



Breeding of Dogs Act 1991

1991 CHAPTER 64

An Act to extend powers of inspection for the purposes of the Breeding of Dogs Act 1973 to premises not covered by a licence under that Act. [25th July 1991]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Annotations:

Commencement Information

II Act wholly in force at 25.9.1991 see [s.3\(2\)](#)

1 Power to inspect premises not covered by licence under Breeding of Dogs Act 1973.

- (1) If a justice of the peace is satisfied by information on oath laid by any officer of a local authority authorised in writing for the purposes of this section by the authority, or any veterinary surgeon or veterinary practitioner so authorised, that there are reasonable grounds for suspecting that an offence against section 1(1) of the ^{M1}Breeding of Dogs Act 1973 (breeding establishments for dogs to be covered by a licence) has been or is being committed at any premises in the area of the authority, the justice may issue a warrant authorising any such officer, surgeon or practitioner to enter those premises, by reasonable force if need be, and inspect them and any animals or any thing found there.
- (2) No warrant shall be issued under subsection (1) above authorising entry to any premises for the time being used as a private dwelling.
- (3) The reference in subsection (2) above to premises for the time being used as a private dwelling does not include a reference to any garage, outhouse or other structure (whether or not forming part of the same building as the premises) which belongs to or is usually enjoyed with the premises.

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- (4) A warrant issued under subsection (1) above—
- (a) may authorise persons to accompany the person who is executing the warrant; and
 - (b) shall continue in force for the period of one month commencing with the date of issue.
- (5) The power of entry conferred by the warrant may be exercised at all reasonable times and any person entering the premises in exercise of that power shall—
- (a) produce the warrant if so required; and
 - (b) comply with such precautions (if any) as the justice of the peace may specify to prevent the spread among animals of infectious or contagious diseases.
- (6) In the application of this section to Scotland, any reference to a justice of the peace shall include a reference to a sheriff and the reference in subsection (1) to written information on oath shall be construed as a reference to evidence on oath.
- (7) In this section “local authority”, “veterinary practitioner” and “veterinary surgeon” have the same meanings as in the ^{M2}Breeding of Dogs Act 1973.

Annotations:

Marginal Citations

- M1** 1973 c. 60
M2 1973 c. 60

2 Offence and disqualification.

- (1) Any person who intentionally obstructs or delays any person in the exercise of his powers of entry or inspection under section 1 above is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) Where a person is convicted of an offence under subsection (1) above, the court by which he is convicted may [^{F1}make an order providing for either or both of the following—
- (a) his disqualification, for such period as the court thinks fit, from keeping an establishment the keeping of which is required to be licensed under the ^{M3}Breeding of Dogs Act 1973; and
 - (b) his disqualification, for such period as the court thinks fit, from having custody of any dog of a description specified in the order.]
- [^{F2}(2A) A court which has made an order under or by virtue of this section may, if it thinks fit, suspend the operation of the order pending an appeal.
- (2B) Subsections (5) to (11) of section 3 of the Breeding of Dogs Act 1973 (provisions about disqualification) apply in relation to an order made under subsection (2)(b) above as they apply in relation to an order made under subsection (3)(c) of that section.]
- (3)

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Annotations:

Amendments (Textual)

- F1** S. 2(2)(a)(b) and words preceding substituted (30.12.1999) by 1999 c. 11, **ss. 5(4)(6)**, 11(2)
F2 S. 2(2A)(2B) inserted (30.12.1999) by 1999 c. 11, **ss. 5(5)(6)**, 11(2)

Marginal Citations

- M3** 1973 c.60.

3 Short title, commencement and extent.

- (1) This Act may be cited as the Breeding of Dogs Act 1991.
- (2) This Act shall come into force at the end of the period of two months beginning with the date on which it is passed.
- (3) This Act does not extend to Northern Ireland.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

- Act repealed by [2006 asp 11 Sch. 2 para. 9\(n\)](#)