

## SCHEDULE 1

Regulation 2

### Licensable activities

#### PART 1

##### Business test

1. The circumstances which a local authority must take into account in determining whether an activity is being carried on in the course of a business for the purposes of this Schedule include, for example, whether the operator—

- (a) makes any sale by, or otherwise carries on, the activity with a view to making a profit, or
- (b) earns any commission or fee from the activity.

#### PART 2

##### Selling animals as pets

2. Selling animals as pets (or with a view to 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.

3. The activity described in paragraph 2 does not include—

- (a) selling animals in the course of an aquacultural production business authorised under regulation 5(1) of the Aquatic Animal Health (England and Wales) Regulations 2009<sup>(1)</sup>, or
- (b) the activity described in paragraph 8.

#### PART 3

##### Providing or arranging for the provision of boarding for cats or dogs

4. Providing or arranging for the provision of accommodation for other people's cats or dogs in the course of a business on any premises where the provision of that accommodation is a purpose of the business by—

- (a) providing boarding for cats;
- (b) providing boarding in kennels for dogs;
- (c) providing home boarding for dogs; or
- (d) providing day care for dogs.

5. The activity described in paragraph 4 does not include keeping a dog or cat on any premises pursuant to a requirement imposed under, or having effect by virtue of, the Animal Health Act 1981<sup>(2)</sup>.

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(1) S.I. 2009/463.

(2) 1981 c. 22.

## PART 4

### Hiring out horses

6. Hiring out horses in the course of a business for either or both of the following purposes—
  - (a) riding;
  - (b) instruction in riding.
7. The activity described in paragraph 6 does not include any activity—
  - (a) solely for military or police purposes, or
  - (b) involving the instruction of students at a university on a course of study and examinations leading to a veterinary degree to which a recognition order under section 3 of the Veterinary Surgeons Act 1966<sup>(3)</sup> relates and for as long as such an order is in force.

## PART 5

### Breeding dogs

8. Either or both of the following—
  - (a) breeding three or more litters of puppies in any 12-month period;
  - (b) breeding dogs and advertising a business of selling dogs.
9. The activity described in paragraph 8 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,
  - (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<sup>(4)</sup>, or
  - (c) breeding three or more litters of puppies in any 12-month period if the person carrying on the activity provides documentary evidence that none of them have been sold (whether as puppies or as adult dogs).

## PART 6

### Keeping or training animals for exhibition

10. Keeping or training animals for exhibition in the course of a business for educational or entertainment purposes—
  - (a) to any audience attending in person, or
  - (b) by the recording of visual images of them by any form of technology that enables the display of such images.
11. The activity described in paragraph 10 does not include—
  - (a) keeping or training animals solely for military, police or sporting purposes,
  - (b) any activity permitted under a licence to operate a travelling circus under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012<sup>(5)</sup>, or

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<sup>(3)</sup> Section 3(1)(b) has been amended by paragraph 3 of the Schedule to [S.I. 2008/1824](#).

<sup>(4)</sup> [2010 c. 15](#).

<sup>(5)</sup> [S.I. 2012/2932](#).

(c) any activity permitted under a licence for a zoo under the Zoo Licensing Act 1981<sup>(6)</sup>.

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<sup>(6)</sup> 1981 c. 37.