Animal Boarding Establishments Act 1963

1963 CHAPTER 43

An Act to regulate the keeping of boarding establishments for animals; and for purposes connected therewith. [31st July 1963]

Modifications etc. (not altering text)

C1 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), **s. 3**

C2 Unreliable marginal note.

1 Licensing of boarding establishments for animals.

(1) No person shall keep a boarding establishment for animals except under the authority of a licence granted in accordance with the provisions of this Act.

[F1](2) Every local authority may, on application being made to them for that purpose by a person who is not for the time being disqualified—

(a) under this Act, from keeping a boarding establishment for animals; or

(b) under the [M1]Pet Animals Act 1951, from keeping a pet shop; or

(c) . . . . . [F2]

(e) under the [M2]Protection of Animals (Amendment) Act 1954, from having the custody of animals, **[**[F1]or—

(f) under section 34(2), (3) or (4) of the Animal Welfare Act 2006,**][**[F3]or

(g) under subsection (1) of section 40 of the Animal Health and Welfare (Scotland) Act 2006 (asp 11) , from an activity mentioned in subsection (2)(a), (b) or (c) of that section, **]**

and on payment of such fee . . . [F4] as may be determined by the local authority, grant a licence to that person to keep a boarding establishment for animals at such premises in their area as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.

[[F5](2A) Where a person is for the time being disqualified under section 28F(1) and (2) of the Animal Health Act 1981 (c. 22) , or section 40(1) and (2) of the Animal Health and Welfare (Scotland) Act 2006 (asp 11) , notwithstanding subsection (2), a local

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authority shall not grant a licence to keep a boarding establishment for animals to that person. **]**

(3) In determining whether to grant a licence for the keeping of a boarding establishment for animals by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing—

(a) that animals will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;

(b) that animals will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and (so far as necessary) visited at suitable intervals;

(c) that all reasonable precautions will be taken to prevent and control the spread among animals of infectious or contagious diseases, including the provision of adequate isolation facilities;

(d) that appropriate steps will be taken for the protection of the animals in case of fire or other emergency;

(e) that a register be kept containing a description of any animals received into the establishment, date of arrival and departure, and the name and address of the owner, such register to be available for inspection at all times by an officer of the local authority, veterinary surgeon or veterinary practitioner authorised under section 2(1) of this Act;

and shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case for securing all the objects specified in paragraphs (*a*) to (*e*) of this subsection.

(4) Any person aggrieved by the refusal of a local authority to grant such a licence, or by any condition subject to which such a licence is proposed to be granted, may appeal to a magistrates' court; and the court may on such an appeal give such directions with respect to the issue of a licence or, as the case may be, with respect to the conditions subject to which a licence is to be granted as it thinks proper.

(5) Any such licence shall (according to the applicant's requirements) relate to the year in which it is granted or to the next following year. In the former case, the licence shall come into force at the beginning of the day on which it is granted, and in the latter case it shall come into force at the beginning of the next following year.

(6) Subject to the provisions hereinafter contained with respect to cancellation, any such licence shall remain in force until the end of the year to which it relates and shall then expire.

(7) In the event of the death of a person who is keeping a boarding establishment for animals at any premises under the authority of a licence granted under this Act, that licence shall be deemed to have been granted to his personal representatives in respect of those premises and shall, notwithstanding subsection (6) of this section (but subject to the provisions hereinafter contained with respect to cancellation), remain in force until the end of the period of three months beginning with the death and shall then expire:

Provided that the local authority by whom the licence was granted may from time to time, on the application of those representatives, extend or further extend the said period of three months if the authority are satisfied that the extension is necessary for

the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.

(8) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence; and if any condition subject to which a licence is granted in accordance with the provisions of this Act is contravened or not complied with, the person to whom the licence was granted shall be guilty of an offence.

(9) In the application of this section to Scotland, in subsection (4) for any reference to a magistrates' court there shall be substituted a reference to the sheriff.

Textual Amendments

F1 S. 1(2)(f) and word inserted (E.W.) (27.3.2007 for W., 6.4.2007 for E.) by Animal Welfare Act 2006 (c. 45), s. 68(3), **Sch. 3 para. 5(1)** (with ss. 1(2), 58(1), 59, 60); S.I. 2007/1030, art. 2(1)(l); S.I. 2007/499, art. 2(2)(l)

F2 S. 1(2)(c) and (d) repealed by Protection of Animals (Amendment) Act 1988 (c. 29, SIF 4:5), **s. 3** (2) (3), Sch.

F3 S. 1(2)(g) and word inserted (E.W.) (15.12.2006) by Animal Health and Welfare (Scotland) Act 2006 (Consequential Provisions) (England and Wales) Order 2006 (S.I. 2006/3407), arts. 1(1), **8(1)**

F4 Words repealed by Local Government (Scotland) Act 1973 (c. 65,SIF 81:2), s. 209(1), Sch. 25 para. 32, **Sch. 29** and Local Government Act 1974 (c. 7), s. 35, Sch. 6 para. 17, **Sch. 8**

F5 S. 1(2A) inserted (S.) (3.11.2006) by The Animal Health and Welfare (Scotland) Act 2006 (Consequential Provisions) Order 2006 (S.S.I. 2006/536), art. 1, **Sch. 1 para. 4(2)**

Modifications etc. (not altering text)

C3 S. 1: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

C4 S. 1(1) power to repeal conferred (27.3.2007 for W., 6.4.2007 for E.) by Animal Welfare Act 2006 (c. 45), **ss. 13(8)(c)**, 68(3) (with ss. 1(2), 58(1), 59, 60); S.I. 2007/1030, art. 2(1)(d); S.I. 2007/499, art. 2(2)(f)

C5 Power to amend s. 1(2) given by Local Government (Scotland) Act 1966 (c. 51,SIF 81:2), s. 42, **Sch. 4 Pt. II**

Marginal Citations

M1 1951 c. 35.

M2 1954 c. 40.

2 Inspection of boarding establishments for animals.

(1) A local authority may authorise in writing any of its officers or any veterinary surgeon or veterinary practitioner to inspect (subject to compliance with such precautions as the authority may specify to prevent the spread among animals of infectious or contagious diseases) any premises in their area as respects which a licence granted in accordance with the provisions of this Act is for the time being in force, and any person authorised under this section may, on producing his authority if so required, enter any such premises at all reasonable times and inspect them and any animals found thereon or any thing therein, for the purpose of ascertaining whether an offence has been or is being committed against this Act.

(2) Any person who wilfully obstructs or delays any person in the exercise of his powers of entry or inspection under this section shall be guilty of an offence.

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3 Offences and disqualifications.

(1) Any person guilty of an offence under any provision of this Act other than the last foregoing section shall be liable on summary conviction to a fine not exceeding **[**[F6]level 2 on the standard scale**]** or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(2) Any person guilty of an offence under the last foregoing section shall be liable on summary conviction to a fine not exceeding **[**[F7]level 2 on the standard scale**]**.

[F8](3) Where a person is convicted of any offence under this Act or of any offence under the [M3]Protection of Animals Act 1911 or the [M4]Protection of Animals (Scotland) Act 1912 or the [M5]Pet Animals Act 1951,**[**[F8] or of any offence under any of sections 4, 5, 6(1) and (2), 7 to 9 and 11 of the Animal Welfare Act 2006, **]** the court by which he is convicted may cancel any licence held by him under this Act, and may, whether or not he is the holder of such a licence, disqualify him from keeping a boarding establishment for animals for such period as the court thinks fit.

(4) A court which has ordered the cancellation of a person's licence, or his disqualification, in pursuance of the last foregoing subsection may, if it thinks fit, suspend the operation of the order pending an appeal.

[[F9](5) Where a person is convicted of any offence under sections 28C or 28F(16) of the Animal Health Act 1981 (c. 22) , or sections 19 to 24, 25(7), 29 or 40(11) of the Animal Health and Welfare (Scotland) Act 2006 (asp 11) , the court by which he is convicted has the same powers under subsections (3) and (4) in relation to such convictions as it has in relation to convictions for offences under this Act. **]**

Textual Amendments

F6 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G

F7 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G

F8 Words in s. 3(3) inserted (27.3.2007 for W., 6.4.2007 for E.) by Animal Welfare Act 2006 (c. 45), s. 68(3), **Sch. 3 para. 5(2)** (with ss. 1(2), 58(1), 59, 60); S.I. 2007/499, art. 2(2)(l); S.I. 2007/1030, art. 2(1)(l)

F9 S. 3(5) inserted (S.) (3.11.2006) by The Animal Health and Welfare (Scotland) Act 2006 (Consequential Provisions) Order 2006 (S.S.I. 2006/536), art. 1, **Sch. 1 para. 4(3)**

Modifications etc. (not altering text)

C6 S. 3 extended by Breeding of Dogs Act 1973 (c. 60,SIF 4:1), **s. 3(3)**

Marginal Citations

M3 1911 c. 27.

M4 1912 c. 14.

M5 1951 c. 35.

4 Power of local authorities to prosecute.

A local authority in England or Wales may prosecute proceedings for any offence under this Act committed in the area of the authority.

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5 Interpretation.

(1) References in this Act to the keeping by any person of a boarding establishment for animals shall, subject to the following provisions of this section, be construed as references to the carrying on by him at premises of any nature (including a private dwelling) of a business of providing accommodation for other people's animals:
Provided that—

(a) a person shall not be deemed to keep a boarding establishment for animals by reason only of his providing accommodation for other people's animals in connection with a business of which the provision of such accommodation is not the main activity; and

(b) nothing in this Act shall apply to the keeping of an animal at any premises in pursuance of a requirement imposed under, or having effect by virtue of, the **[**[F10M6]Animal Health Act 1981**]**

(2) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"animal" means any dog or cat;

"local authority" means the council of any . . . [F11] county district, the council of a . . . [F11] borough or the Common Council of the City of London, and in Scotland means **[**[F12]a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994**]**;

"veterinary practitioner" means a person who is for the time being registered in the Supplementary Veterinary Register;

"veterinary surgeon" means a person who is for the time being registered in the Register of Veterinary Surgeons.

Textual Amendments

F10 Words in para. (*b*) of the proviso substituted by Animal Health Act 1981 (c. 22, SIF 4:4), **Sch. 5 para. 6**

F11 Words repealed by Local Government Act 1972 (c. 70,SIF 81:1) Sch. 30

F12 Words in s. 5(2) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 61**; S.I. 1996/323, **art. 4(1)(b)(c)**

Marginal Citations

M6 1981 c. 22**(4:4)**.

6 . . . . . [F13]

Textual Amendments

F13 S. 6 repealed by Statute Law (Repeals) Act 1976 (c. 16), **Sch. 1 Pt. III**

7 †Short title, repeal, extent and commencement.

(1) This Act may be cited as the Animal Boarding Establishments Act 1963.

(2) . . . . . [F14]

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(3) This Act shall not extend to Northern Ireland.

(4) This Act shall come into operation on 1st January 1964.

Textual Amendments

F14 S. 7(2) repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

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