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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2021 No.**

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

**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 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(1),

“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(2), 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,

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(1) 1976 c.38. The schedule was substituted in relation to Scotland by S.S.I. 2008/302.

(2) 2000 c.7. Section 15(1) was relevantly amended by paragraph 158 of schedule 17 of the Communications Act 2003 (c.21).

“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,
- (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 schedules 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<sup>(3)</sup>,

“working day” means any day other than a Saturday, a Sunday or a day which, under the Banking and Financial Dealings Act 1971<sup>(4)</sup>, is a bank holiday in Scotland.

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<sup>(3)</sup> 1966 c.36.  
<sup>(4)</sup> 1971 c.80.