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WELSH STATUTORY INSTRUMENTS

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**2014 No. 3266**

**The Animal Welfare (Breeding of  
Dogs) (Wales) Regulations 2014**

**PART 3**

**Licences**

**Application for a licence**

- 7.—(1) To apply for a licence under these Regulations an applicant must submit—
- (a) an application in a form and manner approved by the local authority;
  - (b) a draft enhancement and enrichment programme;
  - (c) a draft socialisation programme;
  - (d) details of the anticipated number of adult dogs and puppies to be present on the premises at any one time; and
  - (e) such supporting documentation as the authority reasonably requires.
- (2) The applicant must pay any appropriate fee in accordance with regulation 12.

**Grant or renewal of licences**

8.—(1) On receipt of an application complying with regulation 7, a local authority must inspect the applicant's premises and if satisfied—

- (a) that the licence conditions are or will be met;
- (b) with the draft enhancement and enrichment programme;
- (c) with the draft socialisation programme; and
- (d) as to any other matters the local authority considers relevant;

may grant a licence to the applicant.

- (2) The local authority must attach to each licence granted—
- (a) the conditions contained in Schedule 1 to these Regulations;
  - (b) a condition specifying the maximum number of adult dogs and puppies to be kept under the terms of the licence; and
  - (c) a condition specifying a staff to adult dog ratio which must ensure as a minimum staff requirement—
    - (i) 1 full-time attendant per 20 adult dogs kept; or
    - (ii) 1 part-time attendant per 10 adult dogs kept.
- (3) Subject to paragraph (2) the local authority may also attach further conditions to a licence as it considers necessary.
- (4) The local authority may grant or renew a licence for any period up to 1 year.

### Consideration of applications for licences

**9.**—(1) When considering whether to grant or renew a licence the local authority must be satisfied that—

- (a) dogs are at all times kept in accommodation that is of an appropriate construction and size, with appropriate exercise facilities, temperature, lighting, ventilation and cleanliness;
- (b) appropriate whelping facilities are available;
- (c) dogs are supplied with suitable food, drink and bedding; and
- (d) dogs are supplied with adequate facilities to enable them to exhibit normal behaviour patterns.

(2) Prior to granting or renewing a licence, in considering whether the licence conditions will be met, a local authority is entitled to take account of the applicant's conduct or any other circumstances that the local authority considers are relevant.

### People who may not apply for a licence

**10.** No person may apply for a licence if they are disqualified under—

- (a) section 33 of the Welfare of Animals Act (Northern Ireland) 2011<sup>(1)</sup>;
- (b) section 34 of the Act;
- (c) section 40(1) and (2) of the Animal Health and Welfare (Scotland) Act 2006<sup>(2)</sup>;
- (d) section 33A of the Dogs (Northern Ireland) Order 1983<sup>(3)</sup>;
- (e) section 3(3) of the Breeding of Dogs Act 1973<sup>(4)</sup> from keeping a breeding establishment;
- (f) section 4(3) of the Riding Establishments Act 1964 from keeping a riding establishment<sup>(5)</sup>;
- (g) section 3(3) of the Animal Boarding Establishments Act 1963 from keeping a boarding establishment<sup>(6)</sup>;
- (h) section 1(1) of the Protection of Animals (Amendment) Act 1954 from having custody of an animal<sup>(7)</sup>;
- (i) section 5(3) of the Pet Animals Act 1951 from keeping a pet shop<sup>(8)</sup>; or
- (j) section 6(2) of the Dangerous Wild Animals Act 1976 from the ownership of an animal<sup>(9)</sup>,

and any licence issued to a person so disqualified is invalid.

### Death of a licence holder

**11.**—(1) If the licence holder dies that licence is deemed to have been granted to the personal representatives of the licence holder so long as none of the personal representatives is subject to an order for disqualification under any of the provisions set out in regulation 10, and remains in force for a period of 3 months beginning with the date of death, but remains subject to the provisions in Part 3.

(2) The personal representatives must notify the local authority which issued the licence that the licence has vested in them within 4 weeks of the death of the licence holder.

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(1) 2011 c. 16.

(2) 2006 asp 11.

(3) 1983/764 (N.I. 8).

(4) 1973 c.60. Section 3(3) was amended by section 5(1) of the Breeding and Sale of Dogs (Welfare) Act 1999 (c.11).

(5) 1964 c. 70. Section 4(3) was amended by section 64 of, and paragraph 6(2) of Schedule 3 to, the Animal Welfare Act 2006.

(6) 1963 c. 43. Section 3(3) was amended by section 64 of, and paragraph 5(2) of Schedule 3 to, the Animal Welfare Act 2006.

(7) 1954 c.40. Section 1 was repealed by section 65 of, and Schedule 4 to, the Animal Welfare Act 2006.

(8) 1951 c.35. Section 5(3) was amended by section 64 of, and paragraph 3(2) of Schedule 3 to, the Animal Welfare Act 2006.

(9) 1976 c.38. Section 6(2) was amended by section 64 of, and paragraph 9 of Schedule 3 to, the Animal Welfare Act 2006.

(3) Subject to paragraphs (4) and (5), a local authority may, on the application of those personal representatives, extend the period of 3 months referred to in paragraph (1) if the local authority is satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make extension undesirable.

(4) Before extending a licence beyond 1 year from the date upon which it was issued, a local authority must inspect the licence holder's premises, and at least once per year thereafter during the period of extension.

(5) No licence may be extended under paragraph (3) beyond 3 years from the date upon which the licence was issued.

### **Fees**

**12.**—(1) A local authority may charge such fees as it considers necessary—

- (a) for the consideration of an application for a licence; and
- (b) for the grant or renewal of a licence.

(2) The fee charged for consideration of an application for a licence must not exceed the reasonable costs of carrying out that consideration.

(3) The fee charged for granting or renewing a licence must not exceed the sum of the costs of making the grant or renewal and the reasonable anticipated costs of future monitoring of compliance with these Regulations and the licence conditions by the licence holder.

### **Guidance**

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