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WELSH STATUTORY INSTRUMENTS

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**2021 No. 416**

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

**PART 3**

**Enforcement and notices**

**Grounds for suspension, variation without consent or revocation of a licence**

**14.** A local authority may, without any requirement for the licence holder's consent, decide to suspend, vary or revoke a licence at any time on being satisfied that—

- (a) the licence conditions are not being complied with,
- (b) there has been a breach of these Regulations,
- (c) information supplied by the licence holder is false or misleading,
- (d) it is necessary to protect the welfare of an animal, or
- (e) the licence holder would not be able to apply for a new licence in accordance with regulation 10.

**Procedure for suspension or variation without consent**

**15.—(1)** Except as otherwise provided in this regulation, the suspension or variation of a licence following a decision under regulation 14 has effect at the end of a period of 7 working days beginning with the date on which notice of the decision is issued to the licence holder or, if that date is not a working day, the next working day.

(2) If it is necessary to protect the welfare of an animal, the local authority may specify in the notice of its decision that the suspension or variation has immediate effect.

(3) A decision to suspend or vary a licence must—

- (a) be notified to the licence holder in writing,
- (b) state the local authority's grounds for suspension or variation,
- (c) state when it comes into effect,
- (d) specify measures that the local authority considers are necessary in order to remedy the grounds, and
- (e) explain the right of the licence holder to make written representations in accordance with paragraph (4) and give details of the person to whom such representations may be made and the date by the end of which they must be received.

(4) The licence holder may make written representations which must be received by the local authority within 7 working days beginning with the date of issue of notice of the decision under regulation 14 to suspend or vary the licence or, if that date is not a working day, the next working day.

(5) Except in relation to notices under paragraph (2), where a licence holder makes written representations which are received by the local authority within the period specified in paragraph (4), the suspension or variation is not to have effect unless the local authority, after considering the representations, suspends or varies the licence in accordance with paragraph (6)(a).

(6) Within 7 working days beginning with the date of receipt of any representations made in accordance with paragraph (5), the local authority must, after considering the representations—

- (a) suspend or vary the licence,
- (b) cancel its decision under regulation 14 to suspend or vary the licence,
- (c) confirm the suspension or variation of the licence under paragraph (2), or
- (d) reinstate the licence if it has been suspended, or cancel its variation if it has been varied, under paragraph (2).

(7) The local authority must issue to the licence holder written notice of its decision under paragraph (6) and the reasons for it within 7 working days beginning with the date of receipt of any representations made in accordance with paragraph (4) or, if that date is not a working day, beginning with the next working day.

(8) The local authority's decision under paragraph (6) is to have effect on service of its notice under paragraph (7).

(9) Paragraph (10) applies if the local authority fails to comply with paragraph (6) or (7).

(10) Where this paragraph applies, after 7 working days beginning with the date of receipt of any representations made in accordance with paragraph (4) or, if that date is not a working day, beginning with the next working day—

- (a) a licence suspended under paragraph (2) is to be deemed to be reinstated;
- (b) a licence varied under paragraph (2) is to be deemed to have effect as if it had not been so varied;
- (c) a licence suspended under paragraph (6)(a) is to be deemed to be reinstated;
- (d) a licence varied under paragraph (6)(a) is to be deemed to have effect as if it had not been so varied;
- (e) any licence held by the licence holder other than a licence suspended or varied under paragraph (2) or (6)(a) which the local authority decided to suspend or vary under regulation 14 is to be deemed to remain in force and not to be so varied.

(11) Once a licence has been suspended for 28 days, the local authority must on the next working day—

- (a) reinstate it without varying it,
- (b) vary and reinstate it as varied, or
- (c) revoke it.

(12) If the local authority fails to comply with paragraph (11), the licence is to be deemed to have been reinstated without variation with immediate effect.

### **Reinstatement of a suspended licence by a local authority**

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

(2) Where a local authority reinstates a licence under paragraph (1), it may reduce the period for which it is reinstated.

### **Notice of revocation**

- 17.—(1) A revocation decision must—
- (a) be notified in writing to the licence holder,
  - (b) state the local authority's grounds for revocation, and
  - (c) give notice of the licence holder's rights of appeal to a magistrates' court and the period under regulation 23 within which such an appeal may be brought.
- (2) The decision has effect on service of the notice.

### **Obstruction of inspectors**

18. A person must not intentionally obstruct an inspector appointed for the purposes of the enforcement of these Regulations in the exercise of any powers conferred by or under the Act.

### **Offences**

- 19.—(1) It is an offence for a person, without lawful authority or excuse—
- (a) to breach a licence condition;
  - (b) to fail to comply with regulation 7 or 18.
- (2) A person who commits an offence under paragraph (1) is liable on summary conviction to a fine.

### **Powers of entry**

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

### **Post-conviction powers**

21. The relevant post-conviction powers contained in sections 34 and 42 of the Act apply in relation to a conviction for an offence under regulation 19.

### **Notices**

- 22.—(1) Any notice issued by a local authority under these Regulations may be amended, suspended or revoked by the local authority in writing at any time.
- (2) A notice may be served on a person by—
- (a) personal delivery,
  - (b) leaving it or sending it by post to the person's current or last known postal address, or
  - (c) emailing it to the person's current or last known email address.