Draft Regulations laid before Parliament under section 61(2) of the Animal Welfare Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No.

ANIMAL WELFARE, ENGLAND

The Welfare of Racing Greyhounds Regulations 2010

Made - - - -	***
Coming into force - -	***

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) and (10) of and Parts 1 and 3 of Schedule 1 to the Animal Welfare Act 2006(**1**), 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.

PART 1

Introduction

Title, commencement and application

1. These Regulations—

(a) may be cited as the Welfare of Racing Greyhounds Regulations 2010;

(b) come into force on 6th April 2010;

(c) apply in England.

Interpretation

2. In these Regulations—

"attending veterinary surgeon" means a veterinary surgeon attending a track pursuant to Condition 1 of the licensing conditions;

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

"licence" means a licence to manage a track;

"licensing conditions" means those conditions set out in the Schedule;

"local authority" means—

(a) where there is, within the meaning of the Local Government Changes for England Regulations 1994(**2**), a unitary authority for a local government area, that authority;

(b) where there is not a unitary authority—

(i) in a metropolitan district, the council of that district;

(ii) in a non-metropolitan county, any council of any district in that county;

(iii) in each London borough, the council of that borough; or

(iv) in the city of London, the Common Council;

"operator" means, except in Part 2 of the Schedule, a person responsible for managing a track;

"owner" means an individual who owns a greyhound, or a representative of a partnership, unincorporated association or company that has ownership of a greyhound;

"race" means the competing of running greyhounds at premises where facilities for betting are being provided in relation to that activity either at those premises or elsewhere;

"sales trial" means the timing of a greyhound as it runs for the purpose of selling it;

"track" means premises where a race, trial or sales trial occurs; and

"trial" means the timing of a greyhound as it runs for the purpose of determining its position, or race category, in relation to any subsequent race.

Licensing of operators

3.—(1) Managing a track is an activity for the purposes of section 13(1) of the Animal Welfare Act 2006.

(2) But managing a track is not an activity for the purposes of section 13(1) of the Animal Welfare Act 2006 if the operator is regulated in relation to the operation of that track by a body which—

(a) is accredited by the United Kingdom Accreditation Service, or other signatory of the EA multi-lateral agreement(**3**) of the European co-operation for Accreditation(**4**), as demonstrating compliance with the ISO/IEC standard Guide 65:1996(**5**) of the International Standards Organisation's standards for bodies operating product certification systems in relation to the service of the regulation of greyhound racing tracks; and

(b) requires compliance by the operator with the requirements contained in the licensing conditions.

PART 2

Issuing of licences

Granting and renewing of licence

4.—(1) A local authority—

(**2**) S.I. 1994/867 to which there are amendments not relevant to this Order.
(**3**) The EA multi-lateral agreement can be found at http://www.european-accreditation.org/n1/doc/EA-1-06.pdf. A list of signatories to this Agreement can be found at: http://www.european-accreditation.org/content/mla/scopes.htm.
(**4**) EA Secretariat, 37 rue de Lyon, 75012 Paris, France or secretariat@european-accreditation.org.
(**5**) ISO Central Secretariat, International Organization for Standardization (ISO), 1 rue de Varembé, Case postale 56, CH-1211, Geneva 20, Switzerland.

(a) must, on the receipt of an application in writing for a licence giving such information as the local authority may require, grant a licence to an operator, or renew a licence, if it is satisfied that the licensing conditions are or will be met and any appropriate fee has been paid in accordance with regulation 7 and not otherwise;

(b) must carry out an inspection of a track to satisfy itself that the licensing conditions are or will be met before granting or renewing a licence; and

(c) may grant or renew a licence for any period of up to 3 years.

(2) In considering whether the licensing conditions will be met, a local authority is entitled to take account of the applicant's conduct as the operator of the track to which the licence relates or in relation to any other track, or any other circumstances that are relevant.

(3) All licences granted under paragraph 4(1) are subject to the licensing conditions set out in the Schedule.

People who may not apply for a licence

5. No person may apply for a licence to manage a track if they are disqualified under—

(a) section 34 of the Animal Welfare Act 2006;

(b) section 3(3) of the Animal Boarding Establishments Act 1963(**6**) from keeping a boarding establishment for animals;

(c) section 3(3) of the Breeding of Dogs Act 1973(**7**) from keeping a breeding establishment;

(d) section 5(3) of the Pet Animals Act 1951(**8**) from keeping a pet shop;

(e) section 4(3) of the Riding Establishments Act 1964(**9**) from keeping a riding establishment;

(f) section 1 of the Protection of Animals (Amendment) Act 1954(**10**) from having custody of an animal; or

(g) section 3 of the Protection of Animals Act 1911(**11**) from the ownership of an animal;

and any licence issued to a person so disqualified is invalid.

Death of a licence holder

6.—(1) In the event of the death of the operator who has been issued with a licence to manage a track, that licence is deemed to have been granted to personal representatives of the licensed operator in respect of that track and remains in force for a period of three months beginning with the death, but remains subject to the provisions in Part 3.

(2) The personal representatives must notify the local authority which issued the licence that they are now the operators of the track within 4 weeks of the death of the licensed operator.

Fees

7.—(1) A local authority may charge such fees as it considers necessary—

(a) for the consideration of an application for a licence; and

(b) for the grant of a licence.

(**6**) 1963 c. 43; section 3(3) was amended by Schedule 3, paragraph 5(2) of the Animal Welfare Act 2006.
(**7**) 1973 c. 60; section 3(3) was amended by section 5(1) of the Breeding and Sale of Dogs (Welfare) Act 1999.
(**8**) 1951 c. 35; section 5(3) was amended by Schedule 3, paragraph 3(2) of the Animal Welfare Act 2006.
(**9**) 1964 c. 70; section 4(3) was amended by Schedule 3, paragraph 6(2) of the Animal Welfare Act 2006.
(**10**) 1954 c. 40; sections 1,2 and 4(1) were repealed by Schedule 4 of the Animal Welfare Act 2006.
(**11**) 1911 c. 27 this Act was repealed by Schedule 4 of the Animal Welfare Act 2006.

(2) The fee charged for the consideration of a licence must not exceed the reasonable costs of carrying out that consideration.

(3) The fee charged for granting or renewing a licence must not exceed the sum of the costs of making the grant or renewal and the reasonable anticipated costs of future monitoring of compliance with these Regulations by the operator named in the licence.

PART 3

Suspension and revocation of a licence

Grounds for suspension

8. A local authority may suspend a licence at any time on being satisfied that the licensing conditions have not been complied with.

Procedure for suspension

9. If a licence is suspended the local authority must notify the holder in writing without undue delay, by way of a notice of suspension in accordance with regulation 10 and, unless the local authority directs otherwise, the suspension has immediate effect, and continues in effect unless the licence is reinstated.

Notice of suspension

10. A notice of suspension must—

(a) state the local authority's grounds for believing that the licensing conditions are not being complied with;

(b) specify the measures that, in the local authority's opinion, the operator must take in order to secure compliance;

(c) set out the right of appeal to a magistrates' court; and

(d) set out the period within which such an appeal may be brought.

Reinstatement of licence

11.—(1) A local authority must reinstate a suspended licence by way of notice once it is satisfied that the licensing conditions have been or will be complied with.

(2) Where a licence is reinstated under paragraph (1) the period for which it is issued may be varied.

Revocation of licence

12.—(1) The local authority may revoke a licence that has been suspended for more than 28 days unless there is an outstanding appeal to the magistrates' court, and may publicise a revocation in such manner as the local authority sees fit.

(2) When a local authority revokes a licence it must notify the holder in writing and revocation takes effect from the time of notification.

(3) Where an operator is disqualified under any of the enactments listed in Regulation 5 their licence is automatically revoked when the time limit for any appeal expires or, if an appeal is made, when an appeal is refused.

Appeals

13.—(1) Any person who is aggrieved by the refusal to grant or renew, or the decision to suspend or revoke a licence may appeal to a magistrates' court.

(2) The procedure on an appeal to a magistrates' court under paragraph (1) is by way of complaint, and the Magistrates' Courts Act 1980(**12**) applies to the proceedings.

(3) The period within which an appeal may be brought is 28 days beginning with the day following the date on which the decision is notified.

(4) A court may on application suspend a suspension or a revocation or, in the case of a refusal to renew a licence, permit an operator to continue to manage a track subject to the conditions in the Schedule, pending an appeal.

Name
Secretary of State
Department for Environment, Food and Rural Affairs

Date

(**12**) 1980 c. 43.