Animal Boarding Establishments Act 1963

1963 CHAPTER 43

1 Licensing of boarding establishments for animals.

(1) **[**[F1]No person shall keep a boarding establishment for animals **[**[F2]in Wales**]** except under the authority of a licence granted in accordance with the provisions of this Act.**]**

(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) . . . . . [F3]

(e) under the [M2]Protection of Animals (Amendment) Act 1954, from having the custody of animals, **[**[F4]or—

(f) under section 34(2), (3) or (4) of the Animal Welfare Act 2006,**][**[F5]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 . . . [F6] 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.

[[F7](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 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;

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(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(1) ceases to have effect (E.) (1.10.2018) by virtue of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (S.I. 2018/486), reg. 1(1)(b), **Sch. 9 para. 3(2)** (with reg. 27)

F2 Words in s. 1(1) inserted (E.W.) (1.10.2018) by The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (S.I. 2018/486), reg. 1(1)(b), **Sch. 9 para. 3(3)** (with reg. 27)

F3 S. 1(2)(c) and (d) repealed by Protection of Animals (Amendment) Act 1988 (c. 29, SIF 4:5), **s. 3** (2) (3), Sch.

F4 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)

F5 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)**

F6 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**

F7 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)

C1 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**

C2 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)

C3 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.

Changes to legislation:
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View outstanding changes

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

– Act repealed by 2006 asp 11 Sch. 2 para. 9(h)