

SCHEDULE 1

Regulation 2

Licensable activities

PART 1

Business test

1. The circumstances which a local authority must take into account in determining whether an activity is being carried on in the course of a business for the purposes of this Schedule include, for example, whether the operator—

- (a) makes any sale by, or otherwise carries on, the activity with a view to making a profit, or
- (b) earns any commission or fee from the activity.

PART 2

Selling animals as pets

2. Selling animals as pets (or with a view to their being later resold as pets) in the course of a business including keeping animals in the course of a business with a view to their being sold or resold.

3. The activity described in paragraph 2 does not include—

- (a) selling animals in the course of an aquaculture production business authorised under regulation 5(1) of the Aquatic Animal Health (England and Wales) Regulations 2009⁽¹⁾, or
- (b) a person who is the holder of a licence under the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014⁽²⁾ selling;
 - (i) puppies the person has bred themselves from the premises where the puppy was bred, or;
 - (ii) adult dogs the person has bred themselves.

SCHEDULE 2

Regulation 2

General conditions

Licence display

1.—(1) A copy of the licence must be clearly and prominently displayed on any premises on which the licensable activity is carried on.

(2) The name of the licence holder followed by the number of the licence holder's licence must be clearly and prominently displayed on any website used in respect of the licensable activity.

(1) S.I. 2009/463.

(2) S.I. 2014/3266 (W. 333)

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Records

2.—(1) The licence holder must ensure that at any time all the records that the licence holder is required to keep as a condition of the licence are available for inspection by an inspector in a visible and legible form or, where any such records are stored in electronic form, in a form from which they can readily be produced in a visible and legible form.

(2) The licence holder must keep all such records for at least 3 years beginning with the date on which the record was created.

Use, number and type of animal

3.—(1) No animals or types of animal other than those animals and types of animal specified in the licence may be used in relation to the relevant licensable activity.

(2) The number of animals kept for the licensable activity at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on any premises on which the licensable activity is carried on.

Staffing

4.—(1) Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met.

(2) The licence holder or a designated manager and any staff employed to care for the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.

(3) The licence holder must provide and ensure the implementation of a written training policy, which complies with the requirements of paragraph 9, for all staff.

Suitable environment

5.—(1) All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape and must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

(2) Animals must be kept at all times in an environment suitable to their species and condition (including health status and age) with respect to—

- (a) their behavioural needs;
- (b) its situation, space, air quality, cleanliness and temperature;
- (c) the water quality (where relevant);
- (d) noise levels;
- (e) light levels;
- (f) ventilation.

(3) Staff must ensure that the animals are kept clean and comfortable.

(4) Where appropriate for the species, a toileting area and opportunities for toileting must be provided.

(5) Procedures must be in place to ensure accommodation and any equipment within it is cleaned as often as necessary and good hygiene standards are maintained and the accommodation must be capable of being thoroughly cleaned and disinfected.

(6) The animals must be transported and handled in a manner (including for example in relation to housing, temperature, ventilation and frequency) that protects them from pain, suffering, injury and disease.

(7) All the animals must be easily accessible to staff and for inspection and there must be sufficient light for the staff to work effectively and observe the animals.

(8) All resources must be provided in a way (for example as regards, frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.

(9) The animals must not be left unattended in any situation or for any period likely to cause them distress.

Suitable diet

6.—(1) The animals must be provided with a suitable diet in terms of quality, quantity and frequency and any new feeds must be introduced gradually to allow the animals to adjust to them.

(2) Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.

(3) Feed and drinking water provided to the animals must be unspoilt and free from contamination.

(4) Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.

(5) Constant access to fresh, clean drinking water must be provided in a suitable receptacle for the species that requires it.

(6) Where feed is prepared on the premises on which the licensable activity is carried on, there must be hygienic facilities for its preparation, including a working surface, hot and cold running water and storage.

Monitoring of behaviour and training of animals

7.—(1) Active and effective environmental enrichment must be provided to the animals in inside and any outside environments.

(2) For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinary surgeon suggests otherwise.

(3) The animals' behaviour and any changes of behaviour must be monitored and advice must be sought, as appropriate and without delay, from a veterinary surgeon or, in the case of fish, any person competent to give such advice if adverse or abnormal behaviour is detected.

(4) Where used, training methods or equipment must not cause pain, suffering or injury.

(5) All immature animals must be given suitable and adequate opportunities to—

(a) learn how to interact with people, their own species and other animals where such interaction benefits their welfare, and

(b) become habituated to noises, objects and activities in their environment.

Animal handling and interactions

8.—(1) All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease.

(2) The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals and no animals from a social species may be isolated or separated from others of their species for any longer than is necessary.

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(3) The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

Protection from pain, suffering, injury and disease

9.—(1) Written procedures must—

(a) be in place and implemented covering—

- (i) feeding regimes;
- (ii) cleaning regimes;
- (iii) transportation;
- (iv) the prevention of, and control of the spread of, disease;
- (v) monitoring and ensuring the health and welfare of all the animals;
- (vi) the death or escape of an animal (including the storage of carcasses);

(b) be in place covering the care of the animals following the suspension or revocation of the licence or during and following an emergency.

(2) All people responsible for the care of the animals must be made fully aware of these procedures.

(3) Appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.

(4) All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.

(5) All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.

(6) Sick or injured animals must receive prompt attention from a veterinary surgeon or, in the case of fish, an appropriately competent person and the advice of that veterinary surgeon or, in the case of fish, that competent person must be followed.

(7) Where necessary, animals must receive preventative treatment by an appropriately competent person.

(8) The licence holder must register with a veterinary surgeon with an appropriate level of experience in the health and welfare requirements of any animals specified in the licence and the contact details of that veterinary surgeon must be readily available to all staff on the premises on which the licensable activity is carried on.

(9) Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinary surgeon.

(10) Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinary surgeon.

(11) Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals and must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.

(12) No person may euthanize an animal except a veterinary surgeon or a person who has been authorised by a veterinary surgeon as competent for such purpose or in the case of fish, a person who is competent for such purpose.

(13) All animals must be checked at least once daily and more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.

(14) Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinary surgeon (or in the case of fish, of an appropriately competent person) must be sought and followed.

Emergencies

10.—(1) A written emergency plan, acceptable to the local authority, must be in place, known and available to all the staff on the premises on which the licensable activity is carried on, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdown of essential heating, ventilation and aeration or filtration systems or other emergencies.

(2) The plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.

(3) External doors and gates must be lockable.

(4) A designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.

SCHEDULE 3

Regulation 2

Specific conditions: selling animals as pets

Interpretation

1. In this Schedule—

“prospective owner” (“*darpar berchennog*”) means a person purchasing an animal to keep or to be kept as a pet;

“premises” (“*mangre*”) means the premises on which the licensable activity of selling animals as pets (or with a view to their being later resold as pets) is carried on;

“purchaser” (“*prynwr*”) means a person purchasing an animal to keep as a pet or with a view to it later being resold as a pet.

Records and advertisements

2.—(1) A register must be maintained for all the animals or, in the case of fish, all the groups of fish, on the premises which must include—

- (a) the full name of the supplier of the animal,
- (b) the animal’s sex (where known),
- (c) (except in the case of fish) the animal’s age (where known),
- (d) details of any veterinary treatment (where known),
- (e) the date of birth of the animal or, if the animal was acquired by the licence holder, the date of its acquisition,
- (f) the date of the sale of the animal by the licence holder, and
- (g) the date of the animal’s death (if applicable).

(2) Where an animal is undergoing any medical treatment—

- (a) this fact must be clearly indicated—

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- (i) in writing next to it, or
- (ii) (where appropriate) by labelling it accordingly, and
- (b) it must not be sold.
- (3) Any advertisement for the sale of an animal must—
 - (a) include the number of the licence holder’s licence,
 - (b) specify the local authority that issued the licence,
 - (c) include a recognisable photograph of the animal being advertised,
 - (d) (except in the case of fish) display the age of the animal being advertised,
 - (e) state the country of residence of the animal from which it is being sold, and
 - (f) state the country of origin of the animal.

Prospective sales: pet care and advice

3.—(1) The licence holder and all staff must ensure that any equipment and accessories being sold with an animal are suitable for the animal.

(2) The licence holder and all staff must ensure that the prospective owner is provided with information on the appropriate care of the animal including in relation to—

- (a) feeding,
- (b) housing,
- (c) handling,
- (d) husbandry,
- (e) the life expectancy of its species,
- (f) the provision of suitable accessories, and
- (g) veterinary care.

(3) Appropriate reference materials on the care of all animals for sale must be on display and provided to the prospective owner.

(4) The licence holder and all staff must have been suitably trained to advise prospective owners about the animals being sold.

(5) The licence holder and all staff must ensure that the purchaser is informed of the country of origin of the animal and the species, and where known, the age, sex and veterinary record of the animal being sold.

Suitable accommodation

4.—(1) Animals must be kept in housing which minimises stress including from other animals and the public.

(2) Where members of the public can view or come into contact with the animals, signage must be in place to deter disturbance of the animals.

(3) Dangerous wild animals (if any) must be kept in cages that are secure and lockable and appropriate for the species.

(4) For the purposes of sub-paragraph (3), “dangerous wild animal” means an animal of a kind specified in the first column of the Schedule to the Dangerous Wild Animals Act 1976(3).

(3) 1976 c. 38. The Schedule was substituted in relation to England and Wales by article 2 of [S.I. 2007/2465](#).

Sale of animals

5.—(1) No animal of any of the following descriptions may be sold as a pet, or sold with a view to being resold as a pet, by or on behalf of the licence holder—

- (a) unweaned mammals;
- (b) mammals weaned at an age at which they should not have been weaned;
- (c) non-mammals that are incapable of feeding themselves;
- (d) puppies, kittens, ferrets or rabbits, aged under 8 weeks;
- (e) puppies or kittens which were not bred by the licence holder at the premises.

(2) The sale of a dog must be completed in the presence of the purchaser on the premises.

Protection from pain, suffering, injury and disease

6.—(1) All animals for sale must be in good health.

(2) Any animal with a condition which is likely to affect the quality of life must not be moved, transferred or offered for sale but may be moved to an isolation facility or veterinary care facility if required until the animal has recovered.

(3) When arranging for the receipt of animals, the licence holder must make reasonable efforts to ensure that they will be transported in a suitable manner.

(4) Animals must be transported or handed to purchasers in suitable containers for the species and expected duration of the journey.

SCHEDULE 4

Regulation 10

Persons who may not apply for a licence

1. A person who has at any time held a licence which was revoked under regulation 14 of these Regulations.

2. A person who is disqualified under section 33 of the Welfare of Animals Act (Northern Ireland) 2011⁽⁴⁾.

3. A person who is disqualified under section 34 of the Act.

4. A person who is disqualified under section 40(1) and (2) of the Animal Health and Welfare (Scotland) Act 2006⁽⁵⁾.

5. A person who is disqualified under section 6(2) of the Dangerous Wild Animals 1976⁽⁶⁾ from keeping a dangerous wild animal.

6. A person who is disqualified under section 5(3) of the Pet Animals Act 1951⁽⁷⁾ from keeping a pet shop.

7. A person who is disqualified under section 1(1) of the Protection of Animals (Amendment) Act 1954⁽⁸⁾ from having custody of an animal.

(4) 2011 c. 16.

(5) 2006 asp 11.

(6) 1976 c. 38; section 6(2) has been amended but the amendments are not relevant.

(7) Section 5(3) was amended by paragraph 3(2) of Schedule 3 to the Animal Welfare Act 2006.

(8) 1954 c. 40 (2 & 3 Eliz 2); section 1 was repealed by Schedule 4 to the Animal Welfare Act 2006.

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8. A person who is disqualified under section 3 of the Protection of Animals Act 1911⁽⁹⁾ from the ownership of an animal.

SCHEDULE 5

Regulation 24

Repeals and consequential amendments

Pet Animals Act 1951

1. The Pet Animals Act 1951, section 1(1) (restriction on keeping a pet shop) ceases to have effect in relation to Wales.

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

2. In Schedule 6(1)(c)(ii) to the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018⁽¹⁰⁾, for “the Pet Animals Act 1951 to keep the shop” substitute “regulations 2 and 4 of the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021”.

⁽⁹⁾ 1911 c. 27 (1 & 2 Geo 5); section 3 was repealed by Schedule 4 to the Animal Welfare Act 2006.

⁽¹⁰⁾ SI 2014/486