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The Chair and Members of Appeals
and Regulatory Committee

19 September 2018

Dear Councillor,

Please attend a meeting of the APPEALS AND REGULATORY COMMITTEE to be held on WEDNESDAY, 26 SEPTEMBER 2018 at 10.00 am in Committee Room 3, Town Hall, Chesterfield, S40 1LP, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to items on the agenda
2. Apologies for Absence
3. New Animal Licensing Legislation And Fees 2018/19 (A270) (Pages 3 - 110)

Yours sincerely,

A handwritten signature in black ink, appearing to read "Brian Offiler".

Local Government and Regulatory Law Manager and Monitoring Officer

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FOR PUBLICATION

NEW ANIMAL LICENSING LEGISLATION AND FEES 2018/19 (A270)

MEETING: APPEALS AND REGULATORY COMMITTEE

DATE: 26th SEPTEMBER 2018

**CABINET
PORTFOLIO:** HEALTH AND WELLBEING

REPORT BY: SENIOR ENVIRONMENTAL HEALTH
OFFICER

1.0 PURPOSE OF REPORT

1.1 To inform the Committee of the new statutory Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (Appendix A) and to recommend the delegation of decisions in relation to the determination of licences and enforcement action to the Assistant Director in Health and Wellbeing and Environmental Health Team Leader (Food and Health and Safety and Communicable Disease) by the 1st October 2018, and the adoption of the proposed fees and charges in relation to animal licensing as of 1st October 2018.

2.0 RECOMMENDATIONS

2.1 That the Committee approves:

- From 1 October 2018, the power to determine appeals against decisions to vary or suspend licences and decisions to commence enforcement action be delegated to the Assistant Director for Health and Wellbeing.

- From 1 October 2018, the power to determine appeals against a risk assessment score be delegated to the Assistant Director for Health and Wellbeing and/or their authorised delegate (in accordance with the requirements detailed in the “The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 Procedural guidance notes for local authorities July 2018”).
- From 1st October 2018, adoption of the proposed fees and charges in relation to animal licensing set out in paragraph 4.7 of this report.
- The Local Government and Regulatory Law Manager be delegated authority to draft appropriate amendments to the Council’s constitution to allow representations by licence holders against the variation or suspension of licences to be determined by the Assistant Director for Health and Wellbeing, or where the Assistant Director believes that there is wider social or economic issues being raised by the written representation, by a panel of the Appeals and Regulatory Committee.
- The Local Government and Regulatory Law Manager be delegated authority to draft appropriate amendments to the Council’s constitution to allow appeals against risk assessment scores to be determined by the Assistant Director for Health and Wellbeing.

3.0 EXECUTIVE SUMMARY

- 3.1 In April 2018 the Government passed the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. This legislation amalgamated, and replaced a number of pieces of legislation that governed the licensing of animals.
- 3.2 The legislation allows licensing authorities to charge a reasonable amount to cover the cost of considering the grant, renewal or variation of a licence, but the licensing authority must not generate a profit from these charges.

3.3 The new regulations have amended the previous licensing regimes in a number of ways but the three key changes are:-

- A premise can have a single licence covering a number of licensed activities (similar to premises licences under the Licensing Act 2003).
- The change of licensing authority from County to District for the consideration of licences pertaining to performing animals.
- That a licence can last for 1 – 3 years depending upon a risk assessment produced in line with Secretary of State Guidance.

3.4 Having undertaken an inspection of a premise the Council may impose conditions where they deem it appropriate to do so in accordance with regulation 4(3) of the regulations.

3.5 Where a licence holder makes written representations to the Council against the variation or suspension of their licence it is proposed that such representations be heard by the Assistant Director for Health and Wellbeing, or where the Assistant Director believes that there is wider social or economic issues being raised by the written representations, by a panel of the Appeals and Regulatory Committee.

4.0 **BACKGROUND**

4.1 The Animal Welfare Act was brought into force in 2006, and until this point the Local Authority has not needed to use the legislation. The legislation aims to ensure that animals are not mistreated. Statutory guidance made under the legislation introduced the 5 freedoms of animal welfare which are:-

- For a suitable environment (place to live)
- For a suitable diet
- To be housed with or apart from other animals
- To be protected from pain, suffering, injury and disease
- To exhibit normal behaviour patterns

4.2 The Act is the enabling legislation for new regulations that cover the licensing of activities involving animals. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 repeals and amends the following legislation previously used:-

- Animal Boarding Establishments Act 1963
- Breeding of Dogs Act 1973
- Breeding of Dogs Act 1991
- Pet Animals Act 1951
- Performing Animals (Regulation) Act 1925
- Riding Establishments Act 1964

etc. (a full list can be found in Schedule 9 and 10 of the act).

4.3 The Council can charge a fee for the consideration of an application for the grant, renewal, or variation of a licence. Section 13 of the regulation states:

“13-(1) A local authority may charge such fees as it considers necessary for:-

- (a) the consideration of an application for the grant, renewal or variation of a licence including any inspection relating to that consideration, and for the grant, renewal or variation,
- (b) the reasonable anticipated costs of consideration of a licence holder’s compliance with these Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in sub-paragraph (a) including any inspection relating to that consideration,
- (c) the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator; and
- (d) the reasonable anticipated costs of compliance with regulation 29.

’13-(2) The fee charged for the consideration of an application for the grant, renewal or variation of a licence and for any inspection relating to that consideration must not exceed the

reasonable costs of that consideration and related inspection.”

It is not lawful for the Council to make a profit from its licensing functions, and the proposed fees have been set based on the guidance set out above and a reasonable estimate of the costs in undertaking this (Appendix C).

- 4.4 As part of the inspection process the Council are required to determine the level of risk posed by the activities on site using the DEFRA guidance. This risk assessment will determine the length of time that a licence will last for.
- 4.5 The DEFRA guidance requires that a local authority has in place a mechanism for determining appeals against a risk assessment score. It is proposed that an appeal against a risk assessment score will be determined by the Assistant Director for Health and Wellbeing and/or their authorised delegate.
- 4.6 A licensee can also request a re-score visit at any time; however, the local authority can charge for this revisit score, and may charge the reasonable costs that they incur in doing so.
- 4.7 Based on the above it is recommended that the Council adopts the following fees and charges in relation to the granting of licences under the Act:

Licence Type	Current numbers	Proposed numbers	Licence Fee Proposed
			PART A
Animal Boarding	14	14	
Animals for Exhibition	0	7	
Breeding	1	unknown	
Dangerous Wild Animals	0	unknown	
Dog Day Care	0	2	
Home Boarding	23	22	
Pet Shop	7	7	
Riding Establishments	2	2	
ZOO	0	0	
			£250 For all
			(Part A is to cover the direct costs associated with processing the application, to the point where a decision is made and if appropriate a licence is issued. This includes handling applications and payments, and carrying

			out pre-licencing inspections. A fee is payable on application and is non-refundable.)
Additional Licence Activity		Unknown	£65
Enforcement Visit (unannounced insp)			PART B £55 (Part B is to cover the costs associated with running the licensing function; this includes investigating complaints, enforcement and general administration. The fee will only become payable if the licence is granted and will need to be paid before the licence becomes operational.)
Re-rate inspection (full cost recovery) / reinstatement after suspension			£160
Appeal fee (unless re-inspection gives higher rating)			£160
Lost Licence /Duplicate Licence			£10
Variation of licence (admin only)			£25
Variation that involves further inspection			£160
Vets Fees			A recharge to the licensee of the cost to the Authority

4.8 Based on current and proposed volumes the impact of these changes is anticipated to be cost neutral in terms of income generation given the conditions relating to profit.

- 4.9 The legislation states that the licensing authority may: suspend, vary or revoke a licence if they are satisfied that:-
- a) The licence conditions are not being complied with,
 - b) There has been a breach of the Regulations
 - c) Information provided by the applicant was false or misleading,
 - d) It is necessary to protect the welfare of an animal
- 4.10 A licence holder may appeal against the authority's decision to refuse to grant or renew a licence or to revoke a licence to the first tier tribunal at the general regulation chamber (HM Courts and Tribunal Service, Leeds) in the first instance.
- 4.11 Where the authority chooses to vary or suspend a licence, the licence holder has 7 days in which they can make written representations to the local authority, which must be considered within 7 working days of receiving those representations. If the licence holder remains unhappy with the decision of the local authority they can appeal to the first tier tribunal at the general regulation chamber (HM Courts and Tribunal Service, Leeds).
- 4.12 Where representations are received against decisions to vary or suspend a licence or to impose conditions on a licence it is proposed that such representations be heard by the Assistant Director for Health and Wellbeing, or where the Assistant Director believes that there is wider social or economic issues being raised by the written representations, by a panel of the Appeals and Regulatory Committee.

5.0 OUTCOMES / OUTPUTS

- 5.1 Under the constitution of the Council, decisions in relation to the determination of applications for licences is currently delegated to the Senior Environmental Health Officer in Environmental Health Team (Food and Health and Safety and Communicable Disease).
- 5.2 We are not expecting that there will be a significant number of representations against imposed conditions.
- 5.3 The fees and charges proposed above have been produced using a cost calculator and reflect predicted outgoings for considering the grant of a licence, the cost of enforcement of both licensed and unlicensed premises and the cost of providing the annual return.

These are the reasonable costs that we are allowed to recover as described in the legislation.

6.0 OPTIONS AVAILABLE AND CONSIDERATION OF RISK

- 6.1 In relation to the fees and charges proposed there is the potential that we could try and seek to add additional costs, however based on our expectation of how we will licence under the new regime we believe that the proposed fees are appropriate in accordance with the legislation.
- 6.2 There will be a review of the fees after the first year of operating to assess whether they are appropriate and produce a report to the Appeals and Regulatory Committee suggesting a new fee and charge if they are not.
- 6.3 Whilst all representations against the imposition of a condition could be heard by committee it was felt that where there is a technical rather than socio-economic impact these would be best heard by the Assistant Director of Health and Wellbeing and/or their delegate. The department will produce a report each year to the committee to show what action has been taken under delegated powers, so that the committee can be satisfied that this approach is appropriate.

7.0 RECOMMENDATIONS

- 7.1 That the Committee approves:
- From 1 October 2018, the power to determine appeals against decisions to vary or suspend licences and decisions to commence enforcement action be delegated to the Assistant Director for Health and Wellbeing.
 - From 1 October 2018, the power to determine appeals against a risk assessment score be delegated to the Assistant Director for Health and Wellbeing and/or their authorised delegate (in accordance with the requirements detailed in the “The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 Procedural guidance notes for local authorities July 2018”).

- From 1st October 2018, adoption of the proposed fees and charges in relation to animal licensing set out in paragraph 4.7 of this report.
- The Local Government and Regulatory Law Manager be delegated authority to draft appropriate amendments to the Council's constitution to allow representations by licence holders against the or variation or suspension of licences to be determined by the Assistant Director for Health and Wellbeing, or where the Assistant Director believes that there is wider social or economic issues being raised by the written representation, by a panel of the Appeals and Regulatory Committee.
- The Local Government and Regulatory Law Manager be delegated authority to draft appropriate amendments to the Council's constitution to allow appeals against risk assessment scores to be determined by the Assistant Director for Health and Wellbeing.

For further information on this report contact:
Catherine Bromhall, Senior Environmental Health Officer on (34)5749

Appendices:

- A Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- B Animal Welfare Act 2006
- C Full working of Costs

Background Papers

(available from Catherine Bromhall, Senior Environmental Health Officer on (34)5749):

Procedural guidance notes for local authorities on Animal Activity
Licensing 2018
Local Government Association: Open for business: LGA guidance on
locally set licence fees

D R A F T S T A T U T O R Y I N S T R U M E N T S

2018 No.

ANIMALS, ENGLAND

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

Made - - - - - ***
Coming into force - - - - - *1st October 2018*

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The Secretary of State is, in relation to England, the appropriate national authority for the purpose of exercising the powers conferred by section 13(2), (7), (8) and (10) of and Parts 1 and 3 of Schedule 1 to the Animal Welfare Act 2006^(a), and makes the following Regulations in exercise of those powers.

In accordance with section 13(9) of that Act, the Secretary of State has consulted such persons appearing to the Secretary of State to represent interests with which these Regulations are concerned as the Secretary of State considered appropriate.

In accordance with section 61(2) of that Act, a draft of this instrument has been laid before Parliament and approved by resolution of each House of Parliament.

PART 1

Introduction

Title, commencement and application

1.—(1) These Regulations—

- (a) may be cited as the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018;
- (b) come into force on 1st October 2018.

(2) The following provisions of these Regulations apply in England only—

- (a) regulations 2 to 24,
- (b) regulations 27 to 29, and
- (c) Schedules 1 to 8.

Interpretation

2. In these Regulations—

“the Act” means the Animal Welfare Act 2006;

“adult dog” means a dog aged 6 months or more;

“general conditions” means the conditions set out in Schedule 2;

“horse” includes an ass, mule or hinny;

“licence”, except as the context otherwise requires in regulation 11(1)(b) and Schedule 8 or where more specifically provided, means a licence to carry on a licensable activity granted or renewed under these Regulations and cognate expressions are to be construed accordingly;

“licence conditions” means—

- (a) the general conditions, and
- (b) the relevant specific conditions;

“licensable activity” means an activity described in paragraph 2, 4, 6, 8 or 10 of Schedule 1;

“listed” means for the time being listed as authorised to carry out an inspection on the list of veterinarians drawn up by the Royal College of Veterinary Surgeons;

(a) 2006 c. 45. The appropriate national authority is defined in section 62(1) of the Act.

“local authority” means—

- (a) a district council,
- (b) a London borough council,
- (c) the Common Council of the City of London (in their capacity as a local authority),
- (d) the Council of the Isles of Scilly, or
- (e) a combined authority in England established under section 103 of the Local Democracy, Economic Development and Construction Act 2009^(a);

“operator” means an individual who—

- (a) carries on, attempts to carry on or knowingly allows to be carried on a licensable activity, or
- (b) where a licence has been granted or renewed, is the licence holder;

“pet” means an animal mainly or permanently, or intended to be mainly or permanently, kept by a person for—

- (a) personal interest,
- (b) companionship,
- (c) ornamental purposes, or
- (d) any combination of (a) to (c).

“puppy” means a dog aged less than 6 months;

“relevant specific conditions” means—

- (a) in relation to the activity of selling animals as pets (or with a view to their being later resold as pets) as described in paragraph 2 of Schedule 1, the conditions set out in Schedule 3;
- (b) in relation to the activity of providing or arranging for the provision of boarding for cats or dogs as described in paragraph 4 of Schedule 1, the conditions set out in the relevant Part of Schedule 4;
- (c) in relation to the activity of hiring out horses as described in paragraph 6 of Schedule 1, the conditions set out in Schedule 5;
- (d) in relation to the activity of breeding dogs as described in paragraph 8 of Schedule 1, the conditions set out in Schedule 6;
- (e) in relation to the activity of keeping or training animals for exhibition as described in paragraph 10 of Schedule 1, the conditions set out in Schedule 7;

“sleeping area” means a fully-enclosed indoor area in which a dog, or, in the context of Part 1 of Schedule 4, a cat, can rest, sleep or avoid seeing other people or animals;

“veterinarian” means—

- (a) a person who is for the time being registered in the register of veterinary surgeons maintained under section 2 of the Veterinary Surgeons Act 1966^(b), or
- (b) a person who is for the time being registered in the supplementary veterinary register maintained under section 8 of that Act;

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under section 1 of the Banking and Financial Dealings Act 1971^(c).

(a) 2008 c.20. Section 103 has been amended by sections 12(2) and 14(2) of the Cities and Local Government Devolution Act 2016 (2016 c.1).

(b) 1966 c. 36. Section 2(2) has been amended by article 12 and paragraph 1 of the Schedule to S.I. 2003/2919 and by article 2 and paragraph (2)(a) and (b) of the Schedule to S.I. 2008/1824.

(c) 1971 c. 80.

Licensing of operators

3.—(1) Each licensable activity is a specified activity for the purposes of section 13(1) of the Act.

(2) A local authority is the licensing authority for any licensable activity carried on on premises in its area.

PART 2

Grant, renewal and variation with consent of a licence and inspection of premises

Conditions of grant or renewal of a licence

4.—(1) This regulation applies where—

- (a) a local authority has received from an operator an application in writing for the grant or renewal of a licence to carry on a licensable activity on premises in the local authority's area, and
- (b) the application gives such information as the local authority has required.

(2) The local authority must—

- (a) appoint one or more suitably qualified inspectors to inspect any premises on which the licensable activity or any part of it is being or is to be carried on, and
- (b) following that inspection, grant a licence to the operator, or renew the operator's licence, in accordance with the application if it is satisfied that—
 - (i) the licence conditions will be met,
 - (ii) any appropriate fee has been paid in accordance with regulation 13, and
 - (iii) the grant or renewal is appropriate having taken into account the report submitted to it in accordance with regulation 10.

(3) A local authority must attach to each licence granted or renewed—

- (a) the general conditions, and
- (b) the relevant specific conditions.

(4) On receipt of an application in writing for the grant or renewal of a licence in respect of the activity described in paragraph 6 of Schedule 1, if no inspector appointed under paragraph (2)(a) is a listed veterinarian, the local authority must appoint a listed veterinarian to inspect the premises with the inspector appointed under that paragraph.

(5) On receipt of an application in writing for the grant of a licence in respect of the activity described in paragraph 8 of Schedule 1, if no inspector appointed under paragraph (2)(a) is a veterinarian, the local authority must appoint a veterinarian to inspect the premises with the inspector appointed under that paragraph.

(6) Paragraph (5) does not apply where the application is for the grant of such a licence which is to have effect immediately after the remainder of the term of a licence mentioned in regulation 27(5).

(7) In considering whether the licence conditions will be met, a local authority must take account of the applicant's conduct as the operator of the licensable activity to which the application for the grant or renewal relates, whether the applicant is a fit and proper person to be the operator of that activity and any other relevant circumstances.

(8) A local authority must not grant a licence to an operator, or renew an operator's licence, in any circumstances other than those described in these Regulations.

(9) All licences granted or renewed in relation to any of the licensable activities are subject to the licence conditions.

Period of licence

5. A local authority may grant or renew a licence—
- (a) for a period of one, two or three years in respect of the activity or any part of the activity described in paragraph 2, 4, 6 or 8 of Schedule 1 if it is satisfied that a period of one, two or three years, as the case may be, is appropriate on the basis of its assessment, having regard to such guidance as may be issued by the Secretary of State, of—
 - (i) the risk of an operator breaching any licence conditions;
 - (ii) the impact on animal welfare of any such breaches; and
 - (iii) whether the operator is already meeting higher standards of animal welfare than are required by the licence conditions;
 - (b) for a period of three years in respect of the activity or any part of the activity described in paragraph 10 of Schedule 1.

Power to take samples from animals

6. An inspector may, for the purposes of ensuring the licence conditions are being complied with, take samples for laboratory testing from any animals on premises occupied by an operator.

Duty to assist in the taking of samples from animals

7. An operator must comply with any reasonable request of an inspector to facilitate the identification and examination of an animal and the taking of samples in accordance with regulation 6 and, in particular, must arrange the suitable restraint of an animal if so requested by an inspector.

Hiring out horses: requirement for annual inspection of premises

8.—(1) Where there is a licence in force in relation to an activity described in paragraph 6 of Schedule 1, the local authority must appoint a listed veterinarian to inspect the premises on which the activity is being carried on.

(2) For the purposes of paragraph (1), the authority must make an appointment for an inspection to take place before the end of the first anniversary of the day on which the licence, as granted or renewed, came into force and before the end of each subsequent year in respect of which the licence remains in force.

Variation of a licence on the application, or with the consent, of a licence holder

9. A local authority may at any time vary a licence—
- (a) on the application in writing of the licence holder, or
 - (b) on its own initiative, with the consent in writing of the licence holder.

Inspector's report

10.—(1) Where a local authority arranges an inspection pursuant to regulation 4(2)(a), it must arrange for the submission to it of a report by the inspector.

- (2) The inspector's report must—
- (a) contain information about the operator, any relevant premises, any relevant records, the condition of any animals and any other relevant matter, and
 - (b) state whether or not the inspector considers that the licence conditions will be met.

Persons who may not apply for a licence

11.—(1) The following persons may not apply for a licence in respect of any licensable activity—

- (a) a person listed as a disqualified person in paragraph 4 or any of paragraphs 6 to 17 of Schedule 8 where the time limit for any appeal against that disqualification has expired or where, if an appeal was made, that appeal was refused;
- (b) a person listed in any of paragraphs 1 to 3 and 5 of Schedule 8 as having held a licence which was revoked where the time limit for any appeal against that revocation has expired or where, if an appeal was made, that appeal was refused.

(2) Any licence granted or renewed, or held by, a person mentioned in paragraph (1)(a) or (b) is automatically revoked.

Death of a licence holder

12.—(1) In the event of the death of a licence holder, the licence is deemed to have been granted to, or renewed in respect of, the personal representatives of that former licence holder.

(2) In the circumstances described in paragraph (1), the licence is to remain in force for three months beginning with the date of the death of the former licence holder or for as long as it was due to remain in force but for the death (whichever period is shorter) but remains subject to the provisions in Part 3.

(3) The personal representatives must notify in writing the local authority which granted or renewed the licence that they are now the licence holders within 28 days beginning with the date of the death of the former licence holder.

(4) If the personal representatives fail so to notify the local authority within the period specified in paragraph (3), the licence shall cease to have effect on the expiry of that period.

(5) The local authority which granted or renewed the licence may, on the application of the personal representatives, extend the period specified in paragraph (2) for up to three months if it is satisfied that the extension is necessary for the purpose of winding up the estate of the former licence holder and is appropriate in all the circumstances.

Fees

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

- (a) the consideration of an application for the grant, renewal or variation of a licence including any inspection relating to that consideration, and for the grant, renewal or variation,
- (b) the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in sub-paragraph (a) including any inspection relating to that consideration,
- (c) the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator, and
- (d) the reasonable anticipated costs of compliance with regulation 29.

(2) The fee charged for the consideration of an application for the grant, renewal or variation of a licence and for any inspection relating to that consideration must not exceed the reasonable costs of that consideration and related inspection.

Guidance

14. A local authority must have regard in the carrying out of its functions under these Regulations to such guidance as may be issued by the Secretary of State.

PART 3

Enforcement and notices

Grounds for suspension, variation without consent or revocation of a licence

15. A local authority may, without any requirement for the licence holder's consent, decide to suspend, vary or revoke a licence at any time on being satisfied that—

- (a) the licence conditions are not being complied with,
- (b) there has been a breach of these Regulations,
- (c) information supplied by the licence holder is false or misleading, or
- (d) it is necessary to protect the welfare of an animal.

Procedure for suspension or variation without consent

16.—(1) Except as otherwise provided in this regulation, the suspension or variation of a licence following a decision under regulation 15 has effect at the end of a period of seven working days beginning with the date on which notice of the decision is issued to the licence holder or, if that date is not a working day, the next working day.

(2) If it is necessary to protect the welfare of an animal, the local authority may specify in the notice of its decision that the suspension or variation has immediate effect.

(3) A decision to suspend or vary a licence must—

- (a) be notified to the licence holder in writing,
- (b) state the local authority's grounds for suspension or variation,
- (c) state when it comes into effect,
- (d) specify measures that the local authority considers are necessary in order to remedy the grounds, and
- (e) explain the right of the licence holder to make written representations in accordance with paragraph (4) and give details of the person to whom such representations may be made and the date by the end of which they must be received.

(4) The licence holder may make written representations which must be received by the local authority within seven working days beginning with the date of issue of notice of the decision under regulation 15 to suspend or vary the licence or, if that date is not a working day, the next working day.

(5) Except in relation to notices under paragraph (2), where a licence holder makes written representations which are received by the local authority within the period specified in paragraph (4), the suspension or variation is not to have effect unless the local authority, after considering the representations, suspends or varies the licence in accordance with paragraph (6)(a).

(6) Within seven working days beginning with the date of receipt of any representations made in accordance with paragraph (5), the local authority must, after considering the representations—

- (a) suspend or vary the licence,
- (b) cancel its decision under regulation 15 to suspend or vary the licence,
- (c) confirm the suspension or variation of the licence under paragraph (2), or
- (d) reinstate the licence if it has been suspended, or cancel its variation if it has been varied, under paragraph (2).

(7) The local authority must issue to the licence holder written notice of its decision under paragraph (6) and the reasons for it within seven working days beginning with the date of receipt of any representations made in accordance with paragraph (4) or, if that date is not a working day, beginning with the next working day.

(8) The local authority's decision under paragraph (6) is to have effect on service of its notice under paragraph (7).

(9) Paragraph (10) applies if the local authority fails to comply with paragraph (6) or (7).

(10) Where this paragraph applies, after seven working days beginning with the date of receipt of any representations made in accordance with paragraph (4) or, if that date is not a working day, beginning with the next working day—

- (a) a licence suspended under paragraph (2) is to be deemed to be reinstated;
- (b) a licence varied under paragraph (2) is to be deemed to have effect as if it had not been so varied;
- (c) a licence suspended under paragraph (6)(a) is to be deemed to be reinstated;
- (d) a licence varied under paragraph (6)(a) is to be deemed to have effect as if it had not been so varied;
- (e) any licence held by the licence holder other than a licence suspended or varied under paragraph (2) or (6)(a) which the local authority decided to suspend or vary under regulation 15 is to be deemed to remain in force and not to be so varied.

(11) Once a licence has been suspended for 28 days, the local authority must on the next working day—

- (a) reinstate it without varying it,
- (b) vary and reinstate it as varied, or
- (c) revoke it.

(12) If the local authority fails to comply with paragraph (11), the licence is to be deemed to have been reinstated without variation with immediate effect.

Reinstatement of a suspended licence by a local authority

17.—(1) A local authority must reinstate a suspended licence by way of written notice once it is satisfied that the grounds specified in the notice of suspension have been or will be remedied.

(2) Where a local authority reinstates a licence under paragraph (1), it may reduce the period for which it is reinstated.

Notice of revocation

18.—(1) A revocation decision must—

- (a) be notified in writing to the licence holder,
- (b) state the local authority's grounds for revocation, and
- (c) give notice of the licence holder's right of appeal to the First-tier Tribunal and the period under regulation 24 within which such an appeal may be brought.

(2) The decision has effect on service of the notice.

Obstruction of inspectors

19. A person must not intentionally obstruct an inspector appointed for the purposes of the enforcement of these Regulations in the exercise of any powers conferred by or under the Act.

Offences

20.—(1) It is an offence for a person, without lawful authority or excuse—

- (a) to breach a licence condition;
- (b) to fail to comply with regulation 7 or 19.

(2) A person who commits an offence under paragraph (1) is liable on summary conviction to a fine.

Powers of entry

21. Breach of a licence condition must be treated as a relevant offence for the purposes of section 23 of the Act (entry and search under warrant in connection with offences).

Post-conviction powers

22. The relevant post-conviction powers contained in sections 34 and 42 of the Act apply in relation to a conviction for an offence under regulation 20.

Notices

23.—(1) Any notice issued by a local authority under these Regulations may be amended, suspended or revoked by the local authority in writing at any time.

(2) A notice may be served on a person by—

- (a) personal delivery,
- (b) leaving it or sending it by post to the person's current or last known postal address, or
- (c) emailing it to the person's current or last known email address.

PART 4

Appeals

Appeals

24.—(1) Any operator who is aggrieved by a decision by a local authority—

- (a) to refuse to grant or renew a licence, or
- (b) to revoke or vary a licence,

may appeal to the First-tier Tribunal.

(2) The period within which an operator may bring such an appeal is 28 days beginning with the day following the date of the decision.

(3) The First-tier Tribunal may on application and until the appeal is determined or withdrawn—

- (a) in the case of a decision to refuse to renew a licence, permit a licence holder to continue to carry on a licensable activity or any part of it subject to the licence conditions, or
- (b) suspend a revocation or variation under regulation 15.

(4) On appeal, the First-tier Tribunal may overturn or confirm the local authority's decision, with or without modification.

PART 5

Repeals, revocations and consequential amendments

Repeals and consequential amendments

25. Schedule 9 (repeals and consequential amendments) is to have effect.

Revocations and consequential amendments

26. Schedule 10 (revocations and consequential amendments) is to have effect.

PART 6

Transitional and saving provisions

Transitional and saving provisions

27.—(1) Any unexpired licence granted in accordance with the provisions of the Pet Animals Act 1951(a) shall continue in force for the remainder of its term subject to the provisions of that Act as it had effect on the relevant date.

(2) Any unexpired licence granted under the Animal Boarding Establishments Act 1963(b) shall continue in force for the remainder of its term subject to the provisions of that Act as it had effect on the relevant date.

(3) Any unexpired licence granted under of the Riding Establishments Act 1964(c) shall continue in force for the remainder of its term subject to the provisions of that Act as it had effect on the relevant date.

(4) Any unexpired provisional licence granted under the Riding Establishments Act 1970(d) shall continue in force for the remainder of its term subject to the provisions of that Act and, so far as relevant, the Riding Establishments Act 1964 as those Acts had effect on the relevant date.

(5) Any unexpired licence granted in accordance with the provisions of the Breeding of Dogs Act 1973(e) shall continue in force for the remainder of its term subject to the provisions of—

- (a) that Act,
- (b) the Breeding of Dogs (Licensing Records) Regulations 1999(f),
- (c) the Breeding and Sale of Dogs (Welfare) Act 1999(g), and
- (d) the Sale of Dogs (Identification Tag) Regulations 1999(h),

as those enactments had effect on the relevant date.

(6) Any registration of a person under the Performing Animals (Regulation) Act 1925(i) in force on the relevant date shall continue in force, subject to the provisions of that Act as it had effect on the relevant date, for a period of six months starting with the date on which these Regulations come into force.

(7) In this regulation—

“unexpired” means still in force on, and with any of its term remaining after, the relevant date;

“the relevant date” means the day before the date on which these Regulations come into force.

PART 7

Review and provision of information to the Secretary of State

Review

28.—(1) The Secretary of State must, from time to time—

- (a) carry out a review of the regulatory provision contained in these Regulations, and
- (b) publish a report setting out the conclusions of the review.

(a) 1951 c. 35 (14 & 15 Geo 6).
(b) 1963 c. 43.
(c) 1964 c. 70.
(d) 1970 c. 32.
(e) 1973 c. 60.
(f) S.I. 1999/3192.
(g) 1999 c. 11.
(h) S.I. 1999/3191.
(i) 1925 c. 38 (15 & 16 Geo 5).

- (2) The first report must be published before 1st October 2023.
- (3) Subsequent reports must be published at intervals not exceeding five years.
- (4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015(a) requires that a report published under this regulation must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory provision mentioned in paragraph (1)(a),
 - (b) assess the extent to which those objectives are achieved,
 - (c) assess whether those objectives remain appropriate, and
 - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (5) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Provision of information to the Secretary of State

29.—(1) Each local authority must provide the following information to the Secretary of State in writing for the purpose of assisting the Secretary of State to carry out the review in accordance with regulation 28—

- (a) the number of licences in force for each licensable activity in its area on each reference date, and
 - (b) the average level of fees it has charged for licences it has granted or renewed for each licensable activity in each reference period.
- (2) Each local authority must provide the information to the Secretary of State—
- (a) in electronic form, or secure that it is accessible to the Secretary of State in electronic form, and
 - (b) no later than the next 31st May following the relevant reference date.
- (3) In this regulation—

“reference date” means 1st April each year beginning with 1st April 2019;

“reference period” means the period beginning with 1st October 2018 and ending with 31st March 2019, the year beginning with 1st April 2019 and each subsequent year beginning with an anniversary of 1st April 2019.

Date

Name
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

(a) 2015 c. 26.

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 so sold or resold.

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

- (a) selling animals in the course of an aquacultural production business authorised under regulation 5(1) of the Aquatic Animal Health (England and Wales) Regulations 2009^(a), or
- (b) the activity described in paragraph 8.

PART 3

Providing or arranging for the provision of boarding for cats or dogs

4. Providing or arranging for the provision of accommodation for other people's cats or dogs in the course of a business on any premises where the provision of that accommodation is a purpose of the business by—

- (a) providing boarding for cats;
- (b) providing boarding in kennels for dogs;
- (c) providing home boarding for dogs; or
- (d) providing day care for dogs.

^(a) S.I. 2009/463.

5. The activity described in paragraph 4 does not include keeping a dog or cat on any premises pursuant to a requirement imposed under, or having effect by virtue of, the Animal Health Act 1981(a).

PART 4

Hiring out horses

6. Hiring out horses in the course of a business for either or both of the following purposes—
- (a) riding;
 - (b) instruction in riding.
7. The activity described in paragraph 6 does not include any activity—
- (a) solely for military or police purposes, or
 - (b) involving the instruction of students at a university on a course of study and examinations leading to a veterinary degree to which a recognition order under section 3 of the Veterinary Surgeons Act 1966(b) relates and for as long as such an order is in force.

PART 5

Breeding dogs

8. Either or both of the following—
- (a) breeding three or more litters of puppies in any 12-month period;
 - (b) breeding dogs and advertising a business of selling dogs.
9. The activity described in paragraph 8 does not include—
- (a) keeping a dog on any premises pursuant to a requirement imposed under, or having effect by virtue of, the Animal Health Act 1981,
 - (b) breeding only assistance dogs or dogs intended to be used as assistance dogs within the meaning of section 173 of the Equality Act 2010(c), or
 - (c) breeding three or more litters of puppies in any 12-month period if the person carrying on the activity provides documentary evidence that none of them have been sold (whether as puppies or as adult dogs).

PART 6

Keeping or training animals for exhibition

10. Keeping or training animals for exhibition in the course of a business for educational or entertainment purposes—
- (a) to any audience attending in person, or
 - (b) by the recording of visual images of them by any form of technology that enables the display of such images.
11. The activity described in paragraph 10 does not include—
- (a) keeping or training animals solely for military, police or sporting purposes,

(a) 1981 c. 22.

(b) Section 3(1)(b) has been amended by paragraph 3 of the Schedule to S.I. 2008/1824.

(c) 2010 c. 15.

- (b) any activity permitted under a licence to operate a travelling circus under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012(a), or
- (c) any activity permitted under a licence for a zoo under the Zoo Licensing Act 1981(b).

SCHEDULE 2

General conditions

Regulation 2

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.

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 three 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 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 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) S.I. 2012/2932.

(b) 1981 c. 37.

- (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 veterinarian 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 veterinarian 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.

(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 veterinarian or, in the case of fish, an appropriately competent person and the advice of that veterinarian 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 veterinarian 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 veterinarian 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 veterinarian.

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

(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 euthanase an animal except a veterinarian or a person who has been authorised by a veterinarian as competent for such purpose or—

- (a) in the case of fish, a person who is competent for such purpose;
- (b) in the case of horses, a person who is competent, and who holds a licence or certificate, 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 veterinarian (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 breakdowns 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” means a person purchasing an animal to keep or to be kept as a pet;

“premises” 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” 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—
 - (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(a).

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

Purchase and sale of animals

5.—(1) The purchase, or sale, by or on behalf of the licence holder of any of the following is prohibited—

- (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, cats, ferrets or rabbits, aged under 8 weeks.

(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 its 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 2

Specific conditions: providing boarding for cats or dogs

PART 1

Providing boarding for cats

Interpretation

1. In this Part—

“cat unit” means the physical structure and area that comprises a sleeping area and an exercise run;

“exercise run” means an enclosed area forming part of the cat unit attached to and with direct and permanent access to the sleeping area;

“premises” means the premises on which the licensable activity of providing boarding for cats is carried on.

Suitable environment

2.—(1) Cats within the premises must be prevented from coming into direct contact with other animals from outside the premises.

(2) There must be a safe, secure, waterproof roof over the entire cat unit.

(3) A cat unit may only be shared by cats from the same household.

(4) Communal exercise areas are not permitted.

(5) Each cat unit must be clearly numbered and there must be a system in place which ensures that information about the cat or cats in each cat unit is available to all staff and any inspector.

(6) Each cat unit must provide the cat with sufficient space to—

- (a) walk,
- (b) turn around,
- (c) stand on its hind legs,
- (d) hold its tail erect,
- (e) climb,
- (f) rest on the elevated area, and
- (g) lie down fully stretched out,

without touching another cat or the walls.

(7) Each cat unit must have sufficient space for each cat to sit, rest, eat and drink away from the area where it urinates and defecates.

(8) Cats must have constant access to their sleeping area.

(9) A litter tray and safe and absorbent litter material must be provided at all times in each cat unit and litter trays must be regularly cleaned and disinfected.

(10) Each cat unit must include an elevated area.

(11) Adjoining cat units must have solid barriers covering the full height and full width of the adjoining wall.

(12) Any gaps between cat units must be a minimum of 0.6 metres wide.

(13) Any cat taken out of a cat unit must be secured in a suitable carrier.

(14) The sleeping area must form part of the cat unit and be free from draughts.

Monitoring of behaviour and training of cats

3.—(1) There must be an area within each cat unit in which the cat can avoid seeing other cats and people outside the cat unit if it so chooses.

(2) Each cat unit must include a facility for scratching and any surface within a cat unit available for scratching must either be disinfected between uses by different cats or disposed of.

(3) All cats must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.

(4) All toys and other enrichment items must be checked daily to ensure they remain safe and must be cleaned and disinfected at least weekly.

Records

4. A register must be kept of all the cats on the premises which must include—

- (a) the dates of each cat's arrival and departure,
- (b) each cat's name, age, sex, neuter status and a description of it or its breed,
- (c) each cat's microchip number, where applicable,
- (d) the number of any cats from the same household,
- (e) a record of which cats (if any) are from the same household,
- (f) the name, postal address, telephone number (if any) and email address (if any) of the owner of each cat and emergency contact details,
- (g) in relation to each cat, the name, postal address, telephone number and email address of a local contact in an emergency,
- (h) the name and contact details of each cat's normal veterinarian and details of any insurance relating to the cat,
- (i) details of each cat's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise,
- (j) details of each cat's diet and related requirements,

- (k) any required consent forms,
- (l) a record of the date or dates of each cat's most recent vaccination, worming and flea treatments, and
- (m) details of any medical treatment each cat is receiving.

Protection from pain, suffering, injury and disease

5.—(1) A cat must remain in its assigned cat unit, except when it is moved to an isolation cat unit or to a holding cat unit.

(2) Where any other activity involving animals is undertaken on the premises, it must be kept entirely separate from the area where the activity of providing boarding for cats takes place.

(3) All equipment must be cleaned and disinfected before a cat is first introduced into a cat unit.

(4) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

(5) A holding cat unit must only be used in an emergency and must not be used for longer than is necessary and in any event for no longer than a total of 12 hours in any 24-hour period.

(6) In this paragraph, "holding cat unit" means a cat unit, separate from any other cat unit, in which a cat may be housed temporarily.

PART 2

Providing boarding in kennels for dogs

Interpretation

6. In this Part—

"exercise run" means an enclosed area forming part of a kennel unit attached to and with direct access to the sleeping area;

"kennel unit" means the physical structure and area that consists of a sleeping area and an exercise run;

"premises" means the premises on which the licensable activity of providing boarding in kennels for dogs is carried on.

Suitable environment

7.—(1) Dogs within the premises must be prevented from coming into contact with other animals from outside the premises.

(2) In each kennel unit, the sleeping area must—

(a) be free from draughts;

(b) provide the dog with sufficient space to—

(i) sit and stand at full height,

(ii) lie down fully stretched-out,

(iii) wag its tail,

(iv) walk, and

(v) turn around,

without touching another dog or the walls;

(c) have a floor area which is at least twice the area required for the dog in it to lie flat; and

(d) if built after the date on which these Regulations come into force, have a floor area of at least 1.9 square metres.

(3) Each kennel unit must be clearly numbered and there must be a system in place which ensures that information about the dog or dogs in each kennel unit is available to all staff and any inspector.

(4) Each dog must have constant access to its sleeping area.

(5) Each dog must have a clean, comfortable and warm area within its sleeping area where it can rest and sleep.

(6) Each exercise run must have a single, safe, secure, waterproof roof over a minimum of half its total area.

(7) Where a dog poses a health or welfare risk to other dogs, it must be kept on its own in a kennel unit and, if that kennel unit adjoins another kennel unit, any adjoining wall must be of full height and width so as to prevent the dog from coming into physical contact with any other dog.

(8) Only dogs from the same household may share a kennel unit.

Monitoring of behaviour and training

8.—(1) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

(2) All dogs must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.

(3) All toys and other enrichment items must be checked daily to ensure they remain safe and must be cleaned and disinfected at least weekly.

(4) Each dog must be exercised at least once daily away from its kennel unit as appropriate for its age and health.

(5) Any dog which, on the advice of a veterinarian, cannot be exercised must be provided with alternative forms of mental stimulation.

(6) There must be an area within each kennel unit in which a dog can avoid seeing people and other dogs outside the kennel unit if it so chooses.

Records

9.—(1) A register must be kept of all the dogs on the premises which must include—

- (a) the dates of each dog's arrival and departure;
- (b) each dog's name, age, sex, neuter status, microchip number and a description of it or its breed;
- (c) the number of any dogs from the same household;
- (d) a record of which dogs (if any) are from the same household;
- (e) the name, postal address, telephone number (if any) and email address (if any) of the owner of each dog and emergency contact details;
- (f) in relation to each dog, the name, postal address, telephone number and email address of a local contact in an emergency;
- (g) the name and contact details of the dog's normal veterinarian and details of any insurance relating to the dog;
- (h) details of each dog's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise;
- (i) details of the dog's diet and related requirements;
- (j) any required consent forms;
- (k) a record of the date or dates of each dog's most recent vaccination, worming and flea treatments;
- (l) details of any medical treatment each dog is receiving.

(2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

Protection from pain, suffering, injury and disease

10.—(1) Where any other activity involving animals is undertaken on the premises, it must be kept entirely separate from the area where the activity of providing boarding for dogs in kennels takes place.

(2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

(3) A holding kennel unit must only be used in an emergency and must not be used for longer than is necessary and in any event for no longer than a total of 12 hours in any 24-hour period.

(4) In sub-paragraph (3), "holding kennel unit" means a kennel unit, separate from any other kennel unit, in which a dog may be housed temporarily.

PART 3

Providing home boarding for dogs

Interpretation

11. In this Part—

"designated room" means a room within the home allocated to a dog;

"home" means a domestic dwelling on which the licensable activity of providing home boarding for dogs is carried on.

Home

12.—(1) Dogs must be accommodated within the home.

(2) The home must include—

- (a) direct access to a private, non-communal, secure and hazard-free external area, and
- (b) at least two secure physical barriers between any dog and any entrance to or exit from it.

Suitable environment

13.—(1) Dogs from different households may only be boarded at the same time with the written consent of every owner.

(2) Each dog must be provided with its own designated room where it can, if necessary, be kept separate from other dogs.

(3) Each dog must have a clean, comfortable and warm area within its designated room where it can rest and sleep.

(4) Each designated room must have a secure window to the outside that can be opened and closed as necessary.

(5) A dog must not be confined in a crate for longer than three hours in any 24-hour period.

(6) A dog must not be kept in a crate unless—

- (a) it is already habituated to it,
- (b) a crate forms part of the normal routine for the dog, and
- (c) the dog's owner has consented to the use of a crate.

(7) Any crate in which a dog is kept must be in good condition and sufficiently large for the dog to sit and stand in it at full height, lie flat and turn around.

Suitable diet

14. Each dog must be fed separately in its designated room unless its owner has given written consent to the contrary.

Monitoring of behaviour and training

15.—(1) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

(2) Each dog must be exercised at least once daily as appropriate for its age and health.

(3) Dogs which on the advice of a veterinarian cannot be exercised must be provided with alternative forms of mental stimulation.

Housing with or apart from other dogs

16.—(1) Written consent must be obtained from the owner or owners (as the case may be) to keep dogs together in a designated room.

(2) Unneutered bitches must be prevented from mating.

(3) If any person aged under 16 years resides at the home, there must be procedures in place to regulate the interactions between the dogs and that person.

Records

17.—(1) A register must be kept of all the dogs accommodated in the home which must include—

- (a) the dates of each dog's arrival and departure;
- (b) each dog's name, age, sex, neuter status, microchip number and a description of it or its breed;
- (c) the number of any dogs from the same household;
- (d) a record of which dogs (if any) are from the same household;
- (e) the name, postal address, telephone number (if any) and email address (if any) of the owner of each dog and emergency contact details;
- (f) in relation to each dog, the name, postal address, telephone number and email address of a local contact in an emergency;
- (g) the name and contact details of each dog's normal veterinarian and details of any insurance relating to the dog;
- (h) details of each dog's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise;
- (i) details of each dog's diet and related requirements;
- (j) any required consent forms;
- (k) a record of the date or dates of each dog's most recent vaccination, worming and flea treatments;
- (l) details of any medical treatment each dog is receiving.

(2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

Protection from pain, suffering, injury and disease

18.—(1) Before a dog is admitted for boarding, all equipment to be used by or in relation to that dog must be cleaned and disinfected.

(2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

PART 4

Providing day care for dogs

Interpretation

19. In this Part, “premises” means the premises on which the licensable activity of providing day care for dogs is carried on.

No overnight stay

20. No dog may be kept on the premises overnight.

Suitable environment

21.—(1) Each dog must be provided with—

- (a) a clean, comfortable and warm area where it can rest and sleep, and
- (b) another secure area in which water is provided and in which there is shelter.

(2) Each dog must have access to areas where it can—

- (a) interact safely with other dogs, toys and people, and
- (b) urinate and defecate.

(3) There must be an area where any dog can avoid seeing other dogs and people if it so chooses.

Suitable diet

22. Any dog that requires specific feed due to a medical condition must be fed in isolation.

Monitoring of behaviour and training

23.—(1) All dogs must be screened before being admitted to the premises to ensure that they are not afraid, anxious or stressed in the presence of other dogs or people and do not pose a danger to other dogs or staff.

(2) Any equipment used that is likely to be in contact with the dogs and any toys provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

Housing apart from other dogs

24.—(1) Unneutered bitches must be prevented from mating.

(2) Dogs which need to be isolated from other dogs must be provided with alternative forms of mental stimulation.

Records

25.—(1) A register must be kept of all the dogs on the premises which must include—

- (a) the date of the dog’s attendance;
- (b) the dog’s name, age, sex, neuter status, microchip number and a description of it or its breed;
- (c) the name, postal address, telephone number (if any) and email address (if any) of the owner and emergency contact details;
- (d) the name and contact details of the dog’s normal veterinarian and details of any insurance relating to the dog;

- (e) details of the dog’s relevant medical and behavioural history, including details of any treatment administered against parasites and any restrictions on exercise;
 - (f) details of the dog’s diet and relevant requirements;
 - (g) any required consent forms;
 - (h) a record of the date or dates of the dog’s most recent vaccination, worming and flea treatments;
 - (i) details of any medical treatment the dog is receiving.
- (2) When outside the premises, each dog must wear an identity tag which includes the licence holder’s name and contact details.

Protection from pain, suffering, injury and disease

- 26.—(1) The dogs must be supervised at all times.
- (2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.
- (3) Any journeys in a vehicle must be planned to minimise the time dogs spend in the vehicle.

SCHEDULE 5

Regulation 2

Specific conditions: hiring out horses

Interpretation

1. In this Schedule, “client” means a person for whose use a horse is hired out.

Eligibility

- 2.—(1) The licence holder must—
- (a) hold an appropriate formal qualification, or have sufficient demonstrable experience and competence, in the management of horses, and
 - (b) hold a valid certificate of public liability insurance which—
 - (i) insures the licence holder against liability for any injury sustained by, and the death of, any client, and
 - (ii) insures any client against liability for any injury sustained by, and the death of, any other person,
 caused by or arising out of the hire of the horse.
- (2) The certificate mentioned in sub-paragraph (1)(b) must be clearly and prominently displayed on the premises.

Supervision

- 3.—(1) The activity must not at any time be left in the charge of a person aged under 18 years.
- (2) No horse may be hired out except under the supervision of a person aged 16 years or more unless the licence holder is satisfied that the person hiring the horse is competent to ride without supervision.
- (3) The following must be clearly and prominently displayed on the premises—
- (a) the full name, postal address (including postcode) and telephone number of the licence holder or other person with management responsibilities in respect of the activity;
 - (b) instructions as to the action to be taken in the event of a fire or other emergency.

Suitable environment

- 4.—(1) It must be practicable to bring all the horses on the premises under cover.
- (2) Suitable storage must be provided and used for feed, bedding, stable equipment and saddlery.
- (3) All arena surfaces must be suitable for purpose, well drained, free of standing water and maintained regularly to keep them level.

Suitable diet

- 5.—(1) At all times when any horses are kept at grass, adequate pasture, shelter and clean water must be available for them.
- (2) Supplementary feed and nutrients must be provided to any horse when appropriate.
- (3) Each horse must be fed a balanced diet of a quantity and at a frequency suitable for its age, health and workload to enable it to maintain an appropriate physical condition.

Protection from pain, suffering, injury and disease

- 6.—(1) The horses must be maintained in good health and must be in all respects physically fit.
- (2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented
- (3) A daily record of the workload of each horse must be maintained and available for inspection at any reasonable time.
- (4) Each horse must be suitable for the purpose for which it is kept and must not be hired out if, due to its condition, its use would be likely to cause it to suffer.
- (5) Any horse found on inspection to be in need of veterinary attention must not be returned to work until the licence holder has, at the licence holder's expense, obtained from and lodged with the local authority a veterinary certificate which confirms that the horse is fit for work.
- (6) Each horse's hooves should be trimmed as often as is necessary to maintain the health, good shape and soundness of its feet and any shoes should be properly fitted and in good condition.
- (7) An area suitable for the inspection of horses by a veterinarian must be provided.
- (8) The following must not be hired out—
- (a) a horse aged under 3 years;
 - (b) a mare heavy with foal;
 - (c) a mare whose foal has not yet been weaned.
- (9) The licence holder must keep a register of all horses kept for the licensable activity on the premises, each such horse's valid passport showing its unique equine life number and a record of its microchip number (if any).

Equipment

7. All equipment provided to clients must be in good and safe condition and available for inspection at any reasonable time.

SCHEDULE 6

Regulation 2

Specific conditions: breeding dogs

Advertisements and sales

- 1.—(1) The licence holder must not advertise or offer for sale a dog—

- (a) which was not bred by the licence holder;
- (b) except from the premises where it was born and reared under the licence;
- (c) otherwise than to—
 - (i) a person who holds a licence for the activity described in paragraph 2 of Schedule 1;
or
 - (ii) a keeper of a pet shop in Wales who is licensed under the Pet Animals Act 1951(a) to keep the shop,
 knowing or believing that the person who buys it intends to sell it or intends it to be sold by any other person.

(2) Any advertisement for the sale of a dog 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 dog being advertised, and
- (d) display the age of the dog being advertised.

(3) The licence holder and all staff must ensure that any equipment and accessories being sold with a dog are suitable for it.

(4) The licence holder and all staff must ensure that the purchaser is informed of the age, sex and veterinary record of the dog being sold.

(5) No puppy aged under 8 weeks may be sold or permanently separated from its biological mother.

(6) A puppy may only be shown to a prospective purchaser if it is together with its biological mother.

(7) Sub-paragraphs (5) and (6) do not apply if separation of the puppy from its biological mother is necessary for the health or welfare of the puppy, other puppies from the same litter or its biological mother.

Suitable environment

2.—(1) Each dog must have access to a sleeping area which is free from draughts and an exercise area.

(2) Each dog must be provided with sufficient space to—

- (a) stand on its hind legs,
- (b) lie down fully stretched out,
- (c) wag its tail,
- (d) walk, and
- (e) turn around,

without touching another dog or the walls of the sleeping area.

(3) The exercise area must not be used as a sleeping area.

(4) Part or all of the exercise area must be outdoors.

(5) There must be a separate whelping area for each breeding bitch to whelp in which contains a suitable bed for whelping.

(6) Each whelping area must be maintained at an appropriate temperature (between and including 26 and 28 degrees centigrade) and include an area which allows the breeding bitch to move away from heat spots.

(7) Each dog must be provided with constant access to a sleeping area.

(a) 1951 c. 35 (14 & 15 Geo 6).

- (8) A separate bed must be provided for each adult dog.
- (9) No puppy aged under 8 weeks may be transported without its biological mother except—
 - (a) if a veterinarian agrees for health or welfare reasons that it may be so transported, or
 - (b) in an emergency.
- (10) No breeding bitch may be transported later than 54 days after the date of successful mating except to a veterinarian.
- (11) No breeding bitch may be transported earlier than 48 hours after whelping except to a veterinarian where it is not otherwise practicable or appropriate for that person to attend to the bitch.
- (12) Each dog's sleeping area must be clean, comfortable, warm and free from draughts.
- (13) In this paragraph, "exercise area" means a secure area where dogs may exercise and play.

Suitable diet

3. Staff must—

- (a) ensure that each puppy starts weaning as soon as it is capable of ingesting feed on its own,
- (b) provide each breeding bitch with feed appropriate to its needs,
- (c) provide each puppy with feed appropriate for its stage of development, and
- (d) ensure that each puppy ingests the correct share of the feed provided.

Monitoring of behaviour and training

4.—(1) The licence holder must implement and be able to demonstrate use of a documented socialisation and habituation programme for the puppies.

(2) Each dog must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.

(3) Except in the circumstances mentioned in sub-paragraph (4), all adult dogs must be exercised at least twice daily away from their sleeping area.

(4) Where a veterinarian has advised against exercising a dog, the dog must be provided with alternative forms of mental stimulation.

(5) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

Housing with or apart from other dogs

5.—(1) Each adult dog must be provided with opportunities for social contact with other dogs where such contact benefits the dogs' welfare.

(2) Each adult dog must be given suitable and adequate opportunities to become habituated to handling by people.

(3) Procedures must be in place for dealing with dogs that show abnormal behaviour.

(4) There must be an area within each sleeping area in which dogs can avoid seeing people and other dogs outside the sleeping area if they so choose.

Protection from pain, suffering, injury and disease

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

(2) Any dog with a condition which is likely to affect materially its 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 it has recovered.

(3) The licence holder must ensure that no bitch—

- (a) is mated if aged less than 12 months;
 - (b) gives birth to more than one litter of puppies in a 12-month period;
 - (c) gives birth to more than six litters of puppies in total;
 - (d) is mated if she has had two litters delivered by caesarean section.
- (4) The licence holder must ensure that each puppy is microchipped and registered to the licence holder before it is sold.
- (5) No dog may be kept for breeding if it can reasonably be expected, on the basis of its genotype, phenotype or state of health that breeding from it could have a detrimental effect on its health or welfare or the health or welfare of its offspring.
- (6) The health, safety and welfare of each dog must be checked at the start and end of every day and at least every four hours during the daytime.
- (7) Breeding bitches must be adequately supervised during whelping and the licence holder must keep a record of—
- (a) the date and time of birth of each puppy,
 - (b) each puppy's sex, colour and weight,
 - (c) placentae passed,
 - (d) the number of puppies in the litter, and
 - (e) any other significant events.
- (8) The licence holder must keep a record of each puppy sale including—
- (a) the microchip number of the puppy,
 - (b) the date of the sale, and
 - (c) the age of the puppy on that date.
- (9) The licence holder must keep a record of the following in relation to each breeding dog—
- (a) its name,
 - (b) its sex,
 - (c) its microchip and database details,
 - (d) its date of birth,
 - (e) the postal address where it normally resides,
 - (f) its breed or type,
 - (g) its description,
 - (h) the date or dates of any matings, whether or not successful,
 - (i) details of its biological mother and biological father,
 - (j) details of any veterinary treatment it has received, and
 - (k) the date and cause of its death (where applicable).
- (10) In addition to the matters mentioned in sub-paragraph (7), the licence holder must keep a record of the following in relation to each breeding bitch—
- (a) the number of matings,
 - (b) its age at the time of each mating,
 - (c) the number of its litters,
 - (d) the date or dates on which it has given birth, and
 - (e) the number of caesarean sections it has had, if any.
- (11) Unless the licence holder keeps the dog as a pet, the licence holder must make arrangements for any dog no longer required for breeding to be appropriately rehomed.
- (12) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

(13) The licence holder must keep a record of any preventative or curative healthcare (or both) given to each dog.

(14) Where any other activity involving animals is undertaken on the premises on which the licensable activity of breeding dogs is carried on, it must be kept entirely separate from the area where that licensable activity is carried on.

SCHEDULE 7

Regulation 2

Specific conditions: keeping or training animals for exhibition

Insurance

1. The licence holder must hold valid public liability insurance in respect of the licensable activity of keeping or training animals for exhibition.

Emergencies

2. A written policy detailing contingency measures in the event of the breakdown of a vehicle used to transport the animals or any other emergency must be available to all staff.

Suitable environment

3. Suitable temporary accommodation must be provided for all the animals at any venue where they are exhibited.

Monitoring of behaviour and training

4. The animals must be trained by competent staff and given suitable and adequate opportunities to become habituated to being exhibited, using positive reinforcement.

Housing with or apart from other animals

5.—(1) Social animals must not be exhibited if their removal from and reintroduction to the group with which they are usually housed causes them or any other animal within that group stress, anxiety or fear.

(2) Animals must be prevented from coming into contact with each other during any exhibition where such contact would be likely to cause any of them to show signs of aggression, fear or distress.

(3) All persons likely to come into contact with the animals during an exhibition must be briefed about how to behave around the animals so as to minimise anxiety, fear and stress in the animals.

(4) No female animal with unweaned offspring may be removed from its home environment and newborn, unweaned or dependent offspring must not be removed from their mothers.

Records

6. The licence holder must keep a list of each animal kept, or trained, for exhibition with all the information necessary to identify that animal individually (including its common and scientific names) and must provide the local authority with a copy of the list and any change to it as soon as practicable after the change.

Protection from pain, suffering, injury and disease

7.—(1) A register must be kept of each animal exhibited or to be exhibited which must include—

- (a) the full name of its supplier,
 - (b) its date of birth,
 - (c) the date of its arrival,
 - (d) its name (if any), age, sex, neuter status, description and microchip or ring number (if applicable),
 - (e) the name and contact details of the animal's normal veterinarian and details of any insurance relating to it,
 - (f) details of the animal's relevant medical and behavioural history including details of any treatment administered against parasites and any restrictions on exercise or diet,
 - (g) a record of the date or dates of the animal's most recent vaccination, worming and flea treatments, and
 - (h) the distance to and times taken for it to travel to and from each exhibition event.
- (2) A record of when the animals are exhibited must be kept and an animal rotation policy must be put in place to ensure that the animals have enough rest between and during exhibition events.
- (3) All the animals used in exhibition events must be in good physical and mental health.
- (4) The exhibited animals must be suitable for the specific conditions, type of enclosure and actions involved in the exhibition.
- (5) Any equipment, chemicals and other materials used in the exhibition must not cause the animals pain, discomfort, fatigue or stress.
- (6) The animals must be transported in suitable, secure and appropriately labelled carriers.
- (7) The licence holder or the licence holder's staff must undertake a risk assessment before each exhibition event.
- (8) The animals must not be handled by persons whose behaviour appears at the time to be influenced by the consumption of alcohol or by any psychoactive substance.

SCHEDULE 8

Regulation 11

Persons who may not apply for a licence

1. A person who has at any time held a licence which was revoked under regulation 15 of these Regulations.
2. A person who has at any time held a licence which was revoked under regulation 17 of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014(a).
3. A person who has at any time held a licence which was revoked under regulation 13 of the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012(b).
4. A person who is disqualified under section 33 of the Welfare of Animals Act (Northern Ireland) 2011(c).
5. A person who has at any time held a licence which was revoked under regulation 12 of the Welfare of Racing Greyhounds Regulations 2010(d).
6. A person who is disqualified under section 34 of the Act.
7. A person who is disqualified under section 40(1) and (2) of the Animal Health and Welfare (Scotland) Act 2006(e).

(a) S.I. 2014/3266 (W.333).
 (b) S.I. 2012/2932.
 (c) 2011 c. 16.
 (d) S.I. 2010/543.
 (e) 2006 asp 11.

- 8.** A person who is disqualified under section 4(1) of the Dangerous Dogs Act 1991(**a**).
- 9.** A person who is disqualified under Article 33A of the Dogs (Northern Ireland) Order 1983(**b**).
- 10.** A person who is disqualified under section 6(2) of the Dangerous Wild Animals Act 1976(**c**) from keeping a dangerous wild animal.
- 11.** A person who is disqualified under section 3(3) of the Breeding of Dogs Act 1973(**d**) from keeping a breeding establishment for dogs.
- 12.** A person who is disqualified under section 4(3) of the Riding Establishments Act 1964(**e**) from keeping a riding establishment.
- 13.** A person who is disqualified under section 3(3) of the Animal Boarding Establishments Act 1963(**f**) from keeping a boarding establishment for animals.
- 14.** A person who is disqualified under section 5(3) of the Pet Animals Act 1951(**g**) from keeping a pet shop.
- 15.** A person who is disqualified under section 1(1) of the Protection of Animals (Amendment) Act 1954(**h**) from having custody of an animal.
- 16.** A person who is disqualified under section 4(2) of the Performing Animals (Regulation) Act 1925(**i**).
- 17.** A person who is disqualified under section 3 of the Protection of Animals Act 1911(**j**) from the ownership of an animal.

SCHEDULE 9

Regulation 25

Repeals and consequential amendments

Performing Animals (Regulation) Act 1925

- 1.**—(1) The Performing Animals (Regulation) Act 1925 is amended as follows.
- (2) Section 1(1) (restriction on exhibition and training of performing animals) ceases to have effect in relation to England.
- (3) In section 1—
- (a) in subsection (1), after “animal” insert “in Wales”;
- (b) in subsection (2)—
- (i) for “Great Britain” substitute “Wales”;
- (ii) after “districts” insert “in Wales”.

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- (a) 1991 c. 65; section 1(1) has been amended but the amendments are not relevant.
- (b) S.I. 1983/764 (N.I. 8) as amended by S.I. 1991/2292 (N.I. 21) and by sections 17(1) and 18(1) of, and paragraph 3 of the Schedule to the Dogs (Amendment) Act (Northern Ireland) 2011 (c.9) and by article 2 of, and the Schedule to S.R. 2011 No. 281.
- (c) 1976 c. 38; section 6(2) has been amended but the amendments are not relevant.
- (d) 1973 c. 60; section 3(3) was amended by section 5(1) of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11).
- (e) 1964 c. 70; section 4(3) was amended by paragraph 6(2) of Schedule 3 to the Animal Welfare Act 2006.
- (f) 1963 c. 43; section 3(3) was amended by paragraph 5(2) of Schedule 3 to the Animal Welfare Act 2006.
- (g) Section 5(3) was amended by paragraph 3(2) of Schedule 3 to the Animal Welfare Act 2006.
- (h) 1954 c. 40 (2 & 3 Eliz 2); section 1 was repealed by Schedule 4 to the Animal Welfare Act 2006.
- (i) 1925 c. 38 (15 & 16 Geo 5); section 4(2) was amended by paragraph 1 of Schedule 3 to the Animal Welfare Act 2006.
- (j) 1911 c. 27 (1 & 2 Geo 5); section 3 was repealed by Schedule 4 to the Animal Welfare Act 2006.

(4) In section 4(1) (offences and legal proceedings), in each of paragraphs (a), (b) and (e), after “animal” insert “in Wales”.

(5) In section 5(a) (interpretation, rules, and expenses)—

(a) in subsection (1), for the definition of “local authority” substitute—

“The expression “local authority” means a county council in Wales or a county borough council in Wales.”;

(b) in subsection (3), omit the words from “, and” to the end.

Pet Animals Act 1951

2.—(1) The Pet Animals Act 1951 is amended as follows.

(2) Section 1(1) (restriction on keeping a pet shop) ceases to have effect in relation to England.

(3) In section 1—

(a) in subsection (1), after “shop” insert “in Wales”;

(b) in subsection (2), after “Every local authority” insert “in Wales”;

(c) in subsection (3), after “shop” and “a local authority” insert “in Wales”;

(d) in subsection (4), after “local authority” insert “in Wales”.

(4) In section 4(1) (inspection of pet shops), after “A local authority” insert “in Wales”.

(5) In section 6 (power of local authority to prosecute)—

(a) the existing text becomes subsection (1) and in that text omit “England or”;

(b) after subsection (1) insert—

“(2) A local authority in England may prosecute proceedings for an offence under section 2 committed in the area of the authority.”.

Animal Boarding Establishments Act 1963

3.—(1) The Animal Boarding Establishments Act 1963 is amended as follows.

(2) Section 1(1) (licensing of boarding establishments for animals) ceases to have effect in relation to England.

(3) In section 1(1) after “animals” insert “in Wales”.

(4) In section 4 (power of local authorities to prosecute) omit “in England or Wales”.

(5) In section 5(2) (interpretation), in the definition of “local authority”, for the words from “means the” to “London” substitute—

“means a county council in Wales or a county borough council in Wales”.

Riding Establishments Act 1964

4.—(1) The Riding Establishments Act 1964 is amended as follows.

(2) Section 1(1) (licensing of riding establishments) ceases to have effect in relation to England.

(3) In section 1(1) after “establishment” insert “in Wales”.

(4) In section 5 (power of local authorities to prosecute)—

(a) in subsection (1), omit “in England or Wales”.

(b) in subsection (2), omit “In England and Wales”.

(5) In section 6 (interpretation)—

(a) in subsection (1) omit paragraph (c);

(a) Subsections (1) and (3) were amended by section 16 of, and paragraph 17 of Schedule 8 to, the Local Government Act 1985 (1985 c. 51).

- (b) in subsection (4), in the definition of “local authority”(a), for the words from “means the council of a district” to “county borough”, substitute—
“means a county council in Wales or a county borough council in Wales”.

Breeding of Dogs Act 1973

5. The Breeding of Dogs Act 1973 is repealed.

Local Government Act 1974

6. In the Local Government Act 1974(b), in Schedule 7 (minor and consequential amendments), paragraph 15 is omitted.

Dangerous Wild Animals Act 1976

- 7.—(1) The Dangerous Wild Animals Act 1976(c) is amended as follows.

- (2) In section 5(d) (exemptions)—

- (a) after paragraph (2), insert—

“(2A) premises in England on which the activity described in paragraph 2 of Schedule 1 to the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (read with paragraph 3 of that Schedule: selling animals as pets etc) is carried on under a licence under those Regulations;”;

- (b) in paragraph (3), after “premises” insert “in Wales”.

- (3) In section 6(e) (penalties)—

- (a) in subsection (2) omit “or the Breeding of Dogs Act 1973;”;

- (b) at the end insert—

“(3C) Where a person is convicted of an offence under section 13(6) of the Animal Welfare Act 2006 arising from the contravention of section 13(1) of that Act in relation to the carrying on of an activity in England, or of an offence under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, subsections (2) and (3) apply as they do to convictions under this Act.”.

Zoo Licensing Act 1981

8. In section 4(5) of the Zoo Licensing Act 1981(f) (grant or refusal of licence)—

- (a) after the entry which begins “section 13(6)” insert—

“section 13(6) of the Animal Welfare Act 2006, so far as the offence arises from the contravention of section 13(1) of that Act in relation to the carrying on of an activity in England;”;

- (b) at the end insert—

“;

-
- (a) This definition has been amended by section 251(2) and 272(1) of, and Schedule 29 and paragraph 42 of Schedule 30 to, the Local Government Act 1972 and by section 22(3) of, and paragraph 7 of Schedule 9 to, the Local Government (Wales) Act 1994. There is another amendment but it is not relevant.
- (b) 1974 c. 7.
- (c) 1976 c. 38.
- (d) Section 5 has been amended but the amendments are not relevant.
- (e) Subsection (2) was amended by section 64 of, and paragraphs 9(b) to (d) of Schedule 3 to, the Act. Subsection (3A) was inserted, in relation to Scotland, by article 2(1) of, and paragraph 8 of Schedule 1 to, SSI 2006/536. Subsection (3B) was inserted, in relation to Wales, by regulation 26 of, and paragraph 4 of Schedule 2 to, SI 2014/3266 (W.333).
- (f) 1981 c. 37. Subsection (5) was amended by section 64 of, and paragraphs 11(a) to (c) of Schedule 3 to, the Act and, in relation to Wales, by regulation 26 of, and paragraph 5 of Schedule 2 to, SI 2014/3266 (W.333). There were other amendments to section 4 but they are not relevant.

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

Animals (Scientific Procedures) Act 1986

9. In the Animals (Scientific Procedures) Act 1986(a), section 27(3) (repeal, consequential amendments and transitional provisions) is omitted.

Breeding of Dogs Act 1991

10. The Breeding of Dogs Act 1991(b) is repealed.

Breeding and Sale of Dogs (Welfare) Act 1999

11. The Breeding and Sale of Dogs (Welfare) Act 1999(c) is repealed.

Local Authorities (Functions and Responsibilities) (England) Regulations 2000

12. Paragraph B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000(d) (licensing and registration functions not to be the responsibility of an authority’s executive) is amended as follows—

- (a) in column (1) (function)—
 - (i) for “29. Power to license premises for the breeding of dogs.” substitute “29. Power to grant or renew a licence for a licensable activity under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs or keeping or training animals for exhibition).”;
 - (ii) omit “30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business” and “31. Power to register animal trainers and exhibitors”;
- (b) in column (2) (provision of Act or statutory instrument)—
 - (i) in relation to the entry relating to item 29, for “Section 1 of the Breeding of Dogs Act 1973 (c. 60), and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11).” substitute “Regulation 4 of those Regulations.”;
 - (ii) omit the entries relating to items 30 and 31.

Courts Act 2003

13. In the Courts Act 2003(e), paragraphs 171 and 383 of Schedule 8 (minor and consequential amendments) are omitted.

Criminal Justice Act 2003

14. In the Criminal Justice Act 2003(f), paragraph 72 of Schedule 25 (summary offences no longer punishable with imprisonment) is omitted.

(a) 1986 c. 14. Section 27(3) was amended by regulations 2 and 26(14) of S.I. 2012/3039.
(b) 1991 c. 64.
(c) 1999 c. 11.
(d) S.I. 2013/2190. Schedule 1 has been amended but the amendments are not relevant.
(e) 2003 c. 39.
(f) 2003 c. 44.

Regulatory Enforcement and Sanctions Act 2008

15.—(1) The Regulatory Enforcement and Sanctions Act 2008(a) is amended as follows.

(2) In Schedule 3 (enactments specified for the purpose of Part 1), the following entries are omitted—

- (a) “Breeding and Sale of Dogs (Welfare) Act 1999 (c 11)”;
- (b) “Breeding of Dogs Act 1973 (c 60)”;
- (c) “Breeding of Dogs Act 1991 (c 64)”.

(3) in Schedule 6 (enactments specified for the purposes of orders under Part 3), the following entries are omitted—

- (a) “Breeding of Dogs Act 1973 (c 60)”;
- (b) “Breeding of Dogs Act 1991 (c 64)”.

Deregulation Act 2015

16. In the Deregulation Act 2015(b), paragraphs 35, 36 and 41 of Schedule 23 (legislation no longer of practical use) are omitted.

SCHEDULE 10

Regulation 26

Revocations and consequential amendments

Performing Animals Rules 1925

1. In rule 2 of the Performing Animals Rules 1925(c), for the first indented paragraph substitute “In Wales:— The City of Cardiff.”

Sale of Dogs (Identification Tag) Regulations 1999

2. The Sale of Dogs (Identification Tag) Regulations 1999(d) are revoked.

Breeding of Dogs (Licensing Records) Regulations 1999

3. The Breeding of Dogs (Licensing Records) Regulations 1999(e) are revoked.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the licensing of persons involved in England in selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs and keeping or training animals for exhibition.

Regulation 3 specifies these activities for the purposes of section 13(1) of the Animal Welfare Act 2006 (“the 2006 Act”) and provides for local authorities to be the licensing authorities. The consequence of this specification is that, subject to qualifying criteria, any person wishing to carry on any of these activities in England must obtain a licence from their local authority under these Regulations. This requirement replaces the requirement, in England, to be registered under the Performing Animals (Regulation) Act 1925 or to obtain a licence under the Pet Animals Act 1951;

(a) 2008 c. 13.
(b) 2015 c. 20.
(c) SI 1925/1219.
(d) SI 1999/3191.
(e) SI 1999/3192.

the Animal Boarding Establishments Act 1963; the Riding Establishments Act 1964 or the Breeding of Dogs Act 1973.

A person who carries on any of these activities in England without a licence under these Regulations commits an offence under section 13(6) of the 2006 Act and is liable to imprisonment for a term of up to six months, a fine or both. Under section 30 of the 2006 Act, local authorities may prosecute for any offence under the Act.

Part 2 of the Regulations sets out how a person may apply to the local authority for a licence and sets out matters in respect of which a local authority must be satisfied when considering the granting or renewing of a licence. It provides for a local authority to charge fees to cover the costs it incurs in performing this function, considering a licence holder's compliance with these Regulations, enforcement and administration. It requires a local authority to have regard to guidance issued by the Secretary of State in carrying out their functions under these Regulations. It makes provision for the inspection of premises and provides powers for inspectors to take samples from animals.

Part 3 sets out the circumstances and procedures under which a licence may be suspended, varied or revoked. It also provides that the breach of a condition of a licence or the obstruction of any inspector appointed for the purposes of enforcement of these Regulations is an offence and applies relevant post-conviction powers contained in the 2006 Act.

Part 4 provides for appeals against licensing decisions by local authorities. Part 6 makes transitional and saving provision for unexpired licences or registrations under the pre-existing statutory regime and Part 7 contains a requirement for the Secretary of State to carry out reviews of these Regulations and for local authorities to provide information to the Secretary of State for the purpose of such reviews.

Schedule 1 describes each type of licensable activity. Schedule 2 sets out the general conditions that apply to all licensable activities and Schedules 3 to 7 set out the specific conditions that apply to each licensable activity. Schedule 8 lists persons who may not apply for a licence and Schedules 9 and 10 provide for repeals, revocations and consequential amendments.

An impact assessment of the effect that this instrument will have on the costs to business and the voluntary sector is available from the Animal Welfare Team of the Department for Environment, Food and Rural Affairs, Area 5B, Nobel House, 17 Smith Square, London SW1P 3JR and is published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk.

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Animal Welfare Act 2006

CHAPTER 45

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately

£9.00



Animal Welfare Act 2006

CHAPTER 45

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Animal Welfare Act 2006

2006 CHAPTER 45

An Act to make provision about animal welfare; and for connected purposes.
[8th November 2006]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Introductory

1 Animals to which the Act applies

- (1) In this Act, except subsections (4) and (5), “animal” means a vertebrate other than man.
- (2) Nothing in this Act applies to an animal while it is in its foetal or embryonic form.
- (3) The appropriate national authority may by regulations for all or any of the purposes of this Act—
 - (a) extend the definition of “animal” so as to include invertebrates of any description;
 - (b) make provision in lieu of subsection (2) as respects any invertebrates included in the definition of “animal”;
 - (c) amend subsection (2) to extend the application of this Act to an animal from such earlier stage of its development as may be specified in the regulations.
- (4) The power under subsection (3)(a) or (c) may only be exercised if the appropriate national authority is satisfied, on the basis of scientific evidence, that animals of the kind concerned are capable of experiencing pain or suffering.

- (5) In this section, “vertebrate” means any animal of the Sub-phylum Vertebrata of the Phylum Chordata and “invertebrate” means any animal not of that Sub-phylum.

2 “Protected animal”

An animal is a “protected animal” for the purposes of this Act if—

- (a) it is of a kind which is commonly domesticated in the British Islands,
- (b) it is under the control of man whether on a permanent or temporary basis, or
- (c) it is not living in a wild state.

3 Responsibility for animals

- (1) In this Act, references to a person responsible for an animal are to a person responsible for an animal whether on a permanent or temporary basis.
- (2) In this Act, references to being responsible for an animal include being in charge of it.
- (3) For the purposes of this Act, a person who owns an animal shall always be regarded as being a person who is responsible for it.
- (4) For the purposes of this Act, a person shall be treated as responsible for any animal for which a person under the age of 16 years of whom he has actual care and control is responsible.

Prevention of harm

4 Unnecessary suffering

- (1) A person commits an offence if—
 - (a) an act of his, or a failure of his to act, causes an animal to suffer,
 - (b) he knew, or ought reasonably to have known, that the act, or failure to act, would have that effect or be likely to do so,
 - (c) the animal is a protected animal, and
 - (d) the suffering is unnecessary.
- (2) A person commits an offence if—
 - (a) he is responsible for an animal,
 - (b) an act, or failure to act, of another person causes the animal to suffer,
 - (c) he permitted that to happen or failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that happening, and
 - (d) the suffering is unnecessary.
- (3) The considerations to which it is relevant to have regard when determining for the purposes of this section whether suffering is unnecessary include—
 - (a) whether the suffering could reasonably have been avoided or reduced;
 - (b) whether the conduct which caused the suffering was in compliance with any relevant enactment or any relevant provisions of a licence or code of practice issued under an enactment;

- (c) whether the conduct which caused the suffering was for a legitimate purpose, such as –
 - (i) the purpose of benefiting the animal, or
 - (ii) the purpose of protecting a person, property or another animal;
 - (d) whether the suffering was proportionate to the purpose of the conduct concerned;
 - (e) whether the conduct concerned was in all the circumstances that of a reasonably competent and humane person.
- (4) Nothing in this section applies to the destruction of an animal in an appropriate and humane manner.

5 Mutilation

- (1) A person commits an offence if –
- (a) he carries out a prohibited procedure on a protected animal;
 - (b) he causes such a procedure to be carried out on such an animal.
- (2) A person commits an offence if –
- (a) he is responsible for an animal,
 - (b) another person carries out a prohibited procedure on the animal, and
 - (c) he permitted that to happen or failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that happening.
- (3) References in this section to the carrying out of a prohibited procedure on an animal are to the carrying out of a procedure which involves interference with the sensitive tissues or bone structure of the animal, otherwise than for the purpose of its medical treatment.
- (4) Subsections (1) and (2) do not apply in such circumstances as the appropriate national authority may specify by regulations.
- (5) Before making regulations under subsection (4), the appropriate national authority shall consult such persons appearing to the authority to represent any interests concerned as the authority considers appropriate.
- (6) Nothing in this section applies to the removal of the whole or any part of a dog's tail.

6 Docking of dogs' tails

- (1) A person commits an offence if –
- (a) he removes the whole or any part of a dog's tail, otherwise than for the purpose of its medical treatment;
 - (b) he causes the whole or any part of a dog's tail to be removed by another person, otherwise than for the purpose of its medical treatment.
- (2) A person commits an offence if –
- (a) he is responsible for a dog,
 - (b) another person removes the whole or any part of the dog's tail, otherwise than for the purpose of its medical treatment, and
 - (c) he permitted that to happen or failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that happening.

- (3) Subsections (1) and (2) do not apply if the dog is a certified working dog that is not more than 5 days old.
- (4) For the purposes of subsection (3), a dog is a certified working dog if a veterinary surgeon has certified, in accordance with regulations made by the appropriate national authority, that the first and second conditions mentioned below are met.
- (5) The first condition referred to in subsection (4) is that there has been produced to the veterinary surgeon such evidence as the appropriate national authority may by regulations require for the purpose of showing that the dog is likely to be used for work in connection with—
 - (a) law enforcement,
 - (b) activities of Her Majesty's armed forces,
 - (c) emergency rescue,
 - (d) lawful pest control, or
 - (e) the lawful shooting of animals.
- (6) The second condition referred to in subsection (4) is that the dog is of a type specified for the purposes of this subsection by regulations made by the appropriate national authority.
- (7) It is a defence for a person accused of an offence under subsection (1) or (2) to show that he reasonably believed that the dog was one in relation to which subsection (3) applies.
- (8) A person commits an offence if—
 - (a) he owns a subsection (3) dog, and
 - (b) fails to take reasonable steps to secure that, before the dog is 3 months old, it is identified as a subsection (3) dog in accordance with regulations made by the appropriate national authority.
- (9) A person commits an offence if—
 - (a) he shows a dog at an event to which members of the public are admitted on payment of a fee,
 - (b) the dog's tail has been wholly or partly removed (in England and Wales or elsewhere), and
 - (c) removal took place on or after the commencement day.
- (10) Where a dog is shown only for the purpose of demonstrating its working ability, subsection (9) does not apply if the dog is a subsection (3) dog.
- (11) It is a defence for a person accused of an offence under subsection (9) to show that he reasonably believed—
 - (a) that the event was not one to which members of the public were admitted on payment of an entrance fee,
 - (b) that the removal took place before the commencement day, or
 - (c) that the dog was one in relation to which subsection (10) applies.
- (12) A person commits an offence if he knowingly gives false information to a veterinary surgeon in connection with the giving of a certificate for the purposes of this section.
- (13) The appropriate national authority may by regulations make provision about the functions of inspectors in relation to—
 - (a) certificates for the purposes of this section, and

- (b) the identification of dogs as subsection (3) dogs.
- (14) Power to make regulations under this section includes power –
 - (a) to make different provision for different cases, and
 - (b) to make incidental, supplementary, consequential or transitional provision or savings.
- (15) Before making regulations under this section, the appropriate national authority shall consult such persons appearing to the authority to represent any interests concerned as the authority considers appropriate.
- (16) In this section –
 - “commencement day” means the day on which this section comes into force;
 - “subsection (3) dog” means a dog whose tail has, on or after the commencement day, been wholly or partly removed without contravening subsection (1), because of the application of subsection (3).

7 Administration of poisons etc.

- (1) A person commits an offence if, without lawful authority or reasonable excuse, he –
 - (a) administers any poisonous or injurious drug or substance to a protected animal, knowing it to be poisonous or injurious, or
 - (b) causes any poisonous or injurious drug or substance to be taken by a protected animal, knowing it to be poisonous or injurious.
- (2) A person commits an offence if –
 - (a) he is responsible for an animal,
 - (b) without lawful authority or reasonable excuse, another person administers a poisonous or injurious drug or substance to the animal or causes the animal to take such a drug or substance, and
 - (c) he permitted that to happen or, knowing the drug or substance to be poisonous or injurious, he failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that happening.
- (3) In this section, references to a poisonous or injurious drug or substance include a drug or substance which, by virtue of the quantity or manner in which it is administered or taken, has the effect of a poisonous or injurious drug or substance.

8 Fighting etc.

- (1) A person commits an offence if he –
 - (a) causes an animal fight to take place, or attempts to do so;
 - (b) knowingly receives money for admission to an animal fight;
 - (c) knowingly publicises a proposed animal fight;
 - (d) provides information about an animal fight to another with the intention of enabling or encouraging attendance at the fight;
 - (e) makes or accepts a bet on the outcome of an animal fight or on the likelihood of anything occurring or not occurring in the course of an animal fight;

- (f) takes part in an animal fight;
 - (g) has in his possession anything designed or adapted for use in connection with an animal fight with the intention of its being so used;
 - (h) keeps or trains an animal for use for in connection with an animal fight;
 - (i) keeps any premises for use for an animal fight.
- (2) A person commits an offence if, without lawful authority or reasonable excuse, he is present at an animal fight.
- (3) A person commits an offence if, without lawful authority or reasonable excuse, he—
- (a) knowingly supplies a video recording of an animal fight,
 - (b) knowingly publishes a video recording of an animal fight,
 - (c) knowingly shows a video recording of an animal fight to another, or
 - (d) possesses a video recording of an animal fight, knowing it to be such a recording, with the intention of supplying it.
- (4) Subsection (3) does not apply if the video recording is of an animal fight that took place—
- (a) outside Great Britain, or
 - (b) before the commencement date.
- (5) Subsection (3) does not apply—
- (a) in the case of paragraph (a), to the supply of a video recording for inclusion in a programme service;
 - (b) in the case of paragraph (b) or (c), to the publication or showing of a video recording by means of its inclusion in a programme service;
 - (c) in the case of paragraph (d), by virtue of intention to supply for inclusion in a programme service.
- (6) Provision extending the application of an offence under subsection (3), so far as relating to the provision of information society services, may be made under section 2(2) of the European Communities Act 1972 (c. 68) (powers to implement Community obligations by regulations) notwithstanding the limits imposed by paragraph 1(1)(d) of Schedule 2 to that Act on the penalties with which an offence may be punishable on summary conviction.
- (7) In this section—
- “animal fight” means an occasion on which a protected animal is placed with an animal, or with a human, for the purpose of fighting, wrestling or baiting;
 - “commencement date” means the date on which subsection (3) comes into force;
 - “information society services” has the meaning given in Article 2(a) of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce in the Internal Market (Directive on electronic commerce);
 - “programme service” has the same meaning as in the Communications Act 2003 (c. 21);
 - “video recording” means a recording, in any form, from which a moving image may by any means be reproduced and includes data stored on a computer disc or by other electronic means which is capable of conversion into a moving image.

- (8) In this section –
- (a) references to supplying or publishing a video recording are to supplying or publishing a video recording in any manner, including, in relation to a video recording in the form of data stored electronically, by means of transmitting such data;
 - (b) references to showing a video recording are to showing a moving image reproduced from a video recording by any means.

Promotion of welfare

9 Duty of person responsible for animal to ensure welfare

- (1) A person commits an offence if he does not take such steps as are reasonable in all the circumstances to ensure that the needs of an animal for which he is responsible are met to the extent required by good practice.
- (2) For the purposes of this Act, an animal's needs shall be taken to include –
 - (a) its need for a suitable environment,
 - (b) its need for a suitable diet,
 - (c) its need to be able to exhibit normal behaviour patterns,
 - (d) any need it has to be housed with, or apart from, other animals, and
 - (e) its need to be protected from pain, suffering, injury and disease.
- (3) The circumstances to which it is relevant to have regard when applying subsection (1) include, in particular –
 - (a) any lawful purpose for which the animal is kept, and
 - (b) any lawful activity undertaken in relation to the animal.
- (4) Nothing in this section applies to the destruction of an animal in an appropriate and humane manner.

10 Improvement notices

- (1) If an inspector is of the opinion that a person is failing to comply with section 9(1), he may serve on the person a notice which –
 - (a) states that he is of that opinion,
 - (b) specifies the respects in which he considers the person is failing to comply with that provision,
 - (c) specifies the steps he considers need to be taken in order to comply with the provision,
 - (d) specifies a period for the taking of those steps, and
 - (e) explains the effect of subsections (2) and (3).
- (2) Where a notice under subsection (1) (“an improvement notice”) is served, no proceedings for an offence under section 9(1) may be instituted before the end of the period specified for the purposes of subsection (1)(d) (“the compliance period”) in respect of –
 - (a) the non-compliance which gave rise to the notice, or
 - (b) any continuation of that non-compliance.
- (3) If the steps specified in an improvement notice are taken at any time before the end of the compliance period, no proceedings for an offence under section 9(1) may be instituted in respect of –

- (a) the non-compliance which gave rise to the notice, or
 - (b) any continuation of that non-compliance prior to the taking of the steps specified in the notice.
- (4) An inspector may extend, or further extend, the compliance period specified in an improvement notice.

11 Transfer of animals by way of sale or prize to persons under 16

- (1) A person commits an offence if he sells an animal to a person whom he has reasonable cause to believe to be under the age of 16 years.
- (2) For the purposes of subsection (1), selling an animal includes transferring, or agreeing to transfer, ownership of the animal in consideration of entry by the transferee into another transaction.
- (3) Subject to subsections (4) to (6), a person commits an offence if –
- (a) he enters into an arrangement with a person whom he has reasonable cause to believe to be under the age of 16 years, and
 - (b) the arrangement is one under which that person has the chance to win an animal as a prize.
- (4) A person does not commit an offence under subsection (3) if –
- (a) he enters into the arrangement in the presence of the person with whom the arrangement is made, and
 - (b) he has reasonable cause to believe that the person with whom the arrangement is made is accompanied by a person who is not under the age of 16 years.
- (5) A person does not commit an offence under subsection (3) if –
- (a) he enters into the arrangement otherwise than in the presence of the person with whom the arrangement is made, and
 - (b) he has reasonable cause to believe that a person who has actual care and control of the person with whom the arrangement is made has consented to the arrangement.
- (6) A person does not commit an offence under subsection (3) if he enters into the arrangement in a family context.

12 Regulations to promote welfare

- (1) The appropriate national authority may by regulations make such provision as the authority thinks fit for the purpose of promoting the welfare of animals for which a person is responsible, or the progeny of such animals.
- (2) Without prejudice to the generality of the power under subsection (1), regulations under that subsection may, in particular –
- (a) make provision imposing specific requirements for the purpose of securing that the needs of animals are met;
 - (b) make provision to facilitate or improve co-ordination in relation to the carrying out by different persons of functions relating to the welfare of animals;
 - (c) make provision for the establishment of one or more bodies with functions relating to advice about the welfare of animals.
- (3) Power to make regulations under subsection (1) includes power –

- (a) to provide that breach of a provision of the regulations is an offence;
 - (b) to apply a relevant post-conviction power in relation to conviction for an offence under the regulations;
 - (c) to make provision for fees or other charges in relation to the carrying out of functions under the regulations;
 - (d) to make different provision for different cases or areas;
 - (e) to provide for exemptions from a provision of the regulations, either subject to specified conditions or without conditions;
 - (f) to make incidental, supplementary, consequential or transitional provision or savings.
- (4) Power to make regulations under subsection (1) does not include power to create an offence triable on indictment or punishable with—
- (a) imprisonment for a term exceeding 51 weeks, or
 - (b) a fine exceeding level 5 on the standard scale.
- (5) Regulations under subsection (1) may provide that a specified offence under the regulations is to be treated as a relevant offence for the purposes of section 23.
- (6) Before making regulations under subsection (1), the appropriate national authority shall consult such persons appearing to the authority to represent any interests concerned as the authority considers appropriate.
- (7) In this section, “specified” means specified in regulations under subsection (1).

Licensing and registration

13 Licensing or registration of activities involving animals

- (1) No person shall carry on an activity to which this subsection applies except under the authority of a licence for the purposes of this section.
- (2) Subsection (1) applies to an activity which—
- (a) involves animals for which a person is responsible, and
 - (b) is specified for the purposes of the subsection by regulations made by the appropriate national authority.
- (3) No person shall carry on an activity to which this subsection applies unless registered for the purposes of this section.
- (4) Subsection (3) applies to an activity which—
- (a) involves animals for which a person is responsible, and
 - (b) is specified for the purposes of the subsection by regulations made by the appropriate national authority.
- (5) Regulations under subsection (2) or (4) may only be made for the purpose of promoting the welfare of animals for which a person is responsible, or the progeny of such animals.
- (6) A person commits an offence if he contravenes subsection (1) or (3).
- (7) The appropriate national authority may by regulations make provision about licences or registration for the purposes of this section.

- (8) The appropriate national authority may by regulations repeal any of the following enactments (which impose licence or registration requirements in relation to activities involving animals) –
 - (a) section 1(1) of the Performing Animals (Regulation) Act 1925 (c. 38);
 - (b) section 1(1) of the Pet Animals Act 1951 (c. 35);
 - (c) section 1(1) of the Animal Boarding Establishments Act 1963 (c. 43);
 - (d) section 1(1) of the Riding Establishments Act 1964 (c. 70);
 - (e) section 1(1) of the Breeding of Dogs Act 1973 (c. 60).
- (9) Before making regulations under this section, the appropriate national authority shall consult such persons appearing to the authority to represent any interests concerned as the authority considers appropriate.
- (10) Schedule 1 (which makes provision about regulations under this section) has effect.

Codes of practice

14 Codes of practice

- (1) The appropriate national authority may issue, and may from time to time revise, codes of practice for the purpose of providing practical guidance in respect of any provision made by or under this Act.
- (2) The authority responsible for issuing a code of practice under subsection (1) shall publish the code, and any revision of it, in such manner as it considers appropriate.
- (3) A person's failure to comply with a provision of a code of practice issued under this section shall not of itself render him liable to proceedings of any kind.
- (4) In any proceedings against a person for an offence under this Act or an offence under regulations under section 12 or 13 –
 - (a) failure to comply with a relevant provision of a code of practice issued under this section may be relied upon as tending to establish liability, and
 - (b) compliance with a relevant provision of such a code of practice may be relied upon as tending to negative liability.

15 Making and approval of codes of practice: England

- (1) Where the Secretary of State proposes to issue (or revise) a code of practice under section 14, he shall –
 - (a) prepare a draft of the code (or revised code),
 - (b) consult about the draft such persons appearing to him to represent any interests concerned as he considers appropriate, and
 - (c) consider any representations made by them.
- (2) If following consultation under subsection (1) the Secretary of State decides to proceed with a draft (either in its original form or with such modifications as he thinks fit), he shall lay a copy of it before Parliament.
- (3) If, within the 40-day period, either House of Parliament resolves not to approve a draft laid under subsection (2), the Secretary of State shall take no further steps in relation to it.

- (4) If, within the 40-day period, neither House resolves not to approve a draft laid under subsection (2), the Secretary of State shall issue (or revise) the code in the form of the draft.
- (5) A code (or revised code) shall come into force on such day as the Secretary of State may by order appoint.
- (6) Subsection (3) does not prevent a new draft of a code (or revised code) from being laid before Parliament.
- (7) An order under subsection (5) may include transitional provision or savings.
- (8) In this section, “the 40-day period”, in relation to a draft laid under subsection (2), means –
 - (a) if the draft is laid before the Houses on different days, the period of 40 days beginning with the later of the two days, and
 - (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

16 Making of codes of practice: Wales

- (1) Where the National Assembly for Wales proposes to issue (or revise) a code of practice under section 14, it shall –
 - (a) prepare a draft of the code (or revised code),
 - (b) consult about the draft such persons appearing to it to represent any interests concerned as it considers appropriate, and
 - (c) consider any representations made by them.
- (2) The Assembly may issue (or revise) a code either in the form of the draft prepared under subsection (1)(a) or with such modification as it thinks fit.
- (3) A code (or revised code) shall come into force in accordance with its provisions.
- (4) A code (or revised code) may include transitional provision or savings.

17 Revocation of codes of practice

- (1) The appropriate national authority may by order revoke a code of practice issued by it under section 14.
- (2) An order under subsection (1) may include transitional provision or savings.
- (3) Before making an order under subsection (1), the appropriate national authority shall consult such persons appearing to the authority to represent any interests concerned as the authority considers appropriate.
- (4) Subsection (3) does not apply in relation to an order revoking a code of practice in connection with its replacement by a new one.

*Animals in distress***18 Powers in relation to animals in distress**

- (1) If an inspector or a constable reasonably believes that a protected animal is suffering, he may take, or arrange for the taking of, such steps as appear to him to be immediately necessary to alleviate the animal's suffering.
- (2) Subsection (1) does not authorise destruction of an animal.
- (3) If a veterinary surgeon certifies that the condition of a protected animal is such that it should in its own interests be destroyed, an inspector or a constable may –
 - (a) destroy the animal where it is or take it to another place and destroy it there, or
 - (b) arrange for the doing of any of the things mentioned in paragraph (a).
- (4) An inspector or a constable may act under subsection (3) without the certificate of a veterinary surgeon if it appears to him –
 - (a) that the condition of the animal is such that there is no reasonable alternative to destroying it, and
 - (b) that the need for action is such that it is not reasonably practicable to wait for a veterinary surgeon.
- (5) An inspector or a constable may take a protected animal into possession if a veterinary surgeon certifies –
 - (a) that it is suffering, or
 - (b) that it is likely to suffer if its circumstances do not change.
- (6) An inspector or a constable may act under subsection (5) without the certificate of a veterinary surgeon if it appears to him –
 - (a) that the animal is suffering or that it is likely to do so if its circumstances do not change, and
 - (b) that the need for action is such that it is not reasonably practicable to wait for a veterinary surgeon.
- (7) The power conferred by subsection (5) includes power to take into possession dependent offspring of an animal taken into possession under that subsection.
- (8) Where an animal is taken into possession under subsection (5), an inspector or a constable may –
 - (a) remove it, or arrange for it to be removed, to a place of safety;
 - (b) care for it, or arrange for it to be cared for –
 - (i) on the premises where it was being kept when it was taken into possession, or
 - (ii) at such other place as he thinks fit;
 - (c) mark it, or arrange for it to be marked, for identification purposes.
- (9) A person acting under subsection (8)(b)(i), or under an arrangement under that provision, may make use of any equipment on the premises.
- (10) A veterinary surgeon may examine and take samples from an animal for the purpose of determining whether to issue a certificate under subsection (3) or (5) with respect to the animal.

- (11) If a person exercises a power under this section otherwise than with the knowledge of a person who is responsible for the animal concerned, he must, as soon as reasonably practicable after exercising the power, take such steps as are reasonable in the circumstances to bring the exercise of the power to the notice of such a person.
- (12) A person commits an offence if he intentionally obstructs a person in the exercise of power conferred by this section.
- (13) A magistrates' court may, on application by a person who incurs expenses in acting under this section, order that he be reimbursed by such person as it thinks fit.
- (14) A person affected by a decision under subsection (13) may appeal against the decision to the Crown Court.

19 Power of entry for section 18 purposes

- (1) An inspector or a constable may enter premises for the purpose of searching for a protected animal and of exercising any power under section 18 in relation to it if he reasonably believes—
 - (a) that there is a protected animal on the premises, and
 - (b) that the animal is suffering or, if the circumstances of the animal do not change, it is likely to suffer.
- (2) Subsection (1) does not authorise entry to any part of premises which is used as a private dwelling.
- (3) An inspector or a constable may (if necessary) use reasonable force in exercising the power conferred by subsection (1), but only if it appears to him that entry is required before a warrant under subsection (4) can be obtained and executed.
- (4) Subject to subsection (5), a justice of the peace may, on the application of an inspector or constable, issue a warrant authorising an inspector or a constable to enter premises for the purpose mentioned in subsection (1), if necessary using reasonable force.
- (5) The power to issue a warrant under subsection (4) is exercisable only if the justice of the peace is satisfied—
 - (a) that there are reasonable grounds for believing that there is a protected animal on the premises and that the animal is suffering or is likely to suffer if its circumstances do not change, and
 - (b) that section 52 is satisfied in relation to the premises.

20 Orders in relation to animals taken under section 18(5)

- (1) A magistrates' court may order any of the following in relation to an animal taken into possession under section 18(5)—
 - (a) that specified treatment be administered to the animal;
 - (b) that possession of the animal be given up to a specified person;
 - (c) that the animal be sold;
 - (d) that the animal be disposed of otherwise than by way of sale;
 - (e) that the animal be destroyed.

- (2) If an animal is taken into possession under section 18(5) when it is pregnant, the power conferred by subsection (1) shall also be exercisable in relation to any offspring that results from the pregnancy.
- (3) The power conferred by subsection (1) shall be exercisable on application by –
 - (a) the owner of the animal, or
 - (b) any other person appearing to the court to have a sufficient interest in the animal.
- (4) A court may not make an order under subsection (1) unless –
 - (a) it has given the owner of the animal an opportunity to be heard, or
 - (b) it is satisfied that it is not reasonably practicable to communicate with the owner.
- (5) Where a court makes an order under subsection (1), it may –
 - (a) appoint a person to carry out, or arrange for the carrying out, of the order;
 - (b) give directions with respect to the carrying out of the order;
 - (c) confer additional powers (including power to enter premises where the animal is being kept) for the purpose of, or in connection with, the carrying out of the order;
 - (d) order a person to reimburse the expenses of carrying out the order.
- (6) In determining how to exercise its powers under this section, the court shall have regard, amongst other things, to the desirability of protecting the animal's value and avoiding increasing any expenses which a person may be ordered to reimburse.
- (7) A person commits an offence if he intentionally obstructs a person in the exercise of any power conferred by virtue of this section.
- (8) If the owner of the animal is subject to a liability by virtue of section 18(13) or subsection (5)(d) above, any amount to which he is entitled as a result of sale of the animal may be reduced by an amount equal to that liability.

21 Orders under section 20: appeals

- (1) Where a court makes an order under section 20(1), the owner of the animal to which the order relates may appeal against the order to the Crown Court.
- (2) Nothing may be done under an order under section 20(1) unless –
 - (a) the period for giving notice of appeal against the order has expired, and
 - (b) if the order is the subject of an appeal, the appeal has been determined or withdrawn.
- (3) Where the effect of an order is suspended under subsection (2) –
 - (a) no directions given in connection with the order shall have effect, but
 - (b) the court may give directions about how any animal to which the order applies is to be dealt with during the suspension.
- (4) Directions under subsection (3)(b) may, in particular –
 - (a) appoint a person to carry out, or arrange for the carrying out, of the directions;
 - (b) require any person who has possession of the animal to deliver it up for the purposes of the directions;

- (c) confer additional powers (including power to enter premises where the animal is being kept) for the purpose of, or in connection with, the carrying out of the directions;
 - (d) provide for the recovery of any expenses which are reasonably incurred in carrying out the directions.
- (5) Where a court decides on an application under section 20(3)(a) not to exercise the power conferred by subsection (1) of that section, the applicant may appeal against the decision to the Crown Court.
- (6) Where a court makes an order under section 20(5)(d), the person against whom the order is made may appeal against the order to the Crown Court.

Enforcement powers

22 Seizure of animals involved in fighting offences

- (1) A constable may seize an animal if it appears to him that it is one in relation to which an offence under section 8(1) or (2) has been committed.
- (2) A constable may enter and search premises for the purpose of exercising the power under subsection (1) if he reasonably believes –
- (a) that there is an animal on the premises, and
 - (b) that the animal is one in relation to which the power under subsection (1) is exercisable.
- (3) Subsection (2) does not authorise entry to any part of premises which is used as a private dwelling.
- (4) Subject to subsection (5), a justice of the peace may, on the application of a constable, issue a warrant authorising a constable to enter and search premises, if necessary using reasonable force, for the purpose of exercising the power under subsection (1).
- (5) The power to issue a warrant under subsection (4) is exercisable only if the justice of the peace is satisfied –
- (a) that there are reasonable grounds for believing that there is on the premises an animal in relation to which an offence under section 8(1) or (2) has been committed, and
 - (b) that section 52 is satisfied in relation to the premises.
- (6) In this section, references to an animal in relation to which an offence under section 8(1) or (2) has been committed include an animal which took part in an animal fight in relation to which such an offence was committed.

23 Entry and search under warrant in connection with offences

- (1) Subject to subsection (2), a justice of the peace may, on the application of an inspector or constable, issue a warrant authorising an inspector or a constable to enter premises, if necessary using reasonable force, in order to search for evidence of the commission of a relevant offence.
- (2) The power to issue a warrant under subsection (1) is exercisable only if the justice of the peace is satisfied –
- (a) that there are reasonable grounds for believing –
 - (i) that a relevant offence has been committed on the premises, or

- (ii) that evidence of the commission of a relevant offence is to be found on the premises, and
 - (b) that section 52 is satisfied in relation to the premises.
- (3) In this section, “relevant offence” means an offence under any of sections 4 to 9, 13(6) and 34(9).

24 Entry for purposes of arrest

In section 17(1)(c) of the Police and Criminal Evidence Act 1984 (c. 60) (power of constable to enter and search premises for purpose of arresting a person for offence under specified enactments), at end insert –

- “(v) any of sections 4, 5, 6(1) and (2), 7 and 8(1) and (2) of the Animal Welfare Act 2006 (offences relating to the prevention of harm to animals);”.

25 Inspection of records required to be kept by holder of licence

- (1) An inspector may require the holder of a licence to produce for inspection any records which he is required to keep by a condition of the licence.
- (2) Where records which a person is so required to keep are stored in electronic form, the power under subsection (1) includes power to require the records to be made available for inspection –
 - (a) in a visible and legible form, or
 - (b) in a form from which they can readily be produced in a visible and legible form.
- (3) An inspector may inspect and take copies of any records produced for inspection in pursuance of a requirement under this section.

26 Inspection in connection with licences

- (1) An inspector may carry out an inspection in order to check compliance with –
 - (a) the conditions subject to which a licence is granted;
 - (b) provision made by or under this Act which is relevant to the carrying on of an activity to which a licence relates.
- (2) An inspector may, for the purpose of carrying out an inspection under subsection (1), enter –
 - (a) premises specified in a licence as premises on which the carrying on of an activity is authorised;
 - (b) premises on which he reasonably believes an activity to which a licence relates is being carried on.
- (3) Subsection (2) does not authorise entry to any part of premises which is used as a private dwelling unless 24 hours’ notice of the intended entry is given to the occupier.

27 Inspection in connection with registration

- (1) An inspector may carry out an inspection in order to check compliance with provision made by or under this Act which is relevant to the carrying on of an activity to which a registration for the purposes of section 13 relates.

- (2) An inspector may, for the purpose of carrying out an inspection under subsection (1), enter premises on which he reasonably believes a person registered for the purposes of section 13 is carrying on an activity to which the registration relates.
- (3) Subsection (2) does not authorise entry to any part of premises which is used as a private dwelling unless 24 hours' notice of the intended entry is given to the occupier.

28 Inspection of farm premises

- (1) An inspector may carry out an inspection in order to—
 - (a) check compliance with regulations under section 12 which relate to animals bred or kept for farming purposes;
 - (b) ascertain whether any offence under or by virtue of this Act has been or is being committed in relation to such animals.
- (2) An inspector may enter premises which he reasonably believes to be premises on which animals are bred or kept for farming purposes in order to carry out an inspection under subsection (1).
- (3) Subsection (2) does not authorise entry to any part of premises which is used as a private dwelling.
- (4) Subject to subsection (5), a justice of the peace may, on the application of an inspector, issue a warrant authorising an inspector to enter premises, if necessary using reasonable force, in order to carry out an inspection under subsection (1).
- (5) The power to issue a warrant under subsection (4) is exercisable only if the justice of the peace is satisfied—
 - (a) that it is reasonable to carry out an inspection on the premises, and
 - (b) that section 52 is satisfied in relation to the premises.

29 Inspection relating to Community obligations

- (1) An inspector may carry out an inspection in order to check compliance with regulations under section 12 which implement a Community obligation.
- (2) An inspector may enter any premises in order to carry out an inspection under subsection (1).
- (3) Subsection (2) does not authorise entry to any part of premises which is used as a private dwelling.

Prosecutions

30 Power of local authority to prosecute offences

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

31 Time limits for prosecutions

- (1) Notwithstanding anything in section 127(1) of the Magistrates' Courts Act 1980 (c. 43), a magistrates' court may try an information relating to an offence under this Act if the information is laid –
 - (a) before the end of the period of three years beginning with the date of the commission of the offence, and
 - (b) before the end of the period of six months beginning with the date on which evidence which the prosecutor thinks is sufficient to justify the proceedings comes to his knowledge.
- (2) For the purposes of subsection (1)(b) –
 - (a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to his knowledge shall be conclusive evidence of that fact, and
 - (b) a certificate stating that matter and purporting to be so signed shall be treated as so signed unless the contrary is proved.

*Post-conviction powers***32 Imprisonment or fine**

- (1) A person guilty of an offence under any of sections 4, 5, 6(1) and (2), 7 and 8 shall be liable on summary conviction to –
 - (a) imprisonment for a term not exceeding 51 weeks, or
 - (b) a fine not exceeding £20,000,
 or to both.
- (2) A person guilty of an offence under section 9, 13(6) or 34(9) shall be liable on summary conviction to –
 - (a) imprisonment for a term not exceeding 51 weeks, or
 - (b) a fine not exceeding level 5 on the standard scale,
 or to both.
- (3) A person guilty of an offence under regulations under section 12 or 13 shall be liable on summary conviction to such penalty by way of imprisonment or fine as may be provided by regulations under that section.
- (4) A person guilty of any other offence under this Act shall be liable on summary conviction to –
 - (a) imprisonment for a term not exceeding 51 weeks, or
 - (b) a fine not exceeding level 4 on the standard scale,
 or to both.
- (5) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44), the reference in each of subsections (1)(a), (2)(a) and (4)(a) to 51 weeks is to be read as a reference to 6 months.

33 Deprivation

- (1) If the person convicted of an offence under any of sections 4, 5, 6(1) and (2), 7, 8 and 9 is the owner of an animal in relation to which the offence was committed, the court by or before which he is convicted may, instead of or in

addition to dealing with him in any other way, make an order depriving him of ownership of the animal and for its disposal.

- (2) Where the owner of an animal is convicted of an offence under section 34(9) because ownership of the animal is in breach of a disqualification under section 34(2), the court by or before which he is convicted may, instead of or in addition to dealing with him in any other way, make an order depriving him of ownership of the animal and for its disposal.
- (3) Where the animal in respect of which an order under subsection (1) or (2) is made has any dependent offspring, the order may include provision depriving the person to whom it relates of ownership of the offspring and for its disposal.
- (4) Where a court makes an order under subsection (1) or (2), it may –
 - (a) appoint a person to carry out, or arrange for the carrying out of, the order;
 - (b) require any person who has possession of an animal to which the order applies to deliver it up to enable the order to be carried out;
 - (c) give directions with respect to the carrying out of the order;
 - (d) confer additional powers (including power to enter premises where an animal to which the order applies is being kept) for the purpose of, or in connection with, the carrying out of the order;
 - (e) order the offender to reimburse the expenses of carrying out the order.
- (5) Directions under subsection (4)(c) may –
 - (a) specify the manner in which an animal is to be disposed of, or
 - (b) delegate the decision about the manner in which an animal is to be disposed of to a person appointed under subsection (4)(a).
- (6) Where a court decides not to make an order under subsection (1) or (2) in relation to an offender, it shall –
 - (a) give its reasons for the decision in open court, and
 - (b) if it is a magistrates' court, cause them to be entered in the register of its proceedings.
- (7) Subsection (6) does not apply where the court makes an order under section 34(1) in relation to the offender.
- (8) In subsection (1), the reference to an animal in relation to which an offence was committed includes, in the case of an offence under section 8, an animal which took part in an animal fight in relation to which the offence was committed.
- (9) In this section, references to disposing of an animal include destroying it.

34 Disqualification

- (1) If a person is convicted of an offence to which this section applies, the court by or before which he is convicted may, instead of or in addition to dealing with him in any other way, make an order disqualifying him under any one or more of subsections (2) to (4) for such period as it thinks fit.
- (2) Disqualification under this subsection disqualifies a person –
 - (a) from owning animals,
 - (b) from keeping animals,
 - (c) from participating in the keeping of animals, and

- (d) from being party to an arrangement under which he is entitled to control or influence the way in which animals are kept.
- (3) Disqualification under this subsection disqualifies a person from dealing in animals.
- (4) Disqualification under this subsection disqualifies a person –
 - (a) from transporting animals, and
 - (b) from arranging for the transport of animals.
- (5) Disqualification under subsection (2), (3) or (4) may be imposed in relation to animals generally, or in relation to animals of one or more kinds.
- (6) The court by which an order under subsection (1) is made may specify a period during which the offender may not make an application under section 43(1) for termination of the order.
- (7) The court by which an order under subsection (1) is made may –
 - (a) suspend the operation of the order pending an appeal, or
 - (b) where it appears to the court that the offender owns or keeps an animal to which the order applies, suspend the operation of the order, and of any order made under section 35 in connection with the disqualification, for such period as it thinks necessary for enabling alternative arrangements to be made in respect of the animal.
- (8) Where a court decides not to make an order under subsection (1) in relation to an offender, it shall –
 - (a) give its reasons for the decision in open court, and
 - (b) if it is a magistrates' court, cause them to be entered in the register of its proceedings.
- (9) A person who breaches a disqualification imposed by an order under subsection (1) commits an offence.
- (10) This section applies to an offence under any of sections 4, 5, 6(1) and (2), 7, 8, 9 and 13(6) and subsection (9).

35 Seizure of animals in connection with disqualification

- (1) Where –
 - (a) a court makes an order under section 34(1), and
 - (b) it appears to the court that the person to whom the order applies owns or keeps any animal contrary to the disqualification imposed by the order,
 it may order that all animals he owns or keeps contrary to the disqualification be taken into possession.
- (2) Where a person is convicted of an offence under section 34(9) because of owning or keeping an animal in breach of disqualification under section 34(2), the court by or before which he is convicted may order that all animals he owns or keeps in breach of the disqualification be taken into possession.
- (3) An order under subsection (1) or (2), so far as relating to any animal owned by the person subject to disqualification, shall have effect as an order for the disposal of the animal.

- (4) Any animal taken into possession in pursuance of an order under subsection (1) or (2) that is not owned by the person subject to disqualification shall be dealt with in such manner as the appropriate court may order.
- (5) A court may not make an order for disposal under subsection (4) unless –
 - (a) it has given the owner of the animal an opportunity to be heard, or
 - (b) it is satisfied that it is not reasonably practicable to communicate with the owner.
- (6) Where a court makes an order under subsection (4) for the disposal of an animal, the owner may –
 - (a) in the case of an order made by a magistrates' court, appeal against the order to the Crown Court;
 - (b) in the case of an order made by the Crown Court, appeal against the order to the Court of Appeal.
- (7) In subsection (4), the reference to the appropriate court is to –
 - (a) the court which made the order under subsection (1) or (2), or
 - (b) in the case of an order made by a magistrates' court, to a magistrates' court for the same local justice area as that court.
- (8) In this section, references to disposing of an animal include destroying it.

36 Section 35: supplementary

- (1) The court by which an order under section 35 is made may –
 - (a) appoint a person to carry out, or arrange for the carrying out of, the order;
 - (b) require any person who has possession of an animal to which the order applies to deliver it up to enable the order to be carried out;
 - (c) give directions with respect to the carrying out of the order;
 - (d) confer additional powers (including power to enter premises where an animal to which the order applies is being kept) for the purpose of, or in connection with, the carrying out of the order;
 - (e) order the person subject to disqualification, or another person, to reimburse the expenses of carrying out the order.
- (2) Directions under subsection (1)(c) may –
 - (a) specify the manner in which an animal is to be disposed of, or
 - (b) delegate the decision about the manner in which an animal is to be disposed of to a person appointed under subsection (1)(a).
- (3) In determining how to exercise its powers under section 35 and this section, the court shall have regard, amongst other things, to –
 - (a) the desirability of protecting the value of any animal to which the order applies, and
 - (b) the desirability of avoiding increasing any expenses which a person may be ordered to reimburse.
- (4) In determining how to exercise a power delegated under subsection (2)(b), a person shall have regard, amongst other things, to the things mentioned in subsection (3)(a) and (b).
- (5) If the owner of an animal ordered to be disposed of under section 35 is subject to a liability by virtue of subsection (1)(e), any amount to which he is entitled

as a result of sale of the animal may be reduced by an amount equal to that liability.

37 Destruction in the interests of the animal

- (1) The court by or before which a person is convicted of an offence under any of sections 4, 5, 6(1) and (2), 7, 8(1) and (2) and 9 may order the destruction of an animal in relation to which the offence was committed if it is satisfied, on the basis of evidence given by a veterinary surgeon, that it is appropriate to do so in the interests of the animal.
- (2) A court may not make an order under subsection (1) unless –
 - (a) it has given the owner of the animal an opportunity to be heard, or
 - (b) it is satisfied that it is not reasonably practicable to communicate with the owner.
- (3) Where a court makes an order under subsection (1), it may –
 - (a) appoint a person to carry out, or arrange for the carrying out of, the order;
 - (b) require a person who has possession of the animal to deliver it up to enable the order to be carried out;
 - (c) give directions with respect to the carrying out of the order (including directions about how the animal is to be dealt with until it is destroyed);
 - (d) confer additional powers (including power to enter premises where the animal is being kept) for the purpose of, or in connection with, the carrying out of the order;
 - (e) order the offender or another person to reimburse the expenses of carrying out the order.
- (4) Where a court makes an order under subsection (1), each of the offender and, if different, the owner of the animal may –
 - (a) in the case of an order made by a magistrates' court, appeal against the order to the Crown Court;
 - (b) in the case of an order made by the Crown Court, appeal against the order to the Court of Appeal.
- (5) Subsection (4) does not apply if the court by which the order is made directs that it is appropriate in the interests of the animal that the carrying out of the order should not be delayed.
- (6) In subsection (1), the reference to an animal in relation to which an offence was committed includes, in the case of an offence under section 8(1) or (2), an animal which took part in an animal fight in relation to which the offence was committed.

38 Destruction of animals involved in fighting offences

- (1) The court by or before which a person is convicted of an offence under section 8(1) or (2) may order the destruction of an animal in relation to which the offence was committed on grounds other than the interests of the animal.
- (2) A court may not make an order under subsection (1) unless –
 - (a) it has given the owner of the animal an opportunity to be heard, or
 - (b) it is satisfied that it is not reasonably practicable to communicate with the owner.

- (3) Where a court makes an order under subsection (1), it may –
- (a) appoint a person to carry out, or arrange for the carrying out of, the order;
 - (b) require a person who has possession of the animal to deliver it up to enable the order to be carried out;
 - (c) give directions with respect to the carrying out of the order (including directions about how the animal is to be dealt with until it is destroyed);
 - (d) confer additional powers (including power to enter premises where the animal is being kept) for the purpose of, or in connection with, the carrying out of the order;
 - (e) order the offender or another person to reimburse the expenses of carrying out the order.
- (4) Where a court makes an order under subsection (1) in relation to an animal which is owned by a person other than the offender, that person may –
- (a) in the case of an order made by a magistrates' court, appeal against the order to the Crown Court;
 - (b) in the case of an order made by the Crown Court, appeal against the order to the Court of Appeal.
- (5) In subsection (1), the reference to an animal in relation to which the offence was committed includes an animal which took part in an animal fight in relation to which the offence was committed.

39 Reimbursement of expenses relating to animals involved in fighting offences

- (1) The court by or before which a person is convicted of an offence under section 8(1) or (2) may order the offender or another person to reimburse any expenses incurred by the police in connection with the keeping of an animal in relation to which the offence was committed.
- (2) In subsection (1), the reference to an animal in relation to which the offence was committed includes an animal which took part in a fight in relation to which the offence was committed.

40 Forfeiture of equipment used in offences

- (1) Where a person is convicted of an offence under any of sections 4, 5, 6(1) and (2), 7 and 8, the court by or before which he is convicted may order any qualifying item which is shown to the satisfaction of the court to relate to the offence to be –
- (a) forfeited, and
 - (b) destroyed or dealt with in such manner as may be specified in the order.
- (2) The reference in subsection (1) to any qualifying item is –
- (a) in the case of a conviction for an offence under section 4, to anything designed or adapted for causing suffering to an animal;
 - (b) in the case of a conviction for an offence under section 5, to anything designed or adapted for carrying out a prohibited procedure on an animal;
 - (c) in the case of a conviction for an offence under section 6(1) or (2), to anything designed or adapted for removing the whole or any part of a dog's tail;

- (d) in the case of a conviction for an offence under section 7, to anything designed or adapted for administering any drug or substance to an animal;
 - (e) in the case of a conviction for an offence under section 8(1) or (2), to anything designed or adapted for use in connection with an animal fight;
 - (f) in the case of a conviction for an offence under section 8(3), to a video recording of an animal fight, including anything on or in which the recording is kept.
- (3) The court shall not order anything to be forfeited under subsection (1) if a person claiming to be the owner of it or otherwise interested in it applies to be heard by the court, unless he has been given an opportunity to show cause why the order should not be made.
- (4) An expression used in any of paragraphs (a) to (f) of subsection (2) has the same meaning as in the provision referred to in that paragraph.

41 Orders under section 33, 35, 37, 38 or 40: pending appeals

- (1) Nothing may be done under an order under section 33, 35, 37 or 38 with respect to an animal or an order under section 40 unless –
- (a) the period for giving notice of appeal against the order has expired,
 - (b) the period for giving notice of appeal against the conviction on which the order was made has expired, and
 - (c) if the order or conviction is the subject of an appeal, the appeal has been determined or withdrawn.
- (2) Subsection (1) does not apply to an order under section 37(1) if the order is the subject of a direction under subsection (5) of that section.
- (3) Where the effect of an order is suspended under subsection (1) –
- (a) no requirement imposed or directions given in connection with the order shall have effect, but
 - (b) the court may give directions about how any animal to which the order applies is to be dealt with during the suspension.
- (4) Directions under subsection (3)(b) may, in particular –
- (a) authorise the animal to be taken into possession;
 - (b) authorise the removal of the animal to a place of safety;
 - (c) authorise the animal to be cared for either on the premises where it was being kept when it was taken into possession or at some other place;
 - (d) appoint a person to carry out, or arrange for the carrying out, of the directions;
 - (e) require any person who has possession of the animal to deliver it up for the purposes of the directions;
 - (f) confer additional powers (including power to enter premises where the animal is being kept) for the purpose of, or in connection with, the carrying out of the directions;
 - (g) provide for the recovery of any expenses in relation to removal or care of the animal which are incurred in carrying out the directions.
- (5) Any expenses a person is directed to pay under subsection (4)(g) shall be recoverable summarily as a civil debt.

- (6) Where the effect of an order under section 33 is suspended under subsection (1) the person to whom the order relates may not sell or part with any animal to which the order applies.
- (7) Failure to comply with subsection (6) is an offence.

42 Orders with respect to licences

- (1) If a person is convicted of an offence under any of sections 4, 5, 6(1) and (2), 7 to 9, 11 and 13(6), the court by or before which he is convicted may, instead of or in addition to dealing with him in any other way –
 - (a) make an order cancelling any licence held by him;
 - (b) make an order disqualifying him, for such period as it thinks fit, from holding a licence.
- (2) Disqualification under subsection (1)(b) may be imposed in relation to licences generally or in relation to licences of one or more kinds.
- (3) The court by which an order under subsection (1)(b) is made may specify a period during which the offender may not make an application under section 43(1) for termination of the order.
- (4) The court by which an order under subsection (1) is made may suspend the operation of the order pending an appeal.

43 Termination of disqualification under section 34 or 42

- (1) A person who is disqualified by virtue of an order under section 34 or 42 may apply to the appropriate court for the termination of the order.
- (2) No application under subsection (1) may be made –
 - (a) before the end of the period of one year beginning with the date on which the order is made,
 - (b) where a previous application under that subsection has been made in relation to the same order, before the end of the period of one year beginning with the date on which the previous application was determined, or
 - (c) before the end of any period specified under section 34(6), 42(3) or subsection (5) below in relation to the order.
- (3) On an application under subsection (1), the court may –
 - (a) terminate the disqualification,
 - (b) vary the disqualification so as to make it less onerous, or
 - (c) refuse the application.
- (4) When determining an application under subsection (1), the court shall have regard to the character of the applicant, his conduct since the imposition of the disqualification and any other circumstances of the case.
- (5) Where the court refuses an application under subsection (1), it may specify a period during which the applicant may not make a further application under that subsection in relation to the order concerned.
- (6) The court may order an applicant under subsection (1) to pay all or part of the costs of the application.
- (7) In subsection (1), the reference to the appropriate court is to –

- (a) the court which made the order under section 34 or 42, or
- (b) in the case of an order made by a magistrates' court, to a magistrates' court acting for the same local justice area as that court.

44 Orders made on conviction for reimbursement of expenses

Where an order is made under section 33(4)(e), 36(1)(e), 37(3)(e), 38(3)(e) or 39(1), the expenses that are required by the order to be reimbursed shall not be regarded for the purposes of the Magistrates' Courts Act 1980 (c. 43) as a sum adjudged to be paid by a summary conviction, but shall be recoverable summarily as a civil debt.

45 Orders for reimbursement of expenses: right of appeal for non-offenders

- (1) Where a court makes an order to which this section applies, the person against whom the order is made may –
 - (a) in the case of an order made by a magistrates' court, appeal against the order to the Crown Court;
 - (b) in the case of an order made by the Crown Court, appeal against the order to the Court of Appeal.
- (2) This section applies to –
 - (a) an order under section 36(1)(e) against a person other than the person subject to disqualification, and
 - (b) an order under section 37(3)(e), 38(3)(e) or 39(1) against a person other than the offender.

Scotland

46 Effect in Scotland of disqualification under section 34

- (1) Disqualification by virtue of an order under section 34(1) has effect in relation to Scotland.
- (2) A person who breaches a disqualification under section 34 commits an offence.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to –
 - (a) imprisonment for a term not exceeding 6 months, or
 - (b) a fine not exceeding level 5 on the standard scale,
 or to both.

47 Deprivation orders in connection with offence under section 46(2)

- (1) Where a person is convicted of an offence under section 46(2) because of owning or keeping an animal in breach of disqualification under section 34(2), the convicting court may make an order (in this section and sections 49 and 50 referred to as a "deprivation order") in respect of any animal in relation to which the offence was committed.
- (2) A deprivation order is an order –
 - (a) depriving a person of possession or ownership (or both) of an animal, and
 - (b) for –

- (i) the destruction,
 - (ii) the sale, or
 - (iii) another disposal,of the animal.
- (3) Where the court decides not to make a deprivation order, it must state its reasons.
- (4) A deprivation order may be made in addition to, or instead of, any other penalty or order which may be imposed in relation to the offence.
- (5) A deprivation order may make provision in respect of any dependent offspring of an animal to which it applies.
- (6) A deprivation order may include—
 - (a) provision—
 - (i) appointing a person who is to secure that the order is carried out,
 - (ii) requiring any person possessing an animal to which the order applies to give it up to a person appointed under sub-paragraph (i),
 - (b) provision authorising—
 - (i) a person appointed under paragraph (a)(i), and
 - (ii) any person acting on that person's behalf,to enter, for the purposes of securing that the order is carried out, any premises where an animal to which the order applies is kept,
 - (c) such other provisions as the court considers appropriate in connection with the order.
- (7) Provision under subsection (6)(c) may, in particular—
 - (a) require reimbursement of any expenses reasonably incurred in carrying out the order,
 - (b) relate to the retention of any proceeds of the disposal.
- (8) The court may not make a deprivation order which involves the destruction of an animal unless it is satisfied, on evidence provided (orally or in writing) by a veterinary surgeon, that destruction would be in the interests of the animal.
- (9) Before making a deprivation order, the court must give the owner of the animal concerned an opportunity to make representations unless it is not practicable for it to do so.

48 Seizure orders where disqualification breached: Scotland

- (1) Where the court is satisfied that a person who is subject to disqualification under section 34 owns or keeps an animal in breach of the disqualification, the court may make an order (in this section and sections 49 and 50 referred to as a “seizure order”) in respect of all animals which the person owns or keeps in breach of the disqualification.
- (2) A seizure order may be made—
 - (a) on summary application by an inspector,
 - (b) even if proceedings have not been, or are not likely to be, taken against the person for an offence under section 46(2).

- (3) A seizure order is an order –
 - (a) depriving a person of possession or ownership (or both) of an animal, and
 - (b) for –
 - (i) the destruction,
 - (ii) the sale, or
 - (iii) another disposal, of the animal.
- (4) A seizure order may include –
 - (a) provision –
 - (i) appointing a person who is to secure that the order is carried out,
 - (ii) requiring any person possessing an animal to which the order applies to give it up to a person appointed under sub-paragraph (i),
 - (b) provision authorising –
 - (i) a person appointed under paragraph (a)(i), and
 - (ii) any person acting on that person’s behalf,to enter, for the purposes of securing that the order is carried out, any premises where an animal to which the order applies is kept,
 - (c) such other provision as the court considers appropriate in connection with the order.
- (5) Provision under subsection (4)(c) may, in particular –
 - (a) require reimbursement of any expenses reasonably incurred in carrying out the order,
 - (b) relate to the retention of any proceeds of the disposal.
- (6) The court may not make a seizure order which involves the destruction of an animal unless it is satisfied, on evidence provided (orally or in writing) by a veterinary surgeon, that destruction would be in the interests of the animal.
- (7) Before making a seizure order, the court must give the owner of the animals concerned an opportunity to make representations unless it is not practicable for it to do so.
- (8) In determining whether or how to make a seizure order, the court must have regard to the desirability of –
 - (a) protecting the value of any animal to which the order applies, and
 - (b) avoiding increasing any expenses which a person may be required to reimburse.
- (9) When an application is made under subsection (2)(a), the court may make an order under this subsection (an “interim order”) containing such provision as the court considers appropriate in relation to the keeping of an animal until the application is finally determined.
- (10) Subsections (4), (5)(a) and (8) apply in relation to an interim order as they apply in relation to a seizure order.
- (11) In subsection (2)(a), an “inspector” is a person –
 - (a) appointed as inspector by the Scottish Ministers, or authorised by them, for the purposes of this section, or

- (b) appointed as inspector by a local authority for the purposes of this section.
- (12) In subsection (11)(b), a “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39).

49 Appeals against deprivation orders and seizure orders

- (1) Any deprivation order is, for the purposes of any appeal under the Criminal Procedure (Scotland) Act 1995 (c. 46), to be treated as a sentence.
- (2) Where a deprivation order is made, any person (apart from a person who may appeal against the order by virtue of subsection (1)) who has an interest in any animal to which the order applies may appeal to the High Court of Justiciary against the order by the same procedure as applies under subsection (1) in relation to a deprivation order.
- (3) The disqualified person by reference to whom a seizure order is made, or any person (apart from that disqualified person) who entered the process prior to the making of the order, may appeal to the sheriff principal against the order.
- (4) The operation of any deprivation order or seizure order is suspended until—
- (a) any period for an appeal against the order has expired,
 - (b) the period for an appeal against the conviction on which the order depends has expired, and
 - (c) any appeal against the order or that conviction has been withdrawn or finally determined.
- (5) Where the operation of a deprivation order or seizure order is suspended under subsection (4), or such an order is not executable because decree has not been extracted, the court which made the order may make an order under this subsection (an “interim order”) containing such provisions as the court considers appropriate in relation to the keeping of an animal for so long as the first-mentioned order remains suspended or inexecutable.
- (6) An interim order may, in particular—
- (a) make provision—
 - (i) appointing a person who is to secure that the order is carried out,
 - (ii) requiring any person possessing an animal to which the order applies to give it up to a person appointed under sub-paragraph (i),
 - (b) make provision authorising—
 - (i) a person appointed under paragraph (a)(i), and
 - (ii) any person acting on that person’s behalf,
 to enter, for the purposes of securing that the order is carried out, any premises where an animal to which the order applies is kept,
 - (c) for reimbursement of any expenses reasonably incurred in carrying out the order.
- (7) In determining whether or how to make an interim order, the court must have regard to the desirability of—
- (a) protecting the value of any animal to which the order applies, and
 - (b) avoiding increasing any expenses which a person may be required to reimburse.

50 Deprivation orders, seizure orders and interim orders: offences

- (1) Where the operation of a deprivation order is suspended under section 49(4), a person commits an offence if the person sells or otherwise parts with an animal to which the order applies.
- (2) A person commits an offence if the person intentionally obstructs a person in the carrying out of—
 - (a) a deprivation order,
 - (b) a seizure order,
 - (c) an interim order under section 48(9) or 49(5).
- (3) A person guilty of an offence under subsection (1) or (2) is liable on summary conviction to—
 - (a) imprisonment for a term not exceeding 6 months, or
 - (b) a fine not exceeding level 5 on the standard scale,or to both.

*General***51 Inspectors**

- (1) In this Act, “inspector”, in the context of any provision, means a person appointed to be an inspector for the purposes of that provision by—
 - (a) the appropriate national authority, or
 - (b) a local authority.
- (2) In appointing a person to be an inspector for purposes of this Act, a local authority shall have regard to guidance issued by the appropriate national authority.
- (3) The appropriate national authority may, in connection with guidance under subsection (2), draw up a list of persons whom the authority considers suitable for appointment by a local authority to be an inspector for purposes of this Act.
- (4) A person may be included in a list under subsection (3) as suitable for appointment as an inspector for all the purposes of this Act or only for such one or more of those purposes as may be specified in the list.
- (5) An inspector shall not be liable in any civil or criminal proceedings for anything done in the purported performance of his functions under this Act if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.
- (6) Relief from liability of an inspector under subsection (5) shall not affect any liability of any other person in respect of the inspector’s act.

52 Conditions for grant of warrant

- (1) This section is satisfied in relation to premises if any of the following four conditions is met.
- (2) The first condition is that the whole of the premises is used as a private dwelling and the occupier has been informed of the decision to apply for a warrant.

- (3) The second condition is that any part of the premises is not used as a private dwelling and that each of the following applies to the occupier of the premises –
- (a) he has been informed of the decision to seek entry to the premises and of the reasons for that decision;
 - (b) he has failed to allow entry to the premises on being requested to do so by an inspector or a constable;
 - (c) he has been informed of the decision to apply for a warrant.
- (4) The third condition is that –
- (a) the premises are unoccupied or the occupier is absent, and
 - (b) notice of intention to apply for a warrant has been left in a conspicuous place on the premises.
- (5) The fourth condition is that it is inappropriate to inform the occupier of the decision to apply for a warrant because –
- (a) it would defeat the object of entering the premises, or
 - (b) entry is required as a matter of urgency.

53 Powers of entry, inspection and search: supplementary

Schedule 2 (which makes supplementary provision in relation to powers of entry, inspection and search) has effect.

54 Power to stop and detain vehicles

- (1) A constable in uniform or, if accompanied by such a constable, an inspector may stop and detain a vehicle for the purpose of entering and searching it in the exercise of a power conferred –
- (a) by section 19(1), or
 - (b) by a warrant under section 19(4) or 23(1).
- (2) A constable in uniform may stop and detain a vehicle for the purpose of entering and searching it in the exercise of a power conferred –
- (a) by section 22(2), or
 - (b) by a warrant under section 22(4).
- (3) If accompanied by a constable in uniform, an inspector may stop and detain a vehicle for the purpose of entering it and carrying out an inspection in the exercise of a power conferred –
- (a) by section 26(2), 27(2), 28(2) or 29(2), or
 - (b) by a warrant under section 28(4).
- (4) A vehicle may be detained for as long as is reasonably required to permit a search or inspection to be carried out (including the exercise of any related power under this Act) either at the place where the vehicle was first detained or nearby.

55 Power to detain vessels, aircraft and hovercraft

- (1) Where an inspector appointed by the appropriate national authority certifies in writing that he is satisfied that an offence under or by virtue of this Act is being or has been committed on board a vessel in port, the vessel may be detained.

- (2) A certificate under subsection (1) shall—
 - (a) specify each offence to which it relates, and
 - (b) set out the inspector's reasons for being satisfied that each offence to which it relates is being or has been committed.
- (3) Section 284 of the Merchant Shipping Act 1995 (c. 21) (which provides for enforcement of the detention of a ship under that Act by specified officers) shall apply as if the power of detention under subsection (1) were conferred by that Act.
- (4) An officer who detains a vessel in reliance on a certificate under subsection (1) shall as soon as is reasonably practicable give a copy of it to the master or person in charge of the vessel.
- (5) A vessel may be detained under subsection (1) until the appropriate national authority otherwise directs.
- (6) The appropriate national authority may by regulations—
 - (a) apply this section to aircraft or hovercraft, with such modifications as the authority thinks fit, or
 - (b) make such other provision for the detention of aircraft or hovercraft in relation to offences under or by virtue of this Act as the authority thinks fit.

56 Obtaining of documents in connection with carrying out orders etc.

- (1) Where—
 - (a) an order under section 20(1), 33(1) or (2), 35(1) or (2) or 37(1) has effect, and
 - (b) the owner of an animal to which the order relates has in his possession, or under his control, documents which are relevant to the carrying out of the order or any directions given in connection with it,

the owner shall, if so required by a person authorised to carry out the order, deliver the documents to that person as soon as practicable and in any event before the end of the period of 10 days beginning with the date on which he is notified of the requirement.
- (2) Where—
 - (a) directions under section 41(3)(b) have effect, and
 - (b) the owner of an animal to which the directions relate has in his possession, or under his control, documents which are relevant to the carrying out of the directions,

the owner shall, if so required by a person authorised to carry out the directions, deliver the documents to that person as soon as practicable and in any event before the end of the period of 10 days beginning with the date on which he is notified of the requirement.
- (3) A person who fails without reasonable excuse to comply with subsection (1) or (2) commits an offence.

57 Offences by bodies corporate

- (1) Where an offence under this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate, or
 - (b) any person who was purporting to act in any such capacity,he (as well as the body corporate) commits the offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

58 Scientific research

- (1) Nothing in this Act applies to anything lawfully done under the Animals (Scientific Procedures) Act 1986 (c. 14).
- (2) No power of entry, inspection or search conferred by or under this Act, except for any such power conferred by section 28, may be exercised in relation to a place which is—
 - (a) designated under section 6 of the Animals (Scientific Procedures) Act 1986 as a scientific procedure establishment, or
 - (b) designated under section 7 of that Act as a breeding establishment or as a supplying establishment.
- (3) Section 9 does not apply in relation to an animal which—
 - (a) is being kept, at a place designated under section 6 of the Animals (Scientific Procedures) Act 1986 as a scientific procedure establishment, for use in regulated procedures,
 - (b) is being kept, at a place designated under section 7 of that Act as a breeding establishment, for use for breeding animals for use in regulated procedures,
 - (c) is being kept at such a place, having been bred there for use in regulated procedures, or
 - (d) is being kept, at a place designated under section 7 of that Act as a supplying establishment, for the purpose of being supplied for use elsewhere in regulated procedures.
- (4) In subsection (3), “regulated procedure” has the same meaning as in the Animals (Scientific Procedures) Act 1986.

59 Fishing

Nothing in this Act applies in relation to anything which occurs in the normal course of fishing.

60 Crown application

- (1) Subject to the provisions of this section, this Act and regulations and orders made under it shall bind the Crown.
- (2) No contravention by the Crown of any provision made by or under this Act shall make the Crown criminally liable; but the High Court may declare unlawful any act or omission of the Crown which constitutes such a contravention.

- (3) Notwithstanding subsection (2), the provisions of this Act and of regulations and orders made under it shall apply to persons in the service of the Crown as they apply to other persons.
- (4) If the Secretary of State certifies that it appears to him appropriate in the interests of national security that powers of entry conferred by or under this Act should not be exercisable in relation to Crown premises specified in the certificate, those powers shall not be exercisable in relation to those premises.
- (5) In subsection (4), “Crown premises” means premises held, or used, by or on behalf of the Crown.
- (6) No power of entry conferred by or under this Act may be exercised in relation to land belonging to Her Majesty in right of Her private estates.
- (7) In subsection (6), the reference to Her Majesty’s private estates shall be construed in accordance with section 1 of the Crown Private Estates Act 1862 (c. 37).

61 Orders and regulations

- (1) Any power of the Secretary of State, the National Assembly for Wales or the Scottish Ministers to make orders or regulations under this Act, except the power under section 17(1) of the National Assembly for Wales, is exercisable by statutory instrument.
- (2) No regulations under section 1(3), 5(4), 6, 12 or 13 shall be made by the Secretary of State unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.
- (3) No order under section 17(1) shall be made by the Secretary of State unless a draft of the instrument containing the order has been laid before Parliament.
- (4) Subsection (3) does not apply in relation to an order revoking a code of practice in connection with its replacement by a new one.
- (5) A statutory instrument containing regulations under section 55(6) made by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.

62 General interpretation

- (1) In this Act –
 - “animal” has the meaning given by section 1(1);
 - “appropriate national authority” means –
 - (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the National Assembly for Wales;
 - “enactment” includes an enactment contained in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30));
 - “licence” means a licence for the purposes of section 13;
 - “local authority” means –
 - (a) in relation to England, a county council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;

- (b) in relation to Wales, a county council or a county borough council;
- “premises” includes any place and, in particular, includes –
- (a) any vehicle, vessel, aircraft or hovercraft;
 - (b) any tent or movable structure;
- “protected animal” has the meaning given by section 2;
- “suffering” means physical or mental suffering and related expressions shall be construed accordingly;
- “veterinary surgeon” means a person registered in the register of veterinary surgeons, or the supplementary veterinary register, kept under the Veterinary Surgeons Act 1966 (c. 36).
- (2) In this Act, references to the occupier of premises, in relation to any vehicle, vessel, aircraft or hovercraft, are to the person who appears to be in charge of the vehicle, vessel, aircraft or hovercraft, and “unoccupied” shall be construed accordingly.
 - (3) In this Act, references to a part of premises which is used as a private dwelling include any yard, garden, garage or outhouse which is used for purposes in connection with it.
 - (4) In this Act, references to responsibility, in relation to an animal, are to be read in accordance with section 3.
 - (5) In this Act, references to the needs of an animal are to be read in accordance with section 9(2).
 - (6) In this Act, references to a “relevant post-conviction power” are to a power conferred by –
 - (a) section 33, 34, 37 or 42 of this Act,
 - (b) section 4(2) of the Performing Animals (Regulation) Act 1925 (c. 38) (power to remove name from register under Act and disqualify from registration),
 - (c) section 5(3) of the Pet Animals Act 1951 (c. 35) (power to cancel licence under Act and disqualify from carrying on licensable activity),
 - (d) section 3(3) of the Animal Boarding Establishments Act 1963 (c. 43) (provision corresponding to that mentioned in paragraph (c) above),
 - (e) section 4(3) of the Riding Establishments Act 1964 (c. 70) (further corresponding provision),
 - (f) section 3(4) of the Guard Dogs Act 1975 (c. 50) (power to cancel licence under Act),
 - (g) section 6(2) of the Dangerous Wild Animals Act 1976 (c. 38) (power to cancel licence under Act and disqualify from carrying on licensable activity), or
 - (h) section 4(4) of the Zoo Licensing Act 1981 (c. 37) (power to refuse licence under Act for conviction for an offence).

63 Financial provisions

- (1) There shall be paid out of money provided by Parliament –
 - (a) any expenditure under this Act of the Secretary of State, and
 - (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.

- (2) There shall be paid into the Consolidated Fund any increase attributable to this Act in the sums payable into that Fund under any other enactment.

64 Minor and consequential amendments

Schedule 3 (minor and consequential amendments) has effect.

65 Repeals

The enactments specified in Schedule 4 are hereby repealed to the extent specified.

66 Transition

- (1) Each of the Secretary of State, the National Assembly for Wales and the Scottish Ministers may by order make such transitional provision or savings as are considered necessary or expedient in connection with the coming into force of any provision of this Act.
- (2) Power under subsection (1) includes power to make different provision for different cases.
- (3) Section 34(9) shall apply in relation to a disqualification imposed by an order under section 1 of the Protection of Animals (Amendment) Act 1954 (c. 40) (power to disqualify persons convicted of cruelty to animals) as it applies in relation to a disqualification imposed by an order under section 34(1).
- (4) In relation to a person convicted of an offence under section 34(9) by virtue of breaching a disqualification imposed by an order under section 1 of the Protection of Animals (Amendment) Act 1954, section 35(2) shall have effect with the substitution for the words from “owning” to “keeps” of “having custody of an animal in breach of disqualification under section 1 of the Protection of Animals (Amendment) Act 1954, the court by or before which he is convicted may order that all animals of which he has custody”.
- (5) Section 43 shall apply in relation to a person who is disqualified by virtue of an order under section 1 of the Protection of Animals (Amendment) Act 1954 as it applies in relation to a person who is disqualified by virtue of an order under section 34 or 42.
- (6) In its application by virtue of subsection (5), section 43(2)(c) shall have effect with the omission of the words “section 34(6), 42(3) or”.

67 Extent

- (1) Subject to the following provisions, this Act extends to England and Wales only.
- (2) Sections 46 to 50 and 68(2) extend to Scotland only.
- (3) The following provisions also extend to Scotland –
 - (a) sections 57 and 60(1) and (4) to (7), so far as relating to sections 46 to 50,
 - (b) section 61(1), so far as relating to sections 66 and 68,
 - (c) section 66(1) and (2), this section and sections 68(1), (3) and (4) and 69,
 - (d) paragraphs 2, 12 and 14 of Schedule 3, and section 64 so far as relating to them, and

- (e) such of the repeals in Schedule 4 as are mentioned in subsection (4), and section 65 so far as relating to them.
- (4) The repeals referred to are –
- (a) in section 1(3) of the Protection of Animals Act 1934 (c. 21), the provision about the meaning of “horse” and “bull”;
 - (b) in the Protection of Animals (Amendment) Act 1954 (c. 40) –
 - (i) in section 1(1), the words “the Protection of Animals Act 1911 or”, and
 - (ii) in section 4(1)(a), the words from “, in relation to England” to “in relation to Scotland,”;
 - (c) in the Protection of Animals (Anaesthetics) Act 1954 (c. 46), section 2(2) and Part 1 of Schedule 2;
 - (d) in the Abandonment of Animals Act 1960 (c. 43) –
 - (i) section 2(a), and
 - (ii) in section 3(2), the words “the Protection of Animals Acts 1911 to 1960, or” and the words “, as the case may be”;
 - (e) in section 4(2) of the Animals (Cruel Poisons) Act 1962 (c. 26), the words from “and the Protection of Animals Acts 1911” to “and this Act”;
 - (f) in the Protection of Animals (Anaesthetics) Act 1964 (c. 39), section 2(1)(a);
 - (g) in the Agriculture (Miscellaneous Provisions) Act 1968 (c. 34) –
 - (i) section 7(3), and
 - (ii) in section 8(5), the words “the Protection of Animals Acts 1911 to 1964 or”.
- (5) The following provisions also extend to Northern Ireland –
- (a) section 61(1), so far as relating to sections 66 and 68,
 - (b) section 66(1) and (2), this section and sections 68(1), (3) and (4) and 69, and
 - (c) paragraphs 12 and 14 of Schedule 3, and section 64 so far as relating to them.

68 Commencement

- (1) This section and sections 61, 67 and 69 shall come into force on the day on which this Act is passed.
- (2) Sections 46 to 50 shall come into force on such day as the Scottish Ministers may by order appoint.
- (3) The remaining provisions of this Act –
 - (a) so far as relating to England, Scotland or Northern Ireland, shall come into force on such day as the Secretary of State may by order appoint, and
 - (b) so far as relating to Wales, shall come into force on such day as the National Assembly for Wales may by order appoint.
- (4) Power under subsection (3) includes power to appoint different days for different purposes.

69 Short title

This Act may be cited as the Animal Welfare Act 2006.

SCHEDULES

SCHEDULE 1

Section 13

REGULATIONS UNDER SECTION 13

PART 1

LICENCES FOR THE PURPOSES OF THE SECTION

Introductory

- 1 This Part has effect in relation to regulations under section 13(7) about licences for the purposes of section 13.

Licensing authority

- 2 Regulations shall provide for the licensing authority to be –
 - (a) a local authority, or
 - (b) the appropriate national authority.
- 3 Where the licensing authority is a local authority, regulations may require the licensing authority to have regard in carrying out its functions under the regulations to such guidance as may be issued by the appropriate national authority.

Period of licence

- 4 Regulations may, in particular –
 - (a) make provision about the period for which licences are to be granted;
 - (b) make provision, in connection with the death of the holder of a licence, for the continuation in force of the licence for such period and subject to such conditions as the regulations may provide.
- 5 Regulations may not provide for licences to be granted for a period of more than 3 years.

Exercise of licensing functions

- 6 Regulations may, in particular –
 - (a) require a licensing authority not to grant a licence unless satisfied as to a matter specified in the regulations;
 - (b) require a licensing authority to have regard, in deciding whether to grant a licence, to a matter specified in the regulations.

- 7 Regulations shall make provision requiring a licensing authority not to grant a licence authorising the carrying on of an activity on specific premises unless the premises have been inspected as the regulations may provide.

Grant of licence subject to conditions

- 8 (1) Regulations may, in particular, make provision for the grant of a licence subject to conditions.
- (2) Provision of the kind mentioned in sub-paragraph (1) may –
- (a) enable a licensing authority to attach conditions to a licence;
 - (b) require a licensing authority to attach to a licence conditions specified in the regulations.

Breach of licence condition

- 9 (1) Regulations may provide for breach of a condition of a licence to be an offence.
- (2) Regulations may not provide for an offence of breach of condition of a licence to be triable on indictment or punishable with –
- (a) imprisonment for a term exceeding 51 weeks, or
 - (b) a fine exceeding level 5 on the standard scale.
- (3) Regulations may provide that an offence of breach of condition of a licence is to be treated as a relevant offence for the purposes of section 23.
- (4) Regulations may apply a relevant post-conviction power in relation to conviction for an offence of breach of condition of a licence.

Appeals

- 10 Regulations may, in particular, make provision for appeals in relation to decisions of a licensing authority under the regulations.

Fees

- 11 Regulations may include provision for fees or other charges in relation to the carrying out of functions of the licensing authority under the regulations.

PART 2

REGISTRATION FOR THE PURPOSES OF THE SECTION

Introductory

- 12 This Part has effect in relation to regulations under section 13(7) about registration for the purposes of section 13.

Registering authority

- 13 Regulations shall provide for the registering authority to be –
- (a) a local authority, or
 - (b) the appropriate national authority.

- 14 Where the registering authority is a local authority, regulations may require the registering authority to have regard in carrying out its functions under the regulations to such guidance as may be issued by the appropriate national authority.

Exercise of registration functions

- 15 Regulations may, in particular –
- (a) require a registering authority not to register an applicant for registration unless satisfied as to a matter specified in the regulations;
 - (b) require a registering authority to have regard, in deciding whether to register an applicant for registration, to a matter specified in the regulations.

Appeals

- 16 Regulations may, in particular, make provision for appeals in relation to decisions of a registering authority under the regulations.

Fees

- 17 Regulations may include provision for fees or other charges in relation to the carrying out of functions of the registering authority under the regulations.

PART 3

SUPPLEMENTARY

- 18 Power to make regulations under section 13(7) includes power –
- (a) to make provision for purposes other than the purpose of promoting the welfare of animals for which a person is responsible;
 - (b) to make different provision for different cases or areas;
 - (c) to provide for exemptions from a provision of the regulations, either subject to specified conditions or without conditions.
- 19 (1) Power to make regulations under section 13 includes power to make incidental, supplementary, consequential or transitional provision or savings.
- (2) In the case of provision consequential on the repeal of an enactment specified in section 13(8), the power under sub-paragraph (1) includes power –
- (a) to amend or repeal an enactment;
 - (b) to make provision for the purpose of continuing the effect of an enactment repealed under paragraph (a).
- (3) The power under sub-paragraph (2)(b) includes power to provide that breach of a provision of the regulations is an offence, but does not include power to create an offence triable on indictment or punishable with –
- (a) imprisonment for a term exceeding 51 weeks, or
 - (b) a fine exceeding level 5 on the standard scale.

SCHEDULE 2

Section 53

POWERS OF ENTRY, INSPECTION AND SEARCH: SUPPLEMENTARY

Safeguards etc. in connection with powers of entry conferred by warrant

- 1
 - (1) Sections 15 and 16 of the Police and Criminal Evidence Act 1984 (c. 60) shall have effect in relation to the issue of a warrant under section 19(4) or 23(1) to an inspector as they have effect in relation to the issue of a warrant under that provision to a constable.
 - (2) In their application in relation to the issue of a warrant under section 19(4) or 23(1), sections 15 and 16 of that Act shall have effect with the following modifications.
 - (3) In section 15—
 - (a) in subsection (2), omit the words from the end of paragraph (a)(ii) to the end of paragraph (b);
 - (b) omit subsections (2A) and (5A);
 - (c) in subsection (5), omit the words from “unless” to the end;
 - (d) in subsection (6)(a), omit the words from the end of sub-paragraph (iii) to the end of sub-paragraph (iv);
 - (e) in subsection (7), omit the words from “(see” to the end.
 - (4) In section 16—
 - (a) omit subsections (3A) and (3B);
 - (b) in subsection (9), omit the words after paragraph (b).
- 2
 - (1) This paragraph and paragraph 3 have effect in relation to the issue to inspectors of warrants under section 28(4); and an entry on premises under such a warrant is unlawful unless it complies with this paragraph and paragraph 3.
 - (2) Where an inspector applies for a warrant, he shall—
 - (a) state the ground on which he makes the application,
 - (b) state the enactment under which the warrant would be issued, and
 - (c) specify the premises which it is desired to enter.
 - (3) An application for a warrant shall be made without notice and supported by an information in writing.
 - (4) The inspector shall answer on oath any question that the justice of the peace hearing the application asks him.
 - (5) A warrant shall authorise an entry on one occasion only.
 - (6) A warrant shall specify—
 - (a) the name of the person who applies for it,
 - (b) the date on which it is issued, and
 - (c) the enactment under which it is issued.
 - (7) Two copies shall be made of a warrant.
 - (8) The copies shall be clearly certified as copies.
- 3
 - (1) A warrant may be executed by any inspector.

- (2) A warrant may authorise persons to accompany any inspector who is executing it.
- (3) A person authorised under sub-paragraph (2) has the same powers as the inspector whom he accompanies in respect of the execution of the warrant, but may exercise those powers only in the company, and under the supervision, of an inspector.
- (4) Execution of a warrant must be within three months from the date of its issue.
- (5) Execution of a warrant must be at a reasonable hour unless it appears to the inspector executing it that the purpose of entry may be frustrated on an entry at a reasonable hour.
- (6) Where the occupier of premises which are to be entered under a warrant is present at the time when an inspector seeks to execute it, the inspector shall—
 - (a) identify himself to the occupier and shall produce to him documentary evidence that he is an inspector,
 - (b) produce the warrant to him, and
 - (c) supply him with a copy of it.
- (7) Where—
 - (a) the occupier of premises which are to be entered under a warrant is not present when an inspector seeks to execute it, but
 - (b) some other person who appears to the inspector to be in charge of the premises is present,sub-paragraph (6) shall have effect as if any reference to the occupier were a reference to that other person.
- (8) If there is no person present who appears to the inspector to be in charge of the premises, he shall leave a copy of the warrant in a prominent place on the premises.
- (9) A warrant which—
 - (a) has been executed, or
 - (b) has not been executed within the time authorised for its execution,shall be returned to the designated officer for the local justice area in which the justice of the peace who issued the warrant was acting when he issued it.
- (10) A warrant which is returned under sub-paragraph (9) shall be retained by the officer to whom it is returned for 12 months from its return.
- (11) If during the period for which a warrant is to be retained the occupier of the premises to which it relates asks to inspect it, he shall be allowed to do so.

Duty to produce evidence of identity

- 4 (1) This paragraph applies to a power of entry conferred by section 19(1), 22(2), 26(2), 27(2), 28(2) or 29(2).
- (2) A person may only exercise a power of entry to which this paragraph applies if on request—
 - (a) he produces evidence of his identity and of his entitlement to exercise the power;
 - (b) he outlines the purpose for which the power is exercised.

Power to take persons onto premises

- 5 In exercising a power to which paragraph 4 applies, a person may take with him onto the premises such persons as he thinks appropriate.

Duty to exercise power of entry at reasonable time

- 6 Entry under a power to which paragraph 4 applies shall be at a reasonable time, unless it appears to the person exercising the power that the purpose for which he is exercising the power would be frustrated on entry at a reasonable time.

Power to require assistance

- 7 (1) This paragraph applies to a power of entry conferred by –
 (a) section 19(1), 22(2), 26(2), 27(2), 28(2) or 29(2), or
 (b) a warrant under section 19(4), 22(4), 23(1) or 28(4).
- (2) Where a person enters premises in the exercise of a power of entry to which this paragraph applies, he may require any qualifying person on the premises to give him such assistance as he may reasonably require for the purpose for which entry is made.
- (3) The reference in sub-paragraph (2) to a qualifying person is to –
 (a) the occupier of the premises;
 (b) any person who appears to the person exercising the power to be responsible for animals on the premises;
 (c) any person who appears to the person exercising the power to be under the direction or control of a person mentioned in paragraph (a) or (b).
- (4) In the case of a power under section 26(2), the reference in sub-paragraph (2) to a qualifying person also includes the holder of a licence –
 (a) specifying the premises as premises on which the carrying on of an activity is authorised, or
 (b) relating to an activity which is being carried on on the premises.

Power to take equipment onto premises

- 8 In exercising a power to which paragraph 7 applies, a person may take with him such equipment and materials as he thinks appropriate.

Duty to leave premises secured

- 9 If, in the exercise of a power of entry to which paragraph 7 applies, a person enters premises which are unoccupied, he shall leave them as effectively secured against entry as he found them.

Functions in connection with inspection and search

- 10 (1) This paragraph applies to –
 (a) a power of inspection conferred by section 26(1), 27(1), 28(1) or 29(1), and
 (b) a power of search conferred by a warrant under section 23(1).

- (2) A person exercising a power to which this paragraph applies may –
- (a) inspect an animal found on the premises;
 - (b) inspect any other thing found on the premises, including a document or record (in whatever form it is held);
 - (c) carry out a measurement or test (including a measurement or test of an animal found on the premises);
 - (d) take a sample (including a sample from an animal found on the premises or from any substance on the premises which appears to be intended for use as food for such an animal);
 - (e) mark an animal found on the premises for identification purposes;
 - (f) remove a carcass found on the premises for the purpose of carrying out a post-mortem examination on it;
 - (g) take copies of a document or record found on the premises (in whatever form it is held);
 - (h) require information stored in an electronic form and accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible or from which it can readily be produced in a visible and legible form;
 - (i) take a photograph of anything on the premises;
 - (j) seize and detain or remove anything which the person exercising the power reasonably believes to be evidence of any non-compliance, or of the commission of any offence, relevant to the purpose for which the inspection or search is made.
- (3) A person taken onto premises under paragraph 5 may exercise any power conferred by sub-paragraph (2) if he is in the company, and under the supervision, of a person exercising a power to which this paragraph applies.
- 11 A person who takes a sample from an animal pursuant to paragraph 10(2)(d) shall give a part of the sample, or a similar sample, to any person appearing to be responsible for the animal, if, before the sample is taken, he is requested to do so by that person.
- 12 (1) Paragraph 10(2)(j) does not include power to seize an item which the person exercising the power has reasonable grounds for believing to be subject to legal privilege (within the meaning of section 10 of the Police and Criminal Evidence Act 1984 (c. 60)).
- (2) A person who seizes anything in exercise of the power under paragraph 10(2)(j) shall on request provide a record of the thing seized to a person showing himself –
- (a) to be the occupier of premises on which it was seized, or
 - (b) to have had possession or control of it immediately before its seizure.
- (3) Subject to sub-paragraph (4), anything which has been seized in the exercise of a power under paragraph 10(2)(j) may be retained so long as is necessary in all the circumstances and in particular –
- (a) for use as evidence at a trial for a relevant offence, or
 - (b) for forensic examination or for investigation in connection with a relevant offence.
- (4) Nothing may be retained for either of the purposes mentioned in sub-paragraph (3) if a photograph or a copy would be sufficient for that purpose.

- 13 As soon as reasonably practicable after having exercised a power to which paragraph 10 applies, the person who exercised the power shall –
- (a) prepare a written report of the inspection or search, and
 - (b) if requested to do so by the occupier of the premises, give him a copy of the report.
- 14 (1) A person exercising a power of search conferred by a warrant under section 23(1) may (if necessary) use reasonable force in the exercise of powers under paragraph 10 in connection with the execution of the warrant.
- (2) A person carrying out an inspection under section 28(1) on premises which he is authorised to enter by a warrant under section 28(4) may (if necessary) use reasonable force in the exercise of powers under paragraph 10 in connection with the inspection.

Functions in connection with entry under section 19

- 15 (1) Where a person enters premises in exercise of a power of entry conferred by section 19(1), or by a warrant under section 19(4), he may –
- (a) inspect an animal found on the premises;
 - (b) remove a carcass found on the premises for the purposes of carrying out a post-mortem examination on it;
 - (c) remove for those purposes the carcass of an animal destroyed on the premises in exercise of power conferred by section 18(3) or (4);
 - (d) take a photograph of anything on the premises.
- (2) Where a person exercising a power of entry under section 19(1) takes another person with him under paragraph 5, the other person may exercise any power conferred by sub-paragraph (1) if he is in the company, and under the supervision, of the person exercising the power of entry.

Offences

- 16 A person commits an offence if he –
- (a) intentionally obstructs a person in the lawful exercise of a power to which paragraph 7 or 10 applies;
 - (b) intentionally obstructs a person in the lawful exercise of a power conferred by this Schedule;
 - (c) fails without reasonable excuse to give any assistance which he is required to give under paragraph 7.

SCHEDULE 3

Section 64

MINOR AND CONSEQUENTIAL AMENDMENTS

Performing Animals (Regulation) Act 1925 (c. 38)

- 1 In section 4 of the Performing Animals (Regulation) Act 1925 (offences and legal proceedings), in subsection (2), after “enactment,” insert “or of an offence under any of sections 4, 5, 6(1) and (2), 7 to 9 and 11 of the Animal Welfare Act 2006”.

Cinematograph Films (Animals) Act 1937 (c. 59)

- 2 In section 1 of the Cinematograph Films (Animals) Act 1937 (prohibition of films involving cruelty to animals), in subsection (4), for paragraph (b) substitute—
- “(b) in relation to England and Wales, the expression “animal” means a “protected animal” within the meaning of the Animal Welfare Act 2006.”

Pet Animals Act 1951 (c. 35)

- 3 (1) Section 2 of the Pet Animals Act 1951 (pets not to be sold in streets etc.) ceases to have effect.
- (2) In section 5 of that Act (offences and disqualifications), in subsection (3), after “1912,” insert “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,”.

Protection of Animals (Amendment) Act 1954 (c. 40)

- 4 (1) In the Protection of Animals (Amendment) Act 1954, after section 2 insert—
- “2A Breach of disqualification order**
- (1) If a person has custody of any animal in contravention of an order made under this Act by a court in Scotland, he shall be liable on summary conviction to—
- (a) imprisonment for a term not exceeding 51 weeks, or
- (b) a fine not exceeding level 3 on the standard scale.
- or to both.
- (2) This section applies to orders made before, as well as to orders made after, the coming into force of this section.”
- (2) In relation to an offence under the inserted section 2A committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (1)(a) of the section to 51 weeks is to be read as a reference to 6 months.

Animal Boarding Establishments Act 1963 (c. 43)

- 5 (1) In section 1 of the Animal Boarding Establishments Act 1963 (licensing of boarding establishments for animals), in subsection (2), at the end of paragraph (e) insert “or—
- (f) under section 34(2), (3) or (4) of the Animal Welfare Act 2006,”.
- (2) In section 3 of that Act (offences and disqualification), in subsection (3), after “1951,” insert “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,”.

Riding Establishments Act 1964 (c. 70)

- 6 (1) In section 1 of the Riding Establishments Act 1964 (licensing of riding

establishments), in subsection (2), at the end of paragraph (f) insert “or –

(g) under section 34(2), (3) or (4) of the Animal Welfare Act 2006”.

- (2) In section 4 of that Act (penalties and disqualification), in subsection (3), after “1963,” insert “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,”.

Breeding of Dogs Act 1973 (c. 60)

- 7 In section 1 of the Breeding of Dogs Act 1973 (licensing of breeding establishments for dogs), in subsection (2), at the end of paragraph (f) insert “or –

(g) under section 34(2), (3) or (4) of the Animal Welfare Act 2006,”.

Guard Dogs Act 1975 (c. 50)

- 8 In section 3 of the Guard Dogs Act 1975 (guard dog kennel licences), in subsection (4), after “1973,” insert “or of an offence under any of sections 4, 5, 6(1) and (2), 7 to 9 and 11 of the Animal Welfare Act 2006,”.

Dangerous Wild Animals Act 1976 (c. 38)

- 9 In section 6 of the Dangerous Wild Animals Act 1976 (penalties), in subsection (2) –

- (a) for “Protection of Animals Acts 1911 to 1964,” substitute “Protection of Animals Act 1911,”
 (b) after “1912 to 1964,” insert “the Performing Animals (Regulation) Act 1925,”
 (c) after “1951,” insert “the Animals (Cruel Poisons) Act 1962,” and
 (d) after “1973,” insert “or of an offence under any of sections 4, 5, 6(1) and (2), 7 to 9 and 11 of the Animal Welfare Act 2006,”.

Magistrates’ Courts Act 1980 (c. 43)

- 10 In section 108 of the Magistrates’ Courts Act 1980 (right of appeal to the Crown Court), in subsection (3)(c), for “section 2 of the Protection of Animals Act 1911” substitute “section 37(1) of the Animal Welfare Act 2006”.

Zoo Licensing Act 1981 (c. 37)

- 11 In section 4 of the Zoo Licensing Act 1981 (grant or refusal of licence), in subsection (5) –

- (a) for “the Protection of Animals Acts 1911 to 1964” substitute “the Protection of Animals Act 1911,”
 (b) after the entry for the Protection of Animals (Scotland) Acts 1912 to 1964, insert –
 “the Performing Animals (Regulation) Act 1925;”,
 (c) after the entry for the Pet Animals 1951, insert –
 “the Animals (Cruel Poisons) Act 1962;”, and

(d) at the end, insert—

“sections 4, 5, 6(1) and (2), 7 to 9 and 11 of the Animal Welfare Act 2006.”

Animals (Scientific Procedures) Act 1986 (c. 14)

- 12 (1) In section 22(5) of the Animals (Scientific Procedures) Act 1986 (penalties for contraventions)—
- (a) for “section 1 of the Protection of Animals Act 1911” substitute “any of sections 4, 5, 6(1) and (2), 7 and 8 of the Animal Welfare Act 2006”, and
 - (b) at the end insert “(rather than any penalty by way of imprisonment or fine provided for in those Acts)”.
- (2) In section 26 of that Act (prosecutions), in subsection (1)(b), for “section 1 of the Protection of Animals Act 1911” substitute “any of sections 4, 5, 6(1) and (2) and 7 to 9 of the Animal Welfare Act 2006”.
- (3) In section 29 of that Act (application to Northern Ireland), for subsection (5) substitute—
- “(5) In section 22(5) above for the reference to sections 4, 5, 6(1) and (2), 7 and 8 of the Animal Welfare Act 2006 there shall be substituted a reference to sections 13 and 14 of the Welfare of Animals Act (Northern Ireland) 1972.
 - (5A) In section 26(1)(b) above for the reference to sections 4, 5, 6(1) and (2) and 7 to 9 of the Animal Welfare Act 2006 there shall be substituted a reference to sections 13 and 14 of the Welfare of Animals Act (Northern Ireland) 1972.”

Wild Mammals (Protection) Act 1996 (c. 3)

- 13 For section 3 of the Wild Mammals (Protection) Act 1996 (interpretation) substitute—

“3 Interpretation

In this Act “wild mammal” means any mammal which is not a “protected animal” within the meaning of the Animal Welfare Act 2006.”

Criminal Justice and Police Act 2001 (c. 16)

- 14 (1) In section 57 of the Criminal Justice and Police Act 2001 (retention of seized items), in subsection (1), at the end insert—
- “(r) paragraph 12(3) of Schedule 2 to the Animal Welfare Act 2006.”
- (2) In section 66 of that Act (general interpretation of Part 2), in subsection (4), at the end insert—
- “(p) sections 26(1), 27(1), 28(1) and 29(1) of the Animal Welfare Act 2006 (inspection in connection with licences, inspection in connection with registration, inspection of farm premises and inspection relating to Community obligations).”
- (3) In Part 1 of Schedule 1 to that Act (powers of seizure to which section 50

applies), at the end insert –

“Animal Welfare Act 2006

73I The power of seizure conferred by paragraph 10(2)(j) of Schedule 2 to the Animal Welfare Act 2006.”

SCHEDULE 4

Section 65

REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Metropolitan Police Act 1839 (c. 47)	Section 47.
Town Police Clauses Act 1847 (c. 89)	Section 36.
Protection of Animals Act 1911 (c. 27)	Sections 1 to 3, 5 to 5B, 7, 9 and 11 to 14. In section 15, paragraphs (a), (c), (e) and (f).
Protection of Animals (1911) Amendment Act 1921 (c. 14)	The whole Act.
Protection of Animals Act 1934 (c. 21)	The whole Act.
Docking and Nicking of Horses Act 1949 (c. 70)	Section 1. In section 3, the definition of “nicking”.
Pet Animals Act 1951 (c. 35)	Sections 2 and 3.
Cockfighting Act 1952 (c. 59)	The whole Act.
Protection of Animals (Amendment) Act 1954 (c. 40)	Sections 1, 2 and 4(1).
Protection of Animals (Anaesthetics) Act 1954 (c. 46)	The whole Act.
Abandonment of Animals Act 1960 (c. 43)	The whole Act.
Animals (Cruel Poisons) Act 1962 (c. 26)	In section 4(2), the words from “and the Protection of Animals Acts 1911” to “and this Act”.
Protection of Animals (Anaesthetics) Act 1964 (c. 39)	The whole Act.
Agriculture (Miscellaneous Provisions) Act 1968 (c. 34)	Part 1.
Animal Health Act 1981 (c. 22)	Sections 37 to 39. In Schedule 5, paragraph 8.
Animals (Scientific Procedures) Act 1986 (c. 14)	In Schedule 3, paragraphs 1 and 7.

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Protection of Animals (Penalties) Act 1987 (c. 35)	The whole Act.
Protection of Animals (Amendment) Act 1988 (c. 29)	Section 1. In section 2— (a) in subsection (1), the words “section 47 of the Metropolitan Police Act 1839,” and the words “and section 36 of the Town Police Clauses Act 1847”, and (b) subsection (2).
Protection against Cruel Tethering Act 1988 (c. 31)	The whole Act.
Protection of Animals (Amendment) Act 2000 (c. 40)	The whole Act.

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60. Regulation 13 of the regs of the regs set out what a LA may charge fees for

Part A Process = To cover the direct costs associated with processing the application, to the point where a decision is made and if appropriate a licence is issued. This includes handling applications and payments, and carrying out pre-licencing inspections. A fee is payable on application and is non-refundable.	Officer responsible from calculations used in Wales) - see notes on 'guidance' worksheet.	Indicate TIME estimates in minutes used for your local authority	Indicate OFFICER responsible for each process in your local authority	Cost estimated for you local authority
Initial Enquiry and supply of forms/advice	Authorised Officer	30	Authorised Officer	£16.00
Renewal letters sent out end of Sept by admin	Admin Support Officer	30	Admin Support Officer	£4.50
Receipt of fee. Processing payment (part A)	Admin Support Officer	20	Admin Support Officer	£3.00
Enter onto LA database (create worksheet, scan and attach application and receipt, email officer)	Admin Support Officer	30	Admin Support Officer	£4.50
Pre-inspection file checks	Authorised Officer	20	Authorised Officer	£10.70
Travel to and from business (average)	Authorised Officer	30	Authorised Officer	£16.00
Announced Inspection	Authorised Officer	90	Authorised Officer	£48.00
Completion of inspection report	Authorised Officer	30	Authorised Officer	£16.00
Risk Scoring	Authorised Officer	20	Authorised Officer	£10.70
Authorised Officer (other) to check officer report		15	Authorised Officer	£8.00
Officer to check new licence before posted	Authorised Officer	10	Authorised Officer	£5.33
Fees and Charges Report took to commiittee	Licensing Manager	30	Licensing manager	£16.00
Website maintenance,	Authorised Officer	10	Authorised Officer	£5.33
Licensing spreadsheet maintenance	Admin Support Officer	15	Admin Support Officer	£2.25
Yearly Data Return to Secretary of State	Authorised Officer	30	Authorised Officer	£16.00
mileage - average 10 miles @ 45p/mile				£4.50
Office stationary including postage				£25.00
Admin to process licence, update database and licensing spreadsheet, email licence to officer	Admin Support Officer	30	Admin Support Officer	£4.50
Training	Authorised officer		Authorised officer	£30.00
TOTAL - do not enter details as this will automatically calculate		410		£246.31
Part B Process = to cover the costs associated with running the licensing function; this includes investigating complaints, enforcement and general administration. The fee will only become payable if the licence is granted and will need to be paid before the licence becomes operational.				
Unannounced compliance inspection/visit	Authorised Officer	60	Authorised Officer	£32.00
Travel to and from business (average)	Authorised Officer	30	Authorised Officer	£16.00
mileage - average 10 miles @ 45p/mile				£4.50
Receipt of fee. Processing payment (part B)	Admin Support Officer	20	Admin Support Officer	£3.00
TOTAL - do not enter details as this will automatically calculate		110		£55.50
Additional licence Activity (e.g. if cattery and kennels)				
Additional inspection time	Authorised Officer	30	Authorised Officer	£16.00
Completion of inspection report	Authorised Officer	30	Authorised Officer	£16.00

Risk Scoring		Authorised Officer	20	Authorised Officer	£10.70
Authorised Officer (other) to check officer report		Authorised Officer	15	Authorised Officer	£8.00
Officer to check new licence before posted		Authorised Officer	10	Authorised Officer	£5.33
Licence				Admin Support Officer	£10
TOTAL - do not enter details as this will automatically calculate					£66.03

Additional costs (insert any additional processes/costs identified not included in above)					
Process = Additional points			Indicate TIME estimates in minutes used for your local authority	Indicate OFFICER responsible for each process in your local	Cost estimated for you local authority
Variation of Licence (admin only)			30	Authorised Officer	£25.00
Variation that involves further inspection				Authorised Officer	£160
Revocation - No Fee				Authorised Officer	£0.00
Lost Licence/Duplication of licence				Admin Support Officer	£10
Re-rate inspection (full cost recovery) /reinstatement after suspension				Authorised Officer	£160
Appeal fee (unless re-inspection gives higher rating)				Authorised Officer	£160

Costs used

Environmental Health Practitioner (hourly rate)	£32.00
Admin Support Officer (hourly rate)	£9.09

For guidance on completing this form please refer to the worksheet 'Guidance'

CURRENT LICENSES

14 Animal Boarding = £328	£250
0 Animals for Exhibiting = (proposed 7)	£250
1 Breeding = £327	£250 Plus Vets fee
0 Dangerous Wild Animal = £139	£250
0 Dog Day Care = (proposed 2)	£250
23 Home Boarding = £165	£250
7 Pet shop = £252	£250
2 Riding Establishments = £143	£250 Plus Vets fee
0 Zoo = £650	Need to be assessed at time ?