



# Breeding of Dogs Act 1973

## 1973 CHAPTER 60

### 1 Licensing of breeding establishments for dogs.

- (1) No person shall keep a breeding [<sup>F1</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—
  - (a) <sup>F2</sup> . . ., from keeping a breeding [<sup>F1</sup>or rearing] establishment for dogs; or
  - (b) under the <sup>M1</sup>Pet Animals Act 1951, from keeping a pet shop; or
  - <sup>F3</sup>(c) . . . . .
  - <sup>F3</sup>(d) . . . . .
  - (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,

<sup>F2</sup> . . ., grant a licence to that person to keep a breeding [<sup>F1</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.

[<sup>F4</sup>(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).

(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.]

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*Status: Point in time view as at 30/12/1999. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Breeding of Dogs Act 1973, Section 1. (See end of Document for details)*

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<sup>F5</sup>(3) .....

(4) In determining whether to grant a licence for the keeping of a breeding [<sup>F1</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 <sup>F6</sup> . . . 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>F1</sup>or rearing] establishment;
- <sup>F7</sup>(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 [<sup>F7</sup> paragraphs (a) to (i)] of this subsection.

<sup>F8</sup>(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 regulations made under that paragraph shall be subject to annulment in pursuance of a resolution of [<sup>F9</sup>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.

<sup>F10</sup>(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 [<sup>F11</sup>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.]

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- (7) Subject to the provisions hereinafter contained with respect to cancellation, any such licence shall remain in force until the end of the [F12] 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(3) repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 1(6), **Sch. 34 Pt. VI**
- F6** 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))
- F7** S. 1(4)(f)-(i) and words in s. 1(4) inserted (30.12.1999) by 1999 c. 11, **ss. 2(2), 11(2)**
- F8** S. 1(4A) inserted (30.12.1999) by 1999 c. 11, **ss. 2(3), 11(2)**
- F9** Words in s. 1(4A) substituted (15.12.1999) by S.I. 1999/3321, **arts. 1(1), 2(a), 3(1)** (with art. 4)
- F10** S. 1(5A) inserted (30.12.1999) by 1999 c. 11, **ss. 3(1)(4), 11(2)**
- F11** S. 1(6)(a)(b) and words immediately preceding substituted (30.12.1999) by 1999 c. 11, **ss. 3(2)(4), 11(2)**
- F12** Words in s. 1(7) substituted (30.12.1999) by 1999 c. 11, **ss. 3(3)(4), 11(2)**

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

- C1** 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**
- C2** 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.

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**M2** 1954 c. 40.

**M3** 1963 c. 43.

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**Changes to legislation:**

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