

THE BREEDING OF DOGS ACT 1973 AS AMENDED BY
THE BREEDING AND SALE OF DOGS (WELFARE) ACT 1999
GUIDANCE NOTE FOR DOG BREEDERS



Changes were introduced on 30th December, 1999 which consisted of a new piece of law governing the breeding and sale of dogs, involving alterations to the existing Breeding of Dogs Act 1973. The main implications of these changes are summarised below:

- A person keeping a breeding establishment for dogs at any premises (including a private dwelling) has to be licensed (annually) by the Council.
- A Breeding establishment for dogs is where a person carries on, at a premises, a business of breeding dogs for sale (whether by him or any other person). Basically if a total of five or more litters is born to bitches during a 12 month period then this falls within the definition of a business of a breeding establishment. It would include an intention to produce 5 or more litters, and sell puppies.
- In some situations, a business will include the selling of puppies from less than 5 litters.
- Bitches kept by any relative at the premises and any bitches kept elsewhere (by the person keeping the breeding establishment) during the 12 month period, and which produce litters, must also be taken into account.

The following are some of the additional requirements that have been introduced:

- Records of bitches and puppies are now to be kept on prescribed forms.
- Bitches under one year old are not to be mated.
- Bitches will only be allowed 6 litters of puppies in their lifetime.
- Bitches are only allowed one litter in any twelve month period.
- Where the sale of dogs is concerned the keeper of a licensed breeding establishment is guilty of an offence if:
 - a) He sells otherwise than at a licensed breeding establishment, licensed pet shop or Scottish rearing establishment.
 - b) He sells a dog other than to the above, knowing or believing that the purchaser intends that it should be sold on (by him or any other person).
 - c) He sells a dog under 8 weeks old unless to a licensed pet shop or Scottish rearing establishment.
 - d) He sells a dog to a licensed pet shop or Scottish rearing establishment that was not born at a licensed breeding establishment.
 - e) He sells to a licensed pet shop or Scottish rearing establishment a dog which when delivered is not wearing a collar with identity tag or badge.

- There are additional rules for Scottish rearing establishments.
- The keeper of a pet shop commits an offence if he sells a dog not wearing a collar and identity tag or badge if that dog was wearing a collar, tag or badge when delivered to the shop.

The tag or badge must clearly display information indicating the breeding establishment at which the dog was born and any other information required by regulations.

- Punishment for keeping an unlicensed establishment or breaching licence conditions can be up to three months imprisonment, or fine of up to level 4 on the standard scale or both.
- Licensed breeders who are convicted of an offence under the new rules may have their licence cancelled and/or be disqualified from keeping a dog breeding establishment and/or be disqualified from having custody of any dog.

The following is a summary of the inspection and licensing procedures that apply:

- Any authorised Officer of the Council or an authorised vet may inspect any premises or any animals where it is felt that the law should be applied. Powers also exist to inspect premises already licensed to check on compliance with licence conditions and similar. There is a right of entry at all reasonable times. It is an offence to obstruct an inspecting Officer.
- The Council may refuse a licence application especially where persons are disqualified from keeping animals or animal establishments.
- Where licences are issued specific conditions will apply. A copy of these will be available in due course from the address below. These are legally enforceable.

These notes are not an exhaustive list of the legal requirements, nor are they an authoritative interpretation of the law. They provide outline guidance on the new requirements. If you require any assistance or further advice please contact the Environmental Health Commercial Team at the address below.

Produced by:

Environmental Health Department
Council Offices
Holt Road, Cromer
Norfolk NR27 9EN

Tel: (01263) 516189 Fax (01263) 514627

e-mail: licensing@north-norfolk.gov.uk

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