

*Draft Regulations laid before the Scottish Parliament under section 51(3) of the Animal Health and Welfare (Scotland) Act 2006 for approval by resolution of the Scottish Parliament.*

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2021 No.**

**ANIMALS**

**The Animal Welfare (Licensing of Activities Involving  
Animals) (Scotland) Amendment Regulations 2021**

*Made - - - - 2021*  
*Coming into force - - 10th October 2021*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 27(5)(a) and 51(2) of the Animal Health and Welfare (Scotland) Act 2006<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 27(9) of that Act, the Scottish Ministers have consulted with such persons appearing to them to represent relevant interests and such other persons as they consider appropriate.

In accordance with section 51(3)(2) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Amendment Regulations 2021 and come into force on 10 October 2021.

(2) In these Regulations “the Licensing Regulations” means the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021<sup>(3)</sup>.

**Amendment of the Licensing Regulations**

2.—(1) The Licensing Regulations are amended in accordance with this regulation.

(2) In paragraph (1)(e) of schedule 4 (specific conditions: engaging in animal rehoming activities), omit “or kittens”.

(3) In schedule 5 (specific conditions: operating an animal welfare establishment), after paragraph 6 insert—

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(1) [2006 asp 11](#).

(2) Section 51(3) has been modified by paragraph 5 of schedule 3 of the Interpretation and Legislative Reform (Scotland) Act 2010 ([asp 10](#)).

(3) [S.S.I. 2021/84](#).

**“Supply of animals**

7. No animal kept in the course of operating the animal welfare establishment, of any of the following descriptions, may be supplied as a pet by or on behalf of the licence holder—

- (a) unweaned animals,
- (b) mammals weaned at an age at which they should not have been weaned,
- (c) non-mammals that are incapable of feeding themselves,
- (d) puppies, kittens, ferrets or kits, aged under 8 weeks.”.

**Transitional provision: existing licences for engaging in animal rehoming activities**

3. A licence granted under the Licensing Regulations before 10 October 2021 that authorises the activity described in paragraph 4 of schedule 1 of the Licensing Regulations (engaging in animal rehoming activities) is—

- (a) no longer subject to the licence condition in paragraph (1)(e) of schedule 4 of the Licensing Regulations as it applied when the licence was granted,
- (b) subject to the licence condition in paragraph (1)(e) of schedule 4 of the Licensing Regulations as amended by these Regulations,

in relation to the carrying on of that activity on or after 10 October 2021.

**Transitional provision: existing licences for operating an animal welfare establishment**

4. A licence granted under the Licensing Regulations before 10 October 2021 that authorises the activity described in paragraph 8 of schedule 1 of the Licensing Regulations (operating an animal welfare establishment) is, in relation to the carrying on of that activity on or after 10 October 2021, subject to the licence conditions in paragraph 7 (supply of animals) of schedule 5 of the Licensing Regulations as inserted by these Regulations.

St Andrew’s House,  
Edinburgh  
Date

*Name*  
A member of the Scottish Government

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 (“the Licensing Regulations”), which provide for the licensing of persons to carry out certain activities involving animals.

Regulation 2(2) amends a licence condition applicable to the licensable activity described in paragraph 4 of schedule 1 of the Licensing Regulations (animal rehoming activities). The amendment removes the prohibition on the supply of kittens (cats aged less than 6 months) which were not bred by the licence holder.

Regulation 2(3) inserts new licence conditions applicable to the licensable activity described in paragraph 8 of schedule 1 of the Licensing Regulations (operating an animal welfare establishment). The new licence conditions prohibit the supply of certain categories of animal as pets in the course of the licensable activity.

Regulations 3 and 4 make provision for existing licences for animal rehoming activities and operating an animal welfare establishment to be varied so that they are subject to the amendments made by regulation 2 in relation to the carrying on of the licensable activity on or after 10 October 2021.