



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

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Welsh Assembly Government

## Consultation Document

### Breeding of Dogs

The Animal Welfare (Breeding of Dogs) (Wales)  
Regulations 2011



Date of issue: **21 October 2010**

Action required: Responses by **13 January 2011**

## Overview

This consultation gives local authorities, dog breeders, specialist interest groups and the general public the opportunity to consider proposals to change the dog breeding legislation and licensing regime in Wales. These proposals tighten the thresholds where a dog breeding licence is required. It also proposes a staff to dog ratio of 1 person to care for a maximum of 20 adult animals as well as compulsory microchipping for dogs on licensed (dog breeding) premises. It further introduces the need for behaviour and socialisation of animals to be taken into account in the licensing requirements to meet the obligations of the Animal Welfare Act 2006.

## How to respond:

You can respond to this consultation by either using the questionnaire at the back of this document or writing separately to:

Email: [Companionanimalwelfare@wales.gsi.gov.uk](mailto:Companionanimalwelfare@wales.gsi.gov.uk)

or Mail:

Animal Welfare and By-products branch

Office of the Chief Veterinary Officer

Welsh Assembly Government

Cathays Park

Cardiff CF10 3NQ

## Further information and related documents:

Large print, Braille and alternate language versions of this document are available on request.

In November 2009, the Minister for Rural Affairs Elin Jones AM ordered a review on the current dog breeding legislation and licensing regime. Between January and June 2010, a Task and Finish Review Group worked together to identify problems. The group compiled a report which was submitted to the Minister, recommending solutions. Those recommendations included amending the Breeding of Dogs Act 1973 and updating the dog breeding guidance used by both local authority licensing officials and dog breeders.

Using powers under s13 of the Animal Welfare Act 2006, the Welsh Ministers can replace the Breeding of Dogs Act 1973 with appropriate Regulations.

Further information is available in the Breeding of Dogs section of our website:

**[www.wales.gov.uk/animalwelfare](http://www.wales.gov.uk/animalwelfare)**

In addition to this consultation overview, the following documents are attached:

- The draft regulations - The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2011.

- Draft Guidance note for local authorities and licence holders/proposed licence holders

## Contact Details

For further information:

Animal Welfare & By-Products Branch

Office of the Chief Veterinary Officer

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CF10 3NQ

Email: [companionanimalwelfare@wales.gsi.gov.uk](mailto:companionanimalwelfare@wales.gsi.gov.uk)

Telephone: 029 2082 3477

## Data Protection:

How the views and information you give us will be used.

Any response you send us will be seen in full by Welsh Assembly Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Assembly Government staff to help them plan future consultations.

The Welsh Assembly Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Assembly Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

## What are the main issues?

- Whilst the breeding of dogs for commercial gain is a legitimate business the welfare requirements of the breeding dogs and their offspring are of paramount importance. Welfare concerns have been raised about “puppy farms” since Wales took on powers to deal with pet welfare in March 2007, with the coming into force of the Animal Welfare Act 2006.
- Numerous reports, both written and video recorded, suggested that some dog breeders were keeping their animals in cramped conditions with little or no provision for their behavioural or environmental needs. A special project carried out by Pembrokeshire and submitted as part of the Companion Animal Welfare Enhancement Scheme (CAWES) identified gaps between the welfare standards required by the Breeding of Dogs Act 1973 and the Animal Welfare Act 2006.

## Where are we now?

- One of the powers granted under the Animal Welfare Act 2006 was the ability to repeal the Breeding of Dogs Act 1973 in relation to Wales and implement new Regulations to replace it. The new Regulations will be fit for purpose and take into account welfare requirements.
- In November 2009, the Minister for Rural Affairs Elin Jones AM set up a Task and Finish Review Group to examine the need to update the Breeding of Dogs Act 1973 to reflect the five needs for animals as identified in Section 9 of the Animal Welfare Act 2006. These are:
  - a suitable environment;
  - a suitable diet;
  - ability to be able to exhibit normal behaviour patterns;
  - housing with, or apart from, other animals; and
  - protection from pain, suffering, injury and disease.
- The group produced a suite of recommendations, split into three areas:
  - proposed legislative changes for dog breeding by repealing existing statutory requirements and providing new legislation;
  - changes to the licensing provision for dog breeding establishments; and
  - the implementation of statutory guidance of which local authorities shall have regard (see Schedule 1 of the Animal Welfare Act 2006).

## Evidence for Change

- The report of the Breeding of Dogs Task and Finish Review Group can be accessed via our website:
  - <http://wales.gov.uk/topics/environmentcountryside/ahw/animalwelfare/pets/breedingofdogs/reportofthetaskandfinishgroup/?lang=en>
- In addition, television programmes, video evidence submitted separately, correspondence, and visits to premises, together with numerous telephone conversations all helped to paint a picture that change is needed.

## Proposals

- The proposed changes are laid out in the draft legislation. These include:

### **Number of breeding bitches and other qualifying criteria**

- The existing requirements under the 1973 Breeding of Dogs Act broadly say that a person will be presumed to be carrying on in the business of breeding dogs for sale where during any twelve month period five or more litters are born to his/her bitch or bitches.
- It is proposed that the key criteria for triggering the licencing requirement is having ownership or keeping three breeding bitches linked to the other qualifying criteria laid out in the Regulations e.g. a person may have more than three breeding bitches but will have to breed two or more litters of puppies in any 12 month period, or advertises more than 10 puppies for sale in any 12 month period to be eligible to be licensed.

### **Staff: dog ratio**

- In order to meet the animal behaviour and socialisation requirements of the Animal Welfare Act 2006 a ceiling should be set on the number of dogs an individual attendant could manage. This limit to be set so that attendants who must carry out their programme of socialisation of puppies have sufficient time to do so. This will allow them to attend fully to the welfare needs of each bitch and litter of puppies. The Task and Finish Review Group agreed this principle, and suggested that a maximum ratio of 20 dogs per full time attendant and up to 10 dogs per part time attendant.

### **Microchipping**

Welfare concerns and associated traceability of puppies indicated that some permanent identification was desirable. The first UK microchipping workshop was held in Cardiff in March 2010. Representatives from local and central government, the veterinary profession, third sector bodies and the industry, recommended that

microchipping animals at a young age and before they were rehomed would be necessary to enforce Regulations on numbers of litters born and to trace back to the breeding establishment or premises if there were issues regarding health.

## **Licensing Conditions**

At “The Schedule” in the draft legislation, a series of licensing conditions have been set out:

- **Part 1** covers the licence conditions on mating, sale and identification. It covers various conditions such as the welfare of breeding bitches, the welfare of puppies, the identification of breeding bitches and identification of puppies.
- **Part 2** covers licence conditions on accommodation, diet, behaviour, exercise and disease control.
- **Part 3** covers the licence conditions on record keeping. It requires written records for both the breeding bitch and the puppies that are born. This record includes details of the Dam and the Sire.
- **Part 4** is related to the microchip number and requires the commercial database on which the microchip number is registered to contain various details.

## **Guidance**

- A key component of this consultation package and which was agreed by the Task and Finish Review Group is provision of guidance to local authorities and to owners of licensed premises on the implementation of the new requirements.
- Schedule 1 of the Animal Welfare Act 2006 provides that the Appropriate National Authority i.e. in this case, Welsh Ministers, can provide further guidance and local authorities shall have regard to that guidance.

## Questions

### Consultation Response Form

Your name:

Organisation (if applicable):

E-mail/telephone number:

Your address:

**Question 1: Do you consider that the definition and requirements of a licence holder in the proposed licence conditions is clear? If not, please give your reasons in detail.**

Please enter here:

**Question 2: Do you think the scope of the definition of a licence holder is adequate? If not, please give your reasons in detail.**

Please enter here:

**Question 3: Do you consider that the proposed Guidance is sufficiently detailed enough to enable both enforcement officers and dog breeders to understand the standards to be met at a licensed dog breeding establishment? If not, please give your reasons in detail.**

Please enter here:

**Question 4: Do you consider that the standards set in the proposed Guidance for a dog's environment, diet, behaviour, companion and health needs are suitable? If not, please give your reasons in detail.**

Please enter here:

**Question 5: Do you agree that the minimum staff: dog ratio of 1 full-time attendant per 20 dogs and 1 attendant to 10 dogs for a part-time attendant is appropriate? If not, please give your reasons in detail.**

Please enter here:

**Question 6: At present, the draft Regulations only require a record for all unneutered females and puppies born after the Regulations come into force. Do you agree? If not, please give your reasons in detail.**

Please enter here:

**Question 7: At present, the Regulations only require unneutered females and puppies born after the Regulations to be microchipped. Should there be a requirement to extend this to all dogs kept at a breeding establishment? If not, please give your reasons in detail.**

Please enter here:

**Question 8: Do you agree that all puppies should be microchipped before it is 56 days old or before it leaves the premises, whichever is the later? If not, please give your reasons in detail.**

Please enter here:

**Question 9: Do you agree that the first registration of a puppy should be to the licensed breeder? If not, please give your reasons in detail.**

Please enter here:

**Question 10: Are there any premises such as sanctuaries, hunt kennels and licensed boarding kennels that should be exempt from the requirement outlines? If so, why? Please give your reasons in detail?**

Please enter here:

**Question 11: Do you agree that as currently drafted, the Regulations require that puppies cannot leave the breed premises until they are at least 56 days old? (Previous legislation allowed puppies to be moved off the breed premises earlier as long as it was direct to a pet shop owner). If not, give your reasons in detail please.**

Please enter here:

**Question 12: Do you agree that as currently drafted, dog breeding licenses should be issued for a period of up to 3 years, subject to a local authority**

**considering the frequency of inspections and risk, and be renewed as appropriate? If not, please give your reasons in detail.**

Please enter here

**Question 13: These proposals might incur costs to bring dog breeders up to the required animal welfare standards. Please provide appropriate evidence based information.**

Please enter here

**Question 14: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:**

Please enter here:

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential, please tick here.