
WELSH STATUTORY INSTRUMENTS

2014 No. 3266

**The Animal Welfare (Breeding of
Dogs) (Wales) Regulations 2014**

PART 1

Introduction

Title, application and commencement

1.—(1) The title of these Regulations is the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.

(2) They apply in relation to Wales and come into force on 30 April 2015.

Repeal of section 1(1) of the Breeding of Dogs Act 1973

2. In section 1 of the Breeding of Dogs Act 1973 (licensing of breeding establishments for dogs), after subsection (1) insert—

“(1A) Subsection (1) does not apply in relation to Wales.”

Interpretation

3. In these Regulations—

“the Act” (“*y Ddeddf*”) means the Animal Welfare Act 2006;

“adult dog” (“*ci llawndwf*”) means a dog which is not less than 6 months old;

“breeding bitch” (“*gast fridio*”) means an un-neutered female dog that is not less than 6 months old;

“draft enhancement and enrichment programme” (“*rhaglen wella a chyfoethogi ddraffi*”) means a document detailing how dogs will have the opportunity to express normal behaviour patterns submitted by the applicant to the local authority under regulation 7;

“draft socialisation programme” (“*rhaglen gymdeithasoli ddraffi*”) means a document detailing how puppies will be introduced to human handling, domestic environments, play and how they will be prepared for separation from the dam submitted by the applicant to the local authority under regulation 7;

“enhancement and enrichment programme” (“*rhaglen wella a chyfoethogi*”) means a document approved in writing by the local authority detailing how dogs will have the opportunity to express normal behaviour patterns;

“full-time attendant” (“*gweinydd llawn-amser*”) means a person who works, either paid or unpaid, at least 37 hours per week on the licence holder’s premises;

“inspector” (“*arolygydd*”) means any person who has written authority from a local authority to act in matters arising under or in relation to the Act or these Regulations;

“licence” (“*trwydded*”) means a licence granted under regulation 8;

“licence conditions” (“*amodau trwydded*”) means those conditions set out in Schedule 1 to these Regulations and any further conditions attached to a licence by the local authority;

“local authority” (“*awdurdod lleol*”) means the county council or a county borough council in whose area the applicant for a licence under regulation 7 carries out the activity of dog breeding;

“part-time attendant” (“*gweinydd rhan-amser*”) means a person who works, either paid or unpaid, between 18.5 and 37 hours per week on the licence holder’s premises;

“puppy” (“*ci bach*”) means a dog which is less than 6 months old;

“socialisation programme” (“*rhaglen gymdeithasoli*”) means a document approved in writing by the local authority detailing how puppies will be introduced to human handling, domestic environments, play and how they will be prepared for separation from the dam.

PART 2

Requirement to hold a licence

Licensing of dog breeders

4. Dog breeding is a specified activity, for the purposes of section 13(1) of the Act.

Dog breeding: interpretation

5.—(1) A person carries on the activity of dog breeding for the purposes of section 13(1) of the Act if that person keeps on premises 3 or more breeding bitches and—

- (a) breeds on those premises 3 or more litters of puppies in any 12 month period;
- (b) advertises for sale from those premises a puppy or puppies born from 3 or more litters of puppies for sale in any 12 month period;
- (c) supplies from those premises a puppy or puppies born from 3 or more litters of puppies in any 12 month period; or
- (d) advertises a business of breeding or selling puppies from those premises.

(2) For the purposes of paragraph (1) any dog found on premises will be presumed to be kept by the occupier of those premises until the contrary is proved.

(3) For the purposes of paragraph (1)(a) to (c) it is immaterial whether or not the litters of puppies are bred from the breeding bitches referred to in paragraph (1).

(4) This regulation is subject to regulation 6.

Dog breeding: exclusion

6.—(1) A person does not carry on the activity of dog breeding for the purposes of section 13(1) of the Act if the dogs mentioned in regulation 5 are bred—

- (a) for use in regulated procedures, and
- (b) at a place specified in a section 2C licence by virtue of section 2B(2)(b) of the Animals (Scientific Procedures) Act 1986.

(2) In paragraph (1) “regulated procedure” and “section 2C licence” have the meaning given by section 30 of the Animals (Scientific Procedures) Act 1986.

PART 3

Licences

Application for a licence

- 7.—(1) To apply for a licence under these Regulations an applicant must submit—
- (a) an application in a form and manner approved by the local authority;
 - (b) a draft enhancement and enrichment programme;
 - (c) a draft socialisation programme;
 - (d) details of the anticipated number of adult dogs and puppies to be present on the premises at any one time; and
 - (e) such supporting documentation as the authority reasonably requires.
- (2) The applicant must pay any appropriate fee in accordance with regulation 12.

Grant or renewal of licences

8.—(1) On receipt of an application complying with regulation 7, a local authority must inspect the applicant's premises and if satisfied—

- (a) that the licence conditions are or will be met;
- (b) with the draft enhancement and enrichment programme;
- (c) with the draft socialisation programme; and
- (d) as to any other matters the local authority considers relevant;

may grant a licence to the applicant.

- (2) The local authority must attach to each licence granted—
- (a) the conditions contained in Schedule 1 to these Regulations;
 - (b) a condition specifying the maximum number of adult dogs and puppies to be kept under the terms of the licence; and
 - (c) a condition specifying a staff to adult dog ratio which must ensure as a minimum staff requirement—
 - (i) 1 full-time attendant per 20 adult dogs kept; or
 - (ii) 1 part-time attendant per 10 adult dogs kept.
- (3) Subject to paragraph (2) the local authority may also attach further conditions to a licence as it considers necessary.
- (4) The local authority may grant or renew a licence for any period up to 1 year.

Consideration of applications for licences

9.—(1) When considering whether to grant or renew a licence the local authority must be satisfied that—

- (a) dogs are at all times kept in accommodation that is of an appropriate construction and size, with appropriate exercise facilities, temperature, lighting, ventilation and cleanliness;
- (b) appropriate whelping facilities are available;
- (c) dogs are supplied with suitable food, drink and bedding; and
- (d) dogs are supplied with adequate facilities to enable them to exhibit normal behaviour patterns.

(2) Prior to granting or renewing a licence, in considering whether the licence conditions will be met, a local authority is entitled to take account of the applicant's conduct or any other circumstances that the local authority considers are relevant.

People who may not apply for a licence

10. No person may apply for a licence if they are disqualified under—

- (a) section 33 of the Welfare of Animals Act (Northern Ireland) 2011⁽¹⁾;
- (b) section 34 of the Act;
- (c) section 40(1) and (2) of the Animal Health and Welfare (Scotland) Act 2006⁽²⁾;
- (d) section 33A of the Dogs (Northern Ireland) Order 1983⁽³⁾;
- (e) section 3(3) of the Breeding of Dogs Act 1973⁽⁴⁾ from keeping a breeding establishment;
- (f) section 4(3) of the Riding Establishments Act 1964 from keeping a riding establishment⁽⁵⁾;
- (g) section 3(3) of the Animal Boarding Establishments Act 1963 from keeping a boarding establishment⁽⁶⁾;
- (h) section 1(1) of the Protection of Animals (Amendment) Act 1954 from having custody of an animal⁽⁷⁾;
- (i) section 5(3) of the Pet Animals Act 1951 from keeping a pet shop⁽⁸⁾; or
- (j) section 6(2) of the Dangerous Wild Animals Act 1976 from the ownership of an animal⁽⁹⁾,

and any licence issued to a person so disqualified is invalid.

Death of a licence holder

11.—(1) If the licence holder dies that licence is deemed to have been granted to the personal representatives of the licence holder so long as none of the personal representatives is subject to an order for disqualification under any of the provisions set out in regulation 10, and remains in force for a period of 3 months beginning with the date of death, but remains subject to the provisions in Part 3.

(2) The personal representatives must notify the local authority which issued the licence that the licence has vested in them within 4 weeks of the death of the licence holder.

(3) Subject to paragraphs (4) and (5), a local authority may, on the application of those personal representatives, extend the period of 3 months referred to in paragraph (1) if the local authority is satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make extension undesirable.

(4) Before extending a licence beyond 1 year from the date upon which it was issued, a local authority must inspect the licence holder's premises, and at least once per year thereafter during the period of extension.

(5) No licence may be extended under paragraph (3) beyond 3 years from the date upon which the licence was issued.

(1) 2011 c. 16.

(2) 2006 asp 11.

(3) 1983/764 (N.I. 8).

(4) 1973 c.60. Section 3(3) was amended by section 5(1) of the Breeding and Sale of Dogs (Welfare) Act 1999 (c.11).

(5) 1964 c. 70. Section 4(3) was amended by section 64 of, and paragraph 6(2) of Schedule 3 to, the Animal Welfare Act 2006.

(6) 1963 c. 43. Section 3(3) was amended by section 64 of, and paragraph 5(2) of Schedule 3 to, the Animal Welfare Act 2006.

(7) 1954 c.40. Section 1 was repealed by section 65 of, and Schedule 4 to, the Animal Welfare Act 2006.

(8) 1951 c.35. Section 5(3) was amended by section 64 of, and paragraph 3(2) of Schedule 3 to, the Animal Welfare Act 2006.

(9) 1976 c.38. Section 6(2) was amended by section 64 of, and paragraph 9 of Schedule 3 to, the Animal Welfare Act 2006.

Fees

- 12.**—(1) A local authority may charge such fees as it considers necessary—
- (a) for the consideration of an application for a licence; and
 - (b) for the grant or renewal of a licence.
- (2) The fee charged for consideration of an application for a licence must not exceed the reasonable costs of carrying out that consideration.
- (3) The fee charged for granting or renewing a licence must not exceed the sum of the costs of making the grant or renewal and the reasonable anticipated costs of future monitoring of compliance with these Regulations and the licence conditions by the licence holder.

Guidance

- 13.** The local authority must have regard in the carrying out of its functions under these Regulations to such guidance as may be issued by the Welsh Ministers.

PART 4

Suspension, Variation and Revocation of a Licence

Grounds for suspension and variation

- 14.** A local authority may at any time suspend or vary a licence on being satisfied that—
- (a) the matters referred to in regulation 9(1)(a) to (d) are not satisfied;
 - (b) the licence conditions are not being complied with;
 - (c) there has been a breach of these Regulations;
 - (d) information supplied by the licence holder is false; or
 - (e) it is necessary to protect the welfare of a dog.

Procedure for suspension and variation

- 15.**—(1) A suspension or licence variation under regulation 14 has effect at the end of the period of 7 days beginning with the date of service of the notice of suspension or notice of variation.
- (2) If it is necessary to protect the welfare of a dog the local authority may specify in the notice that the suspension or variation has immediate effect.
- (3) A notice of suspension or variation must—
- (a) state the local authority's grounds for suspension or variation;
 - (b) state when it comes into effect;
 - (c) specify measures that the local authority considers are necessary in order to remedy the grounds; and
 - (d) explain the right of the licence holder to make written representations in accordance with paragraph (4) and give the details of the person to whom such representations may be made and the date by which they must be made.
- (4) Where the notice does not have immediate effect the licence holder may make written representations against the notice to the local authority within 7 days of the date of service of the notice.

(5) Where representations are made under paragraph (4), the suspension or variation does not have effect until the local authority considers the representations and makes a determination on them in accordance with paragraph (6).

(6) The local authority must make a determination on the representations and notify the licence holder in writing, giving its reasons, within 7 days of receipt of those representations.

(7) If a licence has been suspended for more than 28 days the local authority must—

- (a) reinstate that suspended licence; or
- (b) revoke that suspended licence.

Reinstatement of licence

16.—(1) A local authority must reinstate a suspended licence by way of notice once it is satisfied that the grounds specified in the notice of suspension have been or will be remedied.

(2) Where a licence is reinstated under paragraph (1) the period for which it is issued may be varied but the licence may not be extended beyond 1 year from the date upon which it was reinstated.

Grounds for revocation of a licence

17.—(1) The local authority may revoke a licence on being satisfied that—

- (a) the matters referred to in regulation 9(1)(a) to (d) are not satisfied;
- (b) the licence conditions are not being complied with;
- (c) there has been a breach of these Regulations;
- (d) information supplied by the licence holder is false; or
- (e) it is necessary to protect the welfare of a dog.

(2) Where a licence holder is disqualified under any of the enactments listed in regulation 10 their licence is automatically revoked when the time limit for any appeal against that disqualification expires or, if an appeal is made, when that appeal is refused.

Notice of revocation

18. A notice of revocation must—

- (a) state the local authority's grounds for revocation;
- (b) state when it comes into effect; and
- (c) set out the right of appeal to a magistrates' court.

PART 5

Appeals

Right of Appeal

19.—(1) Any person who is aggrieved by the refusal to grant or renew, or the decision to revoke, a licence may appeal to a magistrates' court.

(2) The procedure on an appeal to a magistrates' court under paragraph (1) is by way of complaint, and the Magistrates' Courts Act 1980(10) applies to the proceedings.

(3) The period within which an appeal may be brought is 28 days beginning with the day following the date on which the decision is notified.

PART 6

Miscellaneous provisions

Power to take samples

20. An inspector may, for the purposes of ensuring the provisions of these Regulations are being complied with, take saliva or hair samples for DNA testing, from any dog on premises occupied by the licence holder.

Duty to assist in the taking of samples

21. The licence holder must comply with any reasonable request of an inspector in order to facilitate the identification and examination of a dog and the taking of samples in accordance with regulation 20 and, in particular, must arrange the penning of a dog if so requested by an inspector.

Offences

22.—(1) It is an offence for a person, without lawful authority or excuse, to contravene any licence condition.

(2) A person guilty of an offence under this regulation is liable on summary conviction to imprisonment for a term not exceeding 6 months, a fine not exceeding level 5 on the standard scale, or both.

Powers of Entry

23. Breach of a licence condition must be treated as a relevant offence for the purpose of section 23 of the Act (entry and search under warrant in connection with offences).

Post Conviction Powers

24. The relevant post conviction powers contained in sections 34 and 42 of the Act apply in relation to a conviction for an offence of breach of a condition of a licence granted under these Regulations.

Transitional provisions

25. A licence granted under the Breeding of Dogs Act 1973 will continue to have effect as if it were a licence granted under regulation 5.

Consequential amendments

26. Schedule 2 (consequential amendments) has effect.

Enforcement

27. These Regulations are enforced by the local authority.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

10 December 2014

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Deputy Minister for Farming and Food, under
authority of the Minister for Natural Resources,
one of the Welsh Ministers