

*These notes refer to the Animal Welfare Act 2006 (c.45)
which received Royal Assent on 8 November 2006*

ANIMAL WELFARE ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Licensing and registration

Section 13: Licensing or registration of activities involving animals

68. Under *subsection (1)* regulations made for the purpose of promoting animal welfare may require certain animal-related activities to be licensed by the local authority or appropriate national authority. At present, licensing regimes contain many identical or similar provisions and are to be found in a variety of statutes and secondary legislation.
69. Under *subsection (3)* activities may be subject to a registration rather than a licensing requirement. The registration procedure would be used in cases where it is necessary for the enforcement authority to know of the existence and location of organisations or individuals who are keeping specific animals or carrying on particular activities, but where the additional controls and costs of a licensing regime are either unnecessary or would be unduly burdensome.
70. *Subsection (5)* provides that licensing and registration requirements may only be introduced for the purposes of promoting the welfare of animals for which a person is responsible, or the progeny of those animals.
71. *Subsection (6)* provides that it is an offence to carry on an activity for which a licence or registration is required without being licensed or registered. Schedule 1 makes further provision about licensing and registration under this power; see the relevant explanatory note.
72. *Subsection (7)* enables the Secretary of State or the National Assembly for Wales to set out the regimes introducing a licence or registration requirement in regulations. As now, licensing and registration will normally be the responsibility of the local authority, though under the Act it would be possible in principle to fulfil this function centrally. Regarding entry and inspection in connection with licensed and registered activities, see the explanatory notes for sections 25 to 27.
73. *Subsection (8)* enables the Secretary of State or National Assembly for Wales to repeal the provisions of existing Acts that impose licence or registration requirements relating to activities involving animals. Other provisions of the relevant Acts which assume the existence of the licence or registration requirement may be consequentially repealed (see paragraph 19(2) of Schedule 1). The power will be exercised where it is decided to replace provision for licensing or registration in an existing Act with provision for licensing or registration in regulations. The power will also enable provision for licensing or registration in an existing Act to be repealed without replacement should that be considered appropriate.
74. *Subsection (9)* imposes a duty on the Secretary of State and the National Assembly for Wales to consult interested parties before introducing regulations under this section.