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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 84**

**ANIMALS**

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

*Made* - - - - *17th February 2021*

*Coming into force* - - *1st September 2021*

The Scottish Ministers make the following regulations in exercise of the powers conferred by sections 26(1), 27(1) and (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 sections 26(5) and 27(9) of that Act, the Scottish Ministers have consulted such persons appearing to them to represent relevant interests and such other persons as they consider appropriate.

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

**PART 1**

**Introduction**

**Title and commencement**

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

**Interpretation**

**2.** In these Regulations—

“the Act” means the Animal Health and Welfare (Scotland) Act 2006,

“animal” has the meaning given in section 16 of the Act,

“breeding”, when used in the context of a “breeding dog”, “breeding bitch”, “breeding cat”,

“breeding female cat”, “breeding female rabbit” or “breeding female animal” means that the

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<sup>(1)</sup> 2006 asp 11.

<sup>(2)</sup> Section 51(3) has been modified by paragraph 5 of schedule 3 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

animal is an adult and is intended to be used, is used or has been used for the purpose of producing offspring,

“dangerous wild animal” means an animal of a kind specified in the first column of the schedule of the Dangerous Wild Animals Act 1976<sup>(3)</sup>,

“general conditions” means the conditions set out in schedule 2,

“inspector” means a person appointed as an inspector by the Scottish Ministers or a local authority for the purposes of these Regulations,

“in writing”, when used in relation to an application, representations or a notice to a licensing authority, has a meaning which includes sending by means of an electronic communication as defined in section 15(1) of the Electronic Communications Act 2000<sup>(4)</sup>, which has been recorded and is consequently capable of being reproduced, provided that the application, representations or notice shall only be sent to a licensing authority by an electronic communication if the licensing authority has represented that electronic communication is a means by which a person can send such an application, notice or representations to it,

“kit” means a rabbit aged less than 3 months,

“kitten” means a cat aged less than 6 months,

“licence”, except where more specifically provided, means a licence to carry on a licensable activity granted or renewed under these Regulations and cognate expressions are to be construed accordingly,

“licence conditions”, except where the context otherwise requires, means—

- (a) the general conditions,
- (b) the relevant specific conditions, and
- (c) any other conditions attached to a licence by a licensing authority in accordance with these Regulations,

“licensable activity” means an activity described in paragraph 1, 4, 8, 14, 17 or 20 of schedule 1,

“operator” means an individual who—

- (a) carries on a licensable activity, or
- (b) where a licence has been granted or renewed, is the licence holder,

“pet” means an animal kept permanently, or intended to be kept permanently, by a person mainly for—

- (a) personal interest,
- (b) companionship,
- (c) ornamental purposes, or
- (d) any combination of (a) to (c),

“puppy” means a dog aged less than 6 months,

“relevant specific conditions” means—

- (a) in relation to the activity described in paragraph 1 of schedule 1 (selling animals as pets), the conditions set out in schedule 3,
- (b) in relation to the activity described in paragraph 4 of schedule 1 (engaging in animal rehoming activities), the conditions set out in schedule 4,
- (c) in relation to the activity described in paragraph 8 of schedule 1 (operating an animal welfare establishment), the conditions set out in schedule 5,

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(3) 1976 c.38. The schedule was substituted in relation to Scotland by S.S.I. 2008/302.

(4) 2000 c.7. Section 15(1) was relevantly amended by paragraph 158 of schedule 17 of the Communications Act 2003 (c.21).

- (d) in relation to the activity described in paragraph 14 of schedule 1 (breeding dogs), the conditions set out in schedule 6,
- (e) in relation to the described in paragraph 17 of schedule 1 (breeding cats), the conditions set out in schedule 7, and
- (f) in relation to the activity described in paragraph 20 of schedule 1 (breeding rabbits), the conditions set out in schedule 8,

“standard conditions” means—

- (a) the general conditions, and
- (b) the relevant specific conditions,

“veterinary surgeon” means a person registered in the register of veterinary surgeons, or the supplementary veterinary register, kept under the Veterinary Surgeons Act 1966(5),

“working day” means any day other than a Saturday, a Sunday or a day which, under the Banking and Financial Dealings Act 1971(6), is a bank holiday in Scotland.

## PART 2

### Licensing of activities involving animals

#### Licensing of activities involving animals

3. A person must not carry on a licensable activity without the authority of a licence granted under regulation 6.

#### Application for a licence

4.—(1) A person may apply to an appropriate licensing authority for the grant or renewal of a licence to carry on a licensable activity.

- (2) An application for a licence to carry on a licensable activity must be—
  - (a) addressed, and sent, to an appropriate licensing authority, and
  - (b) in writing, and
  - (c) in the form required by the appropriate licensing authority.

(3) The appropriate licensing authority for any of the licensable activities described in paragraphs 1, 8, 14, 17 and 20 of schedule 1 is the local authority for the area in which the licensable activity is carried on.

(4) Subject to paragraph (5), an appropriate licensing authority for the licensable activity described in paragraph 4 of schedule 1 (engaging in animal rehoming activities) is a local authority for an area in which the applicant resides or has a place of business.

(5) If the applicant neither resides nor has a place of business in Scotland, the appropriate licensing authority for the licensable activity described in paragraph 4 of schedule 1 (engaging in animal rehoming activities) is the Scottish Ministers.

(6) In this regulation, if the applicant is not an individual, “place of business” includes a registered office or other official address.

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(5) 1966 c.36.

(6) 1971 c.80.

### **Authority of a licence**

5.—(1) A licence granted or renewed under regulation 6 authorises the carrying on of the licensable activity—

- (a) on the premises specified in the licence, in the case of a licence for any of the licensable activities described in paragraphs 1, 8, 14, 17 and 20 of schedule 1,
- (b) throughout Scotland, in the case of the licensable activity described in paragraph 4 of schedule 1 (engaging in animal rehoming activities).

(2) If a licence authorises the carrying on of a licensable activity which involves supply of an animal, the supply is not to be treated as carrying on the licensable activity outwith the premises specified in the licence by reason that the supply is negotiated or agreed when the recipient of the animal, or the supplier, is not physically present at the premises specified in the licence provided that the condition mentioned in paragraph (3) is met.

(3) The condition referred to in paragraph (2) is that the animal being supplied is not removed from the premises for the purpose of the supply until the supply of the animal has been agreed.

## **PART 3**

### **Grant, renewal and variation of a licence and inspection of premises**

#### **Conditions of grant or renewal of a licence**

6.—(1) This regulation applies where—

- (a) a licensing authority has received an application that complies with regulation 4(2) for the grant or renewal of a licence to carry on—
  - (i) a licensable activity described in paragraphs 1, 8, 14, 17 or 20 of schedule 1 on premises in the area of the local authority that is the licensing authority, or
  - (ii) the licensable activity described in paragraph 4 of schedule 1 (engaging in animal rehoming activities), where the licensing authority is an appropriate licensing authority in terms of regulation 4(4) or (5),
- (b) the application gives such information as the licensing authority has required, and
- (c) any appropriate fee charged in accordance with regulation 15 has been paid.

(2) The licensing authority—

- (a) must (where paragraph (1)(a)(i) applies) instruct one or more inspectors to inspect the premises on which the licensable activity is being or is to be carried on,
- (b) may (where paragraph (1)(a)(ii) applies) instruct one or more inspectors to inspect any premises on which the licensable activity described in paragraph 4 of schedule 1 (engaging in animal rehoming activities) is being or is to be carried on.

(3) Following the receipt by the local authority of an inspector's report submitted to it under regulation 12, or the taking of a decision not to instruct an inspection under paragraph (2)(b), the licensing authority must grant a licence to the applicant, or renew the applicant's licence, in accordance with the application if it is satisfied that—

- (a) the standard conditions are likely to be met,
- (b) any licence condition which it intends to attach to the licence in accordance with paragraph (5) is likely to be met, and
- (c) the grant or renewal is appropriate, having taken into account any report submitted to it in accordance with regulation 12.

- (4) A licensing authority must attach to each licence granted or renewed—
- (a) a copy of the definitions in regulation 2, and
  - (b) the standard conditions.
- (5) A licensing authority may attach such further conditions to licences granted or renewed under this regulation as it considers necessary for the purposes of securing the welfare of animals for which the applicant is or will be responsible.
- (6) A licensing authority must specify in a licence granted or renewed by it under this regulation—
- (a) for a licensable activity described in paragraph 1, 8, 14, 17 or 20 of schedule 1, the premises on which the licensable activity may be carried on,
  - (b) for a licensable activity described in paragraph 14, 17 or 20 of schedule 1 (dog breeding, cat breeding or rabbit breeding), the maximum number of breeding bitches, breeding female cats or breeding female rabbits, as the case may be, that may be kept in relation to the licensable activity at any time on the premises on which the activity will be carried on,
  - (c) for the licensable activity described in paragraph 1 of schedule 1 (selling animals as pets), the animals or types of animal that may be sold by the applicant as an operator.
- (7) In considering whether the standard licence conditions and any licence conditions which it intends to attach to the licence are likely to be met, a licensing authority must take account of—
- (a) the applicant's conduct, if any, as the operator of the licensable activity to which the application for the grant or renewal relates,
  - (b) whether the applicant is a fit and proper person to be the operator of that activity, and
  - (c) any other relevant circumstances.
- (8) A licensing authority must not grant a licence to an applicant, or renew an applicant's licence, in any circumstances other than those described in these Regulations.
- (9) Any licence granted or renewed in relation to any of the licensable activities is subject to—
- (a) the standard conditions, and
  - (b) any other licence conditions attached to the licence by the licensing authority in accordance with paragraph (5).

### **Notices arising from an application**

- 7.—(1) A decision of a licensing authority to—
- (a) refuse an application for grant or renewal of a licence that has been made in accordance with regulation 6(1)(a), or
  - (b) attach a condition to a licence in accordance with regulation 6(5),
- must be notified to the applicant by service of a notice on the applicant.
- (2) A notice under paragraph (1) must include—
- (a) a description of the applicant's right of appeal to the sheriff including specification of the period under regulation 27 within which such an appeal may be brought, and
  - (b) the licensing authority's reasons for the decision.

### **Period of licence**

- 8.—(1) A licensing authority may grant or renew a licence for a period of one, two or three years in respect of the licensable activity.
- (2) A licensing authority must be satisfied that the period for which a licence is granted or renewed is appropriate on the basis of its assessment of—

- (a) the risk of an applicant breaching any standard conditions or other licence conditions to be attached to the licence by the licensing authority in accordance with regulation 6(5),
- (b) the impact on animal welfare of any such breaches, and
- (c) whether the applicant is already meeting higher standards of animal welfare than are required by the licence conditions.

#### **Power to take samples from animals**

9. For the purposes of checking compliance with these Regulations or the licence conditions, an inspector may take samples, or arrange for samples to be taken by a veterinary surgeon, from any animals on premises occupied by an operator for laboratory testing.

#### **Duty to assist in the taking of samples from animals**

10. An operator must comply with any reasonable request of an inspector to facilitate the identification and examination of an animal and the taking of samples in accordance with regulation 9 and, in particular, must arrange the suitable restraint of an animal if so requested by an inspector.

#### **Variation of a licence on the application, or with the consent, of a licence holder**

11.—(1) A licensing authority may at any time vary a licence—

- (a) on the application in writing of the licence holder, or
- (b) on its own initiative, with the consent of the licence holder.

(2) Variation of a licence under paragraph (1) means changing the details of a licence other than a standard licence condition and includes—

- (a) attachment of a condition to a licence of the same legal effect as if it had been attached under regulation 6(5), if the requirements for attachment of a licence under regulation 6(5) are also met, and
- (b) removal of a condition that has been attached to a licence under regulation 6(5) or by way of variation of a licence.

#### **Inspector's report**

12.—(1) Where a licensing authority instructs an inspection pursuant to regulation 6(2), it must arrange for the submission to it of a report by the inspector.

(2) The inspector's report must—

- (a) contain information about the applicant, any relevant premises, any relevant records, the condition of any animals and any other relevant matter the inspector considers relevant,
- (b) state whether or not the inspector considers that the standard licence conditions are likely to be met, and
- (c) where the application is for a licence to carry out any of the activities defined in paragraphs 14, 17 and 20 of schedule 1 (dog breeding, cat breeding and rabbit breeding), recommend a maximum number of breeding female animals for the purposes of regulation 6(6)(b).

#### **Persons who may not apply for a licence**

13.—(1) A person may not apply for a licence in respect of a licensable activity while the person is disqualified under—

- (a) section 40(1) (disqualification orders) of the Act as applied by any enactment if the disqualification is of a type specified in section 40(2)(a), (b), (c), (d), (f), (g) or (h) of the Act,
  - (b) section 34(1) (disqualification) of the Animal Welfare Act 2006<sup>(7)</sup> if the disqualification is of a type specified in section 34(2), (3) or (4) of that Act, or
  - (c) section 33(1) (disqualification) of the Welfare of Animals Act (Northern Ireland) 2011<sup>(8)</sup> if the disqualification is of a type specified under section 33(2), (3) or (4) of that Act.
- (2) Any licence held by a person mentioned in paragraph (1) is automatically revoked.

### **Death of a licence holder**

**14.**—(1) In the event of the death of a licence holder, the licence is deemed to have been granted to, or renewed in respect of, the personal representatives of that former licence holder.

(2) In the circumstances described in paragraph (1), and subject to paragraph (4), the licence is to remain in force for three months beginning with the date of the death of the former licence holder or for as long as it was due to remain in force but for the death (whichever period is shorter) but remains subject to the provisions in Part 4.

(3) The personal representatives must give notice in writing to the licensing authority which granted or renewed the licence that they are now the licence holders within 28 days beginning with the date of the death of the former licence holder.

(4) If the personal representatives fail to notify the licensing authority within the period specified in paragraph (3), the licence ceases to have effect on the expiry of that period.

(5) The licensing authority which granted or renewed the licence may, on the application of the personal representatives, extend the period specified in paragraph (2) for up to three months if it is satisfied that the extension is necessary for the purpose of winding up the estate of the former licence holder and is appropriate in all the circumstances.

### **Fees**

**15.**—(1) A licensing authority may charge such fees as it considers necessary for—

- (a) the consideration of an application for the grant, renewal or variation of a licence including any inspection relating to that consideration, and for the grant, renewal or variation,
- (b) the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in sub-paragraph (a) including any inspection relating to that consideration, and
- (c) the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator.

(2) The fee charged for the consideration of an application for the grant, renewal or variation of a licence and for any inspection relating to that consideration must not exceed the reasonable costs of that consideration and related inspection.

### **Guidance**

**16.** A local authority must have regard in the carrying out of its functions under these Regulations to such guidance as may be issued by the Scottish Ministers.

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(7) 2006 c.45.

(8) 2011 c. 16 (N.I.). Section 33 was amended by section 48(5)(b) of the Justice Act (Northern Ireland) 2006 (c.21) (N.I.).

## PART 4

### Enforcement and notices

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

**17.**—(1) A licensing 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) a licence condition is not being complied with,
- (b) there has been a failure to comply with these Regulations,
- (c) information supplied by the licence holder is false or misleading, or
- (d) it is necessary to protect the welfare of an animal.

(2) Variation of a licence under paragraph (1) means changing the details of a licence other than a standard condition and includes—

- (a) attachment of a condition to a licence of the same legal effect as if it has been attached under regulation 6(5), if the requirements for attachment of a licence under regulation 6(5) are also met, and
- (b) removal of a condition that has been attached to a licence under regulation 6(5) or by way of variation of a licence.

#### **Procedure for suspension or variation without consent**

**18.**—(1) Except as otherwise provided in this regulation, the suspension or variation of a licence following a decision under regulation 17 has effect at the end of a period of 7 working days beginning with the date on which notice of the decision is served on 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 licensing authority may specify in the notice of its decision that the suspension or variation has immediate effect, in which case the suspension or variation will take effect on service of the notice.

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

- (a) be notified by service of a notice on the licence holder,
- (b) state the licensing authority's grounds for suspension or variation,
- (c) state when it comes into effect,
- (d) specify measures that the licensing authority considers are necessary in order to remedy the grounds, and
- (e) explain the right of the licence holder to make representations in writing 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 representations in writing to the licensing authority which must be received by the licensing authority within 7 working days beginning with the date of service of notice of the decision under regulation 17 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 representations in writing which are received by the licensing authority within the period specified in paragraph (4), the suspension or variation is not to have effect unless the licensing authority, after considering the representations, suspends or varies the licence in accordance with paragraph (6)(a).



(6) Within 14 working days beginning with the date of receipt of any representations made in accordance with paragraph (5) or beginning with the next working day if the date of receipt is not a working day, the licensing authority must after considering the representations serve notice on the licence holder of a decision to—

- (a) suspend or vary the licence,
- (b) cancel its decision under regulation 17 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) Notice of a decision under paragraph (6) must—

- (a) state the reasons for the decision, and
- (b) where the decision is to vary or confirm the variation of a licence, give notice of the licence holder's right of appeal to the sheriff and the period within which such an appeal may be brought under regulation 27.

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

(9) Where this paragraph applies, after 14 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 deemed to be reinstated,
- (b) a licence varied under paragraph (2) is deemed to have effect as if it had not been so varied,
- (c) a licence suspended under paragraph (6)(a) is deemed to be reinstated,
- (d) a licence varied under paragraph (6)(a) is deemed to have effect as if it had not been so varied,
- (e) a licence held by the licence holder which the licensing authority decided to suspend or vary under regulation 17 is to remain in force and not to be so suspended or varied, if it was not a licence suspended or varied under paragraph (2) or (6)(a).

(10) Once a licence has been suspended for 28 days, the licensing authority must within the next 14 working days—

- (a) decide to—
  - (i) reinstate it without varying it,
  - (ii) vary and reinstate it as varied, or
  - (iii) revoke it, and
- (b) serve on the licence holder a notice of the decision.

(11) If the licensing authority fails to comply with paragraph (10), the licence is deemed to have been reinstated without variation with immediate effect.

(12) A licensing authority's decision under paragraphs (6) or (10) has effect on service of the notice of the decision.

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

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

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

**Revocation**

**20.**—(1) A licensing authority may revoke a licence at any time on any of the grounds in regulation 17 by service of a notice on the licence holder.

(2) The revocation takes effect on service of the notice if served in accordance with regulation 21.

**Notices of revocation and variation upon reinstatement**

**21.**—(1) A notice of a decision to—

- (a) revoke a licence regardless of whether under regulation 18(10)(a)(iii) or 20,
- (b) vary and reinstate a licence as varied under regulation 18(10)(a)(ii).

must comply with paragraph (2).

(2) The notice must—

- (a) state the licensing authority's reasons for the decision, and
- (b) give notice of the licence holder's right of appeal to the sheriff and the period under regulation 27 within which such an appeal may be brought.

**Obstruction of inspectors**

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

**Offences and penalties**

**23.**—(1) It is an offence for a person without reasonable excuse—

- (a) subject to the exceptions provided for in paragraph (2), to breach a standard licence condition,
- (b) to fail to comply with regulations 3 (carrying on a licensable activity without the authority of a licence), 10 (duty to assist in the taking of samples from animals) or 22 (obstruction of inspectors),
- (c) to provide to an inspector information required by or under these Regulations which the person knows, or ought reasonably to have known, is to a material extent false or misleading, or
- (d) for the purposes of obtaining or holding a licence under these Regulations—
  - (i) to make a statement required by or under these Regulations to the licensing authority (or someone acting on its behalf) which the person knows, or ought reasonably to have known, is to a material extent false or misleading, or
  - (ii) recklessly to make a statement required by or under these Regulations to the licensing authority (or someone acting on its behalf) which is to a material extent false or misleading.

(2) A person does not commit an offence by reason of breaching the licence conditions provided for in—

- (a) paragraph 3 of schedule 6,
- (b) paragraph 3 of schedule 7,
- (c) paragraph 3 of schedule 8.

(3) A person who commits an offence under—

- (a) paragraph (1)(a) is liable on summary conviction to a fine not exceeding level 5 on the standard scale,
- (b) paragraph (1)(b) to (d) is liable on summary conviction to a fine not exceeding £40,000, or to imprisonment for a term not exceeding 12 months, or both.

### **Powers of entry**

24.—(1) Any inspector may enter any premises except domestic premises at all reasonable times and inspect such premises and any animals found there for the purposes of preparing an inspector's report.

(2) An inspector may enter any premises except domestic premises at all reasonable times for the purpose of ascertaining whether any requirement of these Regulations or any licence condition is being, or has been, complied with and, in particular, may—

- (a) inspect the premises,
- (b) inspect and copy any records (in whatever form they are held) kept under these Regulations or any licence condition, or remove such records to enable them to be copied,
- (c) inspect and check the operation of any computer and any associated apparatus or material which is or has been in use in connection with the records,
- (d) for that purpose, require any person having charge of, or otherwise concerned with, the operation of the computer, apparatus or material to afford the inspector such assistance as the inspector may reasonably require (including giving access to password protected materials and systems),
- (e) where a record is kept by means of a computer, require the record to be produced in a form in which it may be taken away,
- (f) examine, or require the examination of, any animal kept on the premises,
- (g) exercise the power in regulation 9 (power to take samples from animals), and
- (h) take on to the premises such persons to give the inspector such assistance and such equipment as the inspector considers necessary.

(3) An inspector must produce evidence of the inspector's authority to enter the premises if such evidence is requested by an owner or occupant of the premises when the inspector is exercising, or seeking to exercise, either of the powers of entry in paragraphs (1) or (2).

(4) If a sheriff or justice of the peace is satisfied by evidence on oath laid by any inspector that there are reasonable grounds for suspecting that an offence against these Regulations has been or is being committed at any domestic premises in the area of the licensing authority, the sheriff or justice may issue a warrant authorising any inspector to enter those premises, by reasonable force if need be, and inspect the premises and any animals or anything found there.

(5) A warrant issued under paragraph (4) above—

- (a) may authorise persons to accompany the person who is executing the warrant, and
- (b) continues in force for the period of one month beginning with the date of issue.

(6) 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 must—

- (a) produce the warrant if so required, and
- (b) comply with such precautions (if any) as the sheriff or justice of the peace may specify to prevent the spread among animals of infectious or contagious diseases.

(7) If an inspector enters any unoccupied premises, the inspector must leave them as effectively secured against entry as the inspector found them.

### **Post-conviction powers**

**25.**—(1) The post-conviction powers contained in sections 39 (deprivation orders) and 40 (disqualification orders) of the Act apply in relation to a conviction for an offence under regulation 23.

(2) Sections 41 (seizure orders where disqualification breached), 42 (termination or variation of disqualification) and 43 (appeal against orders) of the Act apply to an order made by virtue of paragraph (1) as if the order had been made in relation to an offence under the Act.

### **Notices**

**26.** Any notice served by a licensing authority under these Regulations may be amended, suspended or revoked by further notice served by the licensing authority at any time.

## **PART 5**

### **Appeals**

#### **Appeals**

**27.**—(1) Any applicant or operator who is aggrieved by a decision by a licensing authority—

- (a) to refuse to grant or renew a licence,
- (b) to attach a licence condition to a licence under regulation 6(5), or
- (c) to revoke or vary a licence,

may appeal to the sheriff.

(2) The period within which a person may bring such an appeal is 28 days beginning with the day following the date of service of the relevant notice of the decision in accordance with these Regulations.

(3) The sheriff may on application and until the appeal is determined or withdrawn—

- (a) in the case of a decision to refuse to renew a licence, permit a licence holder to continue to carry on a licensable activity or any part of it subject to the licence conditions,
- (b) in the case of a decision to attach a condition to a licence under regulation 6(5), to permit a licence holder to carry on a licensable activity or any part of it without complying in whole or in part with the imposed licence condition, or
- (c) suspend a revocation or variation under regulation 17.

(4) On appeal, the sheriff may overturn or confirm the licensing authority's decision, with or without modification.

## **PART 6**

### **Duty to publish register of licences**

#### **Duty to publish register of licences**

**28.**—(1) Subject to paragraph (5), a licensing authority must publish a register of licences containing the information specified in paragraph (2) for each licensable activity in relation to which it has granted a licence.

(2) Registers published under this regulation must include—

- (a) the name of the licence holder,
  - (b) the licence number,
  - (c) the postcodes of—
    - (i) in the case of a licence for the licensable activity described in paragraphs 1, 8, 14, 17 or 20 of schedule 1, the premises specified in the licence under regulation 6(6)(a) (the premises on which the licensable activity may be carried on),
    - (ii) in the case of a licence for the licensable activity described in paragraph 4 of schedule 1 (engaging in animal rehoming activities), the postcode of any premises in Scotland from which the activity is carried on (if known to the authority),
  - (d) the date on which the licence was granted,
  - (e) if the licence has been renewed, the date on which it was renewed,
  - (f) the date on which the licence is due to expire,
  - (g) in the case of a licence for the licensable activity described in paragraph 1 of schedule 1 (selling animals as pets), the information specified in the licence of the type mentioned in regulation 6(6)(c) (the animals or types of animal that may be sold),
  - (h) information as to whether the licence is suspended,
- in relation to each relevant licence granted by the licensing authority for the licensable activity.

(3) In this regulation, “relevant licence” means any licence which—

- (a) either—
  - (i) continues to have the effect of authorising the carrying on of a licensable activity, or
  - (ii) is suspended, and
- (b) is not a licence mentioned in paragraph (4).

(4) A licensing authority is not required to include any details in a register published under this regulation for a licence if—

- (a) the licence is for a licensable activity described in paragraph 1, 14, 17 or 20 of schedule 1, and
- (b) the licensing authority which granted the licence is satisfied that—
  - (i) regardless of which licensable activity is being carried on, all animal sales by the licence holder in the course of the licensable activity are to persons who buy the animals for purpose of reselling them (as pets or otherwise), or
  - (ii) if the activity being carried on is an activity described in paragraph 14, 17 or 20, no animals are sold in the course of the activity.

(5) The duty in paragraph (1) does not require a licensing authority to publish a register for any licensable activity where there are no relevant licences to include within the register.

(6) A licensing authority must publish the register required by this regulation by making it available to the public on a website of the authority.

(7) A licensing authority must—

- (a) keep the information in registers published under this regulation under review,
- (b) where appropriate to keep the information referred to in paragraph (2) up to date (including upon grant, variation or suspension), publish new or revised information, and
- (c) remove information about a licence from the published register if the licence—
  - (i) expires at the end of period of the licence,
  - (ii) is revoked, or

(iii) otherwise ceases to be a relevant licence.

## PART 7

### Revocation

#### **Revocation of the Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009**

**29.** The Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009<sup>(9)</sup> are revoked.

## PART 8

### Transitional and saving provisions

#### **Transitional and saving provisions**

**30.**—(1) Any unexpired licence granted under and in accordance with the provisions of the Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009 continues in force for the remainder of its term subject to the provisions of those Regulations as they had effect on the relevant date.

(2) If a licence of the type—

- (a) referred to in paragraph (1),
- (b) granted under and in accordance with the Pet Animals Act 1951<sup>(10)</sup>,
- (c) granted under and in accordance with the Breeding of Dogs Act 1973<sup>(11)</sup>,

continues in force after the relevant date, the holder of that licence does not commit the offence of failing to comply with regulation 3 by reason of carrying on the activity authorised by the licence.

(3) In this regulation—

- “unexpired” means still in force on, and with any of its term remaining after, the relevant date,
- “the relevant date” means 31 August 2021.

St Andrew’s House,  
Edinburgh  
17th February 2021

*BEN MACPHERSON*  
Authorised to sign by the Scottish Ministers

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<sup>(9)</sup> S.S.I. 2009/141.

<sup>(10)</sup> 1951 c.35 (14 & 15 Geo 6).

<sup>(11)</sup> 1973 c.60.

## SCHEDULE 1

Regulation 2

### Licensable activities

#### PART 1

##### Selling animals as pets

1. Selling animals as pets (or with the expectation of 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.
2. The activity described in paragraph 1 does not include selling or keeping animals in the course of—
  - (a) an aquaculture production business authorised under regulation 5(1) of the Aquatic Animal Health (Scotland) Regulations 2009<sup>(12)</sup>,
  - (b) the activity described in paragraph 8 (operating an animal welfare establishment),
  - (c) the activity described in paragraph 14 (breeding dogs),
  - (d) the activity described in paragraph 17 (breeding cats), or
  - (e) the activity described in paragraph 20 (breeding rabbits).
3. The circumstances which a licensing authority must take into account in determining whether a person sells or keeps animals in the course of a business for the purposes of paragraph 1 include—
  - (a) whether the person engages in such conduct with a view to making a profit,
  - (b) whether the person earns any commission, fee or other consideration from such conduct,
  - (c) the frequency of any sales of animals as pets (or with the expectation of their being later resold as pets), and
  - (d) the number of any animals kept with a view to their being so sold or resold.

#### PART 2

##### Engaging in animal rehoming activities (other than in the course of operating an animal welfare establishment)

4. Subject to paragraphs 6 and 7, engaging in animal rehoming activities.
5. For the purposes of these Regulations, “engaging in animal rehoming activities” means supplying an animal to a person in Scotland to be kept as a pet, regardless of the country of origin of the animal, provided that—
  - (a) the animal is not a fish,
  - (b) the animal was not bred by the supplier,
  - (c) the person being supplied takes receipt of the animal in Scotland from the supplier of the animal or a person delivering the animal on behalf of the supplier,
  - (d) the supply takes place during a 12 month period in which at least 4 other such animals are supplied by the supplier to persons in Scotland to be kept as pets.

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(12) S.S.I. 2009/85.

*Status: This is the original version (as it was originally made).*

6. The activity described in paragraph 4 (engaging in animal rehoming activities) does not include—

- (a) the activity described in paragraph 1 (selling animals as pets),
- (b) the activity described in paragraph 8 (operating an animal welfare establishment).

7. The activity described in paragraph 4 (engaging in animal rehoming activities) is not carried on solely by virtue of delivering an animal on behalf of a supplier.

## PART 3

### Operating an animal welfare establishment

8. Subject to paragraph 10, operating an animal welfare establishment.

9. In this Part of schedule 1, “animal welfare establishment” means a place, or places, in Scotland where—

- (a) relevant animals that have been abandoned or otherwise separated from their keeper including as a result of a relevant relinquishment or a relevant seizure, or
- (b) sick, injured or captured relevant animals that were previously living in a wild state,

are kept for their care.

10. The activity described in paragraph 8 (operating an animal welfare establishment) is only carried on by a person if at least—

- (a) 8 relevant animals, except for any animal under the age of 4 months if it was born within the animal welfare establishment or received into the establishment together with its mother, or
- (b) 5 dogs or equines,

are kept at the same time by that person at the animal welfare establishment for their care.

11. A person does not keep an animal for its care for the purposes of regulations 9 and 10, by reason of—

- (a) keeping an animal as a pet,
- (b) keeping an animal in premises used for the care or treatment of animals by a person in the capacity of a veterinary surgeon,
- (c) if the person is a local authority, keeping an animal,
- (d) keeping an animal in the course of farming activities or for its use in the course of a business,
- (e) carrying on the activity that requires a licence under section 1(1) of the Animal Boarding Establishments Act 1963<sup>(13)</sup>,
- (f) keeping or training an animal solely for military, police or sporting purposes,
- (g) keeping or training animals solely for exhibition in the course of the provision of—
  - (i) education, or
  - (ii) entertainment to an audience,
- (h) keeping or training an assistance dog intended to be used as an assistance dog within the meaning of section 173 of the Equality Act 2010<sup>(14)</sup>,

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<sup>(13)</sup> 1963 c.43. Section 1 was amended in relation to Scotland by S.S.I. 2006/536.

<sup>(14)</sup> 2010 c.15.



- (i) keeping an animal on any premises pursuant to a requirement imposed under, or having effect by virtue of, the Animal Health Act 1981<sup>(15)</sup>,
- (j) keeping an animal in a zoo within the meaning of the Zoo Licensing Act 1981<sup>(16)</sup>,
- (k) keeping an animal in the course of any of the activities described in paragraphs 1, 14, 17 or 20, or
- (l) providing food or shelter to an animal which may enter and is free to leave land which the person owns or occupies.

**12.** If any relevant animal kept in an animal welfare establishment in the course of the activity described in paragraph 8 (operating an animal welfare establishment) is supplied as a pet by the person carrying out the activity to another person, such supply is considered to form part of that activity for the purposes of these Regulations.

**13.** In this Part of this schedule—

“care” includes, but is not limited to, care for the purpose of rehoming or release to the wild,

“relevant animal” means an animal which is not a fish,

“relevant relinquishment” means the voluntary relinquishment of possession or ownership of an animal for welfare reasons,

“relevant seizure” means taking into possession of an animal by a person under authority of an enactment or order of a court.

## PART 4

### Breeding dogs

**14.** Breeding three or more litters of puppies in any 12 month period.

**15.** If any dog bred or used in the course of the activity described in paragraph 14 (breeding dogs) is sold or otherwise supplied to another person by the person carrying out the activity, such supply is considered to form part of that activity for the purposes of these Regulations.

**16.** The activity described in paragraph 14 (breeding dogs) 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, or
- (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.

## PART 5

### Breeding cats

**17.** Breeding three or more litters of kittens in any 12 month period.

**18.** If any cat bred or used in the course of the activity described in paragraph 17 (breeding cats) is sold or otherwise supplied to another person by the person carrying out the activity, such supply is considered to form part of that activity for the purposes of these Regulations.

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<sup>(15)</sup> 1981 c.22.

<sup>(16)</sup> 1981 c.37.

19. The activity described in paragraph 17 (breeding cats) does not include keeping a cat on any premises pursuant to a requirement imposed under, or having effect by virtue of, the Animal Health Act 1981.

## PART 6

### Breeding rabbits

20. Breeding six or more litters of kits in any 12 month period.

21. If any rabbit bred or used in the course of the activity described in paragraph 20 (breeding rabbits) is sold or otherwise supplied to another person by the person carrying out the activity, such supply is considered to form part of that activity for the purposes of these Regulations.

22. The activity described in paragraph 20 (breeding rabbits) does not include—

- (a) keeping a rabbit on any premises pursuant to a requirement imposed under, or having effect by virtue of, the Animal Health Act 1981, or
- (b) breeding any rabbit for the purpose of—
  - (i) its consumption (including breeding a rabbit to sell it for the purpose of its consumption), or
  - (ii) its use, including breeding other rabbits, in the course of meat production.

## SCHEDULE 2

Regulation 2

### General conditions

#### Licence display

1.—(1) A copy of the licence must be clearly and prominently displayed on any premises on which the licensable activity is carried on.

(2) Any website operated by the licence holder in respect of the licensable activity must clearly and prominently display—

- (a) the name of the licence holder,
- (b) the number of the licence holder's licence, and
- (c) the name of the licensing authority that granted the licence.

#### Records

2.—(1) The licence holder must ensure that all the records that the licence holder is required to keep as a condition of the licence are either—

- (a) available for inspection by an inspector in a visible and legible form at any premises specified in the licence at which the licensable activity is carried on, or
- (b) if not kept at such premises, are kept in a manner in which they can be readily made available to an inspector.

(2) Where any records that the licence holder is required to keep as a condition of the licence are stored in electronic form they must be stored in a form from which they can readily be produced in a visible and legible form.

(3) The licence holder must keep all such records for at least three years beginning with the date on which the record was created.

(4) Where records are not kept at any premises specified in the licence at which the licensable activity is carried on, the licence holder must promptly make such records available (whether in electronic format or otherwise) for inspection upon request by an inspector.

### **Number of animals**

3. The total number of animals kept for the activity at any time must not exceed the maximum that is reasonable taking into account the facilities and numbers of employed staff and volunteers on any premises on which the licensable activity is carried on.

### **Staffing**

4.—(1) Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met.

(2) The licence holder or a designated manager and any staff employed to care for the animals must be competent to identify the normal behaviour of the species for which they routinely care and to recognise signs of, and take appropriate measures to mitigate or prevent, suffering, injury, disease or abnormal behaviour.

(3) Volunteers who assist in relation to the licensable activity must only undertake tasks for which they have been suitably trained.

(4) The licence holder must provide and ensure the implementation of a written training policy for all staff members and volunteers who care for the animals.

### **Suitable environment**

5.—(1) All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape and must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

(2) If the licensable activity is carried on from premises at which animals are kept, such premises must provide an environment suitable to their species and condition (including health status and age) with respect to—

- (a) their behavioural needs,
- (b) its situation, space, air quality, cleanliness and temperature,
- (c) the water quality (where relevant),
- (d) noise levels,
- (e) light levels,
- (f) ventilation.

(3) Animals must be kept clean and comfortable.

(4) Where appropriate for the species—

- (a) opportunities for toileting must be provided, and
- (b) a toileting area must be provided if the licensable activity is carried on from premises at which animals are kept.

(5) Procedures must be in place to ensure that—

- (a) accommodation in any premises from which the licensable activity is carried on and in which animals are kept is capable of being thoroughly cleaned and disinfected,

*Status: This is the original version (as it was originally made).*

- (b) any equipment within the accommodation is cleaned as often as necessary, and
- (c) good hygiene standards are maintained.

(6) The animals must be transported and handled in a manner (including for example in relation to housing, temperature, ventilation and frequency) that protects them from suffering, injury and disease.

(7) If the animals are kept in premises from which the licensable activity is carried on, all the animals must be easily accessible to staff and for inspection and there must be sufficient light for the staff to work effectively and observe the animals.

(8) All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.

(9) The animals must not be left unattended in any situation or for any period likely to cause them distress.

### **Suitable diet**

6.—(1) The animals must be provided with a suitable diet in terms of quality, quantity and frequency and any new feeds must be introduced gradually to allow the animals to adjust to them.

(2) Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.

(3) Feed and drinking water provided to the animals must be unspoilt and free from contamination.

(4) Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.

(5) If the animals are kept in premises from which the licensable activity is carried on, constant access to fresh and clean drinking water must be provided in a suitable receptacle for the species that require it.

(6) Where feed is prepared on any premises from which the licensable activity is carried on, there must be hygienic facilities for its preparation, including a working surface, hot and cold running water and storage.

### **Enrichment and training of animals**

7. If the animals are kept in premises from which the licensable activity is carried on, active and effective environmental enrichment must be provided to the animals in inside and any outside environments.

### **Animal handling and interactions**

8.—(1) All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from suffering, injury or disease.

(2) If the animals are kept in premises from which the licensable activity is carried on, the animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals.

(3) No animals from a social species may be isolated or separated from others of their species for any longer than is necessary.

### **Protection from suffering, injury and disease**

9.—(1) Written procedures must—

- (a) be in place and implemented covering—

- (i) feeding regimes,
  - (ii) cleaning regimes,
  - (iii) transportation,
  - (iv) the prevention of, and control of the spread of, disease,
  - (v) monitoring and ensuring the health and welfare of all the animals, and
  - (vi) except in relation to fish, the death or escape of an animal (including the storage of carcasses),
- (b) be in place covering the care of the animals—
- (i) following the suspension or revocation of the licence,
  - (ii) during an emergency, and
  - (iii) following an emergency.
- (2) All people responsible for the care of the animals must be made fully aware of these procedures before they attend to any animal in the course of the licensable activity.
- (3) If animals are kept in premises from which the licensable activity is carried on, appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.
- (4) All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.
- (5) All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.
- (6) Sick or injured animals must receive prompt attention from a veterinary surgeon or, in the case of any sick or injured fish, an appropriately trained person and the advice of that veterinary surgeon or that trained person must be followed.
- (7) Where necessary, animals must receive preventative treatment by an appropriately competent person in consultation with a veterinary surgeon.
- (8) The licence holder must register with a veterinary surgeon and the contact details of that veterinary surgeon must be readily available to all staff on any premises on which animals are kept and from which the licensable activity is carried on.
- (9) Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinary surgeon.
- (10) Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinary surgeon.
- (11) Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals and must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.
- (12) No person may euthanase an animal except a veterinary surgeon, a person acting under supervision of a veterinary surgeon, a person who has been authorised by a veterinary surgeon as competent for such purpose or—
- (a) in the case of fish, a person who is competent for such purpose,
  - (b) in the case of equines and species generally regarded as farmed livestock, a person who is competent, and who holds a licence or certificate which is relevant to the species, for such purpose,
- except where the purpose of the euthanasia is to end suffering that has arisen suddenly and unexpectedly and to arrange for such a person to euthanase the animal would prolong the suffering.

*Status: This is the original version (as it was originally made).*

(13) All animals must be checked at least once daily and more regularly as necessary for any signs of suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.

(14) Any signs of suffering, injury, disease or abnormal behaviour must be recorded and if necessary the advice of a veterinary surgeon (or in the case of fish, of an appropriately competent person) must be sought and followed.

### **Emergencies**

**10.**—(1) If animals are kept in premises, other than domestic premises, from which the licensable activity is carried on—

- (a) a written emergency plan, acceptable to the licensing authority, must be in place, known and available to all the staff on the premises, and
- (b) such a plan must be followed where necessary to ensure appropriate steps are taken to protect all animals on the premises (without risking human life) in case of fire, breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

(2) Any such emergency plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.

(3) External doors and gates must be lockable.

(4) If animals are kept in premises from which the licensable activity is carried on, a designated key holder with access to all animal areas must at all times be within reasonable travel distance of those premises and available to attend in an emergency.

## SCHEDULE 3

Regulation 2

### Specific conditions: selling animals as pets

### **Interpretation**

1. In this schedule—

“prospective owner” means a person who seeks to purchase an animal to be kept or to be resold as a pet,

“premises” means the premises specified in the licence and on which the licensable activity described in paragraph 1 of schedule 1 is carried on,

“purchaser” means a person who purchases an animal to be kept or to be resold as a pet.

### **Records and advertisements**

**2.**—(1) A register must be maintained for all the animals or, in the case of fish or other animals (not including dogs and cats) kept in groups where it is not practicable to keep individual records, all the groups of such animals, on the premises which must include—

- (a) the full name of the supplier of the animal,
- (b) the animal’s sex (where known),
- (c) (except in the case of fish) the animal’s age (where known),
- (d) details of any veterinary treatment (where known),

- (e) the date of birth of the animal or, if the animal was acquired by the licence holder, the date of its acquisition,
  - (f) the date of the sale of the animal by the licence holder,
  - (g) the date of the animal's death (if applicable), and
  - (h) the animal's microchip number (if any).
- (2) Where an animal is undergoing any medical treatment—
- (a) this fact must be clearly indicated—
    - (i) in writing next to it, or
    - (ii) (where appropriate) by labelling it accordingly,if it is on display in the premises with the purpose of being sold, and
  - (b) it may only be sold to a prospective owner if—
    - (i) a veterinary surgeon advises that the animal is in a suitable condition to be rehomed, and
    - (ii) details of, and the reasons for, the treatment are communicated to the prospective owner prior to the sale.
- (3) Any advertisement for the sale of an animal must—
- (a) include the number of the licence holder's licence,
  - (b) specify the local authority that issued the licence,
  - (c) if the animal being advertised is a dog or cat, include a recognisable photograph of the animal,
  - (d) (except in the case of fish) display the age of the animal being advertised,
  - (e) state the country of residence of the animal from which it is being sold, and
  - (f) state the country of origin of the animal.

### **Prospective sales: pet care and advice**

- 3.—**(1) Any equipment and accessories being sold with an animal must be suitable for the animal.
- (2) The purchaser must be provided with information on the appropriate care of the animal including in relation to—
- (a) feeding,
  - (b) housing,
  - (c) handling,
  - (d) husbandry,
  - (e) the life expectancy of its species,
  - (f) the provision of suitable accessories, and
  - (g) veterinary care.
- (3) Appropriate reference materials on the care of all animals for sale must be—
- (a) on display and available to be consulted by prospective owners in the premises, or
  - (b) provided to prospective owners in an electronic format,

if the licensable activity is conducted in a way that involves persons attending the premises to view animals available for sale as pets, or otherwise in relation to arranging the purchase of animals as pets.

*Status: This is the original version (as it was originally made).*

(4) The licence holder and all staff must have been suitably trained to advise prospective owners about the animals being sold.

(5) The purchaser must be informed of, where known, the country of origin, age, sex and veterinary record of the animal being sold.

#### **Suitable accommodation**

4.—(1) Animals must be kept in housing which minimises stress including from other animals and the public.

(2) Where members of the public can view or come into contact with the animals, signage must be in place to deter disturbance of the animals.

(3) Dangerous wild animals (if any) must be kept in secure accommodation that is lockable and appropriate for the species.

#### **Training and exercise**

5.—(1) For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinary surgeon recommends otherwise.

(2) All immature animals must be given suitable and adequate opportunities to—

- (a) learn how to interact with people, their own species and other animals where such interaction benefits their welfare, and
- (b) become habituated to noises, objects and activities associated with a domestic environment.

(3) The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

#### **Sale of animals**

6.—(1) 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—

- (a) unweaned mammals,
- (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, and
- (e) puppies or kittens which were not bred by the licence holder.

(2) The sale of a dog or a cat must be completed in the presence of the purchaser on the premises.

(3) No animals or types of animal other than those animals and types of animal specified in the licence may be sold.

(4) No animal may be sold in any part of a road or public place or at a point of sale at a market (unless the point of sale at the market forms part of the premises).

#### **Protection from suffering, injury and disease**

7.—(1) All animals for sale must be in good health.

(2) Any animal with a condition which is likely to affect its quality of life must not be moved, transferred or offered for sale but may be moved to an isolation facility or veterinary care facility if required until the animal has recovered.



(3) When arranging for the receipt of animals, the licence holder must make reasonable efforts to ensure that they will be transported in a suitable manner.

(4) When an animal is to be transported or handed to a purchaser in a container, the container must be suitable for the species and expected duration of the journey.

## SCHEDULE 4

Regulation 2

Specific conditions: engaging in animal rehoming activities (other than in the course of operating an animal welfare establishment)

### **Supply of animals**

1. No animal of any of the following descriptions may be supplied as a pet by or on behalf of the licence holder—

- (a) unweaned mammals,
- (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, and
- (e) puppies or kittens which were not bred by the licence holder.

### **Protection from suffering, injury and disease**

2.—(1) All animals supplied as pets must be in good health.

(2) Any animal with a condition which is likely to affect its quality of life must not be moved, transferred or supplied as a pet but may be moved to an isolation facility or veterinary care facility if required until the animal has recovered.

(3) When arranging for the receipt of animals, the licence holder must make reasonable efforts to ensure that they will be transported in a suitable manner.

(4) When an animal is transported in or handed over in a container to the person to whom the licence holder is supplying the animal, the container must be suitable for the species and expected duration of the journey.

### **Pet care and advice**

3.—(1) Any equipment and accessories being supplied with an animal must be suitable for the animal.

(2) A person supplied with an animal as a pet by the licence holder must be provided with information on the appropriate care of the animal including in relation to—

- (a) feeding,
- (b) housing,
- (c) handling,
- (d) husbandry,
- (e) the life expectancy of its species,
- (f) the provision of suitable accessories, and
- (g) veterinary care (including details of any vaccinations and disease testing that the licence holder has arranged for the animal).

*Status: This is the original version (as it was originally made).*

(3) A person supplied with the animal as a pet must be informed of the country of origin of the animal and the species, and where known, the age, sex and veterinary record of the animal.

### **Return of animals**

4. The licence holder must accept return of any live animal that the licence holder has supplied to a person in the course of the licensable activity, and arrange for the collection of the animal to facilitate the return if requested by the person supplied, if—

- (a) the person supplied notifies the licence holder of the intention to return the animal within the 10 days following the date the animal was supplied, and
- (b) the animal is in a fit state to be transported.

## SCHEDULE 5

Regulation 2

Specific conditions: operating an animal welfare establishment

### **Interpretation**

1. In this schedule—

“animal welfare establishment” means the place or places within the areas of the local authority at which the licensable activity of operating an animal welfare establishment is carried on,

“prospective keeper” means a person who seeks to become the keeper of the animal (or, where it is proposed that there be more than one keeper of the animal, one of such persons).

### **Records and advertisements**

2.—(1) A register must be maintained for all the animals or, in the case of animals (not including dogs and cats) kept in groups where it is not practicable to keep individual records, all the groups of such animals, in the animal welfare establishment which must include—

- (a) the species of the animal (where known),
- (b) the animal’s sex (where known),
- (c) (except in the case of fish) the animal’s age (where known),
- (d) details of any veterinary treatment (where known),
- (e) the date on which the animal was received by the licence holder,
- (f) the date on which the animal was rehomed or otherwise released from the animal welfare establishment (if applicable),
- (g) the site of the animal’s release into the wild (if the animal is so released), and
- (h) the date of the animal’s death (if applicable).

(2) Where an animal is undergoing any medical treatment it may only be supplied as a pet to a prospective keeper if—

- (a) details of, and the reasons for, the treatment are communicated to the prospective keeper of the animal prior to any agreement being concluded with that person for the supply of that animal, and
- (b) a veterinary surgeon advises that the animal is in a suitable condition to be supplied to a person as a pet from the animal welfare establishment.

(3) Any advertisement for the rehoming of an animal must—

- (a) include the number of the licence holder's licence,
- (b) specify the local authority that issued the licence,
- (c) if the animal being advertised is a dog, cat or horse, include a recognisable photograph of the animal, and
- (d) (except in the case of fish) display the age of the animal being advertised (where known).

### **Rehoming: pet care and advice**

**3.**—(1) Any equipment and accessories being provided with an animal must be suitable for the animal.

(2) Prospective keepers must be provided with information on the appropriate care of the animal including in relation to—

- (a) feeding,
- (b) housing,
- (c) handling,
- (d) husbandry,
- (e) the life expectancy of its species,
- (f) the provision of suitable accessories, and
- (g) veterinary care.

(3) A suitably trained person must be available to provide advice to prospective keepers about the animals made available for rehoming.

(4) Any new keeper (or at least one new keeper where there is more than one new keeper of the animal) to whom an animal is being rehomed must be informed of, where known, the age, sex and veterinary record of the animal.

### **Release of animals into the wild**

**4.**—(1) An animal that has been kept at the animal welfare establishment must only be released into the wild in an area that is suitable for its species.

(2) An animal that has been kept at the animal welfare establishment must only be released into the wild if it is able to feed and fend for itself.

### **Dangerous wild animals: duty to notify**

**5.** The licence holder must notify the licensing authority of any dangerous wild animals held in the animal welfare establishment.

### **Suitable accommodation**

**6.**—(1) Animals must be kept in housing which minimises stress including from other animals and the public.

(2) Where members of the public can view or come into contact with the animals, signage must be in place to deter disturbance of the animals.

(3) Dangerous wild animals (if any) must be kept in secure accommodation that is lockable and appropriate for the species.

## SCHEDULE 6

Regulation 2

### Specific conditions: breeding dogs

#### Interpretation

1. In this schedule—

“adult dog” means a dog aged 6 months or more,

“breeding procedure” means a procedure involving—

(a) artificial insemination of semen into the vagina or uterus, or

(b) the placement of one or more embryos into the uterus,

with the purpose of establishing pregnancy,

“microchipped” means microchipped in accordance with regulation 6(5) of the Microchipping of Dogs (Scotland) Regulations 2016<sup>(17)</sup>,

“prospective purchaser” means a person who seeks to purchase a puppy,

“sleeping area” means a fully-enclosed indoor area in which a dog can rest and sleep.

#### Advertisements and sales

2.—(1) A dog must not be advertised or offered for sale—

(a) which was not bred by the licence holder,

(b) from any place other than the premises where it was born and reared under the licence,

unless the dog is over the age of 12 months and was procured by the licence holder for breeding purposes.

(2) Any advertisement for the sale of a dog must—

(a) include the number of the licence holder’s licence,

(b) specify the local authority that issued the licence,

(c) include a recognisable photograph of the dog being advertised, and

(d) display the age of the dog being advertised.

(3) Any equipment and accessories being sold with a dog must be suitable for it.

(4) The purchaser must be informed of the age, sex and veterinary record of the dog being sold.

(5) No puppy aged under 8 weeks may be—

(a) sold, or

(b) permanently separated from its biological mother.

(6) A puppy may only be shown to a prospective purchaser if it is together with its biological mother.

(7) Sub-paragraphs (5)(b) and (6) do not apply in relation to a puppy if—

(a) separation of the puppy from its biological mother is necessary for the health or welfare of the puppy, other puppies from the same litter or its biological mother, or

(b) the puppy’s biological mother is deceased.

(8) A dog may only be sold if the name, and an address, of the licence holder are disclosed to the purchaser.

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<sup>(17)</sup> S.S.I. 2016/58.

### **Number of breeding bitches and litters produced**

3.—(1) The number of breeding bitches kept in relation to the licensable activity of breeding dogs at any time on the premises specified in the licence and on which the licensable activity is carried on must not exceed the maximum number specified by the local authority in the licence.

(2) The number of litters produced on the premises during each consecutive 12 month period commencing with the date on which the licence was granted or, as the case may be, renewed must not exceed the maximum number of breeding bitches specified in the licence.

### **Suitable environment**

4.—(1) Each dog must have access to—

- (a) a clean, dry and warm sleeping area with comfortable bedding and which is free from draughts, and
- (b) an exercise area.

(2) Each dog must be provided with sufficient space to—

- (a) stand upright on its hind legs,
- (b) lie down fully stretched out,
- (c) wag its tail,
- (d) walk, and
- (e) turn around,

without touching another dog or the walls of the sleeping area.

(3) The exercise area must not be used as a sleeping area unless the dog chooses to do so.

(4) There must be a separate whelping area for each breeding bitch to whelp in which contains a suitable bed for whelping.

(5) Each whelping area must be maintained at an appropriate temperature and include an area which allows the breeding bitch to move away from heat spots and from her young if she chooses to do so.

(6) Each dog must be provided with constant access to a sleeping area.

(7) A separate bed or area with bedding must be provided for each adult dog.

(8) No puppy aged under 8 weeks may be transported without its biological mother except—

- (a) if a veterinary surgeon agrees for health or welfare reasons that it may be so transported, or
- (b) in an emergency.

(9) No pregnant breeding bitch may be transported later than 54 days after the date of successful mating or breeding procedure except to a veterinary surgeon.

(10) No breeding bitch may be transported earlier than 48 hours after whelping except to a veterinary surgeon where it is not otherwise practicable or appropriate for that person to attend to the bitch.

(11) In this paragraph, “exercise area” means a secure area where dogs may exercise and play.

### **Suitable diet**

5.—(1) Each puppy must be provided with the opportunity to start weaning as soon as it is capable of ingesting feed on its own.

(2) Each adult dog must be provided with feed appropriate to its needs.

(3) Each puppy must be provided with feed appropriate for its stage of development.

(4) Reasonable efforts must be made so that each puppy ingests the correct share of the feed provided.

#### **Monitoring of behaviour, exercise and training**

6.—(1) The licence holder must implement and be able to demonstrate use of a documented socialisation and habituation programme for the puppies.

(2) All puppies must be given suitable and adequate opportunities to—

- (a) learn how to interact with people, dogs and other animals where such interaction benefits their welfare, and
- (b) become habituated to noises, objects and activities associated with a domestic environment.

(3) Each dog must be provided with toys or feeding enrichment (or both) unless advised otherwise by a veterinary surgeon.

(4) All adult dogs must be exercised at least twice daily away from their sleeping area unless advised otherwise by a veterinary surgeon.

(5) Where a veterinary surgeon has advised against exercising a dog, the dog must be provided with alternative forms of mental stimulation or environmental enrichment.

(6) All adult dogs must have at least daily opportunities to interact with people where such interaction benefits their welfare.

#### **Housing with or apart from other dogs**

7.—(1) Each adult dog must be provided with opportunities for social contact with other dogs where such contact benefits the dog's welfare.

(2) Each adult dog must be given suitable and adequate opportunities to become habituated to handling by people.

(3) There must be an area within each sleeping area in which dogs can avoid seeing people and other dogs outside the sleeping area if they so choose.

#### **Protection from suffering, injury and disease**

8.—(1) All dogs for sale must be in good health.

(2) Any dog with a condition which materially affects, or is likely to materially affect, its quality of life must not be—

- (a) transferred in ownership,
- (b) offered for sale, or
- (c) moved from the premises specified in the licence and on which the licensable activity is carried on, other than to an isolation facility or veterinary care facility where the animal is in need of isolation or treatment,

until it has recovered, ceased to require isolation or, where there is no need for the animal to be isolated, been certified by a veterinary surgeon as being in a condition that is suitable for such transfer, sale or movement.

(3) The licence holder must ensure that no bitch—

- (a) is mated or undergoes a breeding procedure if aged less than 12 months,
- (b) gives birth to more than one litter of puppies in a 12-month period,
- (c) gives birth to more than 6 litters of puppies in her lifetime,

- (d) is mated or undergoes a breeding procedure if she has had—
  - (i) two litters delivered by caesarean section, or
  - (ii) one litter delivered by caesarean section if the need for the caesarean section was due to the conformation of the bitch or her offspring.
- (e) is mated or undergoes a breeding procedure if aged 8 or more years.
- (4) Each puppy must be microchipped and registered to the licence holder before it is sold.
- (5) No dog may be kept for breeding if it can reasonably be expected, on the basis of its genotype, conformation, behaviour or state of health, that breeding from it could have a detrimental effect on its health or welfare or the health or welfare of its offspring.
- (6) Each dog must be checked in person at least two times per day.
- (7) Breeding bitches must be adequately supervised during whelping and the licence holder must keep a record of—
  - (a) the date of birth of each puppy,
  - (b) each puppy's sex and colour,
  - (c) the number of puppies in the litter, and
  - (d) any other significant events.
- (8) The licence holder must keep a record of each puppy sale including—
  - (a) the microchip number of the puppy,
  - (b) the date of the sale, and
  - (c) the age of the puppy on that date.
- (9) The licence holder must keep a record of the following in relation to each breeding dog—
  - (a) its name,
  - (b) its sex,
  - (c) its microchip and database details,
  - (d) its date of birth,
  - (e) the postal address where it normally resides,
  - (f) its breed or type,
  - (g) the date or dates of any matings and breeding procedures (whether or not any such mating or procedure is successful),
  - (h) details of its biological parents,
  - (i) details of any veterinary treatment it has received, and
  - (j) the date and cause of its death (where applicable).
- (10) In addition to the matters mentioned in sub-paragraph (9), the licence holder must keep a record of the following in relation to each breeding bitch—
  - (a) the number of matings and breeding procedures,
  - (b) its age at the time of each mating and breeding procedure,
  - (c) the total number of its litters,
  - (d) the date or dates on which it has given birth, and
  - (e) the caesarean sections it has had, if any, and their cause.
- (11) Any preventative healthcare plan agreed with the veterinary surgeon with whom the licence holder has registered under the condition specified in paragraph 9(8) of the general conditions must be implemented.

(12) The licence holder must keep a record of any preventative or curative healthcare (or both) given to each dog.

(13) Where any other activity involving animals is undertaken on the premises on which the licensable activity of breeding dogs is carried on, it must be kept entirely separate from the area where that licensable activity is carried on.

## SCHEDULE 7

Regulation 2

### Specific conditions: breeding cats

#### **Interpretation**

1. In this schedule—

“adult cat” means a cat aged 6 months or more,

“sleeping area” means a fully-enclosed indoor area in which a cat can rest and sleep.

#### **Advertisements and sales**

2.—(1) A cat must not be advertised or offered for sale—

(a) which was not bred by the licence holder,

(b) from a place other than the premises where it was born and reared under the licence,

unless the cat is over the age of 12 months and was procured by the licence holder for breeding purposes.

(2) Any advertisement for the sale of a cat must—

(a) include the number of the licence holder’s licence,

(b) specify the local authority that issued the licence, and

(c) display the age of the cat being advertised.

(3) Any equipment and accessories being sold with a cat must be suitable for it.

(4) The purchaser must be informed of the age, sex and veterinary record of the cat being sold.

(5) No kitten aged under 8 weeks may be—

(a) sold, or

(b) permanently separated from its biological mother.

(6) Sub-paragraph (5)(b) does not apply in relation to a kitten if—

(a) separation of the kitten from its biological mother is necessary for the health or welfare of the kitten, other kittens from the same litter or its biological mother, or

(b) the kitten’s biological mother is deceased.

(7) A cat may only be sold if the name, and an address, of the licence holder are disclosed to the purchaser.

#### **Number of breeding female cats and litters produced**

3.—(1) The number of breeding female cats kept in relation to the licensable activity of breeding cats at any time on the premises specified in the licence and on which the licensable activity is carried on must not exceed the number specified by the local authority in the licence.



(2) The number of litters produced on the premises during each consecutive 12 month period commencing with the date on which the licence was granted or, as the case may be, renewed must not exceed twice the maximum number of breeding female cats specified in the licence.

### **Suitable environment**

4.—(1) Each cat must have access to—

(a) a clean, dry and warm sleeping with comfortable bedding and which is free from draughts, and

(b) an exercise area.

(2) Each cat must be provided with sufficient space to—

(a) stand upright on its hind legs,

(b) lie down fully stretched out,

(c) walk, and

(d) turn around,

without touching another cat or the walls of the sleeping area.

(3) The exercise area must not be used as a sleeping area unless the cat chooses to do so.

(4) There must be a separate birthing area for each breeding female cat to give birth in and which contains a suitable bed for giving birth.

(5) Each birthing area must be maintained at an appropriate temperature and include an area which allows the breeding female cat to move away from heat spots and from her young if she chooses to do so.

(6) Each cat must be provided with constant access to a sleeping area.

(7) No kitten aged under 8 weeks may be transported without its biological mother except—

(a) if a veterinary surgeon agrees for health or welfare reasons that it may be so transported, or

(b) in an emergency.

(8) No pregnant breeding female cat may be transported later than 54 days after the date of successful mating or artificial insemination except to a veterinary surgeon.

(9) No breeding female cat may be transported earlier than 48 hours after giving birth except to a veterinary surgeon where it is not otherwise practicable or appropriate for that person to attend to the female cat.

(10) In this paragraph, “exercise area” means a secure area where cats may exercise and play.

### **Suitable diet**

5.—(1) Each kitten must be provided with the opportunity to start weaning as soon as it is capable of ingesting feed on its own.

(2) Each adult cat must be provided with feed appropriate to its needs.

(3) Each kitten must be provided with feed appropriate for its stage of development.

(4) Reasonable efforts must be made so that each kitten ingests the correct share of the feed provided.

### **Training and exercise**

6.—(1) Opportunities to exercise which benefit the cats’ physical and mental health must be provided, unless advice from a veterinarian suggests otherwise.

*Status: This is the original version (as it was originally made).*

- (2) All kittens must be given suitable and adequate opportunities to—
  - (a) learn how to interact with people, cats and other animals where such interaction benefits their welfare, and
  - (b) become habituated to noises, objects and activities associated with a domestic environment.
- (3) All adult cats must have at least daily opportunities to interact with people where such interaction benefits their welfare.

### **Housing with or apart from other cats**

7. Each adult cat must be given suitable and adequate opportunities to become habituated to handling by people.

### **Protection from suffering, injury and disease**

- 8.—(1) All cats for sale must be in good health.
- (2) Any cat with a condition which materially affects, or is likely to materially affect, its quality of life must not be—
  - (a) transferred in ownership,
  - (b) offered for sale, or
  - (c) moved from the premises specified in the licence and on which the licensable activity is carried on, other than to an isolation facility or veterinary care facility where the animal is in need of isolation or treatment,until it has recovered, ceased to require isolation or, where there is no need for the cat to be isolated, been certified by a veterinary surgeon as being in a condition that is suitable for such transfer, sale or movement.
- (3) The licence holder must ensure that no female cat—
  - (a) is mated or artificially inseminated if aged less than 10 months,
  - (b) gives birth to more than two litters of kittens within 12 months,
  - (c) gives birth to more than 8 litters of kittens in its lifetime,
  - (d) is mated or artificially inseminated if aged 8 or more years,
  - (e) is mated or artificially inseminated after she has delivered one litter of kittens by caesarean section.
- (4) No cat may be kept for breeding if it can reasonably be expected, on the basis of its genotype, conformation, behaviour or state of health, that breeding from it could have a detrimental effect on its health or welfare or the health or welfare of its offspring.
- (5) Breeding female cats must be supervised with minimal disturbance during birthing and the licence holder must keep a record of—
  - (a) the date of birth of each kitten,
  - (b) each kitten's sex and colour,
  - (c) the number of kittens in the litter, and
  - (d) any other significant events.
- (6) The licence holder must keep a record of each kitten sale including—
  - (a) the microchip number of the kitten (if any),
  - (b) the date of the sale, and

- (c) the age of the kitten on that date.
- (7) The licence holder must keep a record of the following in relation to each breeding cat—
- (a) its name,
  - (b) its sex,
  - (c) its microchip and database details (if any),
  - (d) its date of birth (if known),
  - (e) the postal address where it normally resides,
  - (f) its breed or type,
  - (g) its description,
  - (h) details of its biological parents (to the extent known),
  - (i) details of any veterinary treatment it has received, and
  - (j) the date and cause of its death (where applicable).
- (8) In addition to the matters mentioned in sub-paragraph (7), the licence holder must keep a record of the following in relation to each breeding female cat—
- (a) the number of any known pregnancies,
  - (b) the number of its litters,
  - (c) the date or dates on which it has given birth, and
  - (d) the number of caesarean sections it has had, if any.
- (9) Any preventative healthcare plan agreed with the veterinary surgeon with whom the licence holder has registered under the condition in paragraph 9(8) of the general conditions must be implemented.
- (10) The licence holder must keep a record of any preventative or curative healthcare (or both) given to each cat.
- (11) Where any other activity involving animals is undertaken on the premises on which the licensable activity of breeding cats is carried on, it must be kept entirely separate from the area where that licensable activity is carried on.

## SCHEDULE 8

Regulation 2

### Specific conditions: breeding rabbits

#### **Interpretation**

1. In this schedule—
  - “adult rabbit” means a rabbit aged 3 months or more,
  - “nesting box” means a fully-enclosed indoor area in which a rabbit can rest and sleep.

#### **Advertisements and sales**

- 2.—(1) No kit aged under 8 weeks may be—
  - (a) sold, or
  - (b) permanently separated from its biological mother.
- (2) Sub-paragraph (1)(b) does not apply in relation to a kit if—

*Status: This is the original version (as it was originally made).*

- (a) separation of the kit from its biological mother is necessary for the health or welfare of the kit, other kits from the same litter or its biological mother, or
  - (b) the kit's biological mother is deceased.
- (3) Any advertisement for the sale of a rabbit must—
- (a) include the number of the licence holder's licence, and
  - (b) specify the local authority that issued the licence.

### **Number of breeding female rabbits**

3. The number of breeding female rabbits kept in relation to the licensable activity of breeding rabbits at any time on the premises specified in the licence and on which the licensable activity is carried on must not exceed the number specified by the local authority in the licence.

### **Suitable environment**

- 4.—(1) Each rabbit must have access to—
- (a) a clean, dry and warm sleeping area which is free from draughts, and
  - (b) an exercise area.
- (2) Each rabbit must be provided with sufficient space in the sleeping area to—
- (a) lie down fully stretched out,
  - (b) hop, and
  - (c) turn around,
- without touching another rabbit or the walls of the sleeping area.
- (3) The exercise area must not be used as a sleeping area unless the rabbit chooses to do so.
- (4) For each breeding female rabbit, there must be—
- (i) a nesting box to give birth in and which is lined with suitable nesting material such as dust-free wood shavings or grass hay, or
  - (ii) a plentiful supply of such nesting material available to the rabbit.
- (5) The nesting box must not be accessible to other rabbits when being used by a breeding female rabbit to give birth in.
- (6) In this paragraph, "exercise area" means a secure area where rabbits can hop, scratch, forage and stretch to their full height.

### **Training and exercise**

- 5.—(1) Opportunities to exercise which benefit the rabbits' physical and mental health must be provided, unless advice from a veterinarian suggests otherwise.
- (2) All kits must be given suitable and adequate opportunities to—
- (a) learn how to interact with people, rabbits and other animals where such interaction benefits their welfare, and
  - (b) become habituated to noises, objects and activities associated with a domestic environment.
- (3) All rabbits must have at least daily opportunities to interact with people where such interaction benefits their welfare.

### **Suitable diet**

- 6.—(1) All adult rabbits must have continuous access to clean and safe drinking water.
- (2) Each adult rabbit must be provided with feed appropriate to its needs.
- (3) Each kit must be provided with feed appropriate for its stage of development.

### **Protection from suffering, injury and disease**

- 7.—(1) All rabbits for sale must be in good health.
- (2) Any rabbit with a condition which materially affects, or is likely to materially affect, its quality of life must not be—
  - (a) transferred in ownership,
  - (b) offered for sale, or
  - (c) moved from the premises specified in the licence and on which the licensable activity is carried on, other than to an isolation facility or veterinary care facility where the animal is in need of isolation or treatment,until it has recovered, ceased to require isolation or, where there is no need for the rabbit to be isolated, been certified by a veterinary surgeon as being in a condition that is suitable for such transfer, sale or movement.
- (3) The licence holder must ensure that no female rabbit—
  - (a) is mated or artificially inseminated if aged less than 5 months,
  - (b) gives birth to more than 4 litters of kits within 12 months,
  - (c) gives birth to more than 16 litters of kits in its lifetime,
  - (d) is mated or artificially inseminated if aged 6 or more years.
- (4) No rabbit may be kept for breeding if it can reasonably be expected, on the basis of its genotype, conformation, behaviour or state of health, that breeding from it could have a detrimental effect on its health or welfare or the health or welfare of its offspring.
- (5) Where any other activity involving animals is undertaken on the premises on which the licensable activity of breeding rabbits is carried on, it must be kept entirely separate from the area where that licensable activity is carried on.
- (6) No adult rabbit may be isolated or separated from others rabbits for longer than is necessary.

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### **EXPLANATORY NOTE**

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

These Regulations provide for the licensing of persons who in Scotland carry on activities of selling animals as pets, rehoming animals as pets, operating animal welfare establishments (including sanctuaries and rehoming centres), breeding dogs, breeding cats and breeding rabbits (“the licensable activities”).

Regulation 3 provides that a person must not carry on a licensable activity without the authority of a licence issued under these Regulations.

*Status: This is the original version (as it was originally made).*

Regulation 4 specifies the appropriate licensing authorities to which a person may apply for the grant or renewal of a licence and makes further provision about how applications must be made. For all activities except rehoming animals as pets, the licensing authority is the local authority for the area in which the activity is carried on. For the activity of rehoming animals as pets, the licensing authority is the local authority for the area in which the applicant resides or has a place of business (including a registered office or other official address) or, if the applicant has no such residence or place of business in Scotland, the Scottish Ministers. Regulation 5 makes provision regarding the extent of the authority arising from a licence issued under these Regulations.

Part 3 of these Regulations sets out how a person may apply to the licensing authority for a licence, sets out matters in respect of which a licensing authority must be satisfied when considering the granting or renewing of a licence, and makes other provision in relation to licences. It provides for a licensing authority to charge fees to cover the costs it incurs in performing this function, anticipated costs of considering a licence holder's compliance with these Regulations and the licence conditions to which a licence holder is subject, and anticipated costs of enforcement in relation to the activity of an unlicensed operator. It makes provision for the inspection of premises and gives inspectors powers to take samples from animals.

Part 4 sets out the circumstances and procedures under which a licence may be suspended, varied or revoked. It also provides that breach of a licence condition (except one which is not a standard licence condition attached to all licences for the licensable activity), the carrying on of a licensable activity without the authority of a licence, failure to assist with in the taking of samples and obstruction of inspectors are all offences in the absence of a reasonable excuse. It also provides for offences in relation to provision of false or misleading information to inspectors and the making of false or misleading statements to a licensing authority for the purpose of obtaining or holding a licence. It also specifies maximum penalties for such offences and applies certain post-conviction powers contained in the Animal Health And Welfare (Scotland) Act 2006. It also gives inspectors powers of entry for the purposes of preparing reports and of ascertaining compliance with these Regulations and licence conditions.

Part 5 provides for appeals against licensing decisions by licensing authorities. Part 6 places a duty on each licensing authority to publish a register of licences for each licensable activity in relation to which it has issued a licence. Part 7 revokes the Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009. Part 8 makes transitional and saving provision for unexpired licences under pre-existing licensing regimes.

Schedule 1 describes each licensable activity. Schedule 2 sets out the general licence conditions that apply to all licensable activities. Schedules 3 to 8 set out the specific conditions that apply to each licensable activity.