

**Review of the Animal Welfare
(Breeding of Dogs) (Wales)
Regulations 2014**

**A report of recommendations to the
Welsh Government by the Wales Animal
Health and Welfare Framework Group**

December 2019

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Part 1. Executive Summary and Key Recommendations

In October 2019 the Minister for Energy Environment and Rural Affairs, Lesley Griffiths AM, announced that a review of The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014, would be undertaken by members of the Wales Animal Health and Welfare Framework Group (WAHWFG). The WAHWFG appointed a Task and Finish Group to complete this review.

In this report, the Group has reviewed and made recommendations on the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014, in the context of promoting high welfare standards. The scope of the review has been to consider the existing provisions for dog breeding in Wales, including legislation, guidance and its enforcement, as well as to consider whether any additional provisions are necessary.

The review has been based on evidence provided by a broad spectrum of relevant stakeholders including local authorities, veterinary surgeons in a variety of roles, representatives of the animal welfare and dog breeding sectors, and dog owners.

The role, scale and nature of the dog breeding industry in Wales have been considered within the context of the UK cycle of demand and supply of dogs. There are 260 dog breeding licences in operation in Wales, three of which are licensed for more than 100 breeding bitches. It is estimated that these licensed breeding establishments produce around 16,000-25,000 puppies per year, which 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. The remainder of this large requirement for dogs in the UK is met by legally unlicensed breeders (those who breed one or two litters per year), illegally unlicensed breeders (those who breed more than two litters per year but do not hold a licence), and other sources such as third party sales, importation of dogs, and re-homing organisations.

The objectives of a robust legislative and enforcement system are that breeding dogs and puppies should experience a good quality of life whilst in breeding establishments, and that the puppies produced should have the ability to adapt to a home environment and live a good quality of life in the future. The consequences for inadequately socialised puppies include an increased risk of developing undesirable behaviours and being re-homed or euthanised in the future.

The Group found that the current combination of regulation, licensing conditions, guidelines and implementation are not meeting the objectives described above and have therefore made recommendations for improvements.

Key Recommendations

- 1. Further training** is necessary, in the physical, socialisation and enrichment aspects of good animal welfare in dog breeding establishments, to enable effective enforcement of the existing provisions. Specific training is recommended for local authority licensing inspectors, inspecting veterinary surgeons and private veterinary surgeons dealing with licensed breeding establishments. The role of the private veterinary surgeon, and that of the inspecting veterinary surgeon, should be clearly separated. Knowledge and resources could be distributed more widely through the creation of shared panels of expertise, for both local authority inspectors and appointed veterinary inspectors, who could operate throughout Wales. Private veterinary surgeons named on licences should undergo specific training including breeding establishment **health and welfare planning**.
- 2. Improved traceability** of dogs is necessary to allow enforcement of the existing legislation. **Registration** for all dog breeders should be considered. A combined system of licensing for those above the threshold of two litters, and basic registration for all other breeders, would assist in the identification of the suspected large number of illegally unlicensed dog breeders (those breeding more than two litters in twelve months). An effective registration system would require the creation of a Wales Database of Dog Breeders, in conjunction with a requirement for a valid breeder registration number to be displayed on any advertising of dogs for sale. **Compliance with microchipping legislation is currently poor**. Greater compliance could be achieved through collaboration with microchip database providers to detect dogs whose microchips are first registered by someone who is not the breeder.
- 3. A minimum ratio of one staff member to twenty adult dogs is insufficient and does not allow for provision of the exercise, enrichment and socialisation programmes** necessary to ensure good dog welfare. A different minimum ratio, such as one staff member to ten adult dogs, should be considered. It is estimated that this ratio would allow for one hour of socialisation and enrichment per litter per day based on an average of three litters present per twenty dogs. Further investigation is also required to determine whether there would be an animal welfare benefit to capping the number of dogs housed at a single breeding establishment.
- 4. Urgent consideration and review of other legislation** that impacts upon the production of dogs from all breeding establishments should be undertaken. The Group supports a **ban of third-party sales of dogs** and calls for **immediate improvements to the microchipping regulations** in order to increase compliance with this legislation.

Part 2. Introduction

2.1 Reasons for the review

In a written statement on 9th October 2019¹ the Minister for Energy Environment and Rural Affairs, Lesley Griffiths AM, announced an “urgent and immediate” review of The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014, to be undertaken by the Wales Animal Health and Welfare Framework Group (WAHWFG)², by the end of December 2019.

The Wales Animal Health and Welfare Framework Group was established in 2014 by the then Minister of Natural Resources and Food to support the implementation of the newly launched Wales Animal Health and Welfare Framework. The Framework is a ten- year overarching plan for making improvements in standards of animal health and welfare in Wales, whilst also helping to protect public health and contributing to the economy and the environment.

The Framework sets out five strategic outcomes:

- Wales has healthy productive animals
- Animals in Wales have a good quality of life
- People trust and have confidence in the way food is produced and the way public health is protected
- Wales has a thriving rural economy
- Wales has a high quality environment

The Framework Group appointed three of its members to form a Task and Finish Group to undertake the review: Sarah Carr (Chairman), Les Eckford and Ifan Lloyd with the Office of the Chief Veterinary Officer providing secretariat support.

This review has been requested for several reasons. In Wales, England and Scotland, there has been legislation in place for the regulation of commercial dog breeding since the Breeding of Dogs Act 1973 (BDA 1973) came into place. This act aimed to “regulate the commercial breeding of dogs; to provide for inspection of premises at which dogs are bred and for control over the transportation of puppies; and for purposes connected with those matters”.

In Wales, The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 revoked and replaced the 1973 legislation, introducing stricter criteria for breeding establishments and establishing a minimum attendant to adult dog ratio of one full time member of staff to 20 adult dogs. These regulations were the first of their kind in the UK and, whilst many welfare organisations and charities had differing views on their content, were widely welcomed.

1. <https://gov.wales/written-statement-dog-breeding-wales>

2. <https://gov.wales/wales-animal-health-and-welfare-framework-group/terms-reference>

Following a full year of implementation of the regulations, a survey to capture data on the staff to dog ratio and other information on dog breeding was conducted by Local Authorities (LAs) as part of the Partnership Delivery Project with the Welsh Government. The information gathered highlighted some challenges in respect to LA enforcement and resourcing capabilities.

“During the development of the Breeding Regulations, data received from the Kennel Club estimated there would be approximately 500 new small scale dog breeders (three or four breeding bitches) that would require a licence in Wales. The information provided by LAs indicates less than five breeders with three or four breeding bitches have been licensed under the new Regulations. Whilst it is not a statutory requirement for LAs to search for eligible breeders, they do make every effort to do so when resource allows.”

Results from the One Year Local Authority Survey

Some concerns about standards at licensed premises were also highlighted by responses to the Welsh Government’s consultation “Third Party Sales of Puppies and Kittens” which was opened in February 2019.

“A key challenge of the current breeding and selling of dogs in Wales is the lack of traceability in the system because so many people selling puppies are outside of the current licensing system, which is why we advocate for an all encompassing registration and licensing system. The inability of local authorities to properly inspect licensed breeding establishments because of a lack of resources and limited training compounds the issues of poor welfare breeding and allows unscrupulous sellers to make profit from selling unhealthy puppies. These puppies can also be poorly socialised and habituated because the staff to dog ratio is set too high which can prevent breeders from dedicating enough time to the social development of each puppy. The continued abuse of the Pet Travel Scheme also enables low welfare and often ill puppies to be sold to unsuspecting members of the public. All of these issues, among several others, must be addressed in conjunction with a ban on third party sales for the welfare of puppies to be properly protected during breeding and sale”.

Dogs Trust response to the Third-Party Sales of Puppies and Kittens Consultation

It is also now five years since The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 came in to force, enough time for the regulations and their enforcement processes to have bedded in and therefore a good time to review and objectively assess the outcomes of these regulations.

2.2 Purpose and Approach of the Review

The Task and Finish Group set out to review and make recommendations on the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014, with a view to promoting welfare provision for breeding dogs and their offspring in Wales, and to produce a report on the findings of this review.

The aims of the review were to consider and report on the existing provisions and whether amendments to these are necessary to improve welfare of breeding dogs in Wales, as well as to consider whether any additional provisions are necessary.

The review encompassed both the physical and behavioural aspects of welfare associated with the breeding and sale of dogs. Due to the unique position that dogs hold in human society, which requires them to become safe family pets, the behavioural aspects of welfare, including adequate socialisation provision, are particularly important when assessing their welfare as a species. It must be remembered that the negative dog behaviour outcomes associated with poor welfare in breeding animals and puppies, carry a human safety risk as well as a risk to animal welfare.

This report describes the findings of the Task and Finish Group's review of the existing provisions, before making recommendations for amendments to the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014. The report also makes additional recommendations that the Group feels are relevant to this review. This report will be submitted to the Minister for Environment, Energy and Rural Affairs and to the Chief Veterinary Officer.

The approach of the review was to be objective, based on evidence, and outcomes focussed. The review process was collaborative and engaged many stakeholders. The Group began the process by identifying which stakeholder groups would be relevant to the review.

The Group consulted with Local Authorities, vets performing an inspection role, vets performing the role of the private veterinary surgeon, animal welfare sector groups and organisations, representatives of the dog breeding sector, and puppy purchasers. This engagement took place in several ways. Local Authorities, vets and animal welfare organisations were met through face to face or teleconference meetings. LAs and puppy purchasers who owned a puppy less than one year old were surveyed using two questionnaires designed by the Group. Everyone who engaged with the Group was also invited to submit any further written evidence that they felt may be relevant to the review.

The first stage of the review process was to gather evidence from all the above sources. The second stage was to analyse all the evidence and produce recommendations. The third stage was to document this analysis and these recommendations into a report.

2.3 Terminology

The term **Regulations** refers to the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.

The term **Licensed Breeder** refers to a breeder licensed according to the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.

The terms **Qualifying Conditions** and **Licence Conditions** refer to the conditions that must be met in order to have an application considered to become a licensed breeder, and those that must then be met to become a licensed breeder, respectively, according to the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.

The term **Guidance** refers to information provided to LAs to assist them when considering or carrying out any function pursuant to the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 (the “Regulations”).

The abbreviation **LA/LAs** refers to Local Authority/Local Authorities. **Recommendations** have been made by the group throughout this report and will be denoted by the letter R followed by the number of the recommendation, e.g. R2.

Part 3. Background

3.1 The Welsh dog population

Exact figures of dog ownership in Wales are not known though data from microchip registrations may, in time, provide better estimates than those currently used.

At present various organisations carry out annual surveys on dog ownership and give estimates of around 9 million dogs in the UK.³ In Wales the estimated dog population is 650,000 animals living in 440,000 households. These UK wide surveys have indicated an increase in dogs in the last few years, with one indicating more households with children now having a dog.⁴

While there is breed and individual variation, the average lifespan of 12 years for dogs means that each year 54,000 replacement puppies are needed to maintain the existing dog population in Wales. This compares with 750,000 annual replacements required for the whole of the UK. The Kennel Club registers 25,000 Welsh puppies each year and estimates this to be a quarter to one third of the total number of puppies bred in Wales. Of the puppies bred in Wales, some will leave to go to homes in other parts of the UK or further afield. Conversely, a proportion of the puppies entering the Welsh dog population will have been bred outside of Wales.

These 54,000 replacement dogs will originate from a variety of sources, including licensed UK breeders, legally unlicensed UK breeders (those with 1 or 2 breeding bitches), illegally unlicensed UK breeders (those with 3 or more breeding bitches), as well as from breeders and rescue organisations that are importing dogs from outside of the UK.

There are 260 licensed breeders across the 22 Local Authority areas of Wales. The number of puppies produced by these licensed breeding establishments is not accurately known. However, we can estimate from data provided to the Group by Local Authorities, that there is a current breeding bitch population of 4,000-5,500 dogs in licensed establishments in Wales. If we take the lower end of this estimate of 4,000, and make a conservative estimate that each one produces a litter of 4 puppies per year, then there are at least 16,000 puppies produced annually from licensed establishments in Wales. This number rises to 25,000, if we estimate that 5,000 breeding bitches each produce a larger litter of 5 puppies per year.

The Kennel Club registers 280,000 pedigree puppies in the UK each year out of the estimated 750,000 replacements for the UK dog population. This suggests that there are also around 470,000 crossbred animals and unregistered pure breeds produced annually.

Rehomed and rescued dogs make up another source that accounts for 60-70,000 animals⁵.

³ Paws report 2019 9.9 million dogs, Statista survey 2019 9 million, PFMA survey 2019 8.9 million dogs.

⁴ PFMA survey 2018 11% increase 2017-2018

⁵ RSCPA Sold a pup? Puppy Trade Report 2016

3.2 Previous legislation

Prior to the introduction of the Animal Welfare Act 2006, legal control on dog breeding was provided by The Breeding of Dogs Act 1973 (BDA 1973) which applied to England, Scotland and Wales. This required a person with five or more breeding bitches, or selling puppies from two or more litters, to be licensed. Initial inspections were carried out by a LA inspector together with an appointed veterinary surgeon, in order to check that the requirements of Section 1(4) of the Act were met. These requirements included housing facilities (construction, space allowance, exercise areas, temperature, lighting, ventilation and cleanliness), the provision of suitable food, drink and bedding material, and the need to be exercised during transportation. Breeding bitches were required to be at least one year old at mating, to produce no more than one litter each year, and no more than six litters in total. Accurate records demonstrating that requirements were being met had to be kept. There was no requirement for exercise periods at the breeding premises nor for socialisation, enhancement or enrichment programmes for puppies.

An amendment Act in 1991 extended powers to inspect unlicensed premises (under magistrate's warrant) where there was suspicion that dog breeding was being carried out. Subsequently the 1999 Breeding and Sale of Dogs (Welfare) Act defined the ways that dogs (under 8wks old) could be sold from the breeding premises, either direct to the purchaser or to a licensed pet shop, and the need for a collar and identity tag stating the premises of birth if sold to a pet shop.

The form of records to be kept were prescribed in subordinate regulations made in 1999⁶ including details of the mating, puppies produced, and their destinations.

The introduction of the Animal Welfare Act 2006 in March 2007 and the devolution of animal health and welfare powers provided an opportunity to review and change the legislation around dog breeding in Wales. Using the principle of the five welfare needs under section 9 of the Act, Welsh Government proposed new regulations that would better address the welfare provisions for dog breeding.

The significant changes from the BDA 1973 were:

1. a reduced licensing threshold of keeping 3 or more breeding bitches and breeding, advertising or supplying puppies from 3 or more litters.
2. a ratio of one full time attendant to no more than 20 adult dogs
3. the need for approved socialisation and enhancement/ enrichment plans
4. a puppy record detailing health status in addition to the basic identification data that had been part of the 1999 Regulations, and similar details on the dam and sire.

A component of the new controls was traceability of puppies so that health issues identified in puppies that had left the breeding premises could be investigated. Microchipping of puppies before leaving the breeding premises had been considered but was introduced under separate legislation applying to all dogs from 2015.

Guidance was issued to LAs on how the legislation should be implemented and included details on kennel accommodation and environment, diet and nutrition, dog behaviour and health and welfare.

⁶ The Breeding of Dogs (licensing Records) Regulations 1999 (S.I 1999 No 3192)

3.3 Other dog breeding controls

Regulations introduced in England in 2018 brought dog breeding activity under LA licensing legislation⁷ and repealed The Breeding of Dogs Act as applied in England. The threshold for licensing is where 3 or more litters of puppies are bred, and puppies are sold or where the breeding of dogs is advertised as a business of selling dogs.

Under schedules in the regulations, general requirements are set out following generally the provisions of Section 9 of the Animal Welfare Act followed by specific requirements for dog breeding. Notable requirements include adequate competent staffing levels, monitoring the behaviour of animals, knowledge of normal behaviour, provision for exercise and registration with a veterinarian.

Schedule (3) covers information and advice that must be given to prospective purchasers of dogs and a prohibition on puppies being sold under 8 weeks old.

The detailed Schedule (6) for dog breeding includes amongst others the need to be able to demonstrate a socialisation and habituation programme for puppies, dogs having specific exercise periods, no breeding from dogs where this is likely to give rise to welfare issues for the dog or its offspring, a responsibility to make arrangements to rehome dogs no longer needed for breeding and the implementation of a preventative health care plan agreed with the veterinarian.

Guidance was issued by Defra for LAs in November 2018 detailing how the requirements of the regulations might be met and advising on suitable higher standards of operation that would contribute to operators having licences lasting up to 3 years. A star rating protocol is used to assess this. An example relates to the number of caesarean sections a bitch can have before she is no longer to be bred from. The basic conditions allow up to two surgeries, the higher standard just one. Higher standard premises will have a staff to dog ratio of 1:10 while standard condition premises may have a ratio of 1:20.

3.4 Voluntary breeding schemes

Kennel Club Assured Breeder Scheme

This voluntary scheme (UKAS accredited) operates alongside LA licensing and is utilised by many small breeders who only have 1 or 2 bitches.

Of the over 4000 Assured Breeders in the scheme, 165 are based in Wales. Higher standards are expected: bitches can only produce 4 litters in their breeding life while in the scheme. All offspring are registered with the Kennel Club. Use of relevant health screening schemes is expected.

Sales of puppies from assured breeding premises must be direct to purchasers; puppies should be well socialised and further guidance on socialisation should be given after puppies have been inspected by suitable purchasers at the breeding premises. Assured Breeders are expected to provide necessary advice after sale and be prepared to help rehome a dog they have bred should this be necessary. Purchasers are given extensive background information on the puppies- The Puppy Pack.

⁷ The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Scottish Society for the Prevention of Cruelty to Animals Assured Puppy Breeder Scheme

Launched in November 2019, this scheme is free to breeders in Scotland including those already in the Kennel Club Assured Breeders scheme. It covers breeders of cross bred as well as pedigree animals. Pre-mating health checks are required to screen for inherited diseases though the scheme has facilitated discounts on the testing, using the Canine Health Schemes for hip and elbow conditions. Annual inspections are to be carried out.

Carmarthenshire Buy with Confidence Scheme

This new scheme is currently in the process of being launched by Carmarthenshire LA, with eighteen breeders ready to enter the scheme.

Part 4. Examination of the Current Legislation

Development of the current legislation followed on from studies carried out under the Companion Animal Welfare Enhancement Scheme (CAWES), funded by Welsh Government in 2008 to allow LAs to investigate specific welfare areas in companion animals. Studies carried out by Pembrokeshire, Ceredigion and Carmarthenshire highlighted concerns around commercial puppy breeding in terms of scale of activity in certain regions and the controls available. These concerns extended to both unregulated, commercial dog breeding activities and the standards applied within the regulated sector. This information had come from several sources including LAs, third sector organisations, the general public, Members of the Welsh Assembly and Members of Parliament.

A review was commissioned by Pembrokeshire LA of current practices in dog breeding establishments under the existing licensing conditions (BDA 1973 and amendments). Produced by an eminent clinical animal behaviourist, the review examined whether licensing conditions and practices provided suitable welfare standards for breeding dogs and their puppies, meeting the requirements of the Animal Welfare Act 2006. Through many practical recommendations the review indicated significant improvement was needed to the licensing conditions applied to breeding establishments.

A Task and Finish group was established in November 2009 to examine evidence identified in these reports. The group membership included a wide range of organisations, met several times between January and June 2010 and produced recommendations to Welsh Government in three main areas of legislative control on dog breeding. These were changes to qualifying conditions for licensing, changes to licensing conditions and new guidance for LAs to accompany legislation.

4.1 Qualifying conditions for licensing

These set the scope of activities that would be subject to control, covering the number of breeding animals and activities around the sale of dogs and puppies. Applicants for a licence also had to be free of disqualifications under certain animal welfare and associated legislation.

Under the previous legislation the threshold for licensing was the keeping of 5 breeding bitches and sales of dogs. LAs had been using Chartered Institute for Environmental Health (CIEH) guidance on what constituted eligibility. The Task and Finish group debated various definitions to adequately encompass commercial dog breeding with a range of potential exemptions. There were suggestions that all dog breeding should be at least registered with LA, though this was not considered practically enforceable by LAs. Discussion around the scale of operation considered various views, concluding that the previous licensing threshold should be reduced. It was decided that licensing should be required when keeping 3 breeding bitches, producing 2 litters per year, advertising and selling 10 or more puppies, advertising or establishing a business involved in dog breeding, or operating a family business including the sale of puppies in the business activity.

The idea that the sale of 10 puppies represented a level of activity that required licensing was modified because of the huge breed variation in the average number of pups born per pregnancy. The recommended litter threshold for licensing, of two litters per year, was increased to three litters in the current Regulations of 2014.

4.2 Licence Conditions

LAs must attach to each licence issued, the seven Licence Conditions set out in Schedule 1 of the Regulations. These conditions exist to safeguard the welfare of dogs and puppies in licensed premises according to the principles of section 9 of the Animal Welfare Act (the five welfare needs of animals). LAs must also specify two further conditions set out in Regulation 8 (2): the maximum number of adult dogs and puppies to be kept at the premises, and a staff to adult dog ratio that must in no case exceed 1 staff member to 20 dogs. In addition, LAs have the power to add further conditions to each licence that they consider necessary.

Guidance to LAs and to vets involved with licensing had been produced several times since 1976 and was used by LAs in Wales. The British Veterinary Association (BVA) had produced guidance in 1978 and in 1998. Following amendments to the 1973 Act a review of the guidance was undertaken in 1996. The latest version of the guidance relating to the requirements of the 1973 Act and the amending Acts was issued in 2014 by CIEH⁸.

The Task and Finish group held discussions and consultations with interested parties. A recommendation from that group was that the CIEH guidance on licence conditions should be revised in line with the five welfare needs of section 9 of the Animal Welfare Act. This would support a suggested change to Welsh specific legislation made under the Animal Welfare Act.

The conditions that resulted from the introduction of the current regulations included many of those originally contained within the 1973 and subsequent Acts on dog breeding but with significant additions to reflect the need to meet the behavioural and socialisation welfare needs of dogs and puppies as well as their physical health and welfare. Provisions to allow normal behaviour of breeding dogs and adequate development of puppies were specified including exercise programmes, kennel layout, enhancement and enrichment programmes. Socialisation programmes (and habituation to novel situations) were also required for puppies.

Strengthened animal health provisions were specified including a recorded health and welfare plan, registration with a veterinary practice, and the keeping of additional records including puppy and breeding bitch records.

⁸ [CIEH Dog Breeding Guidance](#)

A new requirement of the licensing conditions was the introduction of a maximum staff to dog ratio to ensure the health and welfare needs of dogs and puppies could be met. The Independent Report into Dog breeding by Patrick Bateson, published in 2010, identified as major concerns inadequate provision of resources for puppies to develop socialisation and for puppies and bitches to have exercise and mental stimulation. A suitable staff to dog ratio was suggested to ensure adequate time was available to provide these. Various ratios were proposed, some organisations favouring a high staffing rate of one staff member per fifteen dogs (The Advisory Council on Welfare issues of Dog Breeding), while others, such as some breeders, favoured a much higher number of dogs per staff member.

Two consultations were undertaken, the first with the 1:20 ratio and the second with a different ratio of 1:30.

The responses indicated the original 1:20 figure was preferred and subsequently introduced into legislation. This was the minimum number of staff per dog and LAs could set higher staffing levels considering resources and facilities at breeding premises. In addition, each premises could have a maximum number of dogs and puppies that could be kept.

4.3 Guidance for Local Authorities

The guidance sets out the detail for the resources that are to be provided to meet the needs of dogs and puppies, based on the requirements of section 9 on the Animal Welfare Act 2006. These are grouped into environment and accommodation, diet and nutrition, normal behaviour and health and welfare. Specimen forms of records for the dog breeding records and the puppy logbook are included as schedules.

Guidance by Welsh Government was last issued in April 2018²⁸

Prior to the introduction of the 2014 Welsh Regulations, LAs had, in many cases, used the guidance contained in the CIEH document.

The Task and Finish group in 2010 proposed guidance based on that document but with additional reference to the requirements of the Animal Welfare Act. An important aspect in the development of guidance was the recognition that providing purely for the physical health of the dogs and puppies would not meet all the needs of the animals. Their mental wellbeing needed to be protected and enhanced. The addition of a socialisation plan for puppies and enhancement and enrichment programme for all dogs were considered important changes to previous licensing controls.

²⁸ <https://gov.wales/sites/default/files/publications/2018-04/dog-breeding-establishments-guidance-for-local-authorities.pdf>

Part 5. Examination of Current Implementation and Enforcement

5.1 Summary of Model Licence Conditions

Schedule 1 of the Regulations lists 7 conditions to be met in granting a licence. In addition there is a requirement in section 8 (2) to specify to further conditions: the maximum number of dogs and puppies to be held at a premises and the staff:dog ratio with a minimum of 1:20. These make up the 9 basic licence conditions, to which LAs may add any further conditions they consider appropriate, to create their **Model Licence Conditions** (MLCs). These are then applied by the LA to each licence but adapted according to the individual circumstances. For example, the type of dogs bred or facilities available may necessitate a ratio of more than 1 staff member per 20 dogs (but never less than 1 per 20).

Schedule 1 Licence Conditions:

'Condition 1: Enhancement and Enrichment

1. The licence holder must implement an enhancement and enrichment programme that has been approved by the local authority.

Condition 2: Socialisation

2. The licence holder must implement a socialisation programme that has been approved by the local authority.

Condition 3: Health

3. The licence holder must take all reasonable steps to protect dogs from pain, suffering, injury and disease.

Condition 4: Mating

4. The licence holder must ensure a breeding bitch— (a) is not mated until she is 12 months old; (b) does not give birth to more than 1 litter of puppies in a 12 month period; and (c) does not give birth to more than 6 litters of puppies in total.

Condition 5: Change of ownership of a puppy

5. The licence holder must retain ownership and possession of a puppy on the premises occupied by the licence holder until it is at least 56 days old.

Condition 6: Breeding bitch record requirements

6.—(1) The licence holder must maintain a written record in relation to each breeding bitch kept setting out her: (a) name; (b) date of birth; (c) breed; (d) physical description including colour and identifying features; (e) health status; (f) mating details including:

(i) in relation to the sire, the information required in sub-paragraph 1(a) to (e); (ii) in relation to each puppy born— (aa) date of birth; (bb) when ownership is transferred, the new owners name and address.

(2) When ownership of a breeding bitch is transferred the name, address and telephone number of the new owner must be recorded by the licence holder on the record referred to in sub-paragraph (1) and a copy of the record must be provided to the new owner and a copy retained by the licence holder.

(3) The record referred to in sub-paragraph (1) must be available for inspection and retained by the licence holder for the lifetime of the breeding bitch.

Condition 7: Puppy record requirements

7.—(1) The licence holder must maintain a written record confirming the following details in relation to each puppy which is on the premises occupied by the licence holder:

(a) sex;

(b) date of birth;'

There is significant variation in the number of additional conditions and the level of detail included in the licence conditions, between LAs. Most LAs use the published Guidance for their Model Licence Conditions, others have written their own.

Some authorities have guidance linked to each condition in the licence document as to what must be provided. Examples of some additional requirements are the need for an annual health check of adult dogs by a veterinary surgeon, or the inclusion of responsible breeding principles such as:

“15. (a) Any breeding stock which proves to exhibit unsound hereditary or behavioural characteristics must not be bred from.

15.(b) When intentionally breeding crossbreds, breeders must have due regard to the breeds' compatibility for ease of whelping and to produce healthy puppies”.

5.2 Licensing fees

LAs each set their own licensing fees for the licensing of dog breeding establishments.

These fees can be fully cost recoverable but must reflect the actual cost of issuing and enforcing the licensing scheme.

There is wide variation between LAs in the current licensing fees and the ways in which they are calculated²⁹

15 out of 22 LAs charge a flat rate licensing fee regardless of the scale of the operation; these range from £107 to £380.

6 out of 22 LAs charge a variable fee based on the scale of the operation. One LA has two different rates for “home” and “commercial” breeders.

Several LAs have two levels of fees, a higher fee for the initial application and licence, and a lower fee for renewal of the licence.

11 out of 22 LAs charge any veterinary costs incurred in addition to the licence fee.

The lowest annual licensing fee is £107, and the highest is £748 (which is for greater than 80 breeding bitches).

Many of the “flat rate” licence fees appear unlikely to fully recover the cost of processing the application, at least one annual inspection by the LA, and an annual inspection by a veterinary surgeon.

There appears to be a reluctance by LAs to increase the licensing fees, despite the fact many of them do not seem to cover the true costs of enforcement. This reluctance may in part be due to a fear that that increasing licensing fees could act as a deterrent to becoming licensed and consequentially lead to increased levels of illegally unlicensed breeding.

R33. The group recommends that there should be a standardised fee scale that is proportionate to the scale of establishment, and the time and resources required to process the application and inspect the premises. Within this standardised fee framework, individual LAs should be able to set their own figures to allow for regional differences in costs.

²⁹ Data collected by the RSPCA October 2019: licensing costs by Local Authority

5.3 Number of breeding establishment licences issued by region

There are 22 LAs in Wales.

20 out of 22 LAs provided data to the Group on implementation and enforcement of dog breeding licences within their area by responding to a questionnaire that was sent to all LAs.

Figures for the other 2 LAs were obtained from information provided to Welsh Government in 2019 (shown in italics).⁹

21 out of the 22 LAs in Wales have licenced Dog Breeding Establishments, the remaining LA has never had an application for a breeding establishment licence.

There are 260 dog breeding establishments currently licensed in Wales.

The greatest number of licences within a single LA is 77.

There are 7 LAs which have more than 10 licensed breeding establishments, the other 15 LAs have less than 10 licensed breeding establishments.

The 7 LAs with greater than 10 licensed establishments are

Carmarthenshire (77), Ceredigion (36), Neath Port Talbot (15), Powys (23), Wrexham (16), Swansea (15) and Flintshire (11).

Cardiff has the lowest number of licensed establishments per population density (three). Carmarthenshire has the highest number of licensed establishments per population density ¹⁰.

9. Dog's trust website information.

10. Population figures from Welsh Government:
<https://statswales.gov.wales/Catalogue/Census/2011/UsualResidentPopulation-by-BroadAgeGroup-LocalAuthority>

5.4 Scale of licensed establishments: number of breeding bitches

| | |
|--|------------|
| Licences for 3 to 5 breeding bitches | 24 |
| Licences for 6 to 10 breeding bitches | 89 |
| <i>Licences for 3-9 breeding bitches</i> | <i>6</i> |
| Total (10 or less breeding bitches) | 119 |
| Licences for 11 to 20 breeding bitches | 67 |
| Licences for 21-30 breeding bitches | 28 |
| <i>Licences for 10-24 breeding bitches</i> | <i>3</i> |
| Total (11-30 breeding bitches) | 98 |
| Licences for 31-40 breeding bitches | 22 |
| Licences for 41-50 breeding bitches | 8 |
| Total (31 to 50 breeding bitches) | 30 |
| Licences for 51-100 breeding bitches | 10 |
| Licences for > 100 breeding bitches | 3 |
| Total (>50 breeding bitches) | 13 |

The largest number of breeding bitches on a single licence was 145

5.5 Scale of licensed establishments: total number of dogs and puppies

| | |
|---------------------------------|-----|
| Licences for 0-20 total dogs | 54 |
| Licences for 21-50 total dogs | 128 |
| Licences for 51-100 total dogs | 41 |
| Licences for 101-200 total dogs | 13 |
| Licences for 201-300 total dogs | 1 |
| Licences for 301-500 total dogs | 1 |
| Licences for > 500 total dogs | 2 |

1 licence has been issued for “28 dogs and their associated litters”

There are 19 licenced establishments for which this data is unavailable.

The figures for number of licences per region and number breeding bitches per licence can be used to calculate an estimate for the number of breeding bitches in licensed establishments in Wales, and for the number of puppies they produce.

There are likely to be between 4,200 and 5,500 breeding bitches currently in licensed establishments in Wales.

Based on a conservative estimate of 4000 bitches each producing one litter per year of 4 puppies, it can be estimated that **licensed breeding establishments in Wales produce at least 16,000 puppies per year**, although this figure could be as high as 25,000.

5.6 LA inspections

20 out of 22 LAs provided data to the task and finish group, and 1 of these has issued no licences for dog breeding establishments.

17 out of 19 LAs that have issued licences have inspected all their dog breeding establishments in the past 12 months.

2 of these 19 have inspected all but 1 of their establishments in the past 12 months.

2 LAs specified that they inspect premises twice per year, including one unannounced inspection visit.

5.7 Veterinary inspections

13 out of 19 LAs know that **all** their licensed premises have received a veterinary inspection in the past 12 months

6 out of 19 do not know, or do not think, that **all** their licensed establishments have had veterinary inspection in the past 12 months

One of these 6 requests vaccination record cards to be presented (on the assumption that breeding animals with up to date vaccinations have received a veterinary examination in the past twelve months) and requests a veterinary certificate for any animals for whom the vaccination record is not available.

5.8 Number of licences refused or revoked since 2014

9 out of 19 LAs that have issued licences, have refused or revoked at least one licence since 2014

10 out of 19 have never refused or revoked a licence since 2014.

7 of those 10 who have never refused a licence have 5 or more breeding licences in operation in their area.

1 LA has refused 34 licences since 2018.

1 LA has refused or revoked 5 licences since 2014

6 LAs have refused or revoked 1 or 2 licences since 2014.

Part 6. Key Areas and Recommendations **for Improvements to the Current Provisions**

6.1 Are the current provisions (including Regulations, Licence Conditions and Guidance for LAs) fit for purpose?

The following discussion has been formulated through engagement of the Task and Finish Group with multiple stakeholders including animal welfare Non-Governmental Organisations (NGOs), LAs, private veterinary surgeons, inspecting veterinary surgeons, puppy purchasers and representatives of the dog breeding industry. There were multiple common themes running through these discussions, with many stakeholders in agreement on necessary areas for improvement and potential solutions.

The breeding of dogs in Wales primarily occurs to supply a large UK demand for family pet dogs. It is an industry, in that it exists in the most part for financial gain. This means that producing healthy, well socialised puppies is not always the primary motivation that drives dog breeding activities, creating the need for a robust legislative and enforcement system. When compared to other animal production industries, such as the meat, dairy and egg industries, dog breeding legislation appears less robust and more open to the exploitation of loopholes, because it does not currently apply to all dog breeding activities. The legislative and enforcement systems around the production of animals for food, have evolved in order to protect not just animal health and welfare, but also public health. They also protect those animals throughout their life cycle, from birth to death. In contrast, the dog breeding legislation does not afford the same degree of attention to public health and public safety, and the provisions currently in place do not guarantee protection of breeding animals beyond their breeding years for the rest of their life.

Effective dog breeding controls have two main animal welfare objectives:

1. The objective that all **dogs used for breeding** in Wales should have good health, and a good quality of life from birth until death.
2. The objective that all **puppies** bred in Wales should have good health and a good quality of life from birth until they leave the breeding premises. In **addition** to this, that they should receive adequate enrichment and socialisation during their time at the breeding premises, to enable them to adapt successfully to a home environment and become companion pets equipped with the social and behavioural skills to live a good quality of life in the future, with children and other dogs if required.

Dogs possess teeth and jaws capable of inflicting serious injuries to people, and other animals, and will use these features to defend themselves from a perceived threat if necessary. It is important to consider this fact when examining the welfare outcomes for inadequately socialised puppies.

The safety implications of this impact upon the ability of owners to overcome some of the undesirable dog behaviours associated with poor socialisation. Inadequately socialised puppies, with poor mental and behavioural welfare, are likely to develop undesirable behaviours that carry a high risk of the dog being either re-homed privately, re-homed through a rescue organisation, or euthanised.¹¹ Examples of these behaviours include aggression towards people or other dogs, inappropriate urination and defaecation, separation anxiety, continuous periods of barking, and destructive behaviour in the home. Many purchasers are not aware of the importance of buying a puppy that has received an adequate socialisation programme prior to sale, or the potential consequences of not doing so in terms of both animal welfare and human safety.

It is estimated that 130,000 dogs enter UK re-homing organisations annually, and UK wide research identified behaviour problems as the most common reason for dogs to be given up for rehoming.¹² Many of these dogs have complex behavioural issues meaning they require a longer, more costly rehabilitation process, and will have fewer suitable new homes available to them. Effective regulation of dog breeding, and its enforcement, is vital to ensure that a greater number of puppies are able to remain with their initial purchaser for life.

The Group found that all stakeholders agreed on the need for robust legislation and enforcement of the dog breeding industry, for the reasons outlined above. All agreed that the current combination of regulation, licensing conditions, guidance and implementation were not meeting the two objectives described above: that all breeding dogs and puppies have a good quality of life, and that all puppies are sufficiently socialised to become well-adjusted pets. It was therefore concluded that the current combination of regulation, guidance and enforcement required improvement.

The following discussion will consider the issues that have been identified and make recommendations for how these can be addressed.

¹¹ [Boyd et al Mortality resulting from undesirable behaviours in dogs under 3 years attending primary care veterinary practices in England](#)

¹² Dogs Trust website information

6.2 Issues identified with and recommendations for the Qualifying Conditions for licensing.

6.2 a) Qualifying Conditions issue 1: definition of in-scope dog breeding activities

Part 2, paragraph 5 of the regulations states the following qualifying conditions for a breeder to require licensing:

‘A person carries on the activity of dog breeding for the purposes of section 13(1) of the Act if that person

*-keeps on premises 3 or more breeding bitches **and**—*

-breeds on those premises 3 or more litters of puppies in any 12-month period;

-advertises for sale from those premises a puppy or puppies born from 3 or more litters of puppies for sale in any 12-month period;

*-supplies from those premises a puppy or puppies born from 3 or more litters of puppies in any 12-month period; **or***

-advertises a business of breeding or selling puppies from those premises.

(2) For the purposes of paragraph (1) any dog found on premises will be presumed to be kept by the occupier of those premises until the contrary is proved.

(3) For the purposes of paragraph (1)(a) to (c) it is immaterial whether or not the litters of puppies are bred from the breeding bitches referred to in paragraph (1).’

The above paragraph contains several ambiguities and potential loopholes:

the wording, punctuation and use of “and” could be interpreted as meaning that the first four of the above criteria must be met in order for a breeder to require licensing, suggesting that a breeder who was above the licensing threshold of three or more litters in a year but did not fulfil some of the other criteria, may not require a licence.

The use of “supplies from those premises” suggests a breeder could breed 3 or more litters, but supply them from different premises, and not require a licence.

The use of “keeps on premises” and “breeds on premises” indicates that the licence is attached to a single premises rather than to an individual. This suggests that an individual owner or keeper could keep 2 breeding bitches at each of multiple premises and still not require licensing.

A significant loophole is that any number of persons living or working at the same site could breed two litters each and run a breeding establishment between them whilst each remaining below the licensing threshold. There are potentially a large number of commercial, yet “legally unlicensed” breeding operations taking advantage of this.

The Group is also aware of the existence of breeding contracts, where a breeder sells a puppy with a legal contract stating that the purchaser must produce a litter of offspring from that animal and that the vendor retains ownership of the future litter. Such contracts can be used by breeders to avoid the licensing threshold by not retaining ownership of the breeding animals and should be taken into account when considering the scope and wording of the legislation.

R1. The qualifying conditions for licensing should apply to any individual breeding 3 or more litters per year, who is selling any of the puppies from those litters. This should apply regardless of whether sales from those litters or the business are being advertised. It should also apply regardless of whether the breeding animals are kept at the same or different premises.

The qualifying conditions in part 2, paragraph 5, could therefore be re-worded as:

'A person carries on the activity of dog breeding for the purposes of section 13(1) of the Act if that person
-keeps 3 or more breeding bitches and—
-sells or advertises for sale any puppy or puppies born from 3 or more litters of puppies in any 12 month period.'

R2. The breeding licence should apply to the individual, and not the premises. Therefore, any individual owner or keeper breeding greater than 3 litters in 12 months should require a licence, even if the breeding bitches are at three different premises.

R3. The licensing threshold should apply to premises as well as individuals, so that the activity of breeding three or more litters on the same premises in 12 months would require a licence even if owned by different people.

6.2 b) Qualifying Conditions issue 2: scale of breeding operation required to be in scope.

The current regulations only apply to those who breed 3 or more litters of puppies in a 12-month period.

Breeders can be divided in to three categories:

- Licensed breeder, i.e. those who meet the criteria for licensing
- Legally unlicensed, i.e. those who breed less than 3 litters from less than 3 breeding bitches in 12 months
- Illegally unlicensed, i.e. those who are breeding more than 3 litters in 12 months but have not applied for a licence, or have had one refused

Issues of dog welfare, as identified by stakeholders, exist within all three of the above categories.

Whilst it is recognised that a large number of illegally unlicensed breeders exist, the scale of this activity is difficult to estimate. The Kennel Club estimate, from puppy registration figures, that there should be 900-1000 licensed breeding establishments within Wales, suggesting that the 260 establishments that are currently licensed may only represent only 25% of those who meet the criteria. This suggests that 75% of breeders who meet the criteria are failing to comply with the regulations; a concerning figure. The estimated 16,000-25,000 puppies produced by licensed breeding establishments in Wales (figures derived from LA data), accounts for less than half of the 50,000-75,000 puppies that the Kennel Club estimates are likely to be produced annually in Wales, from both legally and illegally unlicensed breeders.

Currently some LAs are very pro-active in trying to identify illegally unlicensed breeders. This is a time consuming and resource-heavy process and is not being applied consistently across all LAs. Known links exist between illegal dog breeding and the activity of criminal gangs in Wales.¹³ The large, unrecorded volumes of cash that can change hands through sales of puppies make the dog breeding industry attractive to criminals. The Proceeds of Crime Act 2002¹⁴, which allows LAs to re-invest Proceeds of Crime seized following successful prosecution cases, has great potential in helping to fund future prosecution cases which in turn could provide additional Proceeds of Crime. This approach has already been adopted successfully by some LAs in Wales.

Most stakeholders agree that it is a priority to try and identify the illegally unlicensed category of breeder. Apart from the criminal element of this activity, there is great potential for risk to animal health and welfare, given the large number of puppies likely to be bred in the estimated 75% of in-scope breeding establishments that currently operate beneath the radar of any scrutiny by LAs. The majority of stakeholders agree that some type of legal recognition of all forms of dog breeding enterprise would be beneficial in helping to identify illegally unlicensed breeders. Stakeholders opinions vary as to how best this could be achieved.

Options include:

-Licensing of all dog breeders, regardless of the scale of the breeding operation.

-A two-tier system, with licensing for 3 or more litters within 12 months, combined with a registration scheme for all other litters.

-Licensing of all breeders that sell puppies for financial gain, regardless of the scale of the operation.

It is recognised that any type of registration or wider licensing scheme will place additional pressure for resourcing on already stretched LAs, unless adequate funding is made available.

¹³Verbal evidence provided by Local Authority stakeholder representatives

¹⁴<http://www.legislation.gov.uk/ukpga/2002/29/contents>

A registration system would allow easier identification of illegal breeding operations, and therefore enable increased enforcement of the regulations. It may also provide positive recognition for smaller breeders, as well as consumer confidence that registered breeders may be less likely to be engaged in criminal or low welfare activities. The current system makes it very difficult for a puppy purchaser to recognise the difference between a legally or illegally unlicensed breeder. Many of the best welfare conditions for the breeding of dogs occur in low volume, home breeding situations with an owner who may wish to have one or two litters from a well looked after, well socialised, pet dog. There is therefore a legitimate argument that full licensing of all breeders, regardless of size, could deter the best small-scale breeders from continuing. This reduction of supply in the face of ongoing demand for puppies could inadvertently lead to an increase in the sourcing of dogs from lower welfare situations including large-scale licensed breeding establishments, illegally unlicensed establishments, or those imported from overseas. Any future registration system would only be effective if it was implemented alongside measures to improve traceability of breeding animals and litters through effective implementation of microchipping legislation and co-operation of the microchip database providers. Traceability and microchipping of dogs is discussed in more detail in Part 8.

R4. The licensable threshold of three or more litters in 12 months is considered by the Group to be acceptable if operated in conjunction with a wider registration system.

R5. Full licensing of all dog breeders, regardless of the scale of breeding operation, would require significant increase in LA resources to enable effective implementation. We therefore recommend that a combined system of licensing and registration, should be considered. The system should require registration for all breeders including those producing less than three litters in twelve months, combined with full licensing for those producing three or more litters in twelve months.

A registration scheme should be implemented in conjunction with the introduction of a legal requirement to display the breeder registration number on any form of puppy advertisement.

R6. A Wales Database of Dog Breeders

In order to aid implementation of a registration scheme, a Wales Database of Dog Breeders could be created. Dog breeders would be required to complete online registration details in order to receive their registration number. These details should include their name, address and LA. For litters planned or produced, the microchip number of the breeding bitch of each litter should be entered to create a new litter. Once known, the date of birth, breed or type of litter, number of puppies and the microchip number of each pup, could be added. Those identified as non-compliant within a specified time frame should have their registration number inactivated until they achieve compliance by updating the required information.

There should be two levels of access to the database, full access for LAs and limited access for prospective purchasers. A prospective purchaser could then obtain a breeder registration number from a puppy advert, enter this number into the Database, and access confirmation that the registration number is valid for the advertised litter. This would provide clarity for purchasers that they are purchasing from a legal source. In the event of a false or inactivated registration number being used, purchasers would be alerted to the lack of valid registration number. There should be a facility on the Database for purchasers to alert LAs to suspected illegal activities. The database should also have the capacity to create automated LA alerts if an attempt is made to register more than six litters from the same bitch, or if an unlicensed breeder attempts to register more than two litters in twelve months. This system would be self-governing and should be fully cost recoverable via a breeder registration fee payable online when setting up a breeder account, and when adding each litter. Such a scheme could harvest valuable data for enforcement purposes as well as decreasing the attraction of illegal dog breeding for those with criminal intent by improving visibility and traceability of the industry.

R7. Single Central Canine database

It is recommended that the goal for canine identification should be a single Central Canine Database for collation of microchip registrations, that is accessible by police and LAs, and implemented at either a country or UK level. If at a country level, it must be fully integrated with other UK systems. This is a separate but related issue to the creation of a Wales Database of Dog Breeders, although it would be advantageous in the future if both systems could be integrated. A Central Canine Database should have the ability to generate automated notifications to LAs of puppies whose microchips are first registered by someone other than the breeder, an indication of non-compliance with microchipping regulations.

6.2 c) Qualifying Conditions issue 3: inadequate staffing ratios

Part 2, section 8 of the Regulations (the grant or renewal of licences) states that:

'(2) The LA must attach to each licence granted—

the conditions contained in Schedule 1 to these Regulations.

a condition specifying the maximum number of adult dogs and puppies to be kept under the terms of the licence; and

a condition specifying a staff to adult dog ratio which must ensure as a minimum staff requirement—

1 full-time attendant per 20 adult dogs kept; or 1 part-time attendant per 10 adult dogs kept.'

Consulted stakeholders were unanimously of the view that a ratio of one full time member of staff to twenty adult dogs kept was insufficient to allow adequate socialisation and exercise programmes of all dogs.

Several stakeholders with experience of managing large numbers of kennelled dogs considered that after feeding, cleaning of kennels, performing daily health and welfare checks and keeping adequate records for this number of animals, there would be little or no time remaining for other necessary activities such as exercise and puppy socialisation.

Example calculation of time taken for daily animal husbandry tasks:

We can consider that one full time staff member works for 8 hours per day with a thirty minute break, thus providing 7.5 man hours per working day, or 37.5 hours per week.

If mating of breeding dogs occurs throughout the year, and there are 20 breeding bitches in a breeding establishment, then there would be an average of one litter produced every 18 days. Puppies may not be sold before 8 weeks, so there would be a minimum of three litters present on the property at any one time.

In a working day of 7.5 hours, **with 20 breeding animals, 1 full time member of staff would have only 22.5 minutes per breeding bitch per day, to perform all tasks**, including feeding, health checks, cleaning, recording, exercising the breeding bitch, and socialisation practice for each individual puppy if they had a litter.

In practical terms, this would mean that if only five minutes per day was spent on preparing food and feeding each pen, and only ten minutes per pen on performing health and welfare checks, changing water, changing soiled bedding and cleaning pens, the total time spent would be 5 hours. If it were possible to exercise 4 bitches at one time (not necessarily the case for poorly socialised animals), there would be 5 exercise groups of 4 bitches. If each group received 30 mins exercise per day, this would total 2.5 hours. Therefore a 7.5 hour working day could easily be taken up before any puppy socialisation programme has taken place or any additional tasks such as completing the required records, attending to sick animals, meeting customers, or vet visits.

In addition, these calculations are based on a 5 day working week, and do not take in consideration that breeding animals and puppies require their five basic welfare needs to be met every day, seven days per week. If we consider that one full time member of staff spreads their 37.5 hour working week over 7 days, that leaves just working 5.4 hours per day, or 16 minutes per breeding bitch for all tasks including feeding, health checks, cleaning, recording, exercise and socialisation.

The above calculations demonstrate that the staffing ratio of 1:20 is not adequate for any meaningful level of puppy socialisation programme, even if only three litters were present on the property at any one time. Within most Licence Conditions, there are no restrictions on how many breeding bitches may have litters at any one time. Therefore, there could be up to twenty litters present on the premises at any one time, rather than the average of three litters used in the above calculation. An improved ratio of more than one full time staff member per 20 adult dogs is essential for adequate provision of adult dog exercise and puppy socialisation.

R8. The Group recommends that an improved ratio, of one full time member of staff per 10 breeding bitches, should be considered. This staffing level should be present on every day including weekends, for a minimum of 7.5 hours per day. This would provide 15 staff hours per day for a group of 20 breeding bitches. If 3 litters were present then socialisation for 1 hour per day for each litter, or 11 minutes per puppy for an average litter size of 5.5 puppies, would take 3 hours per day. This would leave a further 12 staff hours for all other tasks, equating to 36 minutes per day per adult dog. Whilst the suggested improved ratio of 1 person to 10 dogs may sound generous, when described in terms of an estimated 11 minutes of puppy to human contact time per day, it appears less so.

Sections 3.1 and 3.2 of the Guidance refer to enrichment and socialisation programmes:

3.1 Enhancement & Enrichment

Under Regulation 7 of the Regulations an application for a licence must include a draft written programme detailing how the dogs on the premises will have the opportunity to express normal behaviour patterns.

In considering whether the draft programme does provide that opportunity, the LA should consider whether it provides for:

- *A suitable amount of human contact (e.g. grooming, training, handling and/or playing).*
- *A written exercise programme to include sufficient exercise considered to be at least 30 minutes a day for dogs and puppies over 6 weeks old.*
- *A suitable amount of access to outdoor environments which should be as complex as safety and cleanliness allows.*
- *If appropriate, access to play items which should be rearranged regularly and swapped (after cleansing) between runs.*

3.2 Socialisation of Puppies

Under Regulation 7, an application for a licence must include a draft socialisation programme detailing how puppies will be introduced to human handling, domestic environments, play and how they will be prepared for separation from the dam.

A draft programme should provide for a number of activities that may include:

- *Gently handling each puppy.*
- *Gradual introduction of low-level noise from 14 days onwards.*
- *Introduction to a variety of human contact daily from 21 days on.*
- *Play with suitable toys organised to play away from the mother.*
- *Where biosecurity and kennel health allow, puppies of different litters should mix in suitable environments. Care should be taken that removal of puppies for handling is done in such a way that it does not distress the dam.*

If training is included in the programme it should be reward-based; harsh training methods which may result in pain or fear must not be used.'

Section 3.3 refers to the staff to adult dog ratio:

'The Regulations state that the LA must attach to each licence granted, a condition specifying the maximum number of adult dogs and puppies to be kept under the terms of the licence.

The LA should have regard to factors such as the size and type of dogs kept at a dog breeding establishment when deciding the most appropriate staff: adult dog ratio to apply.

In particular this relates to accommodation, the dogs' health and environmental and socialisation needs. The Regulations state that the maximum number of adult dogs and puppies kept at any one time is stated on

the licence. In no case will it exceed 20 adult dogs per full time attendant or 10 adult dogs per part time attendant in line with the definitions provided in the Regulations.

*If the conditions of licence are not being met **consideration should be given to amending the ratio.**'*

R8.1 The Guidance indicates that LAs can decide as to when a higher number of staff per adult dog should be applied as a condition of a licence. It is recommended that LAs are proactive in applying a different ratio than the minimum one where necessary, in order to make sure that all required tasks, including adequate exercise and socialisation programmes, are realistically able to be completed during the working day.

LA representatives noted that there had been instances where staff members named on the Licence were family members who were either unlikely to be present, or unlikely to be physically capable of the work required. This means that staffing ratios may in practice be considerably worse than the licensable minimum of one staff member to twenty adult dogs.

The last paragraph of Section 3.3, Staff to Adult Dog Ratio, states:

'Supervision should be by a suitable and competent person who should be at least 16 years of age. They should be available and capable of dealing with emergencies. Examples of how staffing/attendance levels could be evidenced (this list is not exhaustive):

- *Proof of residence at the premises*
- *Payslips/timesheets*
- *Confirmation of volunteering from recognised charity/organisation*
- *Witness of attendance at inspection '*

R8.2 Section 3.3 of the Guidance is useful in defining the term 'staff member' and outlining the evidence required for proof of employment. It is recommended that LAs are proactive in applying a different ratio than the minimum one, if there is any doubt as to the actual staffing levels in place.

6.3 Issues identified with and recommendations for the Licence Conditions.

Maximum size of breeding operations

Issue: The current regulations allow breeders to license any size of breeding operation, provided that the regulations, including the licence conditions, are met. All stakeholders agreed that socialisation and enrichment was difficult to undertake on a large scale in any dog breeding establishment. It has been reported to the group that there is very little evidence of successful socialisation and enrichment programmes being undertaken at large scale private breeding establishments. However, stakeholders hold different opinions on whether there should be a cap on the number of breeding animals at a single premise. Some stakeholders believe that the largest establishments have better welfare provision than some medium-sized establishments. Many stakeholders consider that staffing ratios, and effective socialisation and enrichment plans are of more importance than overall dog numbers.

R9. The group recommends that further research is necessary in order to determine whether there would be an animal welfare benefit to capping the number of breeding bitches, and the number of total dogs, housed at a single breeding establishment. Without this it is not possible to determine whether there should be a limit on breeding unit size, or what that limit should be.

Condition 1: Enhancement and enrichment

The licence holder must implement an enhancement and enrichment programme that has been approved by the LA.

Issue: Breeders may not have sufficient knowledge or awareness of the importance of such a programme to be able to successfully design one.

R10. Condition 1 could be enhanced by adding a requirement for the enhancement and enrichment plan to have been agreed with the private veterinary surgeon for the breeding establishment, within an annual health plan, as well as approved by the LA and demonstrated at the time of inspection.

Condition 2: Socialisation

The licence holder must implement a socialisation programme that has been approved by the LA.

Issue: Breeders may not have sufficient knowledge or awareness of the important of such a programme to be able to successfully design one.

R11. Condition 2 could be enhanced by adding a requirement for the socialisation plan to have been agreed with the private veterinary surgeon for the breeding establishment, within an annual health plan, as well as approved by the LA and demonstrated at the time of inspection.

R11.1 It is recommended that the keeping of a Record of Puppy Socialisation should be made an additional part of condition 2. This record should be completed each day with the staff member's name, identification of the litter, and length of time spent on the socialisation programme, from 2 to 8 weeks of age.

Condition 3: Health

The licence holder must take all reasonable steps to protect dogs from pain, suffering, injury and disease.

Issue: There is no specific requirement within the Licence Conditions for any fitness to breed examination, or health planning, to be carried out, although there is more detail given within the Guidance.

R12. Condition 3 could be enhanced by the addition of a requirement to have a written health and welfare plan for the breeding establishment, agreed with, and reviewed annually by, the private veterinary surgeon. This health plan must be made available at the time of the inspection. This condition should include details of the required elements of the health plan, including a medicines usage record.

There should also be a further requirement in Condition 3 that all breeding animals declared on the licence must receive a “fitness to breed” physical examination at least once per year, and that if they are deemed unfit to breed then they must be removed from the licence. Later in this section we will discuss which veterinary surgeon should perform this function.

The sentence ‘The licence holder must take all reasonable steps to protect dogs from pain, suffering, injury and disease.’ Should be followed by the additional sentence ‘These must include a selection process for breeding stock that avoids breeding from animals with heritable physical traits that may impact negatively upon the health or welfare of future generations, for example poor or exaggerated conformational traits.

Condition 4: Mating

Issue: There is a welfare argument for increasing the age of first mating from 12 months to 18 months, and/or reducing the total number of litters from six to a lower figure such as four litters. The group consider that whilst such a change might be preferable, a good quality of life can nevertheless be achieved for a bitch that is bred first at 12 months and goes on to have a total of six litters in her lifetime. This issue was not highlighted by consulted stakeholders a main priority concern within the context of the current dog breeding situation. If the legal breeding lifespan of an individual animal were reduced then an increased number of animals would also be required to meet the same demand for puppies, which in turn would create an increased number of ex-breeding animals, a fact which also requires consideration.

R13. The group therefore considers that this condition should not be changed, subject to further evidence coming to light on this matter.

Condition 5: Change of ownership of a puppy

No changes required to this condition to retain puppies until 56 days of age.

Condition 6: Breeding bitch record requirements

Issue: There are concerns that the outcomes for retired breeding animals from licensed breeding establishments are often unrecorded and unknown. There are also concerns that ex-breeding bitches could be sold into a different LA area for breeding purposes, and could therefore breed more than the maximum of six litters in their lifetime.

R14. It is recommended that Condition 6 should contain an additional requirement to record the transfer of ownership details, including the identity of the new owner, or euthanasia details including the name of the veterinary practice carrying out the euthanasia, of ex-breeding animals. It is also recommended, that the microchip numbers of all breeding animals and the puppies they produce, from both registered and licensed breeders, are held on a central Wales database, allowing traceability of breeding animals from birth until death. This is discussed further in chapter six.

Condition 7: Puppy record requirements

Issue: There is evidence of puppies being sold without a microchip, or being microchipped but then sold without the microchip being registered in the name of the breeder, as required by law.¹⁵

R15. It is recommended that Condition 7 should contain an additional requirement to retain records of the microchip registration details for each puppy, for a period of three years, and provide these to the LA Inspector during the inspection. This would improve the traceability of puppies.

Issue: There are concerns that puppies may be sold without any form of veterinary health examination prior to sale.

R15.1 It is recommended that Condition 7 should include an additional requirement that all puppies bred in licensed breeding establishments receive a veterinary health examination, prior to sale, and that a record of the date of this examination and the name of the veterinary practice must be both retained by the breeder and provided to the purchaser (this could be carried out at the same time as the first vaccination of the litter).

¹⁵ Dog Breeding Regulations Review Task and Finish Group Puppy Owner Survey Results December 2019

6.4 Issues identified with and recommendations on the Guidance for LAs.

Stakeholders who were aware of the Guidance felt it to be an overall a useful and comprehensive document, but that it could benefit from the addition of further detail and clarification in some areas. The level of utilisation of the Guidance by LAs for inspection purposes was reported to be variable, and some stakeholders were not aware of the document and its intended use.

R16. It is recommended that the detail within the Guidance document should be revised with input from veterinary surgeons with expertise in the inspection of dog breeding establishments, to ensure that it contains all the necessary information.

6.4 a) Guidance issue 1: health examinations and fitness to breed

All stakeholders identified inconsistencies within the current system for veterinary supervision of breeding premises. One of the main issues identified was a perceived conflict of interest between the role of the private veterinary surgeon, who is acting on behalf of their breeder client, and the role of the inspecting veterinary surgeon, who is acting on behalf of the LA in an official capacity. LAs, inspecting vets and private vets, together with all other stakeholders feel strongly that clear separation of these roles is required. Currently, the Guidance does not make the role of the private veterinary surgeon clear. Some LAs request that annual “fitness to breed” examinations are carried out by the breeder’s private veterinary surgeon. These examinations are not part of the statutory Licence Conditions, and as such this requirement varies between LAs. There are several reasons why it may be difficult for the private vet to be responsible for decisions regarding “fitness to breed”. The lack of a recorded, future plan for those animals declared unfit to breed is a concern for vets. Private veterinary surgeons can be placed in a difficult position when declaring animals "unfit to breed" due to common, heritable conformational traits. Breeders may find it hard to accept that characteristics which are ubiquitous in their preferred breed, and even considered desirable by purchasers, such as brachycephalism (shortness of the muzzle), or exaggerated limb or spinal conformation, can be inherently bad for animal welfare. For licensed Riding Establishment inspections, the LA appointed inspecting vet must perform examinations of all horses used for teaching and hire purposes, during the inspection. For these reasons, it may be preferable for an independent vet to carry out the “fitness to breed” examinations for dog breeding establishments.

Many LAs already utilise appointed vets in an inspecting role. This use ranges from performing just the initial inspection for a new licence application, to requiring an annual inspection by their appointed veterinary inspector for licence renewal. There is a great deal of inconsistency between LAs’ use and frequency of veterinary inspections. LAs noted that in cases where private veterinary surgeons supplied a lack of detail within “fitness to breed” reports, such reports could hinder the prosecution process in relation to animal welfare offences. All stakeholders agree that specific training for both the inspecting vet role, the inspecting LA officer role, and the private veterinary surgeon in a health planning role, is necessary and should become a requirement within the Guidance.

R17. The role of the private veterinary surgeon, and that of the inspecting veterinary surgeon, should be clearly separated and defined. Inspecting vets should be independent and should not inspect their own clients' premises. A dedicated panel of vets with expertise in dog breeding establishment inspection should be established within Wales.

R18. Training should be provided for vets undertaking a breeding establishment inspection role, with an independent body. This should be valid for 5 years, in line with the Riding Establishments inspection scheme. For riding establishments, the qualifying conditions for veterinary surgeons to act as inspectors are rigorous, and include requirements to work with equines and to undergo refresher training.¹⁶

R19. Private veterinary surgeons should take on a proactive, health planning role in breeding establishments, similar to the role of a farm vet in health planning. They should create a health and welfare plan, including the required socialisation and enrichment plan, for each establishment, and review this annually. The requirement to have a health plan, and its contents, should also be made a condition of the licence. The health and welfare plan should be a working document used in the daily husbandry and management of the establishment.

R20. Private veterinary surgeons named on breeding licences should be required to undergo training in health planning for breeding establishments. The panel of veterinary inspectors for dog breeding licences could assist in devising a suitable short health planning course and health plan template, providing consistency and a collaborative approach between the different veterinary roles.

R21. It should be written within the Guidance, that all breeding animals must receive an annual health examination from a veterinary surgeon, that must be recorded including microchip number.

R22. It should be written within the Guidance, that puppies must receive a veterinary health examination prior to sale, recorded and including the microchip number.

R23. The costs of veterinary health planning should be met by the breeding establishment, and the costs of the inspecting vet should be met by an appropriate increase in the licensing fees.

R24. Consideration should be given to which veterinary role is best placed to perform the "Fitness to Breed" examination. Consideration should be given to passing this role to the LA appointed inspecting vet at the annual inspection, in the same way as an appointed vet performing a Riding Establishment inspection must examine every horse used for hire or teaching. The increased inspection cost should be fully recoverable through an appropriate increase in licensing fee. A less favourable alternative would be the creation of a facility enabling the private vet to refer a query over an individual animal's fitness to breed to the panel of inspecting vets, should the need arise. The format of the "fitness to breed" examination should be standardised and documented on a standardised form, for consistency between LAs.

¹⁶ [RCVS requirements for riding establishment veterinary inspectors](#)

6.4 b) Guidance issue 2: dog accommodation and exercise provision

Some stakeholders identified a lack of clarity and detail within the Guidance on dog accommodation and exercise provision.

R25. The Guidance lacks detail on accommodation and exercise provision, and should be revised. Greater clarity is required on kennel and sleeping area sizing. All kennels should contain raised, warm, dry sleeping areas, with one bed per dog. Consideration should be given to a requirement for all kennels to have access to a separate run area. Minimum size of runs and what constitutes ‘free access to exercise’ should be clarified. The definition of ‘exercise area’ should be clarified and the term should not refer to a run attached to the sleeping quarters which should not be acceptable as the only source of exercise. The minimum level of environmental enrichment required should be specified. There should be guidance on the minimum area for free exercise provision. If free exercise is not possible, there should be a requirement to have lead walking rotas in place and to demonstrate evidence of their use. There should be guidance on the size of whelping areas, which should be at least double the minimum size of normal kennels.

The Guidance section 1.2 ‘Size of Quarters’ states:

‘The following units of measurement, e.g. height, temperatures etc. provide advice to enforcement officers. It should be borne in mind that some dogs, such as working gundogs due to their type and nature may be kept in accommodation other than that which is laid out in the guidance. Each individual situation should be considered on its own merits.

Kennels should be divided into sleeping and activity areas. Kennels should be provided with an adequate size of sleeping area, such that dogs can stand, turn around, stretch and lie down flat in a natural position, with sufficient space for the door to open fully. Special consideration should be given to whelping bitches and bitches in season. Kennels should cater for the maximum number of puppies having regard to the size of the breed and litter size.

The following are the recommended minimum requirements of enclosures for small, medium and large adult dogs.

Note:

Free access to exercise means the dogs have unrestricted daily access to an exercise area.

Limited access to exercise means the dogs have restricted access to an exercise area.

Calculations for size of quarters may not be suitable for hunt kennels or lodges.’

Minimum Enclosure Sizes

| Number of Dogs | Minimum Enclosure Area (m2) | |
|-----------------------|------------------------------------|-----------------------------------|
| | Free access to exercise | Limited access to exercise |
| Small dogs | | |
| 1 | 2.5 | 4.5 |
| 2 | 2.5 | 4.5 |
| 3 | 4.5 | 6.5 |
| 4 | 6.0 | 8.5 |
| Medium dogs | | |
| 1 | 2.5 | 4.5 |
| 2 | 4.5 | 6.5 |
| 3 | 6.0 | 8.5 |
| Large dogs | | |
| 1 | 4.5 | 6.5 |
| 2 | 6.0 | 8.5 |

If the licenced premises operate in a domestic home and dog cages are used, the LA should consider whether the cages are suitable for the size of dog kept.

Where used, cages should be of sufficient size to allow each dog to be able to sit and stand at full height, step forward, turn around, stretch and lie down in a natural position and wag its tail, without touching the sides of the crate. Dogs should not normally be confined to a crate for more than a total of a nine-hour period during any 24 hours'

6.4 b) i) The guidance above offers two options for kennel sizes depending on whether access to exercise is limited or free access.

R25.1 We recommend that only one set of enclosure sizes are used in the Guidance, which should be the larger dimensions identified above as being for situations with 'limited access to exercise'. This would avoid ambiguity regarding what constitutes 'free access to exercise'. In addition, requirements for all kennels to have an attached run, and for whelping areas to be double the minimum kennel size, should be considered.

6.4 b) ii) The use of small, medium and large sizes of dogs is open to interpretation, making the inspection and enforcement of this guidance difficult for LA inspectors.

R25.2 We recommend the use of approximate dog measurements within the Guidance to aid the classification of small, medium and large dogs. Suggested measurements would be maximum height to the base of the neck, and maximum length from the tip of the nose to the attachment of the tail. For example:

- Small dogs (maximum 50cm length, and maximum 30cm height)
- Medium dogs (maximum 80 cm length, and maximum 60 cm height)
- Large dogs (greater than 80 cm in length, and greater than 60 cm in height)

6.4 b) iii) The guidance above is ambiguous with regards to the use of crating for dogs kept in a domestic home. It implies that crating for a maximum of 9 hours is acceptable, without stipulating minimum crate measurements, minimum exercise area dimensions for the other 15 hours of the day, or minimum frequency of access to toileting areas. It should also be specified that crating is not appropriate for a bitch during whelping or whilst nursing a litter. Larger scale breeders could exploit this acceptance of crating in the home to avoid the building of adequate purpose-built kennelling, by keeping multiple dogs crated for long periods within the home.

R25.3 We recommend the following additional wording at the end of the sentence '*Dogs should not normally be confined to a crate for more than a total of a nine-hour period during any 24 hours*':

Evidence must be provided to demonstrate that all breeding dogs kept within the main living areas of the home have the free run of an area of at least the same size as the minimum enclosure dimensions in table 3.4, for a minimum of 15 hours per day. Dogs kept outside of the main living areas of the home must always be kept in accordance with the minimum enclosure sizes specified in the above table. Dogs kept within the home must receive a minimum of four outdoor toilet breaks per day, with the longest time between these being no greater than 9 hours.

Breeding bitches kept within the home must be provided with a private, individual space, of at least double the minimum enclosure sizes in the above table, at all times during whelping and when nursing a litter.

Part 7. Barriers to effective enforcement of the Regulations, and recommendations

Multiple stakeholders cited lack of effective enforcement of the current regulations as their main concern with the dog breeding Regulations.

In this section the individual barriers to and issues associated with enforcement will be explored.

7.1 Difficulty in identification of illegally unlicensed breeders

As stated earlier in this report:

'It is recognised that a large number of illegally unlicensed breeders exist, and that the scale of this activity is difficult to estimate. The Kennel Club estimate, from puppy registration figures, that there should be 900-1000 licensed breeding establishments within Wales, suggesting that the establishments that are currently licensed may only represent only 25% of those who meet the licensing threshold. This suggests that 75% of breeders who meet the threshold are failing to comply with the regulations; a concerning figure. Currently, some LAs are very proactive in trying to identify illegally unlicensed breeders. This is a time consuming and resource-heavy process and is not being applied consistently across all LAs. Known links exist between illegal dog breeding and the activity of criminal gangs in Wales. The large, unrecorded volumes of cash that can change hands through sales of puppies make the dog breeding industry attractive to criminals. The Proceeds of Crime Act 2002, which allows LAs to re-invest Proceeds of Crime seized following successful prosecution cases, has great potential in helping to fund future cases which in turn could provide additional funding from Proceeds of Crime. This approach has already been adopted by some LAs in Wales.'

*The majority of stakeholders agree that it is a priority to try and identify the illegally unlicensed category of breeder. Apart from the criminal element of this activity, there is high risk to animal health and welfare, given the large number of puppies likely to be bred in the estimated 75% of in-scope breeding establishments that currently operate beneath the radar of any scrutiny by LAs. Many stakeholders agree that some type of **legal recognition of all forms** of dog breeding enterprise would be of benefit in helping to identify illegally unlicensed breeders.'*

One LA has been very proactive in the detection of illegally unlicensed breeding operations. It has done so by employing a full-time member of staff to monitor internet and social media sales of dogs for evidence of illegal activities. When we consider the numbers of licensed establishments in different LA areas, some of the highest population density areas have very few licensed breeding establishments relative to their population. It is likely from the numbers of litters being vaccinated at veterinary practices that significant numbers of puppies are bred in Central-South Wales, and South-East Wales, yet the number of licensed establishments here relatively low. These two incongruous facts suggest that there may be a high concentration of illegally unlicensed breeders in certain areas.

Because LAs are acting independently in seeking out illegally unlicensed breeders, the intelligence gathered is not currently being collated and therefore it is possible that a known offender could set up another breeding establishment in a different LA region without being detected.

R26. After five years of implementation of the Regulations, the expected numbers of breeders producing more than the licensable threshold of two litters in twelve months, have not brought themselves forward voluntarily for licensing. As many as 75% of those intended to be encompassed by the Regulations may currently remain unlicensed. It is recommended that increased levels of detection are therefore warranted to identify these illegally unlicensed breeders and bring them within the law.

The following previous recommendations would also aid in the identification of illegal breeding activities:

R5. Registration for all breeders and display of registration number on advertising

R6. Creation of a Wales Database of Dog Breeders

R7. Consideration of a single Central Canine Database

R27. Funding should be made available for the formation of a shared team of staff from different LAs with the purpose of identification of illegal dog breeding activities. This collaborative approach would reduce the resource burden on individual authorities and allow the intelligence gathered to be disseminated across regions. Since internet advertising of dogs takes place primarily on UK-wide, rather than local, platforms, having separate teams monitoring such activity is unnecessary duplication of effort. Once such a team has been set up, there is scope for the Proceeds of Crime Act to be utilised for provision of ongoing funding.

R27.1 The Kennel Club are aware, through registration data, of unlicensed members in Wales, who register greater than the licensing threshold of litters in a twelve month period.¹⁷ LAs and the Kennel Club should explore the possibility that unlicensed breeders should be prevented from automatically being allowed to register greater than two litters in twelve months under the same breeder name, as these litters are likely to have been bred illegally. Although not the role of the Kennel Club to police members, the knowing registration of such animals may increase their market value thereby fuelling an illegal aspect of the industry.

R27.2 It is essential that the licensing and inspection processes are fully cost recoverable for any increase in the number of licences issued through increased industry surveillance. Fees should be risk based, proportionate and should take into consideration the enforcement resources required for different sizes and risk categories of breeding establishment. For example, the initial licensing fee set by one LA is nearly double the licence renewal fee, which takes into account the additional set up costs. Fees should incorporate the cost of an annual veterinary inspection of a breeding establishment by an independent LA appointed vet.

¹⁷ Verbal evidence provided by the Kennel Club at a stakeholder meeting

7.2 Poor conditions at licensed breeding establishments

The existence at some licensed breeding establishments in Wales, of poor living conditions that compromise animal health and welfare, has been highlighted by evidence from animal welfare organisations. Such conditions were the focus of a BBC documentary programme on the subject that was aired in September 2019 and included the views of several veterinary surgeons who agreed that the standards shown were not acceptable. Concerns raised included those relating to poor cleanliness and hygiene, lack of natural light, lack of comfort, lack of raised sleeping areas or dry bedding, lack of environmental enrichment facilities such as toys, evidence of dog health issues, and incorrect or lack of disposal of carcasses. Such concerns were one of the reasons for the commissioning of this review.

It is important that we remain objective when considering this evidence, particularly of photo and video imagery that may be selectively presented in order to support a particular viewpoint, and as such may not accurately represent the real life situation. Having said that, multiple veterinary surgeons, as well as other stakeholders including animal welfare organisations, have confirmed to the Group that these are not isolated incidents and that there remain examples in Wales where breeding bitches and puppies are being kept in conditions well below the required standards for licensed premises. We need to therefore consider the existence of inadequate accommodation and welfare provision on licensed premises, in terms of being an “enforcement issue”. To consider it as such, is not to lay blame with any particular group involved in the licensing process, since this issue must be viewed holistically in the context of all the barriers to effective enforcement that are discussed in this section.

There are two facets to providing suitable accommodation for breeding dogs and their puppies. Firstly, like any other kept animal, they must be provided with clean, comfortable housing and an environment that meets their five welfare needs. Some of the evidence that has been presented shows puppies in areas that are not clean or dry, and lack clean water, comfortable sleeping areas, dry bedding, or enough light. Clearly if these are a true representation of conditions, those five basic welfare needs are not being met. The second aspect to rearing puppies is more complex: the need for adequate socialisation and enrichment is essential in order to produce a confident dog with the ability to adapt to a home environment and thrive as a pet. The importance of this has been recognised in the Regulations, with the production of socialisation and enrichment plans being a qualifying condition for the licence application process.

Whilst there may be some establishments that fail to provide clean, comfortable accommodation that meets the five welfare needs, there is likely to be a larger group that do not adequately meet the requirements for environmental enrichment or socialisation. Many large-scale dog breeding establishments in Wales have arisen as farm diversification schemes and as such are housed in ex-agricultural buildings that have been converted for the purposes of dog breeding. Many such breeders have experience of livestock production and transferable knowledge and skills in areas of animal health, nutrition and housing, but may lack an understanding of the importance of the canine specific needs of enrichment and socialisation programmes.

Likewise, LA officers inspecting these premises for the purposes of granting or renewing a licence may easily be able to inspect the physical aspects of the accommodation, and the existence on paper of an adequate socialisation and enrichment plans. However, it is much more difficult to inspect the practical implementation of such programmes, which are subjective and for which there is no standardised, evidence-based protocol.

R28. It is recommended that LA inspectors receive specific training in the physical, socialisation and enrichment aspects of dog breeding establishments. It is recommended that, as part of this training, LA inspectors should visit a breeding establishment where effective socialisation and enrichment programmes are being implemented, in order to gain experience of good practice.

R29. The creation of a panel of trained dog breeding licensing inspectors who could undertake all breeding licence inspections in Wales, should be considered. This pooling of resources would reduce the duplication of LA costs and increase levels of expertise. Inspectors could also be recruited from outside of the LA (for example there are some retired veterinary surgeons already performing this role), reducing the burden on LA staff.

R30. It is recommended that the first inspection of a breeding establishment for the purposes of gaining a licence should always be carried out by a LA inspector in conjunction with their appointed independent veterinary surgeon. This collaborative approach would enable knowledge sharing and increased understanding of the less easily inspected aspects of breeding establishments, ensuring similar advice is offered by both veterinary and LA inspectors.

7.3 Lack of effective enrichment and socialisation programmes

The breeding of dogs in Wales primarily occurs to supply a large UK demand for family pet dogs and is carried out mainly for financial gain. Therefore, producing well socialised puppies may not be a primary objective of the breeder. Effective dog breeding controls must ensure that all dogs used for breeding in Wales and their offspring should have good health and a good quality of life, whilst also ensuring that puppies bred in Wales receive adequate enrichment and socialisation at the breeding premises. This helps to equip them with the social and behavioural skills necessary to adapt to a home environment and become successful pets, with the ability to live safely with children and other dogs if required. The fact that dogs are capable of inflicting serious injury when reacting to a fearful situation is important to consider when discussing the importance of early socialisation. Inadequately socialised puppies, with poor mental and behavioural welfare, are likely to develop undesirable behaviours that carry a high risk of that puppy being either re-homed or euthanised.

A study of data from primary care veterinary practices in England published in 2018 on deaths in dogs under three years old found dogs with undesirable behaviours were at a higher risk of death than dogs with other serious health issues and the largest cause of death was euthanasia¹⁸. Undesirable behaviours associated with poor socialisation include aggression towards people or other dogs, inappropriate urination and defaecation, separation anxiety, continuous periods of barking, and destructive behaviour in the home. It is estimated that 130,000 dogs are given up for adoption annually in the UK; in many cases this will be due to undesirable behaviours that make rehabilitation and future re-homing a lengthy and difficult process.

Inadequate puppy socialisation has direct and profound negative consequences on animal welfare, ranging from premature euthanasia, repeated re-homing, inability to interact with people or other dogs appropriately, and extended periods of confinement as a consequence of undesirable behaviours being displayed in the home. When discussing animal behaviour, we can describe it in terms of being “desirable” or “undesirable”. These terms refer to how we as humans view the behaviour, and whether we desire a particular behaviour to be displayed or not by an animal. This is an important concept, as most canine behaviours (desirable or undesirable) are conditioned behaviours displayed because they have been learned by the dog as a consequence of their environment, previous experiences, and training. Anthropomorphic terms such as “good” and “bad” behaviours should be avoided, as they imply some kind of ethical motivation which does not exist since the dog does not have innate knowledge of what might be considered desirable or undesirable in human society. For example, barking aggressively at other dogs when on the lead is a common, learned, **undesirable** behaviour, that usually stems from fear. A dog standing by the door and giving cues to an owner that they need to go outside is a common, learned, **desirable** behaviour.

The group found that whilst all stakeholders recognised the need for effective puppy socialisation, opinions varied as to whether they considered this one of the most important aspects of the dog breeding Regulations. Stakeholders who deal on a daily basis with the aftermath of poorly socialised dogs, such as animal welfare organisations and veterinary surgeons, tended to rate lack of adequate socialisation as the single greatest challenge of large-scale dog breeding. Local Authority representatives emphasised the difficulties of inspecting and enforcing mental and behavioural welfare provisions. Many stakeholders agreed that there was a lack of clear evidence as to whether adequate socialisation could in fact ever be achieved on a large scale. The effects of environmental factors (such as background noise levels from large numbers of dogs, and lack of socialisation skills of the bitch) may have unknown consequences for the future behaviour of puppies reared in that environment.

¹⁸[Boyd et al. Mortality resulting from undesirable behaviours in dogs under 3years old attending primary care veterinary practices in England](#)

The Guide Dogs National Breeding Centre breeds and rears up to 1500 puppies per year, some of which are whelped and reared in foster homes and others at the centre. This is an example of good socialisation provision on a huge scale, with all puppies undergoing a structured programme of socialisation and enrichment. The cost of this in terms of labour is likely to be prohibitive of this model being viable for a commercial puppy breeder, unless purchasers can be educated in the future to recognise and pay a premium for the long term benefits of a well socialised dog. Most stakeholders agreed that the difficulties of effective puppy socialisation increase as the scale of a breeding establishment increases. LAs expressed concern that refusal or revocation of a licence on the grounds of inadequate socialisation provision is very subjective and could potentially be successfully appealed in court by the breeder. This is significant as there is a fear within LAs of pursuing prosecutions that may fail or be successfully appealed due to the financial implication of having to pay their own and the breeder's legal costs following an unsuccessful case.

LAs expressed difficulty in inspecting the implementation of enrichment and socialisation provisions beyond inspection of the written socialisation plan. It is difficult to ascertain during an inspection visit the level of engagement with, and effectiveness of, a socialisation plan. Several stakeholders commented that breeders do not see the need for effective socialisation programmes and can view them as a "tick-box" exercise. It is important that socialisation programmes are not a paper exercise but are focussed on the outcome of producing a dog able to adapt to family life in a home.

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 regulations were cited as an example of an outcomes-based requirement for socialisation. Schedule 6 section 4 states that:

- '1) The licence holder **must implement and be able to demonstrate use of a documented socialisation and habituation programme for the puppies.***
(2) Each dog must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.'

Many stakeholders identified that breeders with a business model reliant on sales to third party dog sellers tended to view puppy socialisation as less important than breeders selling to private homes. This was thought to be due to lack of contact with puppy purchasers at the end of the supply chain, making the link less obvious between the puppies they produce and the home environments these puppies will be expected to adapt to.

R31. It is recommended that the Guidance on enrichment and socialisation for puppies is revised and made more detailed and outcomes-focussed, recognising the relative importance of good socialisation.

R31.1 It is recommended that the Welsh Government template socialisation¹⁹ and enrichment plan documents²⁰ are updated. The current format relies on the breeder documenting the planned activities and the LA officer signing these objectives off if they have been met. The format could be changed to include the demonstration of each type of activity for the inspecting officer.

R31.2 It is recommended that this socialisation plan is not only approved by the LA, but its implementation must also be demonstrated to the inspecting officer at the time of inspection.

R32. It is recommended that LA inspection of licensed breeding establishments should take place twice per year (or more frequently in the case of a shorter licence being issued) and that one of these inspections should be unannounced. This may provide inspecting officers with a truer representation of animal welfare standards (including socialisation provisions) than a planned visit.

The following previous recommendations would also aid in the improvement of socialisation and enrichment provision:

R11. The addition of a requirement for a socialisation plan, and demonstration of this plan, to Licence Condition 2. The keeping of a Record of Puppy Socialisation should also be made an additional part of Condition 2. This record should be completed each day with the staff member's name, identification of the litter, and length of time spent on the socialisation programme, from 2 to 8 weeks.

R28. Training for LA dog breeding inspectors on the importance of puppy socialisation and how it can practically be achieved, including a visit to an example of good practice.

¹⁹ [Welsh Government template-Puppy Socialisation plan](#)

²⁰ [Welsh Government template -Enrichment](#)

7.4 Inconsistency of approach between Local Authorities

Many stakeholders, including representatives from LAs, noted an inconsistency of approach to enforcement of the Regulations between different authorities. One suggested that this may create a legal loophole, where a breeder facing licence refusal, revocation or prosecution, could challenge the LA decision by citing inconsistencies in approach between authorities. All stakeholders agreed that a more uniform approach to enforcement across regions would make enforcement easier and more effective.

Use of the Guidance

R33. It is recommended that a consistent approach to enforcement of the Regulations is implemented by all 22 LAs across Wales. This approach should include the universal adoption of the Guidance by all 22 LAs as the basis for their Model Licence Conditions and the standard against which all breeding establishment inspections are carried out.

R16. Prior to this increase in use of the Guidance, it is recommended that the detail within the document should be updated with input from veterinary surgeons with expertise in the inspection of dog breeding establishments, to ensure that it contains all the necessary information.

Wales Database of Dog Breeders

R6. As discussed previously, the implementation of a Wales Database of Dog Breeders for both registered and licensed breeders is recommended. This database would allow increased consistency of approach by enabling data access for all LAs.

Fee setting:

R34. It is recommended that all LAs adopt a consistent approach to fee setting. This could include a higher fee for the initial licence period, to account for the application process and initial LA and veterinary inspection costs. Following the initial fee, subsequent fees should be based on the number of breeding animals and the risk-based frequency of inspections. Establishments with earned recognition deemed to be at low risk of compliance failure, and those with fewer breeding animals, could incur the lowest fees, and the lowest frequency of inspections. Establishments considered at risk of compliance failure and larger establishments could be charged higher fees and have the greatest frequency of inspections. Within this framework of uniform approach, it is recognised that individual fee figures will differ according to regional cost variation, for example of veterinary inspections.

Granting of licences:

R35. It is recommended that a consistent approach is taken to processing licence applications and the granting of licences. The initial assessment of a new dog breeding licence application and assessment of the proposed socialisation and enrichment plans should be undertaken in conjunction with a LA officer who has specific training in inspecting dog breeding establishments.

R30. As previously stated, the first inspection of a breeding establishment for the purposes of gaining a licence should always be carried out by a LA inspector in conjunction with their appointed independent veterinary surgeon.

Frequency of inspections:

An example of current good practice is that all LAs are currently inspecting all licensed breeding establishments at least once per year.

R36. It is recommended that a consistent approach to frequency of inspections is taken.

Following the initial licensing inspection, subsequent inspection intervals should be decided using a risk-based approach of earned recognition in order to focus resources on premises which are considered to be at greatest risk of non-compliance with their licence conditions. Establishments with earned recognition deemed to be at low risk of non-compliance should have the lowest frequency of inspections and considered at risk of non-compliance should have the greatest frequency of inspections.

R37. It is recommended that inspection by an independent LA appointed veterinary surgeon should take place once per year at every licensed establishment, in line with the approach used for Riding Establishments. It is also recommended that at least one inspection per year should be carried out by the LA officers, and that that at least one inspection per year should be unannounced.

A suggested format for licence renewal could therefore be one announced inspection by the independent appointed veterinary surgeon, plus one unannounced inspection by the LA. Those establishments that have had compliance issues may require more frequent inspections until they have consistently demonstrated good practice.

Length of licensing Period:

R38. The Regulations state that the maximum licensing period will be 1 year (Regulation 8.2(4) '*The LA may grant or renew a licence for any period up to 1 year*'). It is recommended that a consistent approach to licensing periods should be adopted.

It is recommended that the length of a licence period should be decided using a risk-based approach of earned recognition in order to focus resources on premises which are considered to be at greatest risk of non-compliance with their licence conditions.

Establishments with earned recognition, at low risk of non-compliance, should have the maximum one year length of licence period, and those at risk of non-compliance should have a shorter length of licensing period.

The approach of using risk-based, shorter licensing periods has been successfully demonstrated by some LAs and shown to improve compliance with the Regulations. An approach of granting short licence periods is therefore recommended (of 1, 3 or 6 months) for those establishments that are found to have fallen beneath the required standards in some areas but are actively demonstrating effective improvements, until full compliance with the Regulations is achieved. Using this approach, licence revocation may not be necessary if progress is consistently being made. This approach enables LAs to monitor the animal welfare situation regularly, whereas licence revocation does not.

Recommendations made elsewhere in this report that would create increased consistency of enforcement approach:

R5. Registration for all breeders and requirement to display the registration number on advertising

R14. Condition 6 should contain an additional requirement to record the transfer of ownership details or euthanasia details of ex-breeding animals.

R15. Condition 7 should contain an additional requirement to retain microchip registration details for each puppy.

R18. Training should be provided for vets undertaking breeding establishment inspection and there should be a panel of inspecting vets.

R19. Private veterinary surgeons should take on a proactive, health planning role.

R23. The costs of health planning should be met by the breeding establishment, and the costs of the inspecting vet should be met by an appropriate increase in the licensing fees.

R32. LAs should inspect licence holders breeding establishments at least twice per year and one of these inspections should be unannounced.

R28. Training of LA dog breeding inspectors.

R29. The creation of a panel of dog breeding inspectors.

7.5 Lack of dog breeding establishment specific training for Local Authority inspectors

All stakeholder groups, including LA representatives, identified a lack of expertise relating to dog breeding and rearing, within the LAs, as a barrier to effective enforcement of the Regulations. The reasons outlined previously in this chapter, particularly in relation to subjective criteria such as enrichment and socialisation programmes, explain why it is difficult to achieve adequate enforcement without a specifically trained officer team.

Many of the recommendations already made address this need for specific knowledge:

R33 A consistent approach to enforcement should be adopted by all 22 LAs, beginning with universal adoption of the Guidance for LAs.

R28. Training of LA dog breeding inspectors, including the physical, enrichment and socialisation aspects of dog breeding establishments, and experience of good practice.

R29. The creation of a panel of trained dog breeding licensing inspectors who could undertake all of the breeding licence inspections in Wales, should be considered. This pooling of resources would reduce the duplication of costs between LAs and increase the levels of expertise available. These inspectors could potentially be recruited from outside of the LA, placing a reduced burden on LA staffing.

R35. Initial assessment of a new application and the socialisation and enrichment programmes should be undertaken in conjunction with LA dog breeding inspector.

R30. The first inspection of a new breeding establishment should always be carried out by a LA appointed inspector in conjunction with their appointed independent veterinary surgeon. This type of collaboration would enable knowledge sharing and increased understanding of the less easily inspected aspects of breeding establishments, ensuring that similar advice is being offered by both veterinary and LA inspectors.

R37. It is recommended that an inspection by an independent LA appointed veterinary surgeon should take place at least once per year and that at least one inspection per year should be carried out by the LA.

7.6 Lack of available resources for Local Authorities

All stakeholders were in agreement that lack of funding and resources for LAs, who have many competing demands on those resources, is a barrier to enforcement. Some stakeholders considered that this was the single greatest barrier to effective enforcement.

R39. It essential that no steps are taken in response to this report, which increase the financial and time burden on LAs that are already stretched, without making provisions in terms of funding and staffing levels for such steps to be implemented. Such action could conversely create negative animal health and welfare outcomes, by allowing less resources for existing enforcement practices being carried out by many LAs.

The following recommendations that have been made elsewhere in this section would help to reduce the burden on LA resources:

R29. A panel of trained dog breeding licensing inspectors who could undertake all of the breeding licence inspections in Wales, should be created. This pooling of resources would reduce the duplication of costs between LAs.

R34. It is essential that the licensing and inspecting processes are fully cost recoverable for any increase in the number of licences issued through increased industry surveillance. Fees should be risk based, proportionate and variable taking into consideration the enforcement resources required for different sizes and risk categories of breeding establishment. For example, the initial licensing fee set by one LA is nearly double the licence renewal fee to take into account the additional set up costs. Fees should incorporate the cost of an annual veterinary inspection of a breeding establishment by an independent LA appointed vet.

7.7 Lack of a deterrent for non-compliance with the legislation

Both animal welfare NGOs, and LAs cited difficulties in pursuing legal consequences for breeders in contravention of the Regulations as a barrier to enforcement. LAs found that prosecution could be a very slow process and were also reliant on the written evidence provided by attending private vets and their willingness to participate. Licence revocations and refusals could be contravened by breeders, and following revocation or refusal LAs lacked powers of re-entry to ascertain whether illegal breeding activities were ongoing. Consequently, there is a lack of any effective deterrent for those who continue to breed illegally following their detection for illegal breeding or following a licence refusal or revocation.

R40. It is recommended that a Fixed Penalty Notice scheme of “on the spot” fines be introduced for ease of enforcement of minor dog breeding or microchipping regulation offences, as requested by LA stakeholders.

R41. It is recommended that given the potentially severe animal welfare consequences of continued illegal breeding following licence revocation or refusal, LAs should be granted powers of unannounced re-entry for a specified time period following revocation or refusal, in order to inspect the premises and confirm that illegal breeding operations have ceased.

R38. An approach of granting short licence periods is recommended (of 1, 3 or 6 months) for those licenced establishments that are found to have fallen beneath the required standards in some areas but are actively demonstrating effective improvements, as this allows animal welfare to be closely monitored by authorities, whereas licence revocation does not.

Part 8. Additional issues and recommendations

8.1 Microchipping compliance and traceability

All stakeholders identified lack of traceability of breeding dogs and puppies as a barrier to effective enforcement of dog breeding controls, hindering the detection of illegally unlicensed breeders.

The Microchipping of Dogs (Wales) Regulations 2015²¹ require all dogs over eight weeks of age to be microchipped, and the details of the keeper, the dog, and the microchip to be entered on to an approved database. For many years there were only a few UK canine database providers, such as Petlog (the largest UK database), Identibase (which describes itself as the most advanced) and UK Pettrac. In recent years, many more databases have been set up.

List of Approved UK canine microchip databases

- Animal Tracker
- Chipworks
- Identibase
- MicroChip Central
- MicroDogID
- National Veterinary Data Service
- Pet Identity UK
- Petlog
- PetScanner
- ProtectedPet
- SmartTrace
- UK PETtrac

Section 8 of the microchipping regulations states:

'Change of keeper

8.(1) From 6 April 2016, where a dog is transferred to a new keeper, the new keeper must, unless the previous keeper has already done so, record their full name, address and contact telephone number (if any) and any change in the dog's name with the database on which the dog's details are recorded pursuant to regulation 3(5)(b).

(2) From 6 April 2016 no keeper may transfer a dog to a new keeper until it has been microchipped unless a certificate issued under regulation 3(2) or 3(3) states that microchipping would significantly compromise a dog's health.'

This means that even if a puppy is sold below eight weeks of age (which would be a contravention of the Licence Conditions if that puppy came from a licensed establishment) it is **illegal for the breeder to sell it without microchipping it and registering the microchip** details in their own name.

²¹<http://www.legislation.gov.uk/wsi/2015/1990/contents/made>

Section 5, parts a, b and c of the microchipping regulations refer specifically to the database recording of breeder information:

'Details to be recorded on databases

5. (1) The details to be recorded on a database are—

- a) the full name and address of the keeper;***
- b) where applicable, the fact that the keeper is also the breeder;***
- c) if the keeper is the breeder and is licensed by the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 (7)—***
 - i) the breeder's licence number; and***
 - ii) the name of the LA by which they are licensed;'***

This makes it clear that database providers have a legal obligation to have the capacity to record information such as whether the keeper is the breeder, whether they are licensed, the licence number and the name of the LA by which they are licensed. Therefore, all approved, legislation-compliant databases should already hold the ability to implement full traceability of puppies from licensed breeding establishments.

Access to the following information is necessary in order to implement full traceability of puppies back to their origin:

- The microchip number of the puppy
- The breeder's licence number (or potentially registration number, in the future)
- The LA area
- The date of birth of the litter
- The number of puppies in that litter

The above examination of the microchipping legislation shows that approved microchip registration databases should **already hold the capacity to store all the data required for full traceability of puppies** bred by licensed breeders. The breeder licence number and LA are already requested by the database as per the legislation, and the dates of birth and number of puppies in each litter is information that could be harvested from the database using the breeder licence number.

Traceability of puppies from licensed breeding establishments fails due to non-compliance with the legislation rather than the legislation itself.

Non-compliance occurs in several ways:²²

- puppies are sold having been microchipped, but the microchip has not been registered to the breeder
- puppies are sold without having been microchipped
- puppies are sold fraudulently as having been microchipped, but the chip is then found not to be present when the purchaser has it scanned by their vet

R42. It is recommended that the Microchipping of Dogs (Wales) Regulations 2015 undergo urgent review as non-compliance is closely linked with issues within the dog breeding industry in Wales.

²² Data from the Dog Breeding Review Task and finish Group Survey of Puppy Owners

R43. It is recommended that Welsh Government and all LAs meet with database providers to discuss ways of data sharing that could facilitate the automatic notification of LAs regarding suspected breaches of either the Microchipping or the Dog Breeding regulations.

R44. It is recommended that there should be a requirement for all approved databases to have the ability to passively detect the number of dogs below the age of eight weeks, and their dates of birth, registered in a rolling twelve month period by any individual owner, and that they should be a required to release this information to LAs if a suspected breeding offence has occurred. This would work in a similar way to automated notification when livestock keeper enters an illegal livestock movement on to a livestock movement database. This would allow the automatic detection of illegally unlicensed breeders who try to register greater than two litters in 12 months.

R45. It is recommended that the process of microchip registration for dogs should be modified to achieve greater compliance with the microchipping legislation. There should be an additional requirement for every microchip database to ask every microchip registrant whether they are the breeder of the dog. Currently, database users can either actively select the option of being the breeder, and be offered the questions for breeders, or passively continue the registration process as a non-breeder by not selecting this option, even if their dog's microchip has never been registered before. If every user is asked whether they are the breeder, those selecting "not the breeder", should find their dog's microchip has already been registered by the breeder, according to the legislation, and should only have to change the ownership details. If the microchip has never been registered, this would indicate a suspected breach of the legislation by the breeder. This could trigger an additional, compulsory requirement to enter the breeder details before the database will allow the chip to be registered in the new owner's name. It could also trigger automatic notification of the LA that a suspected breach of microchipping legislation has been committed by that breeder. For those selecting the "breeder" option, the breeder licence number (or registration number, in the future), and LA, should then be required in order to proceed normally with microchip registration.

R46. There should be a requirement for database providers to alert LAs to all cases where microchips are first registered by someone other than the breeder, as this indicates non-compliance with microchipping regulations.

Breeder Registration Scheme and Wales Dog Breeder Database

R5, R6. As stated previously, it is recommended that there should be a system of registration of all breeders including those producing less than three litters in twelve months, combined with full licensing for those producing three or more litters. This should be implemented in conjunction with the introduction of a legal requirement to display the breeder registration number on any form of puppy advertisement. This registration scheme could be facilitated by the creation of a Wales Database of Dog Breeders, where breeders complete online registration in order to receive their registration number. Details should include their name, address and LA.

The microchip number for the breeding bitch of each planned litter should be entered to “create” the litter. Once known, the date of birth, breed or type of litter, number of puppies and the microchip details of each pup, could be added. Those identified as non-compliant within a specified time frame should have their registration number inactivated until they achieve compliance, by entering the required information.

There should be two levels of access to the database, full access for LAs and limited access for prospective purchasers. The entering of a breeder registration number from a puppy advert into the database would confirm the registration validity, and access information on the breed, size and date of birth of litters registered to that number. It is important that personal information related to the breeder, such as name or address, is not accessible by the public, for reasons of both GDPR and risk of puppy theft. The database search would provide reassurance for purchasers that they are purchasing from a legal source. Information yielded on the number of litters registered to a particular breeder may inform their buying choices. The entering of a false or inactivated registration number could trigger a facility on the database for purchasers to alert LAs to a suspected illegal breeder. An automatic notification could alert authorities if an attempt is made to register more than six litters from one bitch, or more than two litters in twelve months from an unlicensed breeder. This system would therefore be self—governing and maintenance costs could be fully cost recoverable via a breeder registration fee payable online when setting up a breeder account, and a fee for the addition of each litter. The scheme could collate valuable data for enforcement purposes as well as decreasing the attraction of illegal dog breeding for those with criminal intent by improving visibility and traceability of the industry.

R47. If a registration scheme was instigated, full traceability of all puppies, not just those from licenced breeding establishments, could be facilitated by the addition of the following wording (in bold type) to the microchipping regulations:

c) if the keeper is the breeder and is licensed by the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 (7)—

i) the breeder’s licence number; and

ii) the name of the LA by which they are licensed;

d) if the breeder is not licensed by the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014,

i) the breeder’s breeder registration number

ii) the name of the LA by which they are registered

R7. As stated previously, the goal for canine identification should be a Single Central Canine Database for collation of all microchip registrations. The Central Canine Database should have the ability to generate notifications to LAs of puppies whose microchips are first registered by someone other than the breeder.

It concerning that whilst centralised, single databases (either UK-wide or national with the ability to share data with other UK nations) for multiple other species are already in existence or are in the planning stages, canine databases have significantly multiplied and decentralised during the same time period. The Central Equine Database managed on behalf of DEFRA by Equine Register²³ is an example of good practice that could be learned from. The Central Equine Database gathers data and collates it from all the UK equine passport issuing organisations.

²³ <https://www.equineregister.co.uk/home>

Full traceability means that the scanning of a dog's microchip by an authority could provide information from the dog's date of birth and name of breeder, through every change of ownership until the animal is declared deceased on a database. If this were achieved, then enforcement would be made easier and less costly. Illegal breeding, illegal sales or illegal importation would all be more easily identified. It would also provide a clear means for prospective purchasers to identify that a puppy comes from a legitimate source, which is currently not easy to ascertain.

8.2 Accredited or graded systems for dog breeders

There are many sources from which dogs may be acquired:

legally unlicensed UK breeders

illegally unlicensed UK breeders

licensed UK breeders

third party dealers

licensed pet shops

imported from non-UK breeders

imported from outside the UK by rescue organisations

acquired through UK rescue or re-homing organisations

acquired through private re-homing arrangements

This can be a confusing landscape for a prospective owner to navigate. On top of which the adage "you get what you pay for" does not seem to apply to the sale of puppies, where certain popular breeds or coat colours with inherent health issues can command much higher prices than healthy, well-bred examples of less popular breeds or less rare coat colours. Price does not therefore give any guarantee of health or quality.

Negative media portrayals of large-scale, licensed breeders may push prospective purchasers towards home breeders, who they perceive as more welfare friendly. Unlicensed breeders however can vary dramatically in their welfare standards. The legally unlicensed category of dog breeders ranges from knowledgeable, experienced breeders breeding a small number of health tested, high quality litters, to individuals who wish to have one litter from a pet for sentimental or financial reasons, but lack awareness about their suitability for breeding purposes.

The illegally unlicensed category also ranges widely from small backyard breeders producing more than two litters per year for financial gain, to organised criminal gangs selling puppies bred or imported from multiple sites. There is currently a lack of clear signposting in order to help guide prospective purchasers through the buying process.

There are educational schemes such as The Puppy Contract²⁴ (a joint initiative between the British Veterinary Association and animal welfare NGOs) and other Government and NGO campaigns to encourage responsible buying behaviour, but when it comes to actually recognising the warning signs of a poor breeding establishment, be they puppy health related or situational, prospective owners can find it difficult. In addition to this is the emotional ‘pull factor’ of a bad welfare situation. Very often, prospective purchasers who do recognise warning signs or poor physical condition in a puppy will still take, and pay for, the animal in order to remove it from what they see is a bad situation. They often view this as a ‘rescue’ rather than a purchase, despite the financial transaction. Sellers are aware of this and can be surprisingly honest regarding even severe health issues in puppies for sale, in the knowledge this can increase the emotional pull towards the animal and will not reduce its saleability. This in turn reduces the incentive improve the genetic quality of their stock.

Many stakeholders were interested in the concept of earned recognition and accreditation of breeding establishments. The benefits of this would be three-fold. Firstly, highlighting those breeding establishments with the highest standards of health and welfare perspective would help prospective purchasers to make informed buying decisions. Secondly, encouraging breeders to aim for higher level accreditation can increase their animal health and welfare standards. Thirdly, if such a scheme was to be industry-led, it may also alleviate some enforcement and resource pressure from LAs, by encouraging a carrot rather than stick approach.

There are some examples of successful accreditation schemes already in use. The Kennel Club Accredited Breeders scheme has around 4000 members, the Scottish Society for the Prevention of Cruelty to Animals Assured Puppy Breeder Scheme launched in November 2019, and Carmarthenshire LA is currently in the process of launching its own “Buy with Confidence” scheme and has 18 breeders ready to enter the scheme.

Conversely, some stakeholders hold legitimate concerns that creating a multi-level scheme detracts from the more pressing objective of making sure that all licensed breeders are meeting the minimum Licence Conditions and the overall objective of producing healthy, well socialised puppies that have a good quality of life at the establishment and the ability to adapt to a home environment. There were also concerns that having a tiered system de-incentivises improvement for those that have just reached the bottom rung of the next level.

There are several ways in which such a scheme could operate. One suggestion is a parallel system to the licensing scheme, where breeders could attain different levels of accreditation for example a rating of one to five stars, or a bronze, silver or gold award. An alternative would be for breeders to be given a score by the LA based on the existing inspections, similar to a food hygiene rating.

²⁴ <https://puppycontract.org.uk/about-us>

R48. A scoring system by LAs should be considered in the future, based purely on existing licensing inspections. This would be less onerous than trying to introduce a parallel system. Every aspect of the inspection could be allocated a score that was weighted within a formula depending on the importance of the particular element, then put together to give a total breeder score, for example out of 100. This does not de-incentivise improvement, and LA officers may find a transparent scoring system helpful when discussing standards with breeders. If a Wales Database of Dog Breeders was introduced, the breeder score could be displayed on the register. It is important that a consistency of current approach is achieved by all LAs prior to the consideration of such a system in the future. For those breeders who wish to pursue a higher standard of accreditation, then enrolment into independent schemes such as the Kennel Club scheme would remain an option.

8.3 The retirement of breeding dogs

Licensing condition number 4 on 'Mating', states:

*'The licence holder must ensure a breeding bitch—
is not mated until she is 12 months old;
does not give birth to more than 1 litter of puppies in a 12-month period; and
does not give birth to more than 6 litters of puppies in total.'*

A bitch could therefore breed the maximum number of litters and still only be six years of age at retirement. It is possible for a bitch to become pregnant well after this age, so one of the important reasons for having a retirement plan in place is that breeding animals will not be used again for breeding purposes by a new owner. The only way of absolutely ensuring the prevention of further pregnancies is to neuter breeding animals prior to re-homing.

R49. It should be recommended in the Guidance for LAs that the retirement plan should include neutering by the breeder's veterinary surgeon, of ex-breeding animals, and that this should occur prior to re-homing. The date of neutering should be recorded. Bitches who have bred multiple litters are also at an increased risk of pyometra (infection of the uterus, which can be life-threatening), which is prevented by neutering.

Point 4.7 of the Guidance, 'strategy for the retirement of breeding bitches and stud dogs' states:

'LAs should consider the licence holders strategy for dealing with retired dogs including means of disposal and/or methods of re-homing that ensures the welfare of the dog as far as possible.'

Small dogs (under 10 kg) have an average lifespan of 11 years, whilst very large dogs (over 40 kg) have an average lifespan of 8 years.²⁵ This means that on average a dog could live for two to five more years after having a maximum of six litters, at a maximum frequency of one per year. Dogs that have fewer litters, whether due to breeder choice or breeding problems, could have a much longer potential lifespan after they stop breeding.

A very large number of retired breeding dogs in Wales are currently being re-homed through a single welfare organisation that takes on ownership of the dogs, neuters them, with the aim of rehabilitating and re-homing them. Many of these dogs will be poorly socialised and poorly adapted to life outside of the kennel environment. The lack of traceability of ex-breeding dogs following retirement means that there is little outcomes-based evidence as to what the successful re-homing prospects are for them. The approach of the industry relying on welfare organisations for the retirement care of breeding stock is unsustainable and does not encourage the breeding industry to take lifetime responsibility for the welfare of animals in their care.

R50. As recommended previously, a Wales Database of Dog Breeders, would improve traceability of all dogs, including retired breeding dogs. If the licensed (or registered) breeder was required to complete online registration details of the microchip number for the breeding bitch of each litter, together with the date of birth, litter size and the microchip details of each pup, in every litter, then any LA that scanned a bitch's microchip in the future could have access to her previous breeding record. The database could also trigger an automatic notification to LAs if there is an attempt to register a seventh litter from any bitch, or a litter from a bitch that has been declared as "unfit to breed" at a licensed premises. There should be a requirement for LAs to permanently record all animals declared unfit to breed at the veterinary inspection, on the breeder database.

8.4 Heritable traits associated with poor health and welfare

Many of the common health problems seen in dogs can be inherited. Some of these conditions are extremely common in certain breeds. Examples include hip dysplasia (common in Labrador retrievers and certain other breeds) Brachycephalic Obstructive Airway Syndrome (a syndrome of conformational features that cause the breathing problems seen in brachycephalic or short-muzzled breeds such as pugs and bulldogs) or Intervertebral Disc Disease (common in long-spined breeds such as Dachshunds).

Breeding from animals known to exhibit or to carry such traits is very likely to lead to poor health and welfare in their offspring and should therefore be avoided. In recent years, certain dog breeds have become fashionable, causing them to be bred in very large numbers in a short space of time, accelerating the development of those breed-related characteristics that impact negatively on health and welfare.

²⁵ State of Pet Health 2013 Report, Banfield Pet Hospital

All breeders have an animal health and welfare responsibility to select only examples of the breed with good health and welfare potential from which to breed. Veterinary surgeons are best placed to offer advice on heritable health issues. There are also many types of health testing available which should be utilised in order to predict which animals are likely to be predisposed to developing or passing on a particular health condition and should therefore not be bred from.

R24. As previously stated, consideration should be given to which veterinary role is best placed to perform the “Fitness to Breed” examination. Consideration should be given to passing this role to the LA appointed inspecting vet at the annual inspection, as is the case with the examination of equines during Riding Establishment inspections. The separation of the private vet and inspecting vet roles will allow these roles to be carried out without conflict of interest and where necessary in consultation with each other.

R12. As previously recommended, Licence Condition 3 could be enhanced by the addition of a requirement to have a written health and welfare plan for the breeding establishment agreed with, and reviewed annually by, the private veterinary surgeon, and made available at the time of the inspection. The sentence ‘The licence holder must take all reasonable steps to protect dogs from pain, suffering, injury and disease.’ should be followed by the additional sentence ‘These must include a selection process for breeding stock that avoids the use of breeding animals that possess heritable physical traits that may impact negatively upon the health or welfare of future generations, for example poor or exaggerated conformational traits.’

R51. The Health and Welfare Plan drawn up in conjunction with the private veterinary surgeon and reviewed annually, should include a “breeding for improved health” plan. This should aim to reduce any hereditary issues seen within the breeding stock and include any appropriate health testing. This requirement should be described in Licence Condition 3 and in the Guidance.

8.5 Vaccination

Several veterinary stakeholders highlighted inconsistencies in the way that vaccines are being prescribed.

It is advised that all breeding stock are vaccinated against Canine Distemper, Infectious Canine Hepatitis, Canine Parvovirus, Leptospirosis and, where appropriate, Kennel Cough. The vaccination protocol would usually consist of a primary vaccination course followed by boosters at specified time intervals, in accordance with the manufacturer’s data sheet recommendations.

The World Small Animal Veterinary Association Vaccination Guidelines²⁶ recommend that puppies receive an initial vaccination at 6–8 weeks of age, then vaccinations every 2–4 weeks until 16 weeks of age or older. In practice, most UK puppies will only receive 2 or 3 doses of vaccination during those 16 weeks.

²⁶ <https://www.wsava.org/Global-Guidelines/Vaccination-Guidelines>

Breeders often give a first vaccination dose at eight weeks immediately prior to sale which is inadvisable as this is a stressful time for a puppy, and it is not a beneficial practice in immunological terms since a first vaccine dose will not provide any immediate immunity. Clinically it may be more logical to administer a first dose at six to seven weeks, which is a time of less stress, and may elicit some degree of immune response by the time of sale, although most of the immune response to vaccination occurs following the second dose.

Purchasers often know to ask whether a puppy has been vaccinated. For this reason, and to help reduce the risk of infectious disease outbreaks within the breeding establishment, breeders often wish to give the first vaccination before sale (although as explained above they don't necessarily do this at the most appropriate time). In some cases, vets will dispense these vaccines, for their breeder clients to administer to a specific group of animals, for example to breeding bitches or to a litter of puppies, rather than the vaccination being administered by the vet. It is perfectly legal for a veterinary surgeon to prescribe a vaccination for an animal or group of animals under their care, for the owner to administer, and is common practice in the management of farm animals.

However, any vaccine prescribed for administration other than by a vet (or veterinary nurse under their direction) cannot be certified. Therefore, vaccines administered by breeders to their own dogs are not certified (do not carry a veterinary stamp and signature) and therefore do not amount to proof of vaccination.

It is also reported that there is variation between veterinary practices as to whether they require a microchip to be implanted before giving a first vaccine. Implantation or scanning of a microchip before giving a vaccine allows accurate identification and recording of which puppies within a litter or within a breeding establishment have received that vaccination.

R52. It is recommended that the veterinary health plan, agreed with the vet and the breeder and reviewed annually, includes additional information on supply and administration of vaccines, as well as the types and schedule of vaccination. It is recommended that these additional requirements are added to the Guidance.

The following paragraph could be included in the health plan:

'all vaccinations are to be administered by a vet and vaccination cards provided with the animal identification including the microchip number. Cards should be signed and stamped by the vet at each vaccination. All puppies should be microchipped prior to receiving any vaccinations. If there is a health reason for being unable to meet these requirements, it should be recorded on a veterinary certificate. The microchip details plus the vaccination record card, or a veterinary exemption certificate, must be provided to the purchaser on collection of the puppy.'

R53. It is recommended that the UK veterinary professional bodies and associations discourage the practice of vets dispensing vaccinations to establishments breeding dogs or cats for sale, and encourage them to have in place a policy that all dogs should have a microchip inserted and scanned prior to the administration of any vaccination where possible.

8.6 Consideration of other parts of the supply chain, including third party sales

At present various organisations carry out annual surveys on dog ownership and give estimates of around 9 million dogs in the UK.¹ This means that 750,000 replacement dogs are required, annually, in the UK to maintain this population. The Kennel Club registers 280,000 puppies annually in the UK out of this 750,000. In Wales the estimate of the dog population is 650,000 animals. This means that each year 54,000 puppies are needed to replace the Welsh dog population. Of these, 25,000 are registered by the Kennel Club, who estimate that this is around a half to one third of the total number of puppies produced annually in Wales.

As stated in 6.2, there are many sources from which dogs may be acquired:

legally unlicensed UK breeders

illegally unlicensed UK breeders

licensed UK breeders

third party dealers

licensed pet shops

imported from non-UK breeders

imported from the outside the UK by rescue organisations

acquired through UK rescue or re-homing organisations

acquired through private re-homing arrangements

When considering the dog supply chain in Wales, it is important to look at UK figures, as some dogs bred in Wales may supply other parts of the UK. It can be estimated, based on the number and size of licensed breeding establishments in Wales, that there are 4000-5000 breeding bitches.²⁷ If these breeding animals produce an average of 1 litter of 4 to 5 puppies per year, then there are at least 16,000, and possibly as many as 25,000, puppies coming from licensed breeding establishments in Wales per year. This is a small percentage of the 750,000 replacement dogs required in the UK annually, at 2-3%. In other words, it is likely that more than 95% of the UK replacement dog population per year, does not come from licensed dog breeding establishments in Wales, which is an important fact to consider when putting the scale of the industry into perspective.

R54. It is essential that impact assessment should be carried out on the potential effects of any proposed legislative or enforcement changes on different parts of the UK dog supply chain, including effects on animal welfare.

This report is written at a time when multiple factors may be impacting upon different aspects of the supply chain. Overall, demand is likely to continue to increase, as dog ownership continues to be portrayed in all forms of media as a desirable and an achievable aspiration for all, regardless of circumstances or lifestyle.

²⁷ Data from the Dog Breeding Review Task and Finish Group Survey of Local Authorities December 2019

The supply of dogs occurs in response to public demand, which has increased in recent years and continues to increase. There has been a consequent increase in the numbers of dogs being surrendered to re-homing organisations, and privately re-homed, with an estimated 130,000 dogs entering UK re-homing charities every year. This suggests that a proportion of the increased demand for dogs may stem from poor buying decisions. Therefore, educational initiatives for prospective dog owners (such as the Welsh Government's recent PawsPreventProtect campaign, or The Puppy Contract), may reduce part of the increase in demand, by preventing some of those poorly planned purchases that would have later resulted in the dog being surrendered for re-homing.

In recent years there has been a sharp rise in the number of dogs imported into the UK for adoption by rescue organisations. Reasons for adopting an imported rescue dog include the desire to remove the dog from a poor welfare situation, and the less stringent criteria that often need to be met for prospective adopters, when compared with those of UK re-homing organisations. Often the importing organisation will provide a background story of the dog's previous situation which increases the emotional pull factor on prospective adopters, although the validity of these claims can be hard to determine, and some organisations command very substantial re-homing fees. The UK veterinary profession has serious concerns regarding the health status of these dogs, as cases of exotic diseases have become more frequent in the imported UK dog population, such as heartworm and leishmaniasis.

Almost all imported dogs, both from breeders and rescue organisations, are currently entering the UK using the Pet Travel Scheme. They are technically a commercial import and legally should only enter under the Balai trade directive. Any tightening of enforcement at the border following EU exit could potentially reduce this trade. The future of the Pet Travel Scheme following EU exit is also not clear.

Dogs that are relinquished for re-homing due to socialisation and behavioural issues, are taking up many places in re-homing centres, due to their increased rehabilitation requirements, and a lack of suitable homes for them to go in to due to their ongoing needs. This can reduce the number of dogs that an organisation is able to re-home due to increased turnaround time.

Many of the recommendations outlined previously in this report, refer to measures to identify that potential 75% of Welsh breeders above the licensing threshold, who remain 'illegally unlicensed'. Many of these may have ignored the legislative requirements for cost reasons and would therefore stop breeding rather than becoming licensed if their illegal breeding activity was detected. Given the numbers potentially involved in this category, in the whole of the UK, increased levels of enforcement could have a large impact on the available supply of puppies. Whilst this is something to bear in mind, it must not detract from our very strong recommendation that enforcement measures should focus on detecting these illegally unlicensed breeders and bring them within the law, so that their standards of animal welfare can be monitored.

Some recommendations made in this report, particularly those referring to improved staff to dog ratios, more robust socialisation and enrichment plans, and changes to licensing fees to account for increased enforcement, will come at a financial cost to licensed breeding establishments. While it is hoped that breeding establishments will endeavour to improve animal health and welfare standards, others may be unable to meet these increased costs and may therefore choose not to renew their licence. This could also have an impact on the supply chain.

Other recommendations made in this report, such as the registration of all litters bred in Wales, will impact upon those small-scale breeders who are legally unlicensed, breeding below the licensable threshold of litters. Whilst some of these may be breeding a one-off litter from a favourite pet, the group also contains large numbers of breeders of high-quality dogs who breed as a hobby. It is important that any measures affecting those who breed high quality dogs on a non-commercial basis should not reduce the number of quality animals produced in high welfare conditions.

The Welsh Government has recently consulted on the Third Party Sales of Puppies and Kittens. Evidence from stakeholders indicates that the existence of a guaranteed trade in puppies to third party sellers of dogs is a driving force for some of the largest scale breeding units in Wales. Stakeholders also identified a link between the use of third party sellers by breeders, and poor welfare conditions and inadequate socialisation and enrichment programmes at their breeding establishments. This may be due to breeders not having contact with the end purchaser of puppies they produce and therefore having less incentive to improve standards.

R55. For these reasons, the Group would strongly support a ban on Third Party Sales of Dogs.

There are however also concerns that such a ban could lead to increased transportation of pregnant bitches instead of puppies. Measures should be considered to prevent illegal transportation in late pregnancy. Once again, impact analysis of the supply and demand chain must be considered.

Some Animal Welfare NGOs take a stance against all forms of dog breeding, in the spirit of encouraging adoption of re-homed dogs instead of the purchase of a puppy. However, it is clear from the above discussion that whilst educational measures can be taken to reduce demand for puppies from those who may not have considered the full implications of dog ownership, many dogs will still need to be bred to meet an increasing demand that cannot, and does not wish to be, met through rescue or re-homing alone. It is therefore important to discuss, and develop an evidence-based view on, where and how these dogs should be bred in order to supply that demand whilst maintaining high standards of health and welfare. Increased awareness and transparency of the supply chain and the choices for acquiring a dog and the championing of good breeding practices can only be good for dog welfare in the long term.

Part 9. Summary of findings and recommendations

The aims of this review of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014, were to consider and report on the existing provisions and whether amendments to these are necessary to improve the welfare of breeding dogs in Wales, and to consider whether additional provisions are necessary.

The review has encompassed both the physical and behavioural aspects of welfare associated with the breeding and sale of dogs, taking in to account the negative outcomes for dog and owner welfare that can occur as a consequence of inadequate puppy environmental enrichment and socialisation. The review has been conducted with a collaborative approach, based on evidence provided by of a broad spectrum of relevant stakeholders. It has focussed on outcomes, making a number of practical recommendations for improving the effectiveness of the Regulations and their enforcement. Stakeholders included LAs, veterinary surgeons performing a variety of roles, representatives of the animal welfare and dog breeding sector, and puppy owners.

The role of dog breeding in Wales within the context of the UK system of demand and supply of dogs was discussed. It was estimated that the UK requires 750,000 dogs per year in replacement numbers to maintain the dog population, and that licensed premises in Wales supply 16,000-25,000 of these dogs, with 54,000 required to replace the Welsh dog population. Issues were identified with all parts of the supply trade in Wales, including licensed breeding establishments, legally unlicensed breeding establishments, and those which are illegally unlicensed. The scale of the licensed dog breeding industry in Wales was analysed. There are 260 establishments currently licensed, 3 with more than 100 breeding bitches, and the largest number of breeding bitches on a single establishment was 145. These establishments exist primarily as a business to supply a large UK demand for family pet dogs.

The two objectives of a robust legislation and enforcement system were identified:

- To ensure that breeding dogs and their puppies in Wales have good health and welfare and a good quality of life.
- To ensure that puppies bred in Wales receive adequate enrichment and socialisation programmes to equip them with the social and behavioural skills necessary to adapt to a home environment and live a good quality of life in the future.

The consequences for inadequately socialised puppies, were identified as poor mental and behavioural welfare, with an increased risk of developing undesirable behaviours and being re-homed or euthanised in the future. Examples of these behaviours include aggression towards people or other dogs, inappropriate urination and defaecation, separation anxiety, continuous periods of barking, and destructive behaviour in the home.

It is estimated that 130,000 dogs per year will end up in UK rescue organisations. Many will be difficult to rehabilitate and re-home, requiring a more lengthy and costly rehabilitation process, due to their behavioural and socialisation issues. It was concluded that an important aspect of effective regulation of dog breeding, and its enforcement, is to ensure that a greater number of puppies remain with their initial purchaser for life.

All stakeholders were in agreement that the current combination of regulation, licence conditions, guidance, implementation and enforcement were not meeting the two objectives described above. It was therefore concluded that recommendations for improvement were necessary.

9.1 Recommendations for changes to the Qualifying Conditions

The Qualifying Conditions (those required to be met prior to applying for a dog breeding licence) were examined, and the following recommendations made:

R1. The wording of section 5 of the Regulations should be changed so as to be clear that anyone selling or advertising more three or more litters in a 12 month period should fall within the scope of the legislation. An individual should not be able to breed more than two litters in 12 months without a licence, even if those litters are at multiple premises.

R2. The breeding licence, and the licensable threshold for the number of litters, should apply to an individual rather than a premises and there should be a limit of one licence in operation on one premises. In other words, two people cannot be licensed at the same premises, and one individual cannot hold two licences at different premises.

R3. The activity of breeding three or more litters on a premises should become licensable, regardless of whether the breeding animals are owned by the same person.

Stakeholders agreed that identification of illegally breeders is a priority. The potential risk to animal welfare from such breeders is high, given the estimate that 75% of those above the licensable threshold may currently remain unlicensed. Most stakeholders felt that some type of legal recognition of all forms of dog breeding enterprise would be beneficial.

R4. The licensable threshold of breeding three or more litters in a twelve-month period was found to be acceptable, if combined with a system of basic registration for smaller breeders.

R5. A combined system of licensing and registration should be considered. This would incorporate registration for all breeders including those producing less than three litters in twelve months, combined with and full licensing for those producing three or more litters. This should be implemented in conjunction with the introduction of a legal requirement to display the breeder registration number on any form of puppy advertisement.

R6. A Wales Database of Dog Breeders should be considered, in order to facilitate this registration process. Dog breeders would be required to complete registration details of themselves and the breeding bitch in order to receive their registration number and could later add the identification of any offspring produced. There should be two levels of access to the database, full access for LAs and limited access for prospective purchasers. A prospective purchaser could then enter a breeder registration number into the database, confirming the registration number validity and details of litters registered to that number.

R7. It is recommended that the goal for canine identification should be a single Central Canine Database for collation of microchip registrations, accessible to police and LAs, and implemented at either a country or UK level. The Wales Database of Dog Breeders and the Central Canine Database should be integrated. The Central Canine Database should have the ability to generate notifications to LAs of puppies whose microchips are first registered by someone other than the breeder, indicating non-compliance with microchipping regulations. These measures would aid enforcement of the regulations as well as decreasing the attraction of illegal dog breeding for criminal gain by improving visibility and traceability of the industry.

The maximum staff to adult dog ratio of one to twenty was explored. Stakeholders were unanimously of the view that this ratio was insufficient to allow adequate socialisation and exercise programmes of all dogs. Stakeholders with experience of managing large numbers of kennelled dogs considered that after feeding, cleaning of kennels, performing daily health and welfare checks and keeping adequate records for this number of animals, there would be little or no time remaining for other necessary activities such as exercise and puppy socialisation. Example calculations confirmed this, allowing only 16 to 22 minutes per day spent with each breeding animal, even if they had a litter.

R8. An improved staff to adult dog ratio of one full time person to ten dogs should be considered. This ratio would allow for one hour of socialisation and enrichment per litter per day based on an average of three litters present per 20 dogs, as well as 36 minutes per adult dog per day for all other tasks. It was also recommended that LAs should exercise their power to alter this ratio in situations where it was felt insufficient.

R9. Further impact assessment, and examination of the evidence, should be carried out in order to determine whether there would be an animal welfare benefit to capping the number of breeding bitches, and the number of total dogs, housed at a single establishment.

9.2 Recommendations for changes to the Licence Conditions

The following recommendations for changes to the Licence Conditions were made:

R10. Condition 1 could be enhanced by adding a requirement for the enhancement and enrichment plan to have been agreed with the private veterinary surgeon for the breeding establishment, within an annual health plan, as well as approved by the LA.

R11. Condition 2 should state that the socialisation plan must be agreed with the private veterinary surgeon within the annually reviewed health plan. Its use should be recorded daily in a Puppy Socialisation Record, and must be demonstrated at the time of the inspection.

R12. Condition 3 should include a requirement to have a written health and welfare plan, agreed with the private veterinary surgeon, reviewed annually and made available at the time of the inspection. This condition should also list the main requirements of the health plan. It should also include a requirement for every breeding animal to receive an annual veterinary examination for “fitness to breed”.

R13. The Group was not presented with any evidence to warrant changing Condition 4 which states that the minimum age of first mating must be 12 months. This minimum age should remain unless new evidence comes to light.

R14. Condition 6 should contain an additional requirement to record the transfer of ownership details, including the identity of the new owner, or euthanasia details including the name of the veterinary practice, of all ex- breeding animals.

R15. Condition 7 should contain a requirement to retain records of the microchip registration details for each puppy for three years, and provide these to the LA inspector during the inspection. It should also include an additional requirement that all puppies bred in licensed breeding establishments receive a recorded veterinary health examination, prior to sale.

9.3 Recommendations for changes to the Guidance for LAs

The Guidance was considered to be comprehensive and should be adopted consistently as the basis for all LAs’ Model licence Conditions and breeding establishment inspections.

R16. Prior to this, it is recommended that the detail within the Guidance document is revised with input from veterinary surgeons with relevant expert, to ensure that it contains all the necessary information.

Provision of Veterinary Care

All stakeholders identified issues of inconsistency within the current system for veterinary supervision of breeding premises. One issue was a perceived conflict of interest between the role of the private veterinary surgeon, who must act on behalf of their breeder client, and the role of the inspecting veterinary surgeon, who is acting on behalf of the LA in an official capacity.

R17. The role of the private veterinary surgeon, and that of the inspecting veterinary surgeon, should be clearly separated. A panel of vets with expertise in the inspection of dog breeding establishments should be created within Wales. Inspecting vets should be independent and should not inspect clients' premises.

R18. Training should be provided for vets undertaking a breeding establishment inspection role, with an independent body, and should be valid for five years.

R19. Private veterinary surgeons should take on a proactive, health planning role in breeding establishments, equivalent to the role of a farm vet in health planning. They should create a health and welfare plan, that includes the required socialisation and enrichment plan, for each breeding establishment, and this health plan should be reviewed annually.

R20. Private veterinary surgeons named on breeding licences should have a requirement to undergo training in health planning for breeding establishments. The inspecting vet panel could assist in devising a suitable short health planning course and health plan template. The different veterinary roles could in this way be interlinked to create a consistent and collaborative approach.

R21. It should be clearly stated within the Guidance, that all breeding animals must receive an annual health examination from a veterinary surgeon, that must be recorded.

R22. It should also be clearly stated within the Guidance, that all puppies must receive a veterinary health examination prior to sale, that must be recorded.

R23. The costs of health planning should be met by the breeding establishment, and the costs of the inspecting vet should be met by an appropriate increase in the licensing fees.

R24. Consideration should be given to which veterinary role is best placed to perform the "Fitness to Breed" examination. Consideration should be given to passing this role to the LA appointed inspecting vet at the annual inspection.

Minimum Enclosure Sizes

Several stakeholders recommended that the guidance on dog accommodation should be updated.

R25. The guidance on accommodation (sizing and layout) and exercise provision should be revised. A single set of enclosure sizes should be used in the Guidance, and these should be relative to actual dog length and height measurements, for greater clarity. The wording should also be reviewed around the using of crating for dogs in the home.

9.4 Recommendations for enforcement of the Regulations

Multiple stakeholders cited barriers to effective enforcement of the current regulations as their main concern with the dog breeding Regulations. These included lack of LA funding and resources, lack of specific knowledge regarding breeding establishments and legal difficulties in successfully revoking licences or pursuing criminal prosecutions.

Identification of illegal breeders

R26. After five years of implementation of the Regulations, the expected numbers of breeders producing more than the licensable threshold of two litters in 12 months, have not brought themselves forward voluntarily for licensing. Increased levels of enforcement are therefore warranted to identify these breeders and bring them within the law.

The proposed Wales Database of Dog Breeders, together with a requirement to display the registration number on advertising, would assist with the passive detection of illegal breeding practices, as would a Central Canine Database.

R27. Funding should be provided for the formation of a shared team of staff from different LAs with the purpose of identification of illegal dog breeding activities. This would reduce the resource burden on individual authorities and allow information sharing. The Proceeds of Crime Act could be utilised for provision of ongoing funding.

Specific training for officers

Evidence was provided to suggest that there are licensed establishments in Wales where dogs are being kept in less than adequate conditions. There are two aspects to providing a suitable environment for puppy breeding and rearing. Firstly, all dogs must have their five basic welfare needs met at all times. Secondly, puppies also need effective enrichment and socialisation programmes in order to adapt successfully to a home environment after purchase. Whilst there may be a minority of establishments that fail to meet their dogs' basic needs, there is likely to be a higher number of breeders who lack an understanding of the importance of canine enrichment and socialisation programmes. LA officers may also find it difficult to inspect the implementation of these programmes without specific training.

R28. It is recommended that LA inspectors receive specific training in the physical, socialisation and enrichment aspects of dog breeding establishments. This should include visiting an example of good practice in terms of socialisation and enrichment programmes.

R29. A panel of trained dog breeding licensing inspectors who could undertake all breeding establishment licence inspections in Wales, should be created.

R30. The first inspection of a breeding establishment should always be carried out by a LA appointed inspector in conjunction with their appointed independent veterinary surgeon. This collaboration would enable knowledge sharing and ensure that similar advice is being offered by both veterinary and LA inspectors.

Improvement of enrichment and socialisation provisions

Stakeholders recognised the need for effective puppy socialisation, and some considered this one of the most important aspects of the dog breeding regulations. There is a lack of clear evidence as to whether adequate socialisation can ever be achieved within large-scale breeding establishments.

R31. The guidance on enrichment and socialisation for puppies should be updated and made more detailed and focussed on outcomes. The Welsh Government template socialisation and enrichment plan documents should be updated to record the demonstration of each activity during the inspection. The Guidance should include a requirement for the enrichment and socialisation plans to be demonstrated at the time of inspection.

R32. The Guidance should recommend the inspection of licensed breeding establishments at least twice per year and that one of these inspections should be unannounced.

Consistency of approach

Many stakeholders, including representatives from LAs, agreed that a more uniform approach to enforcement of the Regulations across regions would make the task easier and more effective. A Wales Database of Dog Breeders and a system of basic registration for all breeders would improve the consistency of approach and information sharing.

R33. The revised Guidance document should be adopted universally by all LAs as the basis of their Model Licence Conditions and the standard against which to perform inspections.

R34. A standardised approach to the setting of licensing fees should be adopted by all LAs. The licensing process should be fully cost recoverable. There should be a higher-level fee for the initial licence period, with subsequent fees based on the number of breeding animals and the number and frequency of inspections required.

R35. The initial assessment of a new dog breeding licence application and the socialisation and enrichment programmes should be undertaken in conjunction with a LA officer who has specific training in inspecting dog breeding establishments.

R36. A consistent approach to inspection intervals should be taken across all LAs. Following the initial licensing inspection, subsequent inspection intervals should be decided using a risk-based approach of earned recognition in order to focus resources on establishments that are considered to be at greatest risk of non-compliance with their licence conditions.

R37. Inspection by an independent LA appointed veterinary surgeon should take place at least once per year at every licensed establishment, in line with the approach used for Riding Establishments. It is also recommended that at least one inspection per year should be carried out by the LA officers, and that that at least one inspection per year should be unannounced. A suggested format for licence renewal could therefore be one announced inspection by the independent appointed veterinary surgeon, plus one unannounced inspection by the LA. Those establishments with issues of compliance may require more frequent inspections until they have consistently demonstrated good practice.

R38. A consistent approach to licensing periods should be adopted. Licensing periods should be decided using a risk-based approach of earned recognition in order to focus resources on premises which are considered to be at greatest risk of non-compliance with their licence conditions. An approach of granting short licence periods is recommended for those licenced establishments that are found to have fallen beneath the required standards in some areas but are actively demonstrating effective improvements, as this allows animal welfare to be closely monitored by authorities, whereas licence revocation does not.

R39. It essential that no steps are taken in response to this report, which increase the financial and time burden on LAs that are already stretched, without making provisions in terms of funding and staffing levels for such steps to be implemented. Such action could conversely create negative animal health and welfare outcomes, by allowing less resources for existing enforcement practices being carried out by LAs.

R40. It is recommended that a Fixed Penalty Notice scheme of “on the spot” fines be introduced for ease of enforcement of minor dog breeding or microchipping regulation offences, as requested by LA stakeholders.

R41. The current lack of legal powers of re-entry for LAs following the refusal or revocation of a breeding licence creates a serious risk to animal welfare. LAs should be granted powers of re-entry for a specified time period following revocation or refusal, in order to inspect the premises and establish whether illegal breeding operations have ceased or are ongoing.

9.5 Additional Recommendations

Microchipping compliance and traceability

All stakeholders agreed that lack of traceability of dogs was a barrier to effective enforcement of the Regulations, and a concern for animal welfare.

R42. It is recommended that the Microchipping of Dogs (Wales) Regulations 2015 undergo urgent review as non-compliance is closely linked with issues within the dog breeding industry in Wales.

R43. It is recommended that Welsh Government and all LAs meet with database providers to discuss ways of data sharing that could facilitate the automatic notification of LAs regarding suspected breaches of both the Microchipping and Dog Breeding regulations and improve compliance with the regulations.

R44. There should be a requirement for all databases to incorporate a function to passively detect the numbers, and dates of birth, of puppies below the age of eight weeks, registered in a rolling twelve month period by any individual owner, and to use this information to inform LAs of suspected breaches of the dog breeding regulations.

R45. A requirement should be introduced for microchip databases to ask every microchip registrant whether they are the breeder of the dog they are registering, to improve compliance with the microchipping regulations.

R46. This should be combined with a requirement for database providers to notify LAs to cases where microchips are first registered by someone other than the breeder, as this may indicate a breach of microchipping legislation by the breeder.

R47. If a registration scheme was instigated, full traceability of all puppies, not just those from licenced breeding establishments, could be facilitated by some additional wording within the microchipping regulations.

Accredited or graded systems for dog breeders

R48. A system of assigning scores to breeding establishments based on existing licensing inspections should be considered. Every aspect of the inspection could be allocated a score that could be combined in a weighted formula to give a total breeder score. Whilst there are advantages to such a system, a more urgent priority is for all licensed establishments to achieve a good standard of animal welfare in accordance with the requirements set out in the Guidance.

The retirement of breeding dogs

The ongoing welfare of dogs following retirement from breeding was a concern for many stakeholders.

R49. The Guidance should state that the retirement plan must include neutering by the breeder's veterinary surgeon of ex-breeding animals, **prior to** re-homing.

R50. The Wales Database of Dog Breeders should include an automated notification to LAs if there is an attempt from a to register a seventh litter from any bitch, or a litter from a bitch that has been declared as unfit to breed at a veterinary inspection. Those animals declared unfit to breed should be permanently recorded as such on the database.

Heritable traits associated with poor health and welfare

Stakeholders emphasised the need for breeders to reduce the levels of hereditary health and welfare issues in dogs through responsible breeding practices.

R51. The Health Plan drawn up in conjunction with the private veterinary surgeon and reviewed annually, should include a “breeding for improved health” plan, aiming to reduce any hereditary issues seen within the breeding stock, as well as any health testing that the veterinary surgeon feels is appropriate. This requirement should be described in Licence Condition 3 and in the Guidance.

Vaccination

Veterinary stakeholders identified inconsistencies in the way in which vaccination programmes were being managed.

R52. The Health Plan, agreed with the vet and the breeder and reviewed annually, should include information on the supply and administration of vaccines as well as the types and schedule of vaccination.

R53. It is recommended that the veterinary professional organisations should discourage the profession from dispensing vaccinations to clients breeding dogs or cats for the purpose of sale, and encourage the practice of all vaccinations being administered and certified by a vet. They should also recommend that practices should adopt a policy that all dogs should have a microchip inserted and scanned prior to the administration of any vaccination where possible.

Consideration of other parts of the supply chain, including third party sales

It should be recognised that any change in one part of the UK dog supply chain may have unintended consequences on the other parts of that supply chain.

R54. It is essential that impact assessment of the effects of proposed legislative or enforcement changes on different parts of the UK dog supply chain should be performed.

R55. The Group strongly supports a ban on third party sales of dogs, following the recent Welsh Government consultation, Third Party Sales of Puppies and Kittens. Evidence from stakeholders indicates that the existence of a guaranteed trade in puppies to third party dealers of dogs is a driving force for some of the largest scale breeding units in Wales. Stakeholders also identified a link between the use of third party sellers by breeders, and poor welfare conditions and inadequate socialisation and enrichment programmes at their breeding establishments. This may be due to breeders not having contact with the end purchaser of the puppies they produce and therefore having a detached view and less incentive to improve standards.

It is clear from this review that whilst educational measures can be taken to reduce demand for puppies from those who may not have considered the full implications of dog ownership, many dogs will still need to be bred in order to meet an increasing demand that cannot, and does not wish to, be met through rescue or re-homing alone. An important, evidence-based discussion therefore needs to be had, on where and how these dogs should be bred in order to supply that demand whilst maintaining the highest standards of animal welfare. Increased awareness and transparency of the supply chain and the championing of good practice can only be good for dog welfare in the long term.

An important aspect of this is continued education of the public on their role and responsibilities in driving the supply chain of dogs, as well as education on the long term financial and lifestyle commitments of dog ownership.

ACKNOWLEDGEMENTS

The Task and finish Group wish to acknowledge all organisations, groups and individuals for their assistance during the process of producing this report, in particular those who travelled to attend meetings.

Annexe I Terms of Reference:

Review of the Animal Welfare (Breeding of Dogs) (Wales)

Regulations 2014

Introduction

1. The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 revoked and replaced the outdated Breeding of Dogs Act 1973 in Wales. The regulations introduced stricter criteria for breeding establishments and established an attendant to adult dog ratio at a minimum of one full time member of staff to 20 adult dogs.
2. The regulations were the first of their kind in the UK and, whilst many welfare organisations and charities had differing views on the contents of the regulations, they were widely welcomed.
3. Following a full years' implementation of the regulations, a survey to capture data on the staff-to-dog ratio and other information on dog breeding was conducted by Local Authorities (LAs) as part of the Partnership Delivery Project with the Welsh Government. The information gathered highlighted some issues with the enforcement aspects of the legislation and possible resource issues within Local Authorities.
4. There have also been ongoing concerns about the standards at some licensed premises which were a reoccurring theme of the responses to the Third Party Sales consultation.
5. In her written statement on 9th October 2019 the Minister for Energy Environment and rural affairs announced a review of the breeding regulations would be undertaken by members of the Wales Animal Health and Welfare Framework group (WAHWFG).

Purpose and objectives

6. To review and make recommendations on the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014, with a view to promoting welfare provision for breeding dogs and their offspring in Wales.
7. The review will consider and report on existing provisions and whether amendments are necessary to improve welfare.
8. The review may also consider and report on any relevant, additional provisions necessary to improve the welfare of breeding dogs and their offspring in Wales.
9. The review will encompass both physical and behavioural aspects of welfare associated with the breeding and sale of dogs.

Approach

10. The Wales Animal Health and Welfare Framework Group will establish a Task and Finish Group to undertake the review.
11. The Group will produce a report and make recommendations by the end of December 2019.
12. The report will be sent to the Minister for Environment, Energy and Rural Affairs and to the Chief Veterinary Officer.
13. The Office of the Chief Veterinary Officer will make recommendations to Welsh Government and the Minister for Energy, Environment and Rural Affairs.
14. The report will:
 - Make recommendations, where necessary, for amendments to the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014
 - Make any other recommendations that group think are relevant.

Principles

15. The review will be conducted so that it:
 - Focuses on outcomes
 - Engages relevant stakeholders
 - Is objective and based on evidence
 - Maximises opportunities for integration and collaboration

Composition of the Task and Finish Group

The Task and Finish Group will comprise the following members of the WAHWFG:

- Sarah Carr
- Les Eckford
- Ifan Lloyd

The chairman of the group will be Sarah Carr.

The Task and Finish Group may request individuals to assist with specific aspects of the review.

Secretariat will be provided by Office of the Chief Veterinary Officer.

Annexe II Membership of the Task and Finish Group

Sarah Carr, BVSc MRCVS, VETERINARY SURGEON, WAHWFG MEMBER, GROUP CHAIR

Les Eckford, BVM&S MRCVS, VETERINARY SURGEON, WAHWFG MEMBER

Ifan Lloyd, BSc MA VetMB MRCVS, VETERINARY SURGEON, WAHWFG MEMBER

There are no declared conflicts of interest in the membership of the group.

Annexe III Puppy Socialisation – Example Programme

It is very important that puppies are introduced to as many experiences as possible when they are young. Before 14 weeks puppies react to new experiences with interest and curiosity, wanting to find out more about their new world. After this time, they tend to fear unfamiliar things.

As a vaccination course takes several weeks to take full effect, you can't immediately take them out for a walk and show them everything, but there are plenty of new experiences they can have safely before they are fully vaccinated.

You need to take care not to scare your puppy, but you should not be over-protective either. The best approach is a "jolly hockey-sticks" type approach, something along the lines of "Yes, there's a big scary vacuum cleaner over there, but come and play with this ball," with lots of praise when your puppy does so. If you overprotect, they will become more anxious.

Whilst puppies should not be taken for walks on the road, or the park or anywhere strange dogs could go, until a week after their second vaccination, there are plenty of experiences they can be introduced to without walking. Most puppies are small enough to be carried for several weeks after you get them. Think how many fun new experiences you can share. Don't just wait until after their second vaccination before they leave the house.

People

Dogs should meet as many different types, sizes and shapes of people as possible – adults, children, women, men, men with beards, people with walking sticks, people in hats etc.

When dogs cower away from people, it is more likely to be because they are unfamiliar with that sort of person and not because they have had a bad experience.

Dogs

After the first vaccination, your puppy can meet fully vaccinated dogs at your house or theirs. You should make sure the first dogs your puppy meets are well socialised and not over- confident or aggressive.

Cats, livestock and other pets

Your puppy needs to learn how to be introduced to as many different animals as possible. Many of these species are "prey" species – it is natural for a puppy to want to chase them and he must learn from an early age that this is not acceptable.

To introduce your puppy to a cat, for example, restrain your puppy so he cannot chase the cat and continue until the cat is used to him. Once this stage is complete, introduce your puppy to the cat, without restraint but watch very closely. At the first sign of him wanting to chase it, distract him with a game.

You should also introduce him to horses, sheep, cattle etc. This should be done on a lead, under control and at a distance, to avoid the animal trying to run away. This would only encourage your puppy to chase them.

By being introduced to lots of animals your puppy should eventually think they are boring. Carry a favourite toy with you and if he becomes excited, channel his excitement onto that.

Household Items

Many household appliances can be scary to a dog who has never encountered them before. Try to familiarise him with all the things in the house which make funny noises, such as the whirr of washing machines and the buzz of hairdryers and vacuum cleaners.

Traffic

Traffic includes not only cars, lorries, tractors and so on, but also bicycles. Traffic noises can vary according to the weather, so don't forget to take him out in the rain.

Many dogs are travel sick or anxious in the car. Start with very, very short journeys, or even a stationary car. Keeping calm and relaxed yourself is an important response for your puppy to observe.

You never know when your car may break down, so take your puppy on a trip in a bus or train in case you have to use one.

Different Environments

If you live in a town, take your puppy to the country; if you live in a quiet area, take your puppy to town. A visit to a dog friendly pub, car boot sales or country show offers all sorts of new experiences. You should also make sure they are familiar with grooming parlours, boarding kennels or veterinary surgeries.

If you are experiencing problems with implementing this plan, discuss it as soon as possible with your veterinary surgeon.

A check list is useful to allow you to fully socialise your puppy. Tick the box at every encounter and remember to continue socialising until your puppy is 12 months old.

Before First Vaccine (under 8 weeks)

| | | | | | |
|---|--|--|--|--|--|
| Men | | | | | |
| Women | | | | | |
| Children (a few at a time) | | | | | |
| Babies | | | | | |
| Elderly people | | | | | |
| Loud/confident people | | | | | |
| Shy/quiet people | | | | | |
| Cats which are part of your household | | | | | |
| Other dogs which are part of your household | | | | | |
| Other domestic pets | | | | | |
| Stairs | | | | | |
| Washing machine | | | | | |
| Vacuum cleaner | | | | | |
| Tumble dryer | | | | | |
| Hair dryer | | | | | |
| Children's toys | | | | | |
| Being alone | | | | | |
| DIY tools | | | | | |
| Travelling in cars | | | | | |
| Wearing a collar | | | | | |
| Veterinary Surgery | | | | | |

Between First and Second Vaccination (8-11 weeks)

Continue what you started before the first vaccine, but also include the following.

| | | | | | |
|---|--|--|--|--|--|
| Vehicles – cars, lorries, buses (whilst being carried) | | | | | |
| Bicycles (whilst being carried) | | | | | |
| Children (several e.g. carry past playgrounds or schools) | | | | | |
| Veterinary surgery | | | | | |
| Other people’s houses | | | | | |
| Dogs in their house or yours | | | | | |
| Cats in other houses or garden | | | | | |
| Grooming | | | | | |
| Teeth cleaning | | | | | |
| Examination of eyes, ears, teeth etc | | | | | |
| People wearing hats/helmets | | | | | |
| People wearing glasses | | | | | |
| People in uniform | | | | | |
| Delivery people esp. postman | | | | | |
| People of different ethnic origins | | | | | |
| Bathing | | | | | |
| Walking on the lead in garden | | | | | |
| Men with beards or moustaches | | | | | |

After Second Vaccination (11 weeks +)

Continue what you started before the first vaccination and between the first and second vaccination, but also include the following

| | | | | | |
|--|--|--|--|--|--|
| Children (walking through parks/ past schools) | | | | | |
| Veterinary Surgery (coming in for regular nurse clinics) | | | | | |
| Boarding Kennel | | | | | |
| Grooming Parlour | | | | | |
| Pub/party | | | | | |
| Fete/car boot sale | | | | | |
| Public transport | | | | | |
| Walking at roadside | | | | | |
| Park/rural environment | | | | | |
| Town/city | | | | | |
| Cows | | | | | |
| Sheep | | | | | |
| Horses | | | | | |
| Pushchairs | | | | | |
| Wheelchairs | | | | | |
| People with walking sticks | | | | | |
| Puppy/dog training classes | | | | | |
| Walking on the lead outside | | | | | |
| Unknown dogs | | | | | |

Annexe IV

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

WELSH STATUTORY INSTRUMENTS

2014 No. 3266 (W. 333) ANIMALS,

WALES

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

Made - - - - *10 December 2014*

Coming into force - - *30 April 2015*

The Welsh Ministers, as the appropriate national authority in relation to Wales⁽¹⁾, make the following Regulations in exercise of the powers conferred by sections 13(2), (7), (8)(e), (10) and Parts 1 and 3 of Schedule 1 to the Animal Welfare Act 2006⁽²⁾.

In accordance with section 13(9) of that Act, the Welsh Ministers have consulted those persons appearing to them to represent interests with which these Regulations are concerned as they considered appropriate.

In accordance with section 61(2) of that Act⁽³⁾, a draft of this instrument has been laid before, and approved by resolution of, the National Assembly for Wales.

PART 1

Introduction

Title, application and commencement

1.—(1) The title of these Regulations is the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.

(2) They apply in relation to Wales and come into force on 30 April 2015.

Repeal of section 1(1) of the Breeding of Dogs Act 1973

2. In section 1 of the Breeding of Dogs Act 1973 (licensing of breeding establishments for dogs), after subsection (1) insert—

“(1A) Subsection (1) does not apply in relation to Wales.”

(1) The appropriate national authority is defined in section 62(1) of the Animal Welfare Act 2006. Functions conferred on the National Assembly for Wales are now vested in the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) 2006 c.45.

(3) 2006 c.45 By virtue of section 162 of, and paragraph 34 of Schedule 11 to, the Government of Wales Act 2006 (c.32), the reference in section 61(2) to “House of Parliament” includes the National Assembly for Wales.

Status: This is the original version (as it was originally made). This item of legislation is currently

Interpretation

3. In these Regulations—

“the Act” (“*y Ddeddf*”) means the Animal Welfare Act 2006;

“adult dog” (“*ci llawndwf*”) means a dog which is not less than 6 months old;

“breeding bitch” (“*gast fridio*”) means an un-neutered female dog that is not less than 6 months old;

“draft enhancement and enrichment programme” (“*rhaglen wella a chyfoethogi ddrafft*”) means a document detailing how dogs will have the opportunity to express normal behaviour patterns submitted by the applicant to the local authority under regulation 7;

“draft socialisation programme” (“*rhaglen gymdeithasoli ddrafft*”) means a document detailing how puppies will be introduced to human handling, domestic environments, play and how they will be prepared for separation from the dam submitted by the applicant to the local authority under regulation 7;

“enhancement and enrichment programme” (“*rhaglen wella a chyfoethogi*”) means a document approved in writing by the local authority detailing how dogs will have the opportunity to express normal behaviour patterns;

“full-time attendant” (“*gweinydd llawn-amser*”) means a person who works, either paid or unpaid, at least 37 hours per week on the licence holder’s premises;

“inspector” (“*arolygydd*”) means any person who has written authority from a local authority to act in matters arising under or in relation to the Act or these Regulations;

“licence” (“*trwydded*”) means a licence granted under regulation 8;

“licence conditions” (“*amodau trwydded*”) means those conditions set out in Schedule 1 to these Regulations and any further conditions attached to a licence by the local authority;

“local authority” (“*awdurdod lleol*”) means the county council or a county borough council in whose area the applicant for a licence under regulation 7 carries out the activity of dog breeding;

“part-time attendant” (“*gweinydd rhan-amser*”) means a person who works, either paid or unpaid, between 18.5 and 37 hours per week on the licence holder’s premises;

“puppy” (“*ci bach*”) means a dog which is less than 6 months old;

“socialisation programme” (“*rhaglen gymdeithasoli*”) means a document approved in writing by the local authority detailing how puppies will be introduced to human handling, domestic environments, play and how they will be prepared for separation from the dam.

PART 2

Requirement to hold a licence

Licensing of dog breeders

4. Dog breeding is a specified activity, for the purposes of section 13(1) of the Act.

Dog breeding: interpretation

5. —(1) A person carries on the activity of dog breeding for the purposes of section 13(1) of the Act if that person keeps on premises 3 or more breeding bitches and—

Status: This is the original version (as it was originally made). This item of legislation is currently

- (a) breeds on those premises 3 or more litters of puppies in any 12 month period;
 - (b) advertises for sale from those premises a puppy or puppies born from 3 or more litters of puppies for sale in any 12 month period;
 - (c) supplies from those premises a puppy or puppies born from 3 or more litters of puppies in any 12 month period; or
 - (d) advertises a business of breeding or selling puppies from those premises.
- (2) For the purposes of paragraph (1) any dog found on premises will be presumed to be kept by the occupier of those premises until the contrary is proved.
- (3) For the purposes of paragraph (1)(a) to (c) it is immaterial whether or not the litters of puppies are bred from the breeding bitches referred to in paragraph (1).
- (4) This regulation is subject to regulation 6.

Dog breeding: exclusion

6. —(1) A person does not carry on the activity of dog breeding for the purposes of section 13(1) of the Act if the dogs mentioned in regulation 5 are bred—

- (a) for use in regulated procedures, and
- (b) at a place specified in a section 2C licence by virtue of section 2B(2)(b) of the Animals (Scientific Procedures) Act 1986.

(2) In paragraph (1) “regulated procedure” and “section 2C licence” have the meaning given by section 30 of the Animals (Scientific Procedures) Act 1986.

PART 3

Licences

Application for a licence

7. —(1) To apply for a licence under these Regulations an applicant must submit—
- (a) an application in a form and manner approved by the local authority;
 - (b) a draft enhancement and enrichment programme;
 - (c) a draft socialisation programme;
 - (d) details of the anticipated number of adult dogs and puppies to be present on the premises at any one time; and
 - (e) such supporting documentation as the authority reasonably requires.
- (2) The applicant must pay any appropriate fee in accordance with regulation 12.

Grant or renewal of licences

8. —(1) On receipt of an application complying with regulation 7, a local authority must inspect the applicant’s premises and if satisfied—

- (a) that the licence conditions are or will be met;
- (b) with the draft enhancement and enrichment programme;
- (c) with the draft socialisation programme; and
- (d) as to any other matters the local authority considers relevant; may grant a licence to the applicant.

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- (2) The local authority must attach to each licence granted—
- (a) the conditions contained in Schedule 1 to these Regulations;
 - (b) a condition specifying the maximum number of adult dogs and puppies to be kept under the terms of the licence; and
 - (c) a condition specifying a staff to adult dog ratio which must ensure as a minimum staff requirement—
 - (i) 1 full-time attendant per 20 adult dogs kept; or
 - (ii) 1 part-time attendant per 10 adult dogs kept.
- (3) Subject to paragraph (2) the local authority may also attach further conditions to a licence as it considers necessary.
- (4) The local authority may grant or renew a licence for any period up to 1 year.

Consideration of applications for licences

9. —(1) When considering whether to grant or renew a licence the local authority must be satisfied that—
- (a) dogs are at all times kept in accommodation that is of an appropriate construction and size, with appropriate exercise facilities, temperature, lighting, ventilation and cleanliness;
 - (b) appropriate whelping facilities are available;
 - (c) dogs are supplied with suitable food, drink and bedding; and
 - (d) dogs are supplied with adequate facilities to enable them to exhibit normal behaviour patterns.
- (2) Prior to granting or renewing a licence, in considering whether the licence conditions will be met, a local authority is entitled to take account of the applicant's conduct or any other circumstances that the local authority considers are relevant.

People who may not apply for a licence

10. No person may apply for a licence if they are disqualified under—
- (a) section 33 of the Welfare of Animals Act (Northern Ireland) 2011⁽⁴⁾;
 - (b) section 34 of the Act;
 - (c) section 40(1) and (2) of the Animal Health and Welfare (Scotland) Act 2006⁽⁵⁾;
 - (d) section 33A of the Dogs (Northern Ireland) Order 1983⁽⁶⁾;
 - (e) section 3(3) of the Breeding of Dogs Act 1973⁽⁷⁾ from keeping a breeding establishment;
 - (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⁾;

⁽⁴⁾ 2011 c. 16.

⁽⁵⁾ 2006 asp 11.

⁽⁶⁾ 1983/764 (N.I. 8).

⁽⁷⁾ 1973 c.60. Section 3(3) was amended by section 5(1) of the Breeding and Sale of Dogs (Welfare) Act 1999 (c.11).

⁽⁸⁾ 1964 c. 70. Section 4(3) was amended by section 64 of, and paragraph 6(2) of Schedule 3 to, the Animal Welfare Act 2006.

⁽⁹⁾ 1963 c. 43. Section 3(3) was amended by section 64 of, and paragraph 5(2) of Schedule 3 to, the Animal Welfare Act 2006.

⁽¹⁰⁾ 1954 c.40. Section 1 was repealed by section 65 of, and Schedule 4 to, the Animal Welfare Act 2006.

- (i) section 5(3) of the Pet Animals Act 1951 from keeping a pet shop⁽¹¹⁾; or
 - (j) section 6(2) of the Dangerous Wild Animals Act 1976 from the ownership of an animal⁽¹²⁾,
- and any licence issued to a person so disqualified is invalid.

Death of a licence holder

11.—(1) If the licence holder dies that licence is deemed to have been granted to the personal representatives of the licence holder so long as none of the personal representatives is subject to an order for disqualification under any of the provisions set out in regulation 10, and remains in force for a period of 3 months beginning with the date of death, but remains subject to the provisions in Part 3.

(2) The personal representatives must notify the local authority which issued the licence that the licence has vested in them within 4 weeks of the death of the licence holder.

(3) Subject to paragraphs (4) and (5), a local authority may, on the application of those personal representatives, extend the period of 3 months referred to in paragraph (1) if the local authority 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) Before extending a licence beyond 1 year from the date upon which it was issued, a local authority must inspect the licence holder's premises, and at least once per year thereafter during the period of extension.

(5) No licence may be extended under paragraph (3) beyond 3 years from the date upon which the licence was issued.

Fees

12.—(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 or renewal of a licence.

(2) The fee charged for consideration of an application for 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 and the licence conditions by the licence holder.

Guidance

13. The local authority 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

Suspension, Variation and Revocation of a Licence

Grounds for suspension and variation

14. A local authority may at any time suspend or vary a licence on being satisfied that—

(11) 1951 c.35 Section 5(3) was amended by section 64 of, and paragraph 3(2) of Schedule 3 to, the Animal Welfare Act 2006.

(12) 1976 c.38. Section 6(2) was amended by section 64 of, and paragraph 9 of Schedule 3 to, the Animal Welfare Act 2006.

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- (a) the matters referred to in regulation 9(1)(a) to (d) are not satisfied;
- (b) the licence conditions are not being complied with;
- (c) there has been a breach of these Regulations;
- (d) information supplied by the licence holder is false; or
- (e) it is necessary to protect the welfare of a dog.

Procedure for suspension and variation

15. —(1) A suspension or licence variation under regulation 14 has effect at the end of the period of 7 days beginning with the date of service of the notice of suspension or notice of variation.

(2) If it is necessary to protect the welfare of a dog the local authority may specify in the notice that the suspension or variation has immediate effect.

(3) A notice of suspension or variation must—

- (a) state the local authority's grounds for suspension or variation;
- (b) state when it comes into effect;
- (c) specify measures that the local authority considers are necessary in order to remedy the grounds; and
- (d) explain the right of the licence holder to make written representations in accordance with paragraph (4) and give the details of the person to whom such representations may be made and the date by which they must be made.

(4) Where the notice does not have immediate effect the licence holder may make written representations against the notice to the local authority within 7 days of the date of service of the notice.

(5) Where representations are made under paragraph (4), the suspension or variation does not have effect until the local authority considers the representations and makes a determination on them in accordance with paragraph (6).

(6) The local authority must make a determination on the representations and notify the licence holder in writing, giving its reasons, within 7 days of receipt of those representations.

(7) If a licence has been suspended for more than 28 days the local authority must—

- (a) reinstate that suspended licence; or
- (b) revoke that suspended licence.

Reinstatement of licence

16. —(1) A local authority must 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 remedied.

(2) Where a licence is reinstated under paragraph (1) the period for which it is issued may be varied but the licence may not be extended beyond 1 year from the date upon which it was reinstated.

Grounds for revocation of a licence

17. —(1) The local authority may revoke a licence on being satisfied that—

- (a) the matters referred to in regulation 9(1)(a) to (d) are not satisfied;
- (b) the licence conditions are not being complied with;
- (c) there has been a breach of these Regulations;
- (d) information supplied by the licence holder is false; or

Status: This is the original version (as it was originally made). This item of legislation is currently

(e) it is necessary to protect the welfare of a dog.

(2) Where a licence holder is disqualified under any of the enactments listed in regulation 10 their licence is automatically revoked when the time limit for any appeal against that disqualification expires or, if an appeal is made, when that appeal is refused.

Notice of revocation

18. A notice of revocation must—
- (a) state the local authority's grounds for revocation;
 - (b) state when it comes into effect; and
 - (c) set out the right of appeal to a magistrates' court.

PART 5

Appeals

Right of Appeal

19. —(1) Any person who is aggrieved by the refusal to grant or renew, or the decision to 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(13) 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.

PART 6

Miscellaneous provisions

Power to take samples

20. An inspector may, for the purposes of ensuring the provisions of these Regulations are being complied with, take saliva or hair samples for DNA testing, from any dog on premises occupied by the licence holder.

Duty to assist in the taking of samples

21. The licence holder must comply with any reasonable request of an inspector in order to facilitate the identification and examination of a dog and the taking of samples in accordance with regulation 20 and, in particular, must arrange the penning of a dog if so requested by an inspector.

Offences

22. —(1) It is an offence for a person, without lawful authority or excuse, to contravene any licence condition.

Status: This is the original version (as it was originally made). This item of legislation is currently

(2) A person guilty of an offence under this regulation is liable on summary conviction to imprisonment for a term not exceeding 6 months, a fine not exceeding level 5 on the standard scale, or both.

Powers of Entry

23. Breach of a licence condition must be treated as a relevant offence for the purpose of section 23 of the Act (entry and search under warrant in connection with offences).

Post Conviction Powers

24. The relevant post conviction powers contained in sections 34 and 42 of the Act apply in relation to a conviction for an offence of breach of a condition of a licence granted under these Regulations.

Transitional provisions

25. A licence granted under the Breeding of Dogs Act 1973 will continue to have effect as if it were a licence granted under regulation 5.

Consequential amendments

26. Schedule 2 (consequential amendments) has effect.

Enforcement

27. These Regulations are enforced by the local authority.

Rebecca Evans Deputy Minister for Farming and
Food, under authority of the Minister for Natural
Resources,
one of the Welsh Ministers

10 December 2014

SCHEDULES

SCHEDULE 1

Regulation 8(2)

PART 1

Licence Conditions

Condition 1: Enhancement and Enrichment

1. The licence holder must implement an enhancement and enrichment programme that has been approved by the local authority.

Condition 2: Socialisation

2. The licence holder must implement a socialisation programme that has been approved by the local authority.

Condition 3: Health

3. The licence holder must take all reasonable steps to protect dogs from pain, suffering, injury and disease.

Condition 4: Mating

4. The licence holder must ensure a breeding bitch—
- (a) is not mated until she is 12 months old;
 - (b) does not give birth to more than 1 litter of puppies in a 12 month period; and
 - (c) does not give birth to more than 6 litters of puppies in total.

Condition 5: Change of ownership of a puppy

5. The licence holder must retain ownership and possession of a puppy on the premises occupied by the licence holder until it is at least 56 days old.

Condition 6: Breeding bitch record requirements

6.—(1) The licence holder must maintain a written record in relation to each breeding bitch kept setting out her:

- (a) name;
- (b) date of birth;
- (c) breed;
- (d) physical description including colour and identifying features;
- (e) health status;
- (f) mating details including;

- (i) in relation to the sire, the information required in sub-paragraph 1(a) to (e);
 - (ii) in relation to each puppy born—
 - (aa) date of birth;
- (bb) when ownership is transferred, the new owners name and address.
- (2) When ownership of a breeding bitch is transferred the name, address and telephone number of the new owner must be recorded by the licence holder on the record referred to in sub-paragraph (1) and a copy of the record must be provided to the new owner and a copy retained by the licence holder.
- (3) The record referred to in sub-paragraph (1) must be available for inspection and retained by the licence holder for the lifetime of the breeding bitch.

Condition 7: Puppy record requirements

- 7.—(1) The licence holder must maintain a written record confirming the following details in relation to each puppy which is on the premises occupied by the licence holder:
- (a) sex;
 - (b) date of birth;
 - (c) breed;
 - (d) physical description including colour and identifying features;
 - (e) health status;
 - (f) in relation to the dam, the information required by condition 6(1)(a) to (e); and
 - (g) in relation to the sire, the information required by condition 6(1)(a) to (e).
- (2) When ownership of a puppy is transferred, the name address and telephone number of the new owner must be recorded by the licence holder on the record referred to in sub-paragraph (1) and a copy of the record must be provided to the new owner and a copy retained by the licence holder.
- (3) The record referred to in sub-paragraph (1) must be available for inspection by the local authority at any time and retained by the licence holder for 3 years from the date of birth of the puppy.

SCHEDULE 2

Regulation 26

Consequential amendments

Breeding of Dogs Act 1973

1. In section 5 of the Breeding of Dogs Act 1973 (interpretation), in subsection (2), in the definition of “local authority”, omit “and in Wales the council of a county or countyborough”.

Local Government (Wales) Act 1994

2. In Schedule 16 of the Local Government (Wales) Act 1994 (other consequential amendments), omit paragraph 42.

Guard Dogs Act 1975

3. In section 3 of the Guard Dogs Act 1975 (guard dog kennel licences), before subsection (6) insert—

Status: This is the original version (as it was originally made). This item of legislation is currently

“(5B) Where a person is convicted of an offence under section 13(6) of the Animal Welfare Act 2006 arising from the contravention of section 13(1) of that Act in relation to dog breeding in Wales, or of an offence under the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014, subsections (4) and (5) apply as they do to convictions under this Act.”

Dangerous Wild Animals Act 1976

4. At the end of section 6 of the Dangerous Wild Animals Act 1976 (penalties) insert—

“(3B) Where a person is convicted of an offence under section 13(6) of the Animal Welfare Act 2006 arising from the contravention of section 13(1) of that Act in relation to dog breeding in Wales, or of an offence under the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014, subsections (2) and (3) apply as they do to convictions under this Act”.

Zoo Licensing Act 1981

5. In section 4 of the Zoo Licensing Act 1981 (grant or refusal of licence), in subsection (5), insert at the end—

““section 13(6) of the Animal Welfare Act 2006, so far as the offence arises from the contravention of section 13(1) of that Act in relation to dog breeding in Wales; the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

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 (c.45) (“the Act”). 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.

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.

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.

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.

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 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.

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.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a Regulatory Impact Assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Welsh Government, Cathays Park, Cardiff CF10 3NQ.

Annexe IV:

Rheoliadau Lles Anifeiliaid (Bridio Cŵn) (Cymru) 2014

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

OFFERYNNAU STATUDOL CYMRU

2014 Rhif 3266 (Cy. 333)

ANIFEILIAID, CYMRU

Rheoliadau Lles Anifeiliaid (Bridio Cŵn) (Cymru) 2014

Gwnaed - - - - *10 Rhagfyr 2014*

Yn dod i rym - - *30 Ebrill 2015*

Mae Gweinidogion Cymru, sef yr awdurdod cenedlaethol priodol mewn perthynas â Chymru(1), yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 13(2), (7), (8)(e) a (10) o Ddeddf Lles Anifeiliaid 2006(2) a Rhannau 1 a 3 o Atodlen 1 i'r Ddeddf honno.

Yn unol ag adran 13(9) o'r Ddeddf honno, mae Gweinidogion Cymru, fel yr ystyrient yn briodol, wedi ymgynghori â'r personau hynny yr oedd yn ymddangos iddynt eu bod yn cynrychioli'r buddiannau y mae'r Rheoliadau hyn yn ymwneud â hwy.

Yn unol ag adran 61(2) o'r Ddeddf honno(3), mae drafft o'r offeryn hwn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru ac wedi ei gymeradwyo drwy benderfyniad y Cynulliad.

RHAN 1

Cyflwyniad

Enwi, cymhwyso a chychwyn

- 1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Lles Anifeiliaid (Bridio Cŵn) (Cymru) 2014.
- (2) Maent yn gymwys o ran Cymru ac yn dod i rym ar 30 Ebrill 2015.

Diddymu adran 1(1) o Ddeddf Bridio Cŵn 1973

2. Yn adran 1 o Ddeddf Bridio Cŵn 1973 (trwyddedu sefydliadau bridio cŵn), ar ôl is-adran (1) mewnosoder—

“(1A) Subsection (1) does not apply in relation to Wales.”

(1) Diffinnir “appropriate national authority” yn adran 62(1) o Ddeddf Lles Anifeiliaid 2006. Mae'r swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru wedi eu breinio bellach yng Ngweinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraffau 30 a 32 o Atodlen 11 i'r Ddeddf honno.

(2) 2006 p. 45.

(3) 2006 p. 45. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 34 o Atodlen 11 i'r Ddeddf honno, mae'r cyfeiriad at “House of Parliament” yn adran 61(2) yn cynnwys Cynulliad Cenedlaethol Cymru.

Dehongli

3. Yn y Rheoliadau hyn—

ystyr “amodau trwydded” (“*licence conditions*”) yw’r amodau hynny a bennir yn Atodlen 1 i’r Rheoliadau hyn ac unrhyw amodau ychwanegol a osodir ynghlwm wrth drwydded gan yr awdurdod lleol;

ystyr “arolygydd” (“*inspector*”) yw unrhyw berson sydd ag awdurdod ysgrifenedig gan awdurdod lleol i weithredu mewn materion sy’n codi o dan, neu mewn cysylltiad â’r Ddeddf neu’r Rheoliadau hyn;

ystyr “awdurdod lleol” (“*local authority*”) yw’r cyngor sir neu’r cyngor bwrdeistref sirol lle y mae’r ceisydd am y drwydded o dan reoliad 7 yn cynnal y gweithgaredd o fridio cŵn yn ei ardal;

ystyr “ci bach” (“*puppy*”) yw ci sy’n iau na 6 mis oed;

ystyr “ci llawndwŷ” (“*adult dog*”) yw ci nad yw’n iau na 6 mis oed; ystyr

“y Ddeddf” (“*the Act*”) yw Deddf Lles Anifeiliaid 2006;

ystyr “gast fridio” (“*breeding bitch*”) yw gast heb ei hysbaddu, nad yw’n iau na 6 mis oed;

ystyr “gweinydd llawnamser” (“*full time attendant*”) yw person sy’n gweithio am o leiaf 37 awr yr wythnos, naill ai am dâl neu’n ddi-dâl, ym mangre deiliad y drwydded;

ystyr “gweinydd rhan-amser” (“*part time attendant*”) yw person sy’n gweithio rhwng 18.5 a 37 awr bob wythnos, naill ai am dâl neu’n ddi-dâl, ym mangre deiliad y drwydded;

ystyr “rhaglen gymdeithasoli” (“*socialisation programme*”) yw dogfen a gymeradwywyd mewn ysgrifenedig gan yr awdurdod lleol, sy’n manylu ar sut y gwneir i gŵn bach ymgynffwrdd â chael eu trin gan bobl, amgylcheddau domestig a chwarae, a sut i’w paratoi ar gyfer eu gwahanu oddi wrth y fam;

ystyr “rhaglen gymdeithasoli ddrafft” (“*draft socialisation programme*”) yw dogfen sy’n manylu ar sut y gwneir i gŵn bach ymgynffwrdd â chael eu trin gan bobl, amgylcheddau domestig a chwarae, a sut i’w paratoi ar gyfer eu gwahanu oddi wrth y fam, a gyflwynir gan y ceisydd i’r awdurdod lleol o dan reoliad 7;

ystyr “rhaglen wella a chyfoethogi” (“*enhancement and enrichment programme*”) yw dogfen a gymeradwywyd mewn ysgrifenedig gan yr awdurdod lleol, sy’n manylu ar y modd y rhoddir cyfleoedd i gŵn fynegi patrymau ymddygiad naturiol;

ystyr “rhaglen wella a chyfoethogi ddrafft” (“*draft enhancement and enrichment programme*”) yw dogfen sy’n manylu ar y modd y rhoddir cyfleoedd i gŵn fynegi patrymau ymddygiad naturiol, a gyflwynwyd gan y ceisydd i’r awdurdod lleol o dan reoliad 7;

ystyr “trwydded” (“*licence*”) yw trwydded a roddir o dan reolad 8.

RHAN 2

Gofyniad i ddal trwydded

Trwyddedu bridwyr cŵn

4. Mae bridio cŵn yn weithgaredd penodedig, at ddibenion adran 13(1) o’r Ddeddf.

Bridio cŵn: dehongli

5.—(1) Mae person yn cynnal y gweithgaredd o fridio cŵn at ddibenion adran 13(1) o’r Ddeddf os yw’n cadw 3 neu ragor o eist bridio mewn mangre, ac—

- (a) yn bridio, yn y fangre honno, 3 neu ragor o dorllwythi o gŵn bach mewn unrhyw gyfnod o 12 mis;
 - (b) yn hysbysebu ar werth o'r fangre honno gi neu gŵn bach, a anwyd o 3 neu ragor o dorllwythi o gŵn bach a roddwyd ar werth yn ystod unrhyw gyfnod o 12 mis;
 - (c) yn cyflenwi o'r fangre honno gi neu gŵn bach, a anwyd o 3 neu ragor o dorllwythi o gŵn bach yn ystod unrhyw gyfnod o 12 mis;
 - (d) yn hysbysebu busnes o fridio neu o werthu cŵn bach o'r fangre honno.
- (2) At ddibenion paragraff (1) rhagdybir bod unrhyw gi a ganfyddir mewn mangre yn cael ei gadw gan feddiannydd y fangre honno nes profir i'r gwrthwyneb.
- (3) At ddibenion paragraffau (1)(a) i (c) nid yw'n berthnasol a yw'r torllwythi o gŵn bach wedi eu bridio o'r geist bridio y cyfeirir atynt ym mharagraff (1), ai peidio.
- (4) Mae'r rheoliad hwn yn ddarostyngedig i reoliad 6.

Bridio cŵn: eithrio

6.—(1) Nid yw person yn cynnal y gweithgaredd o fridio cŵn at ddibenion adran 13(1) o'r Ddeddf os yw'r cŵn a grybwyllwyd yn rheoliad 5 yn cael eu bridio—

- (a) i'w defnyddio mewn gweithdrefnau a reoleiddir, a
- (b) mewn lle a bennir mewn trwydded adran 2C yn rhinwedd adran 2B(2)(b) o Ddeddf Anifeiliaid (Gweithdrefnau Gwyddonol) 1986.

(2) Ym mharagraff (1) mae i "gweithdrefn a reoleiddir" a "trwydded adran 2C" yr ystyr a roddir i "regulated procedure" a "section 2C licence" gan adran 30 o Ddeddf Anifeiliaid (Gweithdrefnau Gwyddonol) 1986.

RHAN 3

Trwyddedau

Cais am drwydded

- 7.—(1) Er mwyn gwneud cais am drwydded o dan y Rheoliadau hyn, rhaid i geisydd gyflwyno —
- (a) cais ar ffurf ac mewn modd a gymeradwywyd gan yr awdurdod lleol;
 - (b) rhaglen wella a chyfoethogi ddrafft;
 - (c) rhaglen gymdeithasoli ddrafft;
 - (d) manylion am nifer y cŵn llawndwf a chŵn bach y rhagwelir a fydd yn bresennol yn y fangre ar unrhyw adeg; ac
 - (e) y dogfennau ategol hynny sy'n rhesymol ofynnol gan yr awdurdod.
- (2) Rhaid i'r ceisydd dalu unrhyw ffi briodol yn unol â rheoliad 12.

Rhoi neu adnewyddu trwyddedau

8.—(1) Wrth gael cais sy'n cydymffurfio â rheoliad 7, rhaid i awdurdod lleol archwilio mangre'r ceisydd, ac os bydd wedi ei fodloni—

- (a) bod amodau'r drwydded naill ai wedi eu bodloni neu y byddant yn cael eu bodloni;
- (b) gyda'r rhaglen wella a chyfoethogi ddrafft;
- (c) gyda'r rhaglen gymdeithasoli ddrafft; a

(d) gydag unrhyw faterion eraill y mae'r awdurdod lleol yn eu hystyried yn berthnasol; caiff roi trwydded i'r ceisydd.

(2) Ynglwm wrth bob trwydded a roddir, rhaid i'r awdurdod lleol roi—

- (a) yr amodau sydd wedi eu cynnwys yn Atodlen 1 i'r Rheoliadau hyn;
- (b) amod sy'n pennu'r nifer uchaf o gŵn llawndwf a chŵn bach sydd i'w cadw o dan delerau'r drwydded; ac
- (c) amod sy'n pennu cymhareb nifer y staff i nifer y cŵn llawndwf a fydd yn sicrhau, fel isafswm staffio—
 - (i) 1 gweinydd llawnamser am bob 20 ci llawndwf a gedwir; neu
 - (ii) 1 gweinydd rhan-amser am bob 10 ci llawndwf a gedwir.

(3) Yn ddarostyngedig i baragraff (2) caiff yr awdurdod lleol hefyd atodi amodau pellach i drwydded fel y mae'n ei ystyried yn angenrheidiol.

(4) Caiff yr awdurdod lleol roi neu adnewyddu trwydded am unrhyw gyfnod o hyd at 1 flwyddyn.

Ystyried ceisiadau am drwyddedau

9.—(1) Wrth ystyried a ddylid rhoi neu adnewyddu trwydded, rhaid i'r awdurdod lleol fod wedi ei fodloni—

- (a) bod y cŵn yn cael eu cadw bob amser mewn llety o wneuthuriad a maint priodol, gyda chyfleusterau ymarfer, tymheredd, goleuo, awyru a glanweithdra priodol;
- (b) bod cyfleusterau esgor priodol ar gael;
- (c) bod y cŵn yn cael cyflenwad addas o fwyd, diod a gwasarn; a
- (d) bod y cŵn yn cael cyfleusterau digonol i'w galluogi i arddangos patrymau ymddygiad naturiol.

(2) Cyn rhoi neu adnewyddu trwydded, bydd hawl gan awdurdod lleol, wrth ystyried a fydd amodau'r drwydded yn cael eu bodloni, i roi sylw i ymddygiad y ceisydd, neu i unrhyw amgylchiadau eraill a ystyrir yn berthnasol gan yr awdurdod lleol.

Pobl na chaniateir iddynt wneud cais am drwydded

10. Ni chaiff neb wneud cais am drwydded os yw wedi ei anghymhwysu o dan—

- (a) adran 33 o Ddeddf Lles Anifeiliaid (Gogledd Iwerddon) 2011(4);
- (b) adran 34 o'r Ddeddf;
- (c) adran 40(1) a (2) o Ddeddf Iechyd a Lles Anifeiliaid (Yr Alban) 2006(5);
- (d) adran 33A o Orchymyn Cŵn (Gogledd Iwerddon) 1983(6);
- (e) adran 3(3) o Ddeddf Bridio Cŵn 1973(7) rhag cadw sefydliad bridio;
- (f) adran 4(3) o Ddeddf Sefydliadau Marchogaeth 1964 rhag cadw sefydliad marchogaeth(8);
- (g) adran 3(3) o Ddeddf Sefydliadau Lletya Anifeiliaid 1963 rhag cadw sefydliad lletya(9);

(4) 2011 p. 16.

(5) 2006 dsa 11.

(6) 1983/764 (G.I. 8).

(7) 1973 p.60. Diwygiwyd adran 3(3) gan adran 5(1) o Ddeddf Bridio a Gwerthu Cŵn (Lles) 1999 (p.11).

(8) 1964 p. 70. Diwygiwyd adran 4(3) gan adran 64 o Ddeddf Lles Anifeiliaid 2006 a pharagraff 6(2) o Atodlen 3 i'r Ddeddf honno.

(9) 1963 p. 43. Diwygiwyd adran 3(3) gan adran 64 o Ddeddf Lles Anifeiliaid 2006 a pharagraff 5(2) o Atodlen 3 i'r Ddeddf honno.

- (h) adran 1(1) o Ddeddf Diogelu Anifeiliaid (Diwygio) 1954 rhag gwarchod anifail(10);
 - (i) adran 5(3) o Ddeddf Anifeiliaid Anwes 1951 rhag cadw siop anifeiliaid anwes(11); neu
 - (j) adran 6(2) o Ddeddf Anifeiliaid Gwyllt Peryglus 1976 rhag bod yn berchen anifail(12),
- ac y mae unrhyw drwydded a ddyroddir i berson sydd wedi ei anghymhwyso felly yn annilys.

Marwolaeth deiliad trwydded

11.—(1) Os bydd y deiliad trwydded yn marw, rhagdybir bod y drwydded honno wedi ei rhoi i gynrychiolwyr personol y deiliad trwydded, ar yr amod nad oes yr un o'r cynrychiolwyr personol yn ddarostyngedig i orchymyn anghymhwyso o dan unrhyw un o'r darpariaethau a bennir yn rheoliad 10, a bydd y drwydded yn parhau mewn grym am gyfnod o 3 mis, sy'n cychwyn gyda dyddiad y farwolaeth, ond yn parhau'n ddarostyngedig i'r darpariaethau yn Rhan 3.

(2) Rhaid i'r cynrychiolwyr personol hysbysu'r awdurdod lleol a ddyroddodd y drwydded, fod y drwydded wedi ei breinio ynddynt hwy, o fewn 4 wythnos ar ôl marwolaeth y deiliad trwydded.

(3) Yn ddarostyngedig i baragraffau (4) a (5), caiff awdurdod lleol, ar gais y cynrychiolwyr personol hynny, estyn y cyfnod o 3 mis y cyfeirir ato ym mharagraff (1) os bodlonir yr awdurdod lleol fod yr estyniad yn angenrheidiol at y diben o ddirwyn i ben ystâd yr ymadawedig, ac nad oes amgylchiadau eraill sy'n peri y byddai'n annymunol caniatáu estyniad.

(4) Cyn estyn trwydded y tu hwnt i 1 flwyddyn o'r dyddiad y'i cyflwynwyd, rhaid i awdurdod lleol archwilio mangre'r deiliad trwydded, ac ar ôl hynny archwilio'r fangre o leiaf unwaith y flwyddyn yn ystod cyfnod yr estyniad.

(5) Ni chaniateir estyn unrhyw drwydded o dan baragraff (3) y tu hwnt i 3 blynedd o'r dyddiad y cyflwynwyd y drwydded.

Ffioedd

12.—(1) Caiff awdurdod lleol godi'r cyfryw ffioedd a ystyria'n angenrheidiol—

- (a) am ystyried cais am drwydded; ac
- (b) am roi neu adnewyddu trwydded.

(2) Ni chaiff y ffi a godir am ystyried cais am drwydded fod yn fwy na chostau rhesymol cyflawni'r ystyriaeth honno.

(3) Ni chaiff y ffi a godir am roi neu adnewyddu trwydded fod yn fwy na swm y costau am roi neu adnewyddu a'r costau disgwylidiedig rhesymol am fonitro cydymffurfiaeth y deiliad trwydded â'r Rheoliadau hyn ac amodau'r drwydded yn y dyfodol.

Canllawiau

13. Rhaid i'r awdurdod lleol, wrth gyflawni ei swyddogaethau o dan y Rheoliadau hyn, roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru.

(10) 1954 p.40. Diddymwyd adran 1 gan adran 65 o Ddeddf Lles Anifeiliaid 2006 ac Atodlen 4 i'r Ddeddf honno.

(11) 1951 p.35. Diwygiwyd adran 5(3) gan adran 64 o Ddeddf Lles Anifeiliaid 2006 a pharagraff 3(2) o Atodlen 3 i'r Ddeddf honno.

(12) 1976 p.38. Diwygiwyd adran 6(2) gan adran 64 o Ddeddf Lles Anifeiliaid 2006 a pharagraff 9 o Atodlen 3 i'r Ddeddf honno.

RHAN 4

Atal Dros Dro, Amrywio a Dirymu Trwydded

Seiliau ar gyfer atal dros dro ac amrywio trwydded

14. Caiff awdurdod lleol atal dros dro neu amrywio trwydded ar unrhyw adeg os bodlonir yr awdurdod lleol—

- (a) nad yw'r materion y cyfeirir atynt yn rheoliad 9(1)(a) i (d) wedi eu bodloni;
- (b) na chydymffurfir ag amodau'r drwydded;
- (c) y cyflawnwyd toriad o'r Rheoliadau hyn;
- (d) bod gwybodaeth a gyflenwyd gan y deiliad trwydded yn ffug; neu
- (e) bod atal dros dro neu amrywio'n angenrheidiol er mwyn diogelu lles ci.

Y weithdrefn ar gyfer atal dros dro ac amrywio

15.—(1) Bydd atal dros dro neu amrywio trwydded o dan reoliad 14 yn cael effaith ar ddiwedd y cyfnod o 7 diwrnod sy'n cychwyn gyda diwrnod cyflwyno'r hysbysiad o'r ataliad dros dro neu'r amrywiad.

(2) Os yw'n angenrheidiol er mwyn diogelu lles anifail, caiff yr awdurdod lleol bennu yn yr hysbysiad fod yr ataliad dros dro neu'r amrywiad i gael effaith ar unwaith.

(3) Raid i hysbysiad o ataliad dros dro neu amrywiad—

- (a) datgan seiliau'r awdurdod lleol dros atal dros dro neu amrywio;
- (b) datgan pa bryd y daw'r ataliad dros dro neu'r amrywiad i rym;
- (c) pennu pa gamau, ym marn yr awdurdod lleol, y mae'n angenrheidiol eu cymryd er mwyn ymateb i'r seiliau; a
- (d) esbonio bod hawl gan y deiliad trwydded i wneud sylwadau ysgrifenedig o dan baragraff (4), rhoi iddo fanylion y person y dylid cyflwyno'r sylwadau hynny iddo, a datgan erbyn pa ddyddiad y mae'n rhaid eu cyflwyno.

(4) Os nad yw'r hysbysiad i gael effaith ar unwaith, caiff y deiliad trwydded gyflwyno sylwadau ysgrifenedig yn gwrthwynebu'r hysbysiad, i'r awdurdod lleol o fewn cyfnod o 7 diwrnod sy'n cychwyn gyda dyddiad cyflwyno'r hysbysiad.

(5) Os gwneir sylwadau o dan baragraff (4), ni fydd yr ataliad dros dro neu'r amrywiad yn cael effaith hyd nes bo'r awdurdod lleol wedi ystyried y sylwadau ac wedi penderfynu arnynt yn unol â pharagraff (6).

(6) Rhaid i'r awdurdod lleol wneud penderfyniad ar y sylwadau, a hysbysu'r deiliad trwydded o'r penderfyniad hwnnw mewn ysgrifen, gan roi rhesymau, o fewn cyfnod o 7 diwrnod sy'n cychwyn gyda'r diwrnod y mae'r awdurdod yn cael y sylwadau hynny.

(7) Os yw trwydded wedi ei atal dros dro am fwy na 28 niwrnod, rhaid i awdurdod lleol—

- (a) adfer y drwydded honno a ataliwyd dros dro; neu
- (b) dirymu'r drwydded honno a ataliwyd dros dro.

Adfer trwydded

16.—(1) Rhaid i awdurdod lleol, drwy hysbysiad, adfer trwydded a ataliwyd dros dro, unwaith y'i bodlonir bod y seiliau a bennwyd yn yr hysbysiad o ataliad dros dro wedi eu datrys, neu y byddant yn cael eu datrys.

(2) Wrth adfer trwydded o dan baragraff (1) ceir amrywio'r cyfnod y dyroddir y drwydded ar ei gyfer ond ni cheir estyn y drwydded y tu hwnt i 1 flwyddyn o'r dyddiad y cafodd ei hadfer.

Seiliau ar gyfer dirymu trwydded

17.—(1) Caiff awdurdod lleol ddirymu trwydded os bodlonir yr awdurdod lleol—

- (a) nad yw'r materion y cyfeirir atynt yn rheoliad 9(1)(a) i (d) wedi eu bodloni;
- (b) na chydymffurfir ag amodau'r drwydded;
- (c) y cyflawnwyd toriad o'r Rheoliadau hyn;
- (d) bod gwybodaeth a gyflenwyd gan y deiliad trwydded yn ffug; neu
- (e) bod dirymu'n angenrheidiol er mwyn diogelu lles ci.

(2) Os anghymhwysir deiliad trwydded o dan unrhyw un o'r deddfiadau yn rheoliad 10, dirymir trwydded y deiliad hwnnw yn awtomatig pan fo'r cyfnod o amser a ganiateir ar gyfer unrhyw apêl yn dod i ben, neu os gwneir apêl, pan wrthodir yr apêl honno.

Hysbysiad dirymu

18. Rhaid i hysbysiad dirymu—

- (a) datgan seiliau'r awdurdod lleol dros ddirymu;
- (b) datgan pa bryd y daw'r dirymiad i rym; a
- (c) nodi bod hawl i apelio i lys ynadon.

RHAN 5

Apelau

Hawl i Apelio

19.—(1) Caiff unrhyw berson a dramgwyddir oherwydd gwrthod rhoi neu adnewyddu trwydded, neu benderfyniad i ddirymu trwydded, apelio i lys ynadon.

(2) Bydd y weithdrefn mewn apêl i lys ynadon o dan baragraff (1) ar ffurf cwyn, a bydd Deddf Llysoedd Ynadon 1980(13) yn gymwys i'r achos.

(3) Y cyfnod a ganiateir ar gyfer dwyn apêl yw cyfnod o 28 diwrnod sy'n cychwyn gyda'r diwrnod sy'n dilyn y diwrnod y rhoddir hysbysiad o'r penderfyniad.

RHAN 6

Darpariaethau amrywiol

Pŵer i gymryd samplau

20. Caiff arolygydd, at y diben o sicrhau y cydymffurfir â darpariaethau'r Rheoliadau hyn, gymryd samplau o boer neu o flew unrhyw gi sydd mewn mangre a feddiannir gan y deiliad trwydded, ar gyfer cynnal profion DNA.

(13) 1980 p. 43.

Dyletswydd i gynorthwyo gyda chymryd samplau

21. Rhaid i'r deiliad trwydded gydymffurfio ag unrhyw gais rhesymol gan arolygydd, i hwyluso adnabod ac archwilio ci a chymryd samplau yn unol â rheoliad 20 ac, yn benodol, trefnu i gorlannu ci os gofynnir iddo wneud hynny gan arolygydd.

Troseddau

22.—(1) Cyflawnir trosedd os yw person, heb awdurdod cyfreithiol nac esgus, yn mynd yn groes i unrhyw amod trwyddedu.

(2) Mae person sy'n euog o drosedd o dan y rheoliad hwn yn agored, ar gollfarn ddiannod, i gyfnod yn y carchar nad yw'n hwy na 6 mis, dirwy nad yw'n fwy na lefel 5 ar y raddfa safonol, neu'r ddau.

Pwerau mynediad

23. Rhaid trin toriad o amod trwydded fel trosedd berthnasol yn yr ystyr a roddir i "relevant offence" at ddibenion adran 23 o'r Ddeddf (mynd i mewn a chwilio o dan warant mewn cysylltiad â throseddau).

Pwerau sy'n dilyn collfarn

24. Mae'r pwerau perthnasol sy'n dilyn collfarn, a gynhwysir yn adrannau 34 a 42 o'r Ddeddf, yn gymwys mewn perthynas â chollfarn am drosedd o dorri amod trwydded a roddir o dan y Rheoliadau hyn.

Darpariaethau trosiannol

25. Bydd trwydded a roddwyd o dan Ddeddf Bridio Cŵn 1973 yn parhau i gael effaith fel pe bai'n drwydded a roddwyd o dan reoliad 5.

Diwygiadau canlyniadol

26. Mae Atodlen 2 (diwygiadau canlyniadol) yn cael effaith.

Gorfodi

27. Gorfodir y Rheoliadau hyn gan yr awdurdod lleol.

Rebecca Evans Y Dirprwy Weinidog Ffermio a
Bwyd, o dan awdurdod y Gweinidog Cyfoeth
Naturiol, uno
Weinidogion Cymru.

10 Rhagfyr 2014

YR ATODLENNI

ATODLEN 1

Rheoliad 8(2)

RHAN 1

Amodau Trwydded

Amod 1: Gwella a Chyfoethogi

1. Rhaid i'r deiliad trwydded weithredu rhaglen wella a chyfoethogi a gymeradwywyd gan yr awdurdod lleol.

Amod 2: Cymdeithasoli

2. Rhaid i'r deiliad trwydded weithredu rhaglen gymdeithasoli a gymeradwywyd gan yr awdurdod lleol.

Amod 3: Iechyd

3. Rhaid i'r deiliad trwydded gymryd pob cam rhesymol i ddiogelu cŵn rhag poen, dioddefaint, anaf a chlefyd.

Amod 4: Paru

4. Rhaid i'r deiliad trwydded sicrhau nad yw gast fridio—
- (a) yn cael ei pharu cyn ei bod yn 12 mis oed;
 - (b) yn rhoi genedigaeth i fwy nag un torllwyth o gŵn bach o fewn cyfnod o 12 mis; nac
 - (c) yn rhoi genedigaeth i gyfanswm o fwy na 6 torllwyth o gŵn bach.

Amod 5: Newid perchnogaeth ci bach

5. Rhaid i'r deiliad trwydded barhau'n berchennog ac yn feddiannwr unrhyw gi bach yn y fangre a feddiannir gan y deiliad trwydded hyd nes bo'r ci bach yn 56 diwrnod oed, o leiaf.

Amod 6: Gofynion cofnodi geist bridio

6.—(1) Rhaid i'r deiliad trwydded gynnal cofnod ysgrifenedig mewn perthynas â phob gast fridio a gedwir, gan nodi—

- (a) ei henw;
- (b) ei dyddiad geni;
- (c) ei brid;
- (d) disgrifiad ffisegol ohoni, gan gynnwys ei lliw a'i nodweddion adnabod;
- (e) ei statws iechyd;
- (f) manylion paru, gan gynnwys;

- (i) mewn perthynas â'r tad, yr wybodaeth y mae is-baragraff 1(a) i (e) yn ei gwneud yn ofynnol;
- (ii) mewn perthynas â phob ci bach a anwyd—
 - (aa) dyddiad geni;

(bb) pa bryd y trosglwyddwyd perchenogaeth, ac enw a chyfeiriad y perchennog newydd.

(2) Pan drosglwyddir perchenogaeth gast fridio, rhaid i'r deiliad trwydded gofnodi enw, cyfeiriad a rhif teleffon y perchennog newydd yn y cofnod y cyfeirir ato yn is-baragraff (1) a rhaid i'r deiliad trwydded ddarparu copi o'r cofnod hwnnw i'r perchennog newydd a chadw copi ohono ei hunan.

(3) Rhaid i'r cofnod y cyfeirir ato yn is-baragraff (1) fod ar gael i'w archwilio a rhaid i'r deiliad trwydded ddal gafael ynddo drwy gydol oes yr ast fridio.

Amod 7: Gofynion cofnodi cŵn bach

7.—(1) Rhaid i'r deiliad trwydded gynnal cofnod ysgrifenedig sy'n cadarnhau'r manylion canlynol mewn perthynas â phob ci bach sydd yn y fangre a feddiannir gan y deiliad trwydded:

- (a) rhyw;
- (b) dyddiad geni;
- (c) brid;
- (d) disgrifiad ffisegol gan gynnwys lliw a nodweddion adnabod;
- (e) statws iechyd;
- (f) mewn perthynas â'r fam, yr wybodaeth y mae amod 6(1)(a) i (e) yn ei gwneud yn ofynnol;
a
- (g) mewn perthynas â'r tad, yr wybodaeth y mae amod 6(1)(a) i (e) yn ei gwneud yn ofynnol.

(2) Pan drosglwyddir perchenogaeth ci bach, rhaid i'r deiliad trwydded gofnodi enw, cyfeiriad a rhif teleffon y perchennog newydd yn y cofnod y cyfeirir ato yn is-baragraff (1) a rhaid i'r deiliad trwydded ddarparu copi o'r cofnod hwnnw i'r perchennog newydd a chadw copi ohono ei hunan.

(3) Rhaid i'r cofnod y cyfeirir ato yn is-baragraff (1) fod ar gael i'w archwilio gan yr awdurdod lleol ar unrhyw adeg, a rhaid i'r deiliad trwydded ddal gafael ynddo am 3 blynedd ar ôl geni'r ci bach.

ATODLEN 2

Rheoliad 26

Diwygiadau Canlyniadol

Deddf Bridio Cŵn 1973

1. Yn adran 5 o Ddeddf Bridio Cŵn 1973 (dehongli), yn is-adran (2), yn y diffiniad o "local authority", hepgorer "and in Wales the council of a county or county borough".

Deddf Llywodraeth Leol (Cymru) 1994

2. Yn Atodlen 16 o Ddeddf Llywodraeth Leol (Cymru) 1994 (diwygiadau canlyniadol eraill), hepgorer paragraff 42.

Deddf Cŵn Gwarchod 1975

3. Yn adran 3 o Ddeddf Cŵn Gwarchod 1975 (trwyddedau cwbiau cŵn gwarchod), o flaen is-adran (6), mewnosoder—

“(5B) Where a person is convicted of an offence under section 13(6) of the Animal Welfare Act 2006 arising from the contravention of section 13(1) of that Act in relation to dog breeding in Wales, or of an offence under the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014, subsections (4) and (5) apply as they do to convictions under this Act”.

Deddf Anifeiliaid Gwyllt Peryglus 1976

4. Ar ddiwedd adran 6 o Ddeddf Anifeiliaid Gwyllt Peryglus 1976 (cosbau) mewnosoder—

“(3B) Where a person is convicted of an offence under section 13(6) of the Animal Welfare Act 2006 arising from the contravention of section 13(1) of that Act in relation to dog breeding in Wales, or of an offence under the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014, subsections (2) and (3) apply as they do to convictions under this Act”.

Deddf Trwyddedu Sŵau 1981

5. Yn adran 4 o Ddeddf Trwyddedu Sŵau 1981 (rhoi neu wrthod trwydded), yn is-adran (5), mewnosoder ar y diwedd—

““section 13(6) of the Animal Welfare Act 2006, so far as the offence arises from the contravention of section 13(1) of that Act in relation to dog breeding in Wales; the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.”

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn darparu ar gyfer trwyddedu personau sy'n ymwneud â bridio cŵn. Mae Rhan 2 o'r Rheoliadau yn diffinio bridio cŵn at ddibenion adran 13(1) o Ddeddf Lles Anifeiliaid 2006 (p. 45) (“y Ddeddf”). Canlyniad y dynodiad hwnnw, yn ddarostyngedig i griteria cymhwyso, yw bod rhaid i unrhyw berson sy'n dymuno bridio cŵn yng Nghymru gael trwydded gan ei awdurdod lleol o dan y Rheoliadau hyn. Mae'r gofyniad hwn yn disodli'r gofyniad i gael trwydded o dan Ddeddf Bridio Cŵn 1973 yng Nghymru.

Mae person sy'n bridio cŵn yng Nghymru heb drwydded o dan y Rheoliadau hyn yn cyflawni trosedd o dan adran 13(6) o Ddeddf Lles Anifeiliaid 2006 ac yn agored i gael ei garcharu am gyfnod hyd at 6 mis, dirwy neu'r ddau. O dan adran 30 o Ddeddf Lles Anifeiliaid 2006 caiff awdurdodau lleol erlyn am unrhyw drosedd o dan y Ddeddf.

Mae Rhan 3 o'r Rheoliadau yn pennu sut y gall person wneud cais i'r awdurdod lleol am drwydded ac mae'n pennu materion y mae'n rhaid i awdurdod lleol fodloni ei hunan ynglŷn â hwy wrth ystyried rhoi ac adnewyddu trwydded. Mae'n darparu y caiff awdurdod lleol godi ffioedd i ddiwallu unrhyw dreuliau rhesymol a dynnir wrth gyflawni'r swyddogaeth hon, ac wrth fonitro cydymffurfiaeth â'r

Rheoliadau hyn. Mae'n ei gwneud yn ofynnol i awdurdod lleol roi sylw i ganllawiau a gyhoeddir gan Weinidogion Cymru wrth gyflawni eu swyddogaethau o dan y Rheoliadau hyn.

Mae Rhan 4 yn pennu o dan ba amgylchiadau y ceir atal dros dro, amrywio neu ddirymu trwydded. Mae Rhan 5 yn darparu ar gyfer apelau yn erbyn penderfyniadau trwyddedu gan awdurdodau lleol.

Mae Rhan 6 yn darparu bod torri amod trwydded a roddir o dan y Rheoliadau hyn yn drosedd. Mae'n darparu pwerau i arolygwyr gymryd samplau a mynd i mewn i fangreoedd ac yn cymhwyso pwerau perthnasol, yn dilyn collfarn, sydd wedi eu cynnwys yn y Ddeddf. Mae'n darparu ar gyfer gorfodi'r Rheoliadau hyn gan yr awdurdodau lleol. Mae'n darparu bod trwyddedau a roddir o dan Ddeddf Bridio Cŵn 1973 yn parhau i gael effaith fel pe baent yn cael eu rhoi o dan y Rheoliadau hyn.

Mae Atodlen 1 i'r Rheoliadau hyn yn pennu'r amodau trwydded gorfodol y mae'n rhaid eu gosod ar bob trwydded a roddir gan awdurdod lleol.

Mae Atodlen 2 i'r Rheoliadau hyn yn diwygio Deddf Bridio Cŵn 1973 ac yn diwygio cyfeiriadau ati mewn 4 Deddf o ganlyniad i diddymu adran 1(1) o'r Ddeddf honno mewn perthynas â Chymru.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, paratowyd Asesiad Effaith Rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi ohono gan Lywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.