogs must be exercised at least twice daily away from their sleeping area unless advised otherwise by a veterinary surgeon.

(5) Where a veterinary surgeon has advised against exercising a dog, the dog must be provided with alternative forms of mental stimulation or environmental enrichment.

(6) All adult dogs must have at least daily opportunities to interact with people where such interaction benefits their welfare.

### **Housing with or apart from other dogs**

7.—(1) Each adult dog must be provided with opportunities for social contact with other dogs where such contact benefits the dog's welfare.

(2) Each adult dog must be given suitable and adequate opportunities to become habituated to handling by people.

(3) There must be an area within each sleeping area in which dogs can avoid seeing people and other dogs outside the sleeping area if they so choose.

### **Protection from suffering, injury and disease**

8.—(1) All dogs for sale must be in good health.

(2) Any dog with a condition which materially affects, or is likely to materially affect, its quality of life must not be—

- (a) transferred in ownership,
- (b) offered for sale, or
- (c) moved from the premises specified in the licence and on which the licensable activity is carried on, other than to an isolation facility or veterinary care facility where the animal is in need of isolation or treatment,

until it has recovered, ceased to require isolation or, where there is no need for the animal to be isolated, been certified by a veterinary surgeon as being in a condition that is suitable for such transfer, sale or movement.

(3) The licence holder must ensure that no bitch—

- (a) is mated or undergoes a breeding procedure if aged less than 12 months,
- (b) gives birth to more than one litter of puppies in a 12-month period,
- (c) gives birth to more than 6 litters of puppies in her lifetime,



- (d) is mated or undergoes a breeding procedure if she has had—
  - (i) two litters delivered by caesarean section, or
  - (ii) one litter delivered by caesarean section if the need for the caesarean section was due to the conformation of the bitch or her offspring.
- (e) is mated or undergoes a breeding procedure if aged 8 or more years.
- (4) Each puppy must be microchipped and registered to the licence holder before it is sold.
- (5) No dog may be kept for breeding if it can reasonably be expected, on the basis of its genotype, conformation, behaviour or state of health, that breeding from it could have a detrimental effect on its health or welfare or the health or welfare of its offspring.
- (6) Each dog must be checked in person at least two times per day.
- (7) Breeding bitches must be adequately supervised during whelping and the licence holder must keep a record of—
  - (a) the date of birth of each puppy,
  - (b) each puppy's sex and colour,
  - (c) the number of puppies in the litter, and
  - (d) any other significant events.
- (8) The licence holder must keep a record of each puppy sale including—
  - (a) the microchip number of the puppy,
  - (b) the date of the sale, and
  - (c) the age of the puppy on that date.
- (9) The licence holder must keep a record of the following in relation to each breeding dog—
  - (a) its name,
  - (b) its sex,
  - (c) its microchip and database details,
  - (d) its date of birth,
  - (e) the postal address where it normally resides,
  - (f) its breed or type,
  - (g) the date or dates of any matings and breeding procedures (whether or not any such mating or procedure is successful),
  - (h) details of its biological parents,
  - (i) details of any veterinary treatment it has received, and
  - (j) the date and cause of its death (where applicable).
- (10) In addition to the matters mentioned in sub-paragraph (9), the licence holder must keep a record of the following in relation to each breeding bitch—
  - (a) the number of matings and breeding procedures,
  - (b) its age at the time of each mating and breeding procedure,
  - (c) the total number of its litters,
  - (d) the date or dates on which it has given birth, and
  - (e) the caesarean sections it has had, if any, and their cause.
- (11) Any preventative healthcare plan agreed with the veterinary surgeon with whom the licence holder has registered under the condition specified in paragraph 9(8) of the general conditions must be implemented.

(12) The licence holder must keep a record of any preventative or curative healthcare (or both) given to each dog.

(13) Where any other activity involving animals is undertaken on the premises on which the licensable activity of breeding dogs is carried on, it must be kept entirely separate from the area where that licensable activity is carried on.

## SCHEDULE 7

Regulation 2

### Specific conditions: breeding cats

#### **Interpretation**

1. In this schedule—

“adult cat” means a cat aged 6 months or more,

“sleeping area” means a fully-enclosed indoor area in which a cat can rest and sleep.

#### **Advertisements and sales**

2.—(1) A cat must not be advertised or offered for sale—

(a) which was not bred by the licence holder,

(b) from a place other than the premises where it was born and reared under the licence,

unless the cat is over the age of 12 months and was procured by the licence holder for breeding purposes.

(2) Any advertisement for the sale of a cat must—

(a) include the number of the licence holder’s licence,

(b) specify the local authority that issued the licence, and

(c) display the age of the cat being advertised.

(3) Any equipment and accessories being sold with a cat must be suitable for it.

(4) The purchaser must be informed of the age, sex and veterinary record of the cat being sold.

(5) No kitten aged under 8 weeks may be—

(a) sold, or

(b) permanently separated from its biological mother.

(6) Sub-paragraph (5)(b) does not apply in relation to a kitten if—

(a) separation of the kitten from its biological mother is necessary for the health or welfare of the kitten, other kittens from the same litter or its biological mother, or

(b) the kitten’s biological mother is deceased.

(7) A cat may only be sold if the name, and an address, of the licence holder are disclosed to the purchaser.

#### **Number of breeding female cats and litters produced**

3.—(1) The number of breeding female cats kept in relation to the licensable activity of breeding cats at any time on the premises specified in the licence and on which the licensable activity is carried on must not exceed the number specified by the local authority in the licence.

(2) The number of litters produced on the premises during each consecutive 12 month period commencing with the date on which the licence was granted or, as the case may be, renewed must not exceed twice the maximum number of breeding female cats specified in the licence.

### **Suitable environment**

4.—(1) Each cat must have access to—

(a) a clean, dry and warm sleeping with comfortable bedding and which is free from draughts, and

(b) an exercise area.

(2) Each cat must be provided with sufficient space to—

(a) stand upright on its hind legs,

(b) lie down fully stretched out,

(c) walk, and

(d) turn around,

without touching another cat or the walls of the sleeping area.

(3) The exercise area must not be used as a sleeping area unless the cat chooses to do so.

(4) There must be a separate birthing area for each breeding female cat to give birth in and which contains a suitable bed for giving birth.

(5) Each birthing area must be maintained at an appropriate temperature and include an area which allows the breeding female cat to move away from heat spots and from her young if she chooses to do so.

(6) Each cat must be provided with constant access to a sleeping area.

(7) No kitten aged under 8 weeks may be transported without its biological mother except—

(a) if a veterinary surgeon agrees for health or welfare reasons that it may be so transported, or

(b) in an emergency.

(8) No pregnant breeding female cat may be transported later than 54 days after the date of successful mating or artificial insemination except to a veterinary surgeon.

(9) No breeding female cat may be transported earlier than 48 hours after giving birth except to a veterinary surgeon where it is not otherwise practicable or appropriate for that person to attend to the female cat.

(10) In this paragraph, “exercise area” means a secure area where cats may exercise and play.

### **Suitable diet**

5.—(1) Each kitten must be provided with the opportunity to start weaning as soon as it is capable of ingesting feed on its own.

(2) Each adult cat must be provided with feed appropriate to its needs.

(3) Each kitten must be provided with feed appropriate for its stage of development.

(4) Reasonable efforts must be made so that each kitten ingests the correct share of the feed provided.

### **Training and exercise**

6.—(1) Opportunities to exercise which benefit the cats’ physical and mental health must be provided, unless advice from a veterinarian suggests otherwise.

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

- (2) All kittens must be given suitable and adequate opportunities to—
  - (a) learn how to interact with people, cats and other animals where such interaction benefits their welfare, and
  - (b) become habituated to noises, objects and activities associated with a domestic environment.
- (3) All adult cats must have at least daily opportunities to interact with people where such interaction benefits their welfare.

### **Housing with or apart from other cats**

7. Each adult cat must be given suitable and adequate opportunities to become habituated to handling by people.

### **Protection from suffering, injury and disease**

- 8.—(1) All cats for sale must be in good health.
- (2) Any cat with a condition which materially affects, or is likely to materially affect, its quality of life must not be—
    - (a) transferred in ownership,
    - (b) offered for sale, or
    - (c) moved from the premises specified in the licence and on which the licensable activity is carried on, other than to an isolation facility or veterinary care facility where the animal is in need of isolation or treatment,until it has recovered, ceased to require isolation or, where there is no need for the cat to be isolated, been certified by a veterinary surgeon as being in a condition that is suitable for such transfer, sale or movement.
  - (3) The licence holder must ensure that no female cat—
    - (a) is mated or artificially inseminated if aged less than 10 months,
    - (b) gives birth to more than two litters of kittens within 12 months,
    - (c) gives birth to more than 8 litters of kittens in its lifetime,
    - (d) is mated or artificially inseminated if aged 8 or more years,
    - (e) is mated or artificially inseminated after she has delivered one litter of kittens by caesarean section.
  - (4) No cat may be kept for breeding if it can reasonably be expected, on the basis of its genotype, conformation, behaviour or state of health, that breeding from it could have a detrimental effect on its health or welfare or the health or welfare of its offspring.
  - (5) Breeding female cats must be supervised with minimal disturbance during birthing and the licence holder must keep a record of—
    - (a) the date of birth of each kitten,
    - (b) each kitten's sex and colour,
    - (c) the number of kittens in the litter, and
    - (d) any other significant events.
  - (6) The licence holder must keep a record of each kitten sale including—
    - (a) the microchip number of the kitten (if any),
    - (b) the date of the sale, and

- (c) the age of the kitten on that date.
- (7) The licence holder must keep a record of the following in relation to each breeding cat—
- (a) its name,
  - (b) its sex,
  - (c) its microchip and database details (if any),
  - (d) its date of birth (if known),
  - (e) the postal address where it normally resides,
  - (f) its breed or type,
  - (g) its description,
  - (h) details of its biological parents (to the extent known),
  - (i) details of any veterinary treatment it has received, and
  - (j) the date and cause of its death (where applicable).
- (8) In addition to the matters mentioned in sub-paragraph (7), the licence holder must keep a record of the following in relation to each breeding female cat—
- (a) the number of any known pregnancies,
  - (b) the number of its litters,
  - (c) the date or dates on which it has given birth, and
  - (d) the number of caesarean sections it has had, if any.
- (9) Any preventative healthcare plan agreed with the veterinary surgeon with whom the licence holder has registered under the condition in paragraph 9(8) of the general conditions must be implemented.
- (10) The licence holder must keep a record of any preventative or curative healthcare (or both) given to each cat.
- (11) Where any other activity involving animals is undertaken on the premises on which the licensable activity of breeding cats is carried on, it must be kept entirely separate from the area where that licensable activity is carried on.

## SCHEDULE 8

Regulation 2

### Specific conditions: breeding rabbits

#### **Interpretation**

**1.** In this schedule—

“adult rabbit” means a rabbit aged 3 months or more,

“nesting box” means a fully-enclosed indoor area in which a rabbit can rest and sleep.

#### **Advertisements and sales**

**2.—(1)** No kit aged under 8 weeks may be—

(a) sold, or

(b) permanently separated from its biological mother.

**(2)** Sub-paragraph (1)(b) does not apply in relation to a kit if—

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

- (a) separation of the kit from its biological mother is necessary for the health or welfare of the kit, other kits from the same litter or its biological mother, or
  - (b) the kit's biological mother is deceased.
- (3) Any advertisement for the sale of a rabbit must—
- (a) include the number of the licence holder's licence, and
  - (b) specify the local authority that issued the licence.

### **Number of breeding female rabbits**

3. The number of breeding female rabbits kept in relation to the licensable activity of breeding rabbits at any time on the premises specified in the licence and on which the licensable activity is carried on must not exceed the number specified by the local authority in the licence.

### **Suitable environment**

- 4.—(1) Each rabbit must have access to—
- (a) a clean, dry and warm sleeping area which is free from draughts, and
  - (b) an exercise area.
- (2) Each rabbit must be provided with sufficient space in the sleeping area to—
- (a) lie down fully stretched out,
  - (b) hop, and
  - (c) turn around,
- without touching another rabbit or the walls of the sleeping area.
- (3) The exercise area must not be used as a sleeping area unless the rabbit chooses to do so.
- (4) For each breeding female rabbit, there must be—
- (i) a nesting box to give birth in and which is lined with suitable nesting material such as dust-free wood shavings or grass hay, or
  - (ii) a plentiful supply of such nesting material available to the rabbit.
- (5) The nesting box must not be accessible to other rabbits when being used by a breeding female rabbit to give birth in.
- (6) In this paragraph, "exercise area" means a secure area where rabbits can hop, scratch, forage and stretch to their full height.

### **Training and exercise**

- 5.—(1) Opportunities to exercise which benefit the rabbits' physical and mental health must be provided, unless advice from a veterinarian suggests otherwise.
- (2) All kits must be given suitable and adequate opportunities to—
- (a) learn how to interact with people, rabbits and other animals where such interaction benefits their welfare, and
  - (b) become habituated to noises, objects and activities associated with a domestic environment.
- (3) All rabbits must have at least daily opportunities to interact with people where such interaction benefits their welfare.

### **Suitable diet**

- 6.—(1) All adult rabbits must have continuous access to clean and safe drinking water.
- (2) Each adult rabbit must be provided with feed appropriate to its needs.
- (3) Each kit must be provided with feed appropriate for its stage of development.

### **Protection from suffering, injury and disease**

- 7.—(1) All rabbits for sale must be in good health.
- (2) Any rabbit with a condition which materially affects, or is likely to materially affect, its quality of life must not be—
  - (a) transferred in ownership,
  - (b) offered for sale, or
  - (c) moved from the premises specified in the licence and on which the licensable activity is carried on, other than to an isolation facility or veterinary care facility where the animal is in need of isolation or treatment,until it has recovered, ceased to require isolation or, where there is no need for the rabbit to be isolated, been certified by a veterinary surgeon as being in a condition that is suitable for such transfer, sale or movement.
- (3) The licence holder must ensure that no female rabbit—
  - (a) is mated or artificially inseminated if aged less than 5 months,
  - (b) gives birth to more than 4 litters of kits within 12 months,
  - (c) gives birth to more than 16 litters of kits in its lifetime,
  - (d) is mated or artificially inseminated if aged 6 or more years.
- (4) No rabbit may be kept for breeding if it can reasonably be expected, on the basis of its genotype, conformation, behaviour or state of health, that breeding from it could have a detrimental effect on its health or welfare or the health or welfare of its offspring.
- (5) Where any other activity involving animals is undertaken on the premises on which the licensable activity of breeding rabbits is carried on, it must be kept entirely separate from the area where that licensable activity is carried on.
- (6) No adult rabbit may be isolated or separated from others rabbits for longer than is necessary.