

Draft Regulations laid before Parliament under section 61(2) of the Animal Welfare Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No. 0000

ANIMALS, ENGLAND

The Animal Welfare (Licensing of Activities Involving Animals) (England) (Amendment) Regulations 2019

Made - - - - *****
Coming into force - - *6th April 2020*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 13(7) and (10) of, and paragraphs 8, 9, 18 and 19 of Schedule 1 to, the Animal Welfare Act 2006⁽¹⁾.

In accordance with section 13(9) of that Act, the Secretary of State has consulted such persons appearing to the Secretary of State to represent any interests concerned as the Secretary of State considers appropriate.

In accordance with section 61(2) of that Act, a draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Animal Welfare (Licensing of Activities Involving Animals) (England) (Amendment) Regulations 2019 and come into force on 6th April 2020.

(2) In these Regulations, “the 2018 Regulations” means the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018⁽²⁾.

Amendment to the 2018 Regulations

2.—(1) Schedule 3 to the 2018 Regulations (specific conditions: selling animals as pets) is amended as follows.

(2) In the heading to paragraph 5, omit “Purchase and”;

(3) In paragraph 5—

(a) in sub-paragraph (1)—

(i) for the words before paragraph (a) substitute—

(1) 2006 c. 45. The Secretary of State is, in relation to England, the “appropriate national authority” as defined in section 62(1).
(2) S.I. 2018/486.

“No animal of any of the following descriptions may be sold as a pet, or sold with a view to being resold as a pet, by or on behalf of the licence holder—”;

(ii) after paragraph (d) insert—

“(e) puppies or kittens which were not bred by the licence holder.”.

(b) after sub-paragraph (2), insert—

“(3) In this paragraph, “kitten” means a cat aged less than 6 months.”.

Transitional provision: existing licences for selling animals as pets

3. A licence granted under the 2018 Regulations before 6th April 2020 authorising the activity described in paragraph 2 of Schedule 1 to those Regulations is to be treated, in relation to the sale of any animal on or after that date, as subject to the licence condition set out in paragraph 5(1) of Schedule 3 to the 2018 Regulations as amended by these Regulations.

Date

Name
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (S.I. 2018/486) (“the 2018 Regulations”), which provide for the licensing of persons in England to carry out certain activities involving animals, including selling animals as pets.

Regulation 2 amends a licence condition relating to the activity of selling animals as pets (or with a view to being resold as pets). The amendment precludes the sale of puppies and kittens bred by anyone other than the licence holder. The amendment also removes the prohibition on the purchase of the animals specified in paragraph 5(1) of Schedule 3 to the 2018 Regulations.

Regulation 3 makes transitional provision for existing licences to be treated, in relation to sales made on or after 6th April 2020, as subject to a condition in the terms set out in regulation 2.

A person who carries on the activity of selling animals as pets otherwise than in accordance with a licence under the 2018 Regulations commits an offence under section 13(6) of the Animal Welfare Act 2006 and is liable to imprisonment on summary conviction for a term of up to six months (or, after the commencement of section 281(5) of the Criminal Justice Act 2003 (c.44), a term of 51 weeks), a fine or both.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.