

# Welcome

## Animal Health and Welfare Companion Animals - Training Day Regulation and Enforcement

# THE ANIMAL WELFARE (BREEDING OF DOGS) (WALES) REGULATIONS 2014

Coming into force 30<sup>th</sup> April 2015

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# General Requirements

**These Regulations provide for the licensing of persons involved in the breeding of dogs. Part 2 of the Regulations specifies dog breeding for the purposes of section 13(1) of the Animal Welfare Act 2006. The consequence of this specification is that, subject to qualifying criteria, any person wishing to breed dogs in Wales must obtain a licence from their local authority under these Regulations.**

**This requirement replaces the requirement to obtain a licence under the Breeding of Dogs Act 1973 in Wales.**

# What is Dog Breeding ?

## ➔ Dog Breeding – Interpretation

If a person keeps on premises 3 or more breeding bitches and

- (a) Breeds on those premises 3 or more litters in any 12 month period
- (b) Advertises for sale from those premises a puppy(ies) born from 3 or more litters in any 12 month period
- (c) Supplies from those premises a puppy(ies) born from 3 or more litters in any 12 month period

OR

(d) Advertises a business of breeding or selling puppies from those premises

Does not include Experimental dogs subject to Animals (Scientific Procedures) Act 1986



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➔ A person who breeds dogs in Wales without a licence under these Regulations commits an offence under section 13(6) of the Animal Welfare Act 2006 and is liable to imprisonment for a term of up to 6 months, a fine or both. Under section 30 of the Animal Welfare Act 2006 local authorities may prosecute for any offence under the Act.

# Fines

➔ **The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015** were made on the 11<sup>th</sup> March and come into force on the 12<sup>th</sup> March

➔ **SEE in particular**

➔ **SCHEDULE 4 Regulation 4(1) to (3)**

**Consequential amendments: fines or maximum fines of numerical amounts of £5,000 or more**

**Part 1 Public General Acts**

➔ **Animal Welfare Act 2006 (c.45)**

**38.** In section 32 of the Animal Welfare Act 2006 (imprisonment or fine), in subsection (1)(b), for

“a fine not exceeding £20,000” substitute “a fine”.



# Time limit for prosecution under the Act

➔ 3 Years from date of commission

**AND**

before the end of the period of six months beginning with the date on which evidence which the prosecutor thinks is sufficient to justify the proceedings comes to his knowledge (note who is the prosecutor)

Signed certificate by prosecutor conclusive evidence of the fact



# Application for a Licence

- ➔ Part 3 of the Regulations sets out how a person may apply to the local authority for a licence and sets out matters in respect of which a local authority must be satisfied when considering the granting and renewing of a licence. It provides for a local authority to charge fees to cover any reasonable expenses incurred in performing this function and for monitoring compliance with these Regulations. It requires a local authority to have regard to guidance issued by the Welsh Ministers in carrying out their functions under these Regulations.

# To Apply Applicant must submit-

- ➔ application form and manner approved by L A
- ➔ draft enhancement and enrichment programme
- ➔ draft socialisation programme
- ➔ details of the anticipated number of adult dogs and puppies to be present on the premises at any one time; and
- ➔ such supporting documentation as the authority reasonably requires
- ➔ Appropriate fee

# Following which

- ➔ LA **must** inspect premises (Vet Inspection required?)
- ➔ And if satisfied
- ➔ (a) Licence conditions met
- ➔ (b) enhancement and enrichment programme
- ➔ (c) socialisation programme
- ➔ (d) other relevant matters

# LA may grant Licence

➔ LA must attach  
Conditions

# People who may not apply for a Licence

➔ People Disqualified

# Fees

- ➔ L A may charge fees
- ➔ Must not exceed reasonable costs for carrying out the consideration
- ➔ Standard fees for all LA in Wales ?
- ➔ Can include anticipated future monitoring

# Guidance

- ➔ The L A must have regard in the carrying out of its functions under these Regulations to such guidance as may be issued by the Welsh Ministers



- ➔ Part 4 sets out circumstances in which a licence may be suspended, varied or revoked.
- ➔ Part 5 provides for appeals against licensing decisions by local authorities.

# Offence and powers

- ➔ Part 6 provides that a breach of a condition of a licence granted under these Regulations is an offence.
- ➔ It provides powers for inspectors to take samples and enter premises (under the Act – relevant offence) and applies relevant post conviction powers contained in the Act.
- ➔ It provides for local authorities to enforce the Regulations.
- ➔ It provides that licences granted under the Breeding of Dogs Act 1973 continue to have effect as if granted under these Regulations.

# Time limit for prosecution under the Regulations

- ➔ It would appear that contraventions of Licence conditions – Regulation 22 are offences against the Regulations and NOT the Act
- ➔ So Section 127 Magistrates' Court Act 1980 time limit applies – 6 months from commission of the offence

# Licence Conditions

- ➔ Schedule 1 to these Regulations sets out compulsory licence conditions which must be included on each licence granted by a local authority.

➔ Schedule 2 to these Regulations amends the Breeding of Dogs Act 1973 and amends references to it in 4 Acts consequential upon the repeal of section 1(1) of that Act in relation to Wales.

# Hopefully

➔ The new legislation will prevent this !

# Dog breeder and husband guilty of animal cruelty after RSPCA inspectors found 14 Red Setters in the 'worst conditions ever seen'

- ➔ A dog breeder and her husband have been found guilty of animal cruelty after 14 Red Setters were discovered dehydrated and caged in the 'worst conditions ever seen'.
- ➔ Margaret and Gary Mazan from Bradford, West Yorkshire, had their dogs seized by RSPCA inspectors after the animals were discovered in filthy cages with matted fur.
- ➔ The couple were said to have caused unnecessary suffering to the dogs as they had failed to seek veterinary care for their eyes and injuries to their tails.



A dog breeder and her husband have been found guilty of animal cruelty after 14 Red Setters were discovered dehydrated and caged



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Three of the fully grown dogs were found crammed in puppy cages and the majority were kept in a squalid garden shed.



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The couple were said to have caused unnecessary suffering to the dogs as they failed to seek veterinary care for their eyes and injuries to their tails (pictured)



# 13<sup>th</sup> March 2015

- ➔ Both defendants were found guilty of seven breaches of the Animal Welfare Act and were granted bail ahead of a sentencing hearing next month.

# Any Questions?

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