STATUTORY INSTRUMENTS

2018 No. 486

ANIMALS, ENGLAND

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

Made - - - -	*16th April 2018*
Coming into force - -	*1st October 2018*

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 [F1], 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.

F1 2006 c. 45. The appropriate national authority is defined in section 62(1) of the Act.

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;

"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 [F2];

"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 [F3], 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 [F4].

F2 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).
F3 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.
F4 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.