



# Breeding of Dogs Act 1973

## 1973 CHAPTER 60

An Act to regulate the commercial breeding of dogs; to provide for inspection of premises at which dogs are bred and for control over the transportation of puppies; and for purposes connected with those matters. [25th October 1973]

### Modifications etc. (not altering text)

- C1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)
- C2 Act excluded by [Animals \(Scientific Procedures\) Act 1986 \(c. 14, SIF 4:5\), s. 27\(3\)](#)
- C3 Act: Definitions of "local authority", "veterinary practitioner" and "veterinary surgeon" applied (25.9.1991) by [Breeding of Dogs Act 1991 \(c. 64, SIF 4:1\), ss. 1\(7\), 3\(2\)](#)

### Commencement Information

- II Act wholly in force at 1.4.1974, see [s. 7\(3\)](#)

## 1 Licensing of breeding establishments for dogs. **E+W**

- (1) No person shall keep a breeding establishment for dogs except under the authority of a licence granted in accordance with the provisions of this Act.
- (2) Every local authority may, on application being made to them for that purpose by a person who is not for the time being disqualified—
  - (a) under this Act, from keeping a breeding establishment for dogs; or
  - (b) under the <sup>M1</sup>Pet Animals Act 1951, from keeping a pet shop; or
  - (c) . . . <sup>F1</sup>
  - (d) . . . <sup>F1</sup>
  - (e) under the <sup>M2</sup>Protection of Animals (Amendment) Act 1954, from having the custody of animals; or
  - (f) under the <sup>M3</sup>Animal Boarding Establishments Act 1963, from the boarding of animals,

and on payment of a fee of two pounds or such [<sup>F2</sup>reasonable sum as the authority may] determine, grant a licence to that person to keep a breeding establishment for

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dogs at such premises in their area as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.

(3) . . . <sup>F3</sup>

(4) In determining whether to grant a licence for the keeping of a breeding establishment for dogs by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing—

- (a) that the dogs will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;
- (b) that the dogs will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and (so far as necessary) visited at suitable intervals;
- (c) that all reasonable precautions will be taken to prevent and control the spread among dogs of infectious or contagious diseases;
- (d) that appropriate steps will be taken for the protection of the dogs in case of fire or other emergency;
- (e) that all appropriate steps will be taken to secure that the dogs will be provided with suitable food, drink and bedding material and adequately exercised when being transported to or from the breeding establishment;

and shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case for securing all the objects specified in paragraphs (a) to (e) of this subsection.

(5) Any person aggrieved by the refusal of a local authority to grant such a licence, or by any condition subject to which such a licence is proposed to be granted, may appeal to a magistrates' court; and the court may on such an appeal give such directions with respect to the issue of a licence or, as the case may be, with respect to the conditions subject to which a licence is to be granted as it thinks proper.

(6) Any such licence shall (according to the applicant's requirements) relate to the year in which it is granted or to the next following year. In the former case, the licence shall come into force at the beginning of the day on which it is granted, and in the latter case it shall come into force at the beginning of the next following year.

(7) Subject to the provisions hereinafter contained with respect to cancellation, any such licence shall remain in force until the end of the year to which it relates and shall then expire.

(8) In the event of the death of a person who is keeping a breeding establishment for dogs at any premises under the authority of a licence granted under this Act, that licence shall be deemed to have been granted to his personal representatives in respect of those premises and shall, notwithstanding subsection (7) of this section (but subject to the provisions hereinafter contained with respect to cancellation), remain in force until the end of the period of three months beginning with the death and shall then expire:

Provided that the local authority by whom the licence was granted may from time to time, on the application of those representatives, extend or further extend the said period of three months if the authority are satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.

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- (9) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence; and if any condition subject to which a licence is granted in accordance with the provisions of this Act is contravened or not complied with, the person to whom the licence was granted shall be guilty of an offence.
- (10) In the application of this section to Scotland, in subsection (5) for any reference to a magistrates' court there shall be substituted a reference to the sheriff.

#### Extent Information

- E1** S. 1: this version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

#### Textual Amendments

- F1** S. 1(2)(c) and(d) repealed by Protection of Animals (Amendment) Act 1988 (c. 29, SIF 4:5), s. 3(2)(3), Sch.
- F2** Words in s. 1 substituted (E.W.) by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), Sch. 6 para. 15
- F3** S. 1(3) repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 1(6), Sch. 34 Pt. VI

#### Modifications etc. (not altering text)

- C4** S. 1 restricted (25.9.1991) by Breeding of Dogs Act 1991 (c. 64, SIF 4:1), ss. 2(2), 3(2)

#### Marginal Citations

- M1** 1951 c. 35.  
**M2** 1954 c. 40.  
**M3** 1963 c. 43.

## 1 Licensing of breeding establishments for dogs. **S**

- (1) No person shall keep a breeding [<sup>F17</sup>or rearing] establishment for dogs except under the authority of a licence granted in accordance with the provisions of this Act.
- (2) Every local authority may, on application being made to them for that purpose by a person who is not for the time being disqualified—
- under this Act, from keeping a breeding [<sup>F17</sup>or rearing] establishment for dogs; or
  - under the <sup>M10</sup>Pet Animals Act 1951, from keeping a pet shop; or
  - ... <sup>F18</sup>
  - ... <sup>F18</sup>
  - under the <sup>M11</sup>Protection of Animals (Amendment) Act 1954, from having the custody of animals; or
  - under the <sup>M12</sup>Animal Boarding Establishments Act 1963, from the boarding of animals,

and on payment of a fee of two pounds or such sum as the [<sup>F19</sup>local authority may] determine, grant a licence to that person to keep a breeding [<sup>F17</sup>or rearing] establishment for dogs at such premises in their area as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.

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(3) . . . <sup>F20</sup>

(4) In determining whether to grant a licence for the keeping of a breeding [<sup>F17</sup>or rearing] establishment for dogs by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing—

- (a) that the dogs will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;
- (b) that the dogs will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and (so far as necessary) visited at suitable intervals;
- (c) that all reasonable precautions will be taken to prevent and control the spread among dogs of infectious or contagious diseases;
- (d) that appropriate steps will be taken for the protection of the dogs in case of fire or other emergency;
- (e) that all appropriate steps will be taken to secure that the dogs will be provided with suitable food, drink and bedding material and adequately exercised when being transported to or from the breeding [<sup>F17</sup>or rearing] establishment;

and shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case for securing all the objects specified in paragraphs (a) to (e) of this subsection.

(5) Any person aggrieved by the refusal of a local authority to grant such a licence, or by any condition subject to which such a licence is proposed to be granted, may appeal to a magistrates' court; and the court may on such an appeal give such directions with respect to the issue of a licence or, as the case may be, with respect to the conditions subject to which a licence is to be granted as it thinks proper.

(6) Any such licence shall (according to the applicant's requirements) relate to the year in which it is granted or to the next following year. In the former case, the licence shall come into force at the beginning of the day on which it is granted, and in the latter case it shall come into force at the beginning of the next following year.

(7) Subject to the provisions hereinafter contained with respect to cancellation, any such licence shall remain in force until the end of the year to which it relates and shall then expire.

(8) In the event of the death of a person who is keeping a breeding [<sup>F17</sup>or rearing] establishment for dogs at any premises under the authority of a licence granted under this Act, that licence shall be deemed to have been granted to his personal representatives in respect of those premises and shall, notwithstanding subsection (7) of this section (but subject to the provisions hereinafter contained with respect to cancellation), remain in force until the end of the period of three months beginning with the death and shall then expire:

Provided that the local authority by whom the licence was granted may from time to time, on the application of those representatives, extend or further extend the said period of three months if the authority are satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.

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- (9) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence; and if any condition subject to which a licence is granted in accordance with the provisions of this Act is contravened or not complied with, the person to whom the licence was granted shall be guilty of an offence.
- (10) In the application of this section to Scotland, in subsection (5) for any reference to a magistrates' court there shall be substituted a reference to the sheriff.

#### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

#### Textual Amendments

- F17** Words in s. 1 inserted (S.) by Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), **Sch. 3 para. 3(a)**
- F18** S. 1(2)(c) and(d) repealed by Protection of Animals (Amendment) Act 1988 (c. 29, SIF 4:5), s. 3(2)(3), **Sch.**
- F19** Words in s. 1 substituted (S.) by Local Government (Scotland) Act 1975 (c. 30), s. 38(1), **Sch. 6 Pt. II para. 45(a)**
- F20** S. 1(3) repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 1(6), **Sch. 34 Pt. VI**

#### Modifications etc. (not altering text)

- C5** S. 1 restricted (25.9.1991) by Breeding of Dogs Act 1991 (c. 64, SIF 4:1), **ss. 2(2), 3(2)**

#### Marginal Citations

- M10** 1951 c. 35.  
**M11** 1954 c. 40.  
**M12** 1963 c. 43.

## 2 Inspection of breeding establishments for dogs.

- (1) A local authority may authorise in writing any of its officers or any veterinary surgeon or veterinary practitioner to inspect (subject to compliance with such precautions as the authority may specify to prevent the spread among animals of infectious or contagious diseases) any premises in their area as respects which a licence granted in accordance with the provisions of this Act is for the time being in force, and any person authorised under this section may, on producing his authority if so required, enter any such premises at all reasonable times and inspect them and any animals found thereon or any thing therein, for the purpose of ascertaining whether an offence has been or is being committed against this Act.
- (2) Any person who wilfully obstructs or delays any person in the exercise of his powers of entry or inspection under this section shall be guilty of an offence.

## 3 Offences and disqualifications.

- (1) Any person guilty of an offence under any provision of this Act other than the last foregoing section shall be liable on summary conviction to a fine not exceeding [<sup>F4</sup>level 4 on the standard scale].

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- (2) Any person guilty of an offence under the last foregoing section shall be liable on summary conviction to a fine not exceeding [<sup>F5</sup>level 3 on the standard scale].
- (3) Where a person is convicted of any offence under this Act or of any offence under the <sup>M4</sup>Protection of Animals Act 1911 or the <sup>M5</sup>Protection of Animals (Scotland) Act 1912, the <sup>M6</sup>Pet Animals Act 1951 or the <sup>M7</sup>Animal Boarding Establishments Act 1963, the court by which he is convicted may cancel any licence held by him under this Act, and may, whether or not he is the holder of such a licence, disqualify him from keeping a breeding [<sup>F6</sup>or rearing] establishment for dogs for such period as the court thinks fit.
- (4) A court which has ordered the cancellation of a person's licence, or his disqualification, in pursuance of the last foregoing subsection may, if it thinks fit, suspend the operation of the order pending an appeal.

#### Textual Amendments

- F4** “£200” substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G**
- F5** “£100” substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G**
- F6** Words inserted (S.) by Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), **Sch. 3 para. 3(a)**

#### Marginal Citations

- M4** 1911 c. 27.  
**M5** 1912 c. 14.  
**M6** 1951 c. 35.  
**M7** 1963 c. 43.

VALID FROM 30/12/1999

#### [<sup>F7</sup>3A [<sup>F7</sup> Fees.]

- (1) The costs of inspecting premises under this Act and the <sup>M8</sup>Breeding of Dogs Act 1991 shall be met by the local authority concerned.
- (2) A local authority may charge fees—
  - (a) in respect of applications for the grant of licences under this Act; and
  - (b) in respect of inspections of premises under section 1(2A) of this Act.
- (3) A local authority may set the level of fees to be charged by virtue of subsection (2) of this section—
  - (a) with a view to recovering the reasonable costs incurred by them in connection with the administration and enforcement of this Act and the Breeding of Dogs Act 1991; and
  - (b) so that different fees are payable in different circumstances.]

#### Textual Amendments

- F7** S. 3A and crossheading inserted (30.12.1999) by 1999 c. 11, **ss. 6, 11(2)**

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### Marginal Citations

M8 1991 c.64.

4 ..... F8

### Textual Amendments

F8 S. 4 repealed by Local Government Act 1974 (c. 7), Sch. 7 para. 15(1), Sch. 8

VALID FROM 30/12/1999

### [<sup>F9</sup>4A [<sup>F9</sup> Breeding establishments for dogs.]

- (1) References in this Act to the keeping of a breeding establishment for dogs shall be construed in accordance with this section.
- (2) A person keeps a breeding establishment for dogs at any premises if he carries on at those premises a business of breeding dogs for sale (whether by him or any other person).
- (3) Subject to subsection (5) of this section, where—
  - (a) a person keeps a bitch at any premises at any time during any period of twelve months; and
  - (b) the bitch gives birth to a litter of puppies at any time during that period, he shall be treated as carrying on a business of breeding dogs for sale at the premises throughout the period if a total of four or more other litters is born during the period to bitches falling within subsection (4) of this section.
- (4) The bitches falling within this subsection are—
  - (a) the bitch mentioned in subsection (3)(a) and (b) of this section and any other bitches kept by the person at the premises at any time during the period;
  - (b) any bitches kept by any relative of his at the premises at any such time;
  - (c) any bitches kept by him elsewhere at any such time; and
  - (d) any bitches kept (anywhere) by any person at any such time under a breeding arrangement made with him.
- (5) Subsection (3) of this section does not apply if the person shows that none of the puppies born to bitches falling within paragraph (a), (b) or (d) of subsection (4) of this section was in fact sold during the period (whether by him or any other person).
- (6) In subsection (4) of this section “breeding arrangement” means a contract or other arrangement under which the person agrees that another person may keep a bitch of his on terms that, should the bitch give birth, the other person is to provide him with either—
  - (a) one or more of the puppies; or
  - (b) the whole or part of the proceeds of selling any of them;and “relative” means the person’s parent or grandparent, child or grandchild, sibling, aunt or uncle or niece or nephew or someone with whom he lives as a couple.

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(7) In this section “premises” includes a private dwelling.]

#### Textual Amendments

**F9** S. 4A and crossheading inserted (30.12.1999) by 1999 c. 11, ss. 7, 11(2)

VALID FROM 30/12/1999

#### [<sup>F10</sup>4B [<sup>F10</sup> Rearing establishments for dogs.]

- (1) For the purposes of the application of this Act in relation to Scotland, a person keeps a rearing establishment for dogs at any premises if he carries on at those premises a business of rearing dogs for sale (whether by him or any other person).
- (2) In subsection (1) of this section “premises” includes a private dwelling.]

#### Textual Amendments

**F10** S. 4B and crossheading inserted (30.12.1999) by 1999 c. 11, ss. 7, 11(2)

## 5 Interpretation.

- (1) References in this Act to the keeping by any person of a breeding [<sup>F11</sup>or rearing] establishment for dogs shall be construed as references to the carrying on by that person at premises of any nature (including a private dwelling) of a business of breeding [<sup>F11</sup>or rearing]dogs, with a view to their being sold in the course of such business, whether by the keeper thereof or by any other person:

Provided that nothing in this Act shall apply to the keeping of a dog at any premises in pursuance of a requirement imposed under, or having effect by virtue of, the <sup>M9</sup>Diseases of Animals Act 1950.

- (2) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

[<sup>F12</sup> “breeding establishment” means any premises (including a private dwelling) where more than two bitches are kept for the purpose of breeding for sale;][<sup>F12</sup>“breeding or rearing establishment” means any premises (including a private dwelling) where more than two bitches are kept for the purposes of breeding for sale or where a business of rearing puppies for sale is carried on]

“local authority” means [<sup>F13</sup>in England and Wales] the council of a London borough [<sup>F14</sup>the council of a district] or the Common Council of the City of London; and in Scotland means [<sup>F15</sup>an islands or district council];

“veterinary practitioner” means a person who is for the time being registered in the supplementary veterinary register;

“veterinary surgeon” means a person who is for the time being registered in the register of veterinary surgeons.



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#### Textual Amendments

- F11** Words inserted (S.) by [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), **Sch. 3 para. 3(a)**
- F12** The definition “breeding establishment” substituted (S.) by [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), **Sch. 3 para. 3(b)**
- F13** Words inserted by [Local Government Act 1974 \(c. 7\)](#), **Sch. 7 para. 15(2)**
- F14** Words substituted by [Local Government Act 1974 \(c. 7\)](#), **Sch. 7 para. 15(2)**
- F15** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 27 Pt. II para. 211**

#### Marginal Citations

- M9** 1950 c. 36.

## 6 Transitional provision.

Notwithstanding anything in this Act, a person who, immediately before the date of the commencement of this Act [<sup>F16</sup>or the date when it first applied to the rearing of puppies], was keeping a breeding [<sup>F16</sup>or, as the case may be, rearing,] establishment for dogs at any premises, and who is not disqualified as mentioned in section 1(2) of this Act, shall be entitled to keep such an establishment at those premises without a licence under this Act—

- (a) for the period of ninety days beginning with that date; and
- (b) if before the expiration of that period he applies for a licence under this Act in respect of those premises, until the licence is granted or finally refused or the application is withdrawn.

#### Textual Amendments

- F16** Words inserted (S.) by [Civic Government \(Scotland\) Act 1982 \(c.45, SIF 81:2\)](#), **Sch. 3 para. 3(c)**

## 7 Short title, extent and commencement.

- (1) This Act may be cited as the Breeding of Dogs Act 1973.
- (2) This Act shall not extend to Northern Ireland.
- (3) This Act shall come into operation on 1st April 1974.

**Status:**

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**Changes to legislation:**

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