



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.

- (1) No person shall keep a breeding [^{F1}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—
 - (a) ^{F2}..., from keeping a breeding [^{F1}or rearing] establishment for dogs; or
 - (b) under the ^{M1}Pet Animals Act 1951, from keeping a pet shop; or
 - ^{F3}(c)
 - ^{F3}(d)
 - (e) under the ^{M2}Protection of Animals (Amendment) Act 1954, from having the custody of animals; or
 - (f) under the ^{M3}Animal Boarding Establishments Act 1963, from the boarding of animals,

^{F2}..., grant a licence to that person to keep a breeding [^{F1}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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[^{F4}(2A) On receipt of an application by a person to a local authority for the grant of a licence under this Act in respect of any premises—

- (a) if a licence under this Act has not previously been granted to the person in respect of the premises, the authority shall arrange for the inspection of the premises by a veterinary surgeon or veterinary practitioner and by an officer of the authority; and
- (b) in any other case, the authority shall arrange for the inspection of the premises by a veterinary surgeon or veterinary practitioner or by an officer of the authority (or by both).

[Where a person is disqualified under section 28F(1) and (2) of the Animal Health Act ^{F5}(2AA) 1981 (c. 22), or section 40(1) and (2) of the [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), notwithstanding subsection (2), a local authority shall not grant a licence to keep a breeding establishment for dogs to that person.]

(2B) Where an inspection is arranged under subsection (2A) of this section, the local authority shall arrange for the making of a report about the premises, the applicant and any other relevant matter; and the authority shall consider the report before determining whether to grant a licence.]

^{F6}(3)

(4) In determining whether to grant a licence for the keeping of a breeding [^{F1}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 ^{F7}... 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 [^{F1}or rearing] establishment;
- [^{F8}(f) that bitches are not mated if they are less than one year old;
- (g) that bitches do not give birth to more than six litters of puppies each;
- (h) that bitches do not give birth to puppies before the end of the period of twelve months beginning with the day on which they last gave birth to puppies; and
- (i) that accurate records in a form prescribed by regulations are kept at the premises and made available for inspection there by any officer of the local authority, or any veterinary surgeon or veterinary practitioner, authorised by the local authority to inspect the premises;]

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 [^{F8}paragraphs (a) to (i)] of this subsection.

[^{F9}(4A) Regulations under paragraph (i) of subsection (4) of this section shall be made by the Secretary of State by statutory instrument; and a statutory instrument containing

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regulations made under that paragraph shall be subject to annulment in pursuance of a resolution of [^{F10}the Scottish Parliament].]

- (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.

[^{F11}(5A) A local authority shall determine whether to grant such a licence before the end of the period of three months beginning with the day on which the application for the licence is received.]

- (6) Any such licence shall [^{F12}come into force at the beginning of the day specified in the licence as the day on which it is to come into force; and that day shall be the later of—
- (a) the day stated in the application as that on which the applicant wishes the licence to come into force; and
 - (b) the day on which the licence is granted.]

- (7) Subject to the provisions hereinafter contained with respect to cancellation, any such licence shall remain in force until the end of the [^{F13}period of one year beginning with the day on which it comes into force] and shall then expire.

- (8) In the event of the death of a person who is keeping a breeding [^{F1}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.

- (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.

Textual Amendments

- F1** Words in s. 1 inserted (S.) by [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), **Sch. 3 para. 3(a)**
- F2** Words in s. 1(2) repealed (30.12.1999) [1999 c. 11, ss. 10, 11\(2\)](#), **Sch.**
- F3** S. 1(2)(c)(d) repealed by [Protection of Animals \(Amendment\) Act 1988 \(c. 29, SIF 4:5\)](#), s. 3(2)(3), **Sch.**
- F4** S. 1(2A)(2B) inserted (30.12.1999) by [1999 c. 11, ss. 1, 11\(2\)](#)
- F5** [S. 1\(2AA\) inserted \(S.\) \(3.11.2006\) by The Animal Health and Welfare \(Scotland\) Act 2006 \(Consequential Provisions\) Order 2006 \(S.S.I. 2006/536\)](#), art. 1, **sch. 1 para. 6(2)**

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- F6** 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](#)
- F7** Words in s. 1(4)(b) repealed (30.12.1999) by [1999 c. 11, ss. 2\(1\), 10, 11\(2\)](#), [Sch.](#) (with s. 2(4))
- F8** S. 1(4)(f)-(i) and words in s. 1(4) inserted (30.12.1999) by [1999 c. 11, ss. 2\(2\)](#), 11(2)
- F9** S. 1(4A) inserted (30.12.1999) by [1999 c. 11, ss. 2\(3\)](#), 11(2)
- F10** Words in s. 1(4A) substituted (15.12.1999) by [S.I. 1999/3321, arts. 1\(1\), 2\(a\), 3\(1\)](#) (with art. 4)
- F11** S. 1(5A) inserted (30.12.1999) by [1999 c. 11, ss. 3\(1\)\(4\)](#), 11(2)
- F12** S. 1(6)(a)(b) and words immediately preceding substituted (30.12.1999) by [1999 c. 11, ss. 3\(2\)\(4\)](#), 11(2)
- F13** Words in s. 1(7) substituted (30.12.1999) by [1999 c. 11, ss. 3\(3\)\(4\)](#), 11(2)

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)
S. 1: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\)](#), [Sch. 1](#)
- C5** S. 1(4)(i): transfer of functions (S.) (15.12.1999) by [S.I. 1999/3321, art. 2\(a\)](#) (with art. 4)

Marginal Citations

- M1** [1951 c. 35.](#)
- M2** [1954 c. 40.](#)
- M3** [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 [^{F14}to—
(a) imprisonment for a term not exceeding three months; or
(b) a fine not exceeding level 4 on the standard scale,
or to both.]
- (2) Any person guilty of an offence under the last foregoing section shall be liable on summary conviction to a fine not exceeding [^{F15}level 3 on the standard scale].
- (3) Where a person is convicted of any offence under this Act [^{F16}, the court by which he is convicted may (in addition to or in substitution for any penalty under subsection (1) or (2) of this section) make an order providing for any one or more of the following—
(a) the cancellation of any licence held by him under this Act;

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- (b) his disqualification, for such period as the court thinks fit, from keeping an establishment the keeping of which is required to be licensed under this Act; and
 - (c) his disqualification, for such period as the court thinks fit, from having custody of any dog of a description specified in the order.]
- (4) A court which has [^{F17}made an order under this section] may, if it thinks fit, suspend the operation of the order pending an appeal.

[^{F18}(4A) Where a person is convicted of any offence under sections 28C or 28F(16) of the Animal Health Act 1981 (c. 22), or sections 19 to 24, 25(7), 29 or 40(11) of the Animal Health and Welfare (Scotland) Act 2006 (asp 11), the court by which he is convicted has the same powers under subsections (3) and (4) in relation to such convictions as it has in relation to convictions for offences under this Act.]

[^{F19}(5) Where a court makes an order under subsection (3)(c) of this section in relation to a description of dogs it may also make such order as it thinks fit in respect of any dog of that description which—

- (a) was in the offender's custody at the time when the offence was committed; or
- (b) has been in his custody at any time since that time.

(6) An order under subsection (5) of this section may (in particular)—

- (a) require any person who has custody of the dog to deliver it up to a specified person; and
- (b) (if it does) also require the offender to pay specified amounts to specified persons for the care of the dog from the time when it is delivered up in pursuance of the order until permanent arrangements are made for its care or disposal.

(7) A person who—

- (a) has custody of a dog in contravention of an order under subsection (3)(c) of this section; or
- (b) fails to comply with a requirement imposed on him under subsection (6) of this section,

shall be guilty of an offence.

(8) Where a court proposes to make an order under subsection (5) of this section in respect of a dog owned by a person other than the offender, the court shall notify the owner who may make representations to the court; and if an order is made the owner may, within the period of seven days beginning with the date of the order, appeal to—

- (a) in England and Wales, the Crown Court; or
- (b) in Scotland, the High Court of Justiciary,

against the order.

(9) A person who is subject to a disqualification by virtue of an order under subsection (3)(c) of this section may, at any time after the end of the period of one year beginning with the date of the order, apply to the court which made the order (or, in England and Wales, any magistrates' court acting [^{F20}in the same local justice] area) for a direction terminating the disqualification from such date as the court considers appropriate.

(10) On an application under subsection (9) of this section the court—

- (a) shall notify the relevant local authority which may make representations to the court;

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- (b) shall, having regard to the applicant's character and his conduct since the disqualification was imposed, any representations made by the relevant local authority and any other circumstances of the case, grant or refuse the application; and
- (c) may order the applicant to pay all or any part of the costs, or (in Scotland) expenses, of the application (including any costs, or expenses, of the relevant local authority in making representations);

and in this subsection "the relevant local authority" means the local authority in whose area are situated the premises in relation to which the offence which led to the disqualification was committed.

- (11) Where an application under subsection (9) of this section in respect of a disqualification is refused, no further application under that subsection in respect of that disqualification shall be entertained if made before the end of the period of one year beginning with the date of the refusal.]

Textual Amendments

- F14** S. 3(1)(a)(b) and word substituted (30.12.1999) by 1999 c. 11, **ss. 4(1)(2)**, 11(2)
- F15** "£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**
- F16** S. 3(3)(a)-(c) and words substituted for words (30.12.1999) by 1999 c. 11, **ss. 5(1)(6)**, 11(2)
- F17** Words in s. 3(4) substituted (30.12.1999) by 1999 c. 11, **ss. 5(2)(6)**, 11(2)
- F18** S. 3(4A) inserted (S.) (3.11.2006) by *The Animal Health and Welfare (Scotland) Act 2006 (Consequential Provisions) Order 2006* (S.S.I. 2006/536), art. 1, **sch. 1 para. 6(3)**
- F19** S. 3(5)-(11) inserted (30.12.1999) by 1999 c. 11, **ss. 5(3)(6)**, 11(2)
- F20** Words in s. 3(9) substituted (1.4.2005) by *Courts Act 2003* (c. 39), s. 110(1), **Sch. 8 para. 171**; S.I. 2005/910, art. 3(y)

Modifications etc. (not altering text)

- C6** S. 3(5)-(11) extended (30.12.1999) by 1991 c. 64, s. **2(2B)** (as inserted by 1999 c. 11, **ss. 5(5)(6)**, 11(2))

[^{F21}3A [^{F21} Fees.]

- (1) The costs of inspecting premises under this Act and the ^{M4}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.]

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Textual Amendments

F21 S. 3A and crossheading inserted (30.12.1999) by 1999 c. 11, ss. 6, 11(2)

Marginal Citations

M4 1991 c.64.

4 F22

Textual Amendments

F22 S. 4 repealed by Local Government Act 1974 (c. 7), Sch. 7 para. 15(1), Sch. 8

[^{F23}4A] [^{F23} 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;

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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.

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

Textual Amendments

F23 S. 4A and crossheading inserted (30.12.1999) by 1999 c. 11, ss. 7, 11(2)

[^{F24}4B] [^{F24} 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

F24 S. 4B and crossheading inserted (30.12.1999) by 1999 c. 11, ss. 7, 11(2)

5 Interpretation.

(1) ^{F25}... 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 ^{M5}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:—

^{F26}
...

“local authority” means [^{F27}in England ^{F28}...] the council of a London borough [^{F29}the council of a district] or the Common Council of the City of London [^{F30}and in Wales the council of a county or county borough]; and in Scotland means [^{F31}a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

“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.

Textual Amendments

F25 Words in s. 5(1) repealed (30.12.1999) by 1999 c. 11, ss. 10, 11(2), Sch.

F26 S. 5(2): definition of “breeding or rearing establishment” repealed (30.12.1999) by 1999 c. 11, ss. 10, 11(2), Sch.

F27 Words inserted by Local Government Act 1974 (c. 7), Sch. 7 para. 15(2)

F28 Words in definition of “local authority” in s. 5(2) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 42, Sch. 18 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2

F29 Words substituted by Local Government Act 1974 (c. 7), Sch. 7 para. 15(2)

F30 Words in s. 5(2) inserted (1.4.1996) by 1994 c. 19, s. 66(6), Sch. 16 para. 42 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 2, Sch. 2

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F31 Words in definition of “local authority” in s. 5(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 91**; S.I. 1996/323, **art. 4(1)(b)(c)**

Marginal Citations

M5 1950 c. 36.

F32⁶

Textual Amendments

F32 S. 6 repealed (30.12.1999) by 1999 c. 11, ss. 10, 11(2), **Sch.**

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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