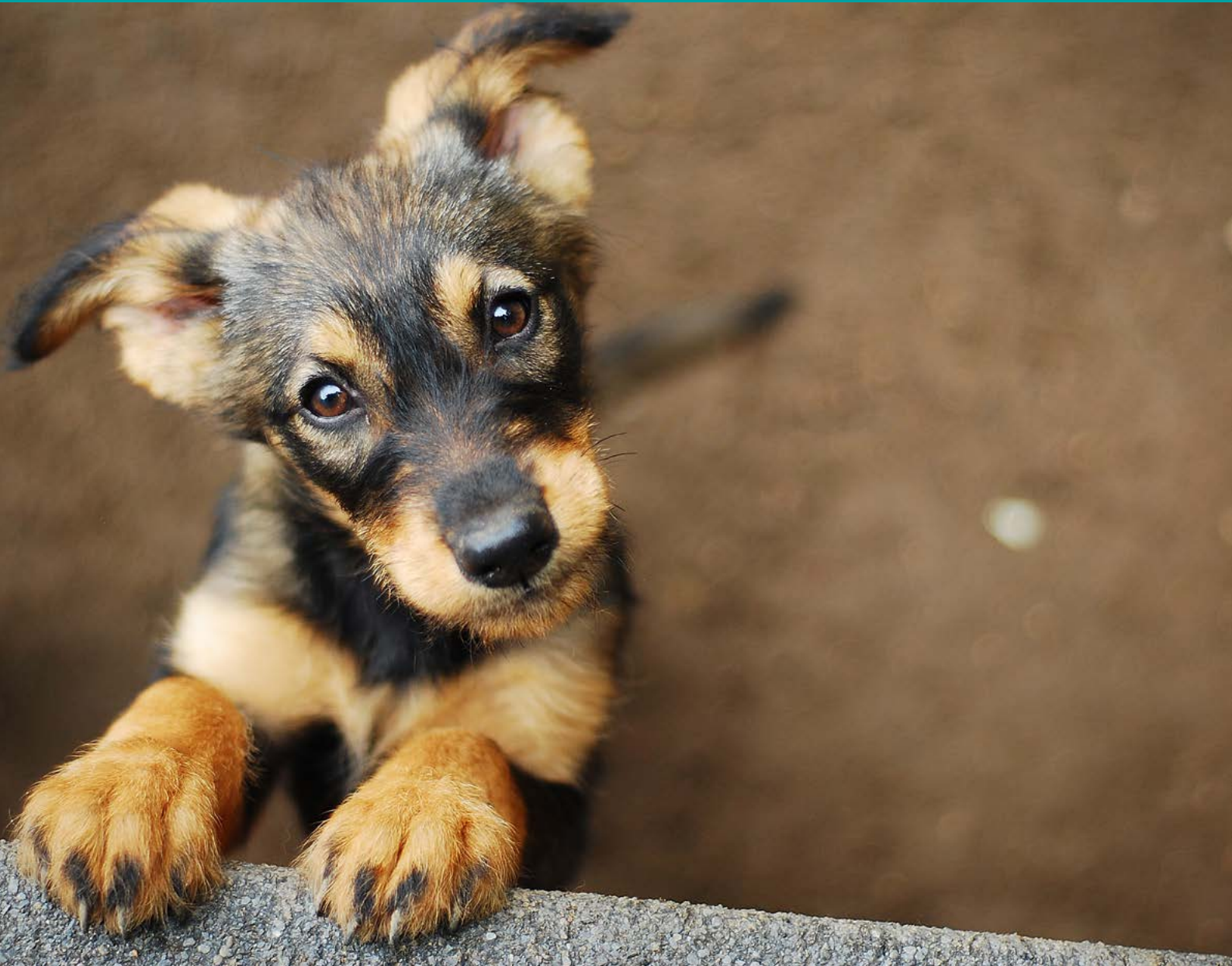


# **Dog breeding and selling**

## Research Briefing

March 2021



The Welsh Parliament is the democratically elected body that represents the interests of Wales and its people. Commonly known as the Senedd, it makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

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# Dog breeding and selling

## Research Briefing

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Senedd Research acknowledges the parliamentary fellowships provided to Emily Tilby by the Natural Environment Research Council and Matthias Noebels by the Engineering and Physical Sciences Research Council which enabled this Research Briefing to be completed.

On 6 May 2020 the National Assembly for Wales became the Welsh Parliament, to be commonly known as Senedd. As a result, references in this research briefing reflect the change of name, referring to the institution as the 'Assembly' in a historical context (prior to 6 May) and 'Senedd' thereafter.



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## Introduction

This Research Briefing explores the regulation of dog breeding and selling in the UK. It sets out regulations in Wales to safeguard animal welfare at dog breeding establishments. It also considers actions to ban the third-party sale of puppies. It describes activity by the Welsh Government and the Senedd, as well as the picture across the UK.

This Research Briefing has been updated ahead of the debate on the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021 to ban the third-party sale of puppies and kittens.

### The current status of dog breeding and selling in Wales

The welfare of dogs at breeding establishments has gained **public attention** in recent years across the UK.

Dog breeding in Wales is currently regulated under the **Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014** ('the 2014 Regulations'). The 2014 Regulations require licences for breeders who keep three or more breeding bitches, breed three or more litters of puppies in a 12-month period and supply or sell puppies from those litters.

In terms of scale, an Animal Health and Welfare Framework Group review found that in 2019 there were 260 dog breeding licences in operation in Wales, three of which were licensed for more than 100 breeding bitches. The review estimates that these licensed breeding establishments produce around 16,000-25,000 puppies per year. It states that this is 2-3% of the estimated 750,000 dogs required to maintain the UK dog population annually, or 20%-50% of the estimated 50,000-75,000 puppies bred in Wales annually.

There have been appeals from animal welfare groups and the public for the Welsh Government to review and strengthen the 2014 Regulations.

The method by which puppies are sold has also been a focus of debate. In Wales, dogs are purchased / acquired from:

- Licensed breeders;
- Legal unlicensed breeders (those who breed one or two litters per year);

- Illegal unlicensed breeders (those who breed more than two litters per year but do not hold a licence);
- Third-parties (such as pet shops); and
- Re-homing organisations.

There has been a **UK-wide campaign** to ban the third-party sale of puppies (known as the 'Lucy's law' campaign). This is being implemented at varying rates across the UK (detailed later). In terms of the scale of the issue, there are no national records of the number of puppies sold via third-parties.



# Dog breeding regulations

## Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014

The Welsh Government introduced the 2014 Regulations with the aim of improving the welfare standards of dog breeding. The 2014 Regulations replaced the **Breeding of Dogs Act 1973** in Wales and introduced stricter welfare criteria for dog breeding. The 2014 Regulations:

- Require the licensing of breeders who keep three or more breeding bitches and either breed, sell, supply or advertise breeding or puppies for sale from their premises;
- Introduce stricter welfare standards for breeding establishments;
- Require breeders to adopt socialisation, enhancement and enrichment programmes for their animals; and
- Create a minimum ratio of one full-time staff member to 20 adult dogs, or one part-time staff member to 10 adult dogs.

Enforcement of the 2014 Regulations is undertaken by local authorities. In April 2018, the Welsh Government published **Dog breeding establishments: guidance for local authorities**. The guidance aims to ensure that the needs of a dog, as set out under Section 9 of the **Animal Welfare Act 2006**, are met. These comprise its need:

- a. for a suitable environment;
- b. for a suitable diet;
- c. to be able to exhibit normal behaviour patterns;
- d. to be housed with, or apart from, other animals (where appropriate); and
- e. to be protected from pain, suffering, injury and disease.

Local authorities in Wales have developed Model Licensing Conditions (MLCs). The MLCs define the physical care required for breeding bitches and puppies and introduce new requirements around **socialisation** and **environmental enrichment**, designed to help ensure that puppies are better prepared for life in a family setting.

## Concerns over current regulations

Several animal welfare charities have expressed concern that the 2014 Regulations do not go far enough to protect the health and welfare of dogs. These include the **RSPCA Cymru** and **Dogs Trust**. RSPCA Cymru's **Delivering for a decade: 10 years of the Animal Welfare Act in Wales: 2007–2017 (PDF 1.37 MB)** outlines the RSPCA's continued concerns around dog breeding, particularly around staff to dog ratios. It recommends:

While a positive step forward, the minimum one staff member to 20 breeding bitches ratio threatens to undermine the purpose of the regulations. Sadly, this ratio excludes puppies. Given that one breeding bitch could have a litter of up to 10 puppies, RSPCA Cymru fears this ratio will provide a legal safeguard to a situation whereby one attendant faces the prospect of caring for more than 200 dogs and puppies at once – allowing little over 120 seconds to provide for each animal in a working day. RSPCA Cymru has long argued that any minimum staffing ratio should take into account puppies, studs and bitches.

Respondents to the Welsh Government's consultation **Third-Party Sales of Puppies and Kittens** (February 2019) (discussed later) referred to the 'inability' of local authorities to 'properly inspect' licensed breeding establishments because of a 'lack of resources and limited training'.

## Welsh Government action

Following a **BBC documentary** which highlighted poor welfare in some breeding establishments, in October 2019 the **Minister for Environment, Energy and Rural Affairs, Lesley Griffiths AM, ('the Minister') set out** urgent action to regulate the industry, including a review of the 2014 Regulations:

I have written to the Wales Animal Health and Welfare Framework Group to accept their offer of help and request an urgent and immediate review of our dog breeding regulations. The review will include full consideration of any current barriers to enforcement and how impartial veterinary advice is provided during the licensing and inspection process.

I have written to all Local Authority CEOs to raise concerns and invite relevant representatives to a meeting with the Chief Veterinary Officer for Wales to discuss the licensing process, enforcement and barriers to it.

The Chief Veterinary Officer for Wales immediately referred the BBC programme to the Royal College of Veterinary Surgeons.

Officials are developing a campaign aimed at members of the public who may be considering purchasing a puppy highlighting the importance of sourcing responsibly.

## Wales Animal Health and Welfare Framework Group

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The Wales Animal Health and Welfare Framework Group review of the 2014 regulations **was published on 4 March 2020** accompanied by a **written statement from the Minister**.

The review made four key recommendations:

- 1. Further training** is required to enable effective enforcement of existing provisions. This should be specific to authority licensing inspectors, inspecting veterinary surgeons and private veterinary surgeons.
- 2. Improved traceability of dogs** is required to enable effective enforcement of existing provisions. This may include registration for all dog breeders and increased compliance with microchipping legislation.
- 3. Reconsideration of the current minimum ratio of staff members to dogs.** A cap on the total number of dogs per single breeding establishment may be beneficial.
- 4. Urgent consideration and review of other legislation** which may include a ban of third-party sales of dogs and improvements to microchipping regulations.

## Local Authority Dog Breeding Enforcement Project

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In response to the review, the Minister launched the **“Local Authority Dog Breeding Enforcement Project” (PDF 430 KB)**. It has been allocated £1m in Welsh Government funding over the course of three years. The project aims at training of local authority staff involved in licensing to increase consistency in the inspection and enforcement of the regulations. The project also aims at improving the use of available resources and developing a regional dog breeding intelligence strategy to fight and prevent illegal and unlicensed dog breeders. According to the Minister, the project was delayed by the Coronavirus pandemic, but has made progress in setting up training courses, recommending on enforcement guidance, and improving IT infrastructure. The Minister stated that there were no immediate plans to propose further amendments to the 2014 Regulations that were recommended by the review. **RSPCA Cymru welcomed the launch of the project**, but expressed concerns that there were no immediate plans to amend Wales’ dog breeding laws.

## Senedd action

**On 12 December 2018 there was a short Assembly debate on dog breeding,** during which some Members of the Senedd argued that poor breeding practice was disproportionately high in Wales.

Since then, dog breeding has been the subject of debate **several times** in Plenary. This has included **calls from Members** for the Welsh Government to review the 2014 Regulations.

The Senedd's **Petitions Committee** has received several petitions regarding welfare at dog breeding establishments during this Senedd / Assembly:

- **P-05-915: Call for better enforcement of puppy farms in Wales.** This petition was submitted by Laura Clays, having collected 112 signatures;
- **P-05-939 Immediate embargo on new dog breeding licences, licence renewals and planning applications until regulations are fit for purpose and enforceable.** This petition was submitted by C.A.R.I.A.D. having collected a total of 1,738 signatures; and
- **P-05-951 Impose a legal limit on the maximum number of breeding bitches in licensed dog breeding establishments in Wales.** This petition was submitted by Dinah Mulholland having collected a total of 229 signatures.

The Senedd's **Climate Change, Environment and Rural Affairs (CCERA) Committee** questioned the Minister on this policy area in its **draft budget (2021-22) scrutiny report (PDF 517 KB)**, published on 4 February 2021. The Committee had previously raised concerns about how local authorities would meet the costs associated with further regulations of dog breeding and selling establishments. The Committee asked for clarification of the budget allocated to the Local Authority Dog Breeding Enforcement Project. It also asked for details of any existing or planned assessment of the impact of the project on local authorities' enforcement and resourcing capabilities. A response by the Minister has not been received to date. The Committee received a response from the Minister on 5 March with information on the project (detailed above).

## Third-party sale of puppies

Pet shops, pet dealers and other outlets which do not breed animals themselves are referred to as third-parties. A ban on the sale of puppies by third-party commercial dealers would mean that sellers of puppies would be unable to sell these pets **unless they themselves had bred them**, improving accountability. The ban has been called for by **'Lucy's law'**, a UK-wide campaign by the group **C.A.R.I.A.D.** (Care And Respect Includes All Dogs). The campaign has been named Lucy's law after a rescue Cavalier King Charles spaniel called Lucy, who was heavily bred under poor conditions.

The ban is based on animal welfare grounds. It would prevent the removal of puppies for sale from their mother and the rest of the litter at a young age. The Wales Animal Health and Welfare Framework Group review found a link between third-party sellers and poor welfare at the breeding establishment. It suggested this may be due to the low visibility of the breeding establishment to purchasers. The campaign also argues that third-party sales create additional risks for consumers and public health and safety, due to the purchase of unwell and unsocialised puppies.

### The complexities of the third-party sales ban

It has been argued that a ban could lead to unintended consequences. The **UK Government previously (2017) rejected** the UK Parliament **Environment, Food and Rural Affairs (EFRA) Committee's** recommendation to ban third-party sales. It stated that a ban had the potential to increase unlicensed breeding and could result in a rise in the sale and irresponsible distribution of puppies. However, as detailed below, the UK Government later introduced regulations to ban third-party sales of puppies.

The **Pet Industry Federation**, which represents the interests of UK pet businesses, argues that an outright ban would lead to "sales going underground". It states that education for potential new puppy and kitten owners about impulse buying and responsible breeding is needed.

The Dogs Trust argues that, due to the complexity of the issue, an end to third-party sales can best be achieved by introducing a ban as part of a **comprehensive package of coordinated measures**. It calls for the Welsh Government to close loopholes, and asks for:

- Regulation of all rehoming centres and sanctuaries, claiming that underhand breeders could easily set up as one of these;
- Anyone breeding or selling puppies to be on the radar of their local authority to prevent bad practice amongst breeders; and
- Tougher controls on pet travel to prevent puppy smuggling from overseas.

## Welsh Government action

### 2019 Consultation

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The Welsh Government published a consultation, **Third-Party Sales of Puppies and Kittens**, in February 2019. **The majority of respondents** to the consultation felt that a ban would have a positive effect. However, some called for a more robust licensing system to make breeders and sellers “more visible and traceable”. As discussed, some organisations and individuals felt that a third-party ban would need to be part of a package of measures to avoid unintended consequences of the ban.

The consultation also asked whether respondents felt the ban would have an impact on rehoming centres. Although many respondents felt the ban would have a positive impact on these, there were concerns from some individuals. One respondent said:

I would expect rehoming centres to have a temporary bigger influx of dogs/cats in need. As by then, the unlawful third-party sellers would be offloading what they would see as no longer a valuable resource. So an initial support grant to help cope with this should be provided for.

### Wales Animal Health and Welfare Framework Group review

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The feasibility and impact of a third-party sales ban was also considered by the aforementioned **Wales Animal Health and Welfare Framework Group review published on 4 March 2020**. Whilst the group strongly supported a ban on third-party sales of puppies it acknowledged concerns that the ban may lead to increased transportation of pregnant bitches instead of puppies.

### 2020 Consultation

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On 22 June 2020, the Welsh Government launched a second public consultation **'A Ban on Third Party Sales of Puppies and Kittens'**. The consultation includes changing licensing arrangements for the sale of pet animals, including puppies and kittens. The consultation stated the proposed ban would:

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- Ensure consistency with Welsh Government advice that purchasers should seek to see the puppies or kittens with their dam / queen / mother;
- Incentivise welfare improvements in high volume commercial dog breeding establishments by ensuring transparency, accountability and appropriate remuneration for breeders;
- Assist purchasers in making well informed choices based on seeing a puppy or kitten with its mother and encourage responsible buying decisions; and
- Reduce the sale of puppies which have not been bred to the recognised standards of welfare in Wales.

Consultation questions related to extending the ban to other animals and exploring other measures to address the welfare problems associated with commercial third-party sellers. It asked whether sanctuaries / rehoming / rescue centres should be classed as commercial third-party sellers and be licensed.

Whilst 97% of respondents **agreed with a ban on commercial third-party sales of puppies and kittens (PDF 681 KB)**, there was particular concern regarding animal welfare establishments, e.g. sanctuaries and rehoming centres. 96% of respondents argued in favour of closer scrutiny of animal welfare establishments, but opinions were divided whether such establishments should be classed and licensed as commercial third-party sellers or not.

Respondents also called for further action, such as:

- A ban on commercial third-party sales of dogs of all ages;
- Including education on animal welfare in the national curriculum; and
- Comparable legislation to England and other devolved countries.

Following the consultation, the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021 banning the third-party sale of puppies and kittens. Details of the regulations are provided below.

## Senedd action

The Petitions Committee has considered the petition **P-05-856: Ban the sale of puppies by pet shops and all commercial 3rd party dealers in Wales**; This petition was submitted by C.A.R.I.A.D., having collected 11,195 signatures.

Lucy's law has been the subject of debate in Plenary **several times** during this Assembly / Senedd. The issue was debated by Members **on 29 January 2020**

when the Minister re-iterated her commitment to bringing forward the third-party sales ban.

The CCERA Committee has **consistently pursued** this issue with the Minister, supporting the third-party sales ban.



# The Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021

**The Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021** were laid by the Welsh Government on 27 January 2021 and re-laid on 2 March 2021 for debate by the Senedd on 23 March 2021. They are expected to come into force on 10 September 2021. The regulations introduce new licensing agreements under section 13 of the **Animal Welfare Act 2006**.

The 2021 Regulations:

- Require a licence for selling animals as pets in the course of a business including keeping animals with a view to their being sold or resold (the “licensable activities”);
- Forbid the sale of dogs, cats, ferrets or rabbits that are less than 8 weeks old;
- Forbid the sale of puppies or kittens, i.e. dogs or cats that are less than 6 months old, when not bred by the licence holder at the same premises; and
- Require that prospective owners of a pet are informed of appropriate care and that staff are trained accordingly.

The 2021 Regulations also introduce welfare standards for selling establishments on:

- Staffing;
- Suitable environment;
- Suitable diet;
- Monitoring of behaviour and training of animals;
- Animal handling and interactions;
- Protection from pain, suffering, injury and disease; and
- Suitable accommodation.

The 2021 Regulations do not apply to dog breeders licensed under the 2014 Regulations, who only sell dogs bred by themselves and who sell puppies only from the breeding premises. Additional welfare standards for selling establishments and the provision of information on appropriate care to buyers, set out in the 2021 Regulations, do not apply to dog breeders licensed under the 2014 Regulations selling dogs bred by themselves. The animal welfare standards

under the 2014 Regulations, as set out above, apply to those dog breeders notwithstanding.

Licences will be issued by local authorities after inspection of the premises of the selling establishment and are valid for one year. Local authorities must also inform the Welsh Ministers of the number of licences issued.

Carrying out licensable activities without a licence will be an offence under section 13(6) of the Animal Welfare Act 2006 and can lead to imprisonment of up to 6 months and/or a fine. Breaching licence conditions will be an offence under regulation 19(1) of the 2021 Regulations and can incur a fine and may lead to suspension, variation without consent or revocation of a licence. A person whose licence has been revoked in the past will not be able to apply for a new licence.

The Minister for Environment, Energy and Rural Affairs emphasised in the [Explanatory Memorandum \(PDF 353 KB\)](#) that the 2021 Regulations will provide a future opportunity to include other licensed animal-related activities, for example horse stables and riding schools. Some additional licences are already included in the respective [English](#) and [Scottish](#) regulations.

### Stakeholder reactions

The 2021 Regulations have been cautiously welcomed by the Dogs Trust (in correspondence with Senedd Research) and [RSPCA Cymru](#) as a step closer to a ban on third-party selling of puppies. However, they say that further steps are necessary as set out below. Stakeholders highlight that enforcement of the 2021 Regulations is key for the ban on third-party selling to improve animal welfare.

### Impact on puppy imports

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Imports of dogs into the UK are significant, particularly as the Coronavirus pandemic came with a surge in demand for dogs. In 2020, [63,320 dogs were imported commercially](#) (2019: 44,561 dogs).

There are currently two import routes for dogs into Great Britain, the [Pet Travel Scheme](#) (PETS, 576/2013/EEC) for non-commercial movement of up to five animals per person, and the [Balai directive](#) (92/65/EEC (as amended)) for commercial movement. These rules remain unchanged following the UK's exit from the EU. A dog must generally be microchipped, vaccinated against rabies, and hold a pet passport, Animal Health Certificate (AHC) or a Great Britain pet health certificate, depending on the import route and the country the dog is travelling from. Due to

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vaccination requirements, puppies must be generally at least 15 weeks old to be legally imported into the UK under either import route.

**Concerns have been raised by animal welfare organisations (PDF 7.47 MB)**

that import routes are exploited for illegal puppy imports. Some of the concerns raised are animal welfare conditions at breeding establishments overseas, imports of puppies below the legal age limit, and lack of enforcement. Several participants in the Welsh Government's consultation '**A Ban on Third Party Sales of Puppies and Kittens**' mentioned puppy imports as an issue.

The 2021 Regulations require that puppies or kittens may only be sold if bred by the licence holder at the premises. However, there is no requirement that a puppy may only be shown to a prospective purchaser if it is together with its biological mother, as it is, for example, in England under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

Traceability of puppies and further regulations around pet travel and imports were mentioned by the Dogs Trust (in correspondence with Senedd Research) as necessary to prevent smuggling. **RSPCA Cymru has raised concerns** that the 2021 Regulations leave loopholes that can be exploited by corrupt breeders.

### Impact on animal welfare establishments

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A majority of participants of the Welsh Government's 2020 consultation '**A Ban on Third Party Sales of Puppies and Kittens**' asked for closer scrutiny of animal welfare establishments in Wales, either by classifying them as commercial sellers or by introducing dedicated licensing for animal welfare establishments.

Uncertainty remains regarding the impact of the 2021 Regulations on animal welfare establishments, such as rescue homes, as it is yet to be clarified whether such establishments carry out licensable activities under the 2021 Regulations. The 2021 Regulations require that all animals for sale must be in good health, and that animals that undergo any medical treatment must not be sold. If the regulations apply to animal welfare establishments, this might prohibit them from rehoming animals in poor health, for instance due to improper care by their previous owners.

In Scotland, the **Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021** include dedicated licensing for animal welfare establishments.

The absence of provision for rehoming organisations, sanctuaries or rescue homes was mentioned by [RSPCA Cymru](#) and the Dogs Trust (in correspondence with Senedd Research) as one of the key issues regarding the 2021 Regulations. RSPCA Cymru says that, on the one hand, such organisations should be exempted from the requirement for a selling licence so that pets can be rehomed when saved from harmful situations. On the other hand, RSPCA Cymru raises fear that third-party sellers might brand themselves as rescue homes in order to circumvent licensing requirements.

## Other UK countries' action

### England

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In February 2018, the UK Government [launched a consultation](#) on a third-party puppy sales ban. The consultation was England-only. Around 70% of responses argued in favour of a ban, while less than 10% provided arguments against. On 23 December 2018, [Defra confirmed](#) it would ban the third-party sale of puppies and kittens in England. The ban came into force on 6 April 2020 under the [Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) \(Amendment\) Regulations 2019](#). [A UK Government press release](#) provides further information.

### Scotland

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The [Animal Welfare \(Licensing of Activities Involving Animals\) \(Scotland\) Regulations 2021](#) (made 17 February 2021; coming into force 1 September 2021) ban third-party sales of puppies and kittens. The regulations also introduce dedicated licensing for animal rehoming activities

### Northern Ireland

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The Department of Agriculture, Environment and Rural Affairs (DAERA) has not publicly consulted on banning third-party sales of puppies. During 2018 DAERA reviewed the matter of animal establishments, including establishments that sell pets. In 2019, it engaged with the enforcement bodies and obtained their views on the future licensing system. DAERA continues to develop proposals on the future system.

