STATUTORY RULES OF NORTHERN IRELAND

2013 No. 43

ANIMALS

ANIMAL WELFARE

The Welfare of Animals (Dog Breeding Establishments and Miscellaneous Amendments) Regulations (Northern Ireland) 2013

Laid before the Assembly in draft

Made - - - -	*5th March 2013*
Coming into operation	*1st April 2013*

The Department of Agriculture and Rural Development, in exercise of the powers conferred on it by Sections 12 and 55(3) of the Welfare of Animals Act (Northern Ireland) 2011(**1**) makes the following Regulations.

In accordance with section 12(9) of that Act, the Department of Agriculture and Rural Development has consulted those persons appearing to it to represent interests with which these Regulations are concerned as it considered appropriate.

In accordance with section 55(1) of that Act, a draft of these Regulations have been laid before and approved by resolution of the Northern Ireland Assembly.

PART I

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Welfare of Animals (Dog Breeding Establishments and Miscellaneous Amendments) Regulations (Northern Ireland) 2013 and shall come into operation on 1st April 2013.

(**1**) 2011 c. 16

Interpretation

2. In these Regulations—

"the Act" means the Welfare of Animals Act (Northern Ireland) 2011;

"breeding bitch" means an unneutered female dog which is more than 6 months old;

"breeding establishment" means one or more premises, within the same district council area, operated by the same person from which that person keeps 3 or more breeding bitches; and

(a) breeds 3 or more litters of puppies in any 12 month period;

(b) advertises 3 or more litters of puppies for sale in any 12 month period;

(c) supplies 3 or more litters of puppies in any 12 month period; or

(d) advertises a business of breeding or selling of puppies;

"charity" has the same meaning as set out in the Charities Act (Northern Ireland) 2008(**2**);

"the Department" means the Department of Agriculture and Rural Development;

"the Dogs Order" means the Dogs (Northern Ireland) Order 1983(**3**);

"enrichment and enhancement programme" means a written document approved by an inspector detailing how dogs will have the opportunity to express normal behaviour;

"hunt club" means a hunt club—

(a) which is registered with a national hunting association that is a member of the Hunting Association of Ireland or registered with the Northern Ireland Masters of Hounds Association;

(b) that operates in accordance with the guidelines for kennel management issued by the Hunting Association of Ireland; and

(c) does not sell dogs or pups;

"inspector" means a person appointed by a district council for the purposes of the Act or these Regulations;

"licence" means a licence granted under regulation 5;

"licence conditions" means those conditions specified in Schedule 4 to these Regulations;

"other dog" means a male dog which is more than 6 months old;

"puppy" means a dog which is less than 6 months old; and

"socialization programme" means a written document approved by an inspector detailing how puppies will be socialized before being sold or homed.

Notices

3.—(1) Any notice served under these Regulations shall be in writing and may be amended, suspended or revoked in writing at any time.

(2) Any such notice may be served by—

(a) delivering it to the person;

(b) leaving it at the person's usual or last known address; or

(c) sending it by post to the person at that address.

(**2**) 2008 c. 12
(**3**) S.I. 1983/764 (N.I. 8)

(3) If the name or address of any occupier of premises on whom a notice is to be served under these Regulations cannot, after reasonable inquiry, be ascertained, the notice may be served by leaving it conspicuously affixed to a building or object on the premises.

Licensing of a dog breeding establishment

4.—(1) The activity described in paragraph (2) is an activity for the purposes of section 12(1) of the Act.

(2) A person shall not operate a breeding establishment except under the authority of a licence granted under these Regulations.

(3) Paragraph (2) shall not apply to—

(a) a hunt club; or

(b) a charity.

(4) A dog found on any premises shall, unless the contrary is shown, be presumed for the purposes of these Regulations to be kept at the premises.

PART II

ISSUING OF LICENCES

Licences

5.—(1) An application for a licence shall—

(a) be in writing;

(b) be in the form prescribed in Schedule 1; and

(c) be accompanied by the appropriate fee specified in regulation 8(1).

(2) On receipt of a fully completed application for a licence an inspector shall carry out an inspection of the applicant's breeding establishment to ensure that the requirements specified in Schedule 4 are being met in relation to the establishment;

(3) A district council shall grant a licence to the applicant, if it is satisfied that—

(a) the breeding establishment is situated in its district council area;

(b) the requirements specified in Schedule 4 are being met in relation to the establishment; and

(c) the appropriate fee has been paid in accordance with regulation 8(1).

(4) In fulfilling its functions under these Regulations a district council shall have regard to guidance issued by the Department.

(5) A licence granted by a district council under these Regulations shall—

(a) be in writing;

(b) be in the form specified in Schedule 2;

(c) subject to regulations 9 or 12, remain in force for a period of one year;

(d) state the number of bitches and other dogs over 6 months of age to be kept under the terms of the licence;

(e) be subject to the licensing conditions specified in Schedule 4; and

(f) may be subject to additional conditions as specified in the licence.

(6) The holder of a licence shall ensure that a copy of the licence granted under these Regulations shall be displayed at all premises comprising the breeding establishment.

(7) A district council shall maintain a register of all persons licensed under these Regulations and the register shall include all the details prescribed in Schedule 3.

(8) The register may be kept in manual or computerised form so long as the record is capable of being reproduced in a legible form for inspection.

Persons who shall not apply for a licence

6.—(1) A person shall not apply for a licence if they are disqualified under—

(a) section 33 of the Act;

(b) section 34 of the Animal Welfare Act 2006(**4**);

(c) section 40(1) and (2) of the Animal Health and Welfare (Scotland) Act 2006 (disqualification orders)(**5**);

(d) section 33A of the Dogs (Northern Ireland) Order 1983(**6**);

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

(f) section 4(3) of the Riding Establishments Act 1964 from keeping a riding establishment(**8**);

(g) section 3(3) of the Animal Boarding Establishments Act 1963 from keeping a boarding establishment(**9**);

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

(i) section 5(3) of the Pet Animals Act 1951 from keeping a pet shop(**11**); or

(j) section 5(2) or 9(5) of the Control of Dogs (Scotland) Act 2010(**12**);

and any licence issued to such a person is invalid.

(2) A person under 16 years of age shall not apply for a licence.

Death of a licence holder

7.—(1) In the event of the death of the licence holder, that licence is deemed to have been granted to the personal representatives of the licence holder and remains in force for a period of 3 months beginning with the date of death, but remains subject to the provisions in Part III.

(2) Paragraph (1) shall not apply in the case of a personal representative who is subject to a disqualification order under any of the provisions set out in regulation 6.

(3) The personal representative shall notify the district council which issued the licence that the licence has been vested in them within 1 month of the death of the licence holder.

(4) A district council may, on the application of those personal representatives, extend the period of 3 months referred to in paragraph (1) if the district council is satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make extension undesirable.

(**4**) 2006 c. 45
(**5**) 2006 asp. 11
(**6**) S.I. 1983 No. 764 (N.I.8) as amended by 1991 (N.I.21)
(**7**) 1973 c. 60
(**8**) 1964 c. 70
(**9**) 1963 c. 43
(**10**) 1954 c. 40
(**11**) 1951 c. 35
(**12**) 2010 asp. 9

Fees

8.—(1) A district council shall charge the following fee—

(a) in the case of a breeding establishment at which not more than 10 bitches are kept, £150;

(b) in the case of a breeding establishment at which not less than 11 and not more than 25 bitches are kept, £200;

(c) in the case of a breeding establishment at which not less than 26 and not more than 50 bitches are kept, £250;

(d) in the case of a breeding establishment at which not less than 51 and not more than 100 bitches are kept, £300;

(e) in the case of a breeding establishment at which not less than 101 and not more than 200 bitches are kept, £350; and

(f) for establishments over 200 bitches, £350 plus an amount of £50 for every additional 100 bitches.

(2) The fee charged for granting a licence is not refundable.

PART III

AMENDMENT, SUSPENSION AND REVOCATION OF A LICENCE

Grounds for amendment and suspension

9. A district council may at any time amend or suspend a licence on being satisfied that—

(a) the licence conditions are not being complied with;

(b) there has been a breach of these Regulations;

(c) information supplied by the licence holder is false; or

(d) it is necessary to protect the welfare of an animal.

Procedure for suspension and amendment

10.—(1) If a licence is amended or suspended the district council must notify the licence holder in writing, without undue delay, by way of notice in accordance with paragraph (3).

(2) Subject to regulation 14(3) an amendment or suspension under regulation 9 has effect at the end of the period of 7 days beginning with the date of service of the notice of amendment or notice of suspension.

(3) A notice of amendment or suspension shall—

(a) state the district council's grounds for amendment or suspension;

(b) state when it comes into effect;

(c) specify any measures that the district council considers are necessary in order to remedy the grounds; and

(d) set out the right to make representations to a district council under regulation 14(1) and the right of appeal to the magistrates' court under regulation 14(4).

Reinstatement of licence

11.—(1) A district council shall reinstate a suspended licence by way of notice once it is satisfied that the grounds specified in the notice of suspension have been or will be complied with.