

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 - Implications for dog breeders

PLEASE NOTE THAT THE FOLLOWING ADVICE HAS BEEN WRITTEN BY THE KENNEL CLUB. FURTHER ADVICE WILL BE AVAILABLE FROM DEFRA
<https://www.gov.uk/guidance/contact-defra>

This document applies to those breeding in **England only**. No changes to existing breeding regulations are currently due to be made in Northern Ireland, Wales and Scotland.

1. When will the new regulations be in force?

The new regulations will be in force from October 1st 2018, and can be viewed here - http://www.legislation.gov.uk/ukxi/2018/486/pdfs/ukxi_20180486_en.pdf

2. Will I require a dog breeding licence?

Currently dog breeders require a licence if they breed 5 litters per year or more, or they run a business that breeds and sells dogs. Under the new regulations dog breeders will require a licence if they breed 3 litters per year or more, or run a business that breeds and sells dogs.

3. Will Assured Breeders require a dog breeding licence?

As is the case currently, Assured Breeders are not exempted from the licensing regime and so will require a licence if they meet the criteria described above. However Assured Breeders are recognised within the new licensing framework. See question 10 for further information.

4. What is defined as a business that breeds and sells dogs?

For the purposes of this Schedule, the circumstances which a local authority must take into account in determining whether an activity is being carried out in the course of a business 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 and/or advertises a business of selling dogs. There are exemptions for breeders of assistance dogs and breeders breeding more than 3 litters in a 12 month period if the breeder can provide evidence that none of their puppies have been sold (either as puppies or adult dogs). Further information on what determines a 'business' i.e. a business test, can be found here: <https://www.gov.uk/working-for-yourself> or you can contact Defra - <https://www.gov.uk/guidance/contact-defra>

5. How do I get a dog breeding licence?

To get a dog breeding licence you must apply to your local authority. Most have online application forms available and a fee will be payable (the amount of which varies depending on the local authority and the star rating of the breeder). Upon receiving an application the local authority will then appoint an inspector along with a vet to ensure

your premises meet the licensing requirements. The licensing requirements are detailed here:

<http://www.legislation.gov.uk/ukxi/2018/486/schedule/2/made>
<http://www.legislation.gov.uk/ukxi/2018/486/schedule/6/made>

These requirements will be linked to a star rating system. See questions below for further information.

6. How often will I have to renew my dog breeding licence?

A local authority may grant a licence for a period of 1, 2 or 3 years as part of a risk-based licensing model i.e. a 'high risk' breeder will be inspected more frequently than a 'low risk' breeder. The full licensing model will be published by Defra in advance of the regulations coming into force.

7. What factors will determine whether I am considered a low, medium or high risk breeder?

Defra will publish detailed guidance to advise breeders of steps they will need to take to achieve a 'low risk' rating. A 'high risk' rating means breeders will be inspected more often and pay a higher licence fee. Assured Breeders who have been accredited under the scheme for 3 or more years will automatically be classified as 'low risk' breeders and will be given a five star rating and a three year licence period. Those who have been accredited for less than three years will receive a four star rating and a two year licence period – see question 10 for further information.

8. What if my current breeding licence is not due to expire until after October 1st 2018 (i.e. the commencement date of the new regulations)?

The regulations state that any unexpired licence granted in accordance with the Breeding of Dogs Act 1973 shall continue in force for the remainder of its term.

9. Will I need a breeding licence to sell my puppies?

If you meet the licensing criteria i.e. you breed more than 3 litters per year or are breeding dogs and advertising a business of selling (see Q4) then you will need a breeding licence. An advertisement for the sale of a dog must include your licence number, the issuing local authority, a recognisable photograph of the dog being advertised, and the age of the dog being advertised. Puppies must not be sold until they are a minimum of 8 weeks old.

10. Are there any benefits to Assured Breeders within the new licensing model?

Yes. The benefits to Assured Breeders will be detailed in Defra's risk model guidance.

Firstly, membership of a UKAS accredited or certified scheme such as the Assured Breeder Scheme ensures that members of that scheme who have been accredited for a period of 3 years or longer are considered lower risk breeders and therefore benefit from a longer licence period and associated reduction in licence fees, even

those who have been accredited for less than three years are assumed to have met the higher standards and receive a four star rating. This is because members of the Assured Breeder Scheme are inspected by the Kennel Club prior to breeding.

Secondly, if dog breeders are members of the Assured Breeder Scheme, they may benefit from the new licensing framework which allows for local authorities to request inspection reports from ABS inspectors as an alternative to duplicating inspections. This is because the Assured Breeder Scheme is certified by UKAS which provides an assurance that our processes conform to specified requirements.