

# Conditions for Dog Breeding According to The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021

## SCHEDULE 2

### General conditions

#### **Licence display**

1.— (1) A copy of the licence must be clearly and prominently displayed on any premises on which the licensable activity is carried on.

(2) Any website operated by the licence holder in respect of the licensable activity must clearly and prominently display—

- (a) the name of the licence holder,
- (b) the number of the licence holder's licence, and
- (c) the name of the licensing authority that granted the licence.

#### **Records**

2.— (1) The licence holder must ensure that all the records that the licence holder is required to keep as a condition of the licence are either—

(a) available for inspection by an inspector in a visible and legible form at any premises specified in the licence at which the licensable activity is carried on, or

(b) if not kept at such premises, are kept in a manner in which they can be readily made available to an inspector.

(2) Where any records that the licence holder is required to keep as a condition of the licence are stored in electronic form they must be stored in a form from which they can readily be produced in a visible and legible form.

(3) The licence holder must keep all such records for at least three years beginning with the date on which the record was created.

(4) Where records are not kept at any premises specified in the licence at which the licensable activity is carried on, the licence holder must promptly make such records available (whether in electronic format or otherwise) for inspection upon request by an inspector.

### **Number of animals**

3. The total number of animals kept for the activity at any time must not exceed the maximum that is reasonable taking into account the facilities and numbers of employed staff and volunteers on any premises on which the licensable activity is carried on.

### **Staffing**

4.— (1) Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met.

(2) The licence holder or a designated manager and any staff employed to care for the animals must be competent to identify the normal behaviour of the species for which they routinely care and to recognise signs of, and take appropriate measures to mitigate or prevent, suffering, injury, disease or abnormal behaviour.

(3) Volunteers who assist in relation to the licensable activity must only undertake tasks for which they have been suitably trained.

(4) The licence holder must provide and ensure the implementation of a written training policy for all staff members and volunteers who care for the animals.

### **Suitable environment**

5.—(1) All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape and must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

(2) If the licensable activity is carried on from premises at which animals are kept, such premises must provide an environment suitable to their species and condition (including health status and age) with respect to—

- (a) their behavioural needs,
- (b) its situation, space, air quality, cleanliness and temperature,
- (c) the water quality (where relevant),
- (d) noise levels,
- (e) light levels,
- (f) ventilation.

(3) Animals must be kept clean and comfortable.

(4) Where appropriate for the species—

- (a) opportunities for toileting must be provided, and
- (b) a toileting area must be provided if the licensable activity is carried on from premises at which animals are kept.

(5) Procedures must be in place to ensure that—

- (a) accommodation in any premises from which the licensable activity is carried on and in which animals are kept is capable of being thoroughly cleaned and disinfected,
- (b) any equipment within the accommodation is cleaned as often as necessary, and
- (c) good hygiene standards are maintained.

(6) The animals must be transported and handled in a manner (including for example in relation to housing, temperature, ventilation and frequency) that protects them from suffering, injury and disease.

(7) If the animals are kept in premises from which the licensable activity is carried on, all the animals must be easily accessible to staff and for inspection and there must be sufficient light for the staff to work effectively and observe the animals.

(8) All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.

(9) The animals must not be left unattended in any situation or for any period likely to cause them distress.

### **Suitable diet**

6.— (1) The animals must be provided with a suitable diet in terms of quality, quantity and frequency and any new feeds must be introduced gradually to allow the animals to adjust to them.

(2) Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.

(3) Feed and drinking water provided to the animals must be unspoilt and free from contamination.

(4) Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.

(5) If the animals are kept in premises from which the licensable activity is carried on, constant access to fresh and clean drinking water must be provided in a suitable receptacle for the species that require it.

(6) Where feed is prepared on any premises from which the licensable activity is carried on, there must be hygienic facilities for its preparation, including a working surface, hot and cold running water and storage.

### **Enrichment and training of animals**

7. If the animals are kept in premises from which the licensable activity is carried on, active and effective environmental enrichment must be provided to the animals in inside and any outside environments.

### **Animal handling and interactions**

8.— (1) All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from suffering, injury or disease.

(2) If the animals are kept in premises from which the licensable activity is carried on, the animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals.

(3) No animals from a social species may be isolated or separated from others of their species for any longer than is necessary.

### **Protection from suffering, injury and disease**

9.—(1) Written procedures must—

(a) be in place and implemented covering—

(i) feeding regimes,

(ii) cleaning regimes,

(iii) transportation,

(iv) the prevention of, and control of the spread of, disease,

(v) monitoring and ensuring the health and welfare of all the animals, and

(b) be in place covering the care of the animals—

(i) following the suspension or revocation of the licence,

(ii) during an emergency, and

(iii) following an emergency.

(2) All people responsible for the care of the animals must be made fully aware of these procedures before they attend to any animal in the course of the licensable activity.

(3) If animals are kept in premises from which the licensable activity is carried on, appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.

(4) All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.

(5) All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.

(6) Sick or injured animals must receive prompt attention from a veterinary surgeon

(7) Where necessary, animals must receive preventative treatment by an appropriately competent person in consultation with a veterinary surgeon.

(8) The licence holder must register with a veterinary surgeon and the contact details of that veterinary surgeon must be readily available to all staff on any premises on which animals are kept and from which the licensable activity is carried on.

(9) Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinary surgeon.

(10) Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinary surgeon.

(11) Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals and must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.

(12) No person may euthanase an animal except a veterinary surgeon, a person acting under supervision of a veterinary surgeon, a person who has been authorised by a veterinary surgeon as competent for such purpose or—

(13) All animals must be checked at least once daily and more regularly as necessary for any signs of suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.

(14) Any signs of suffering, injury, disease or abnormal behaviour must be recorded and if necessary the advice of a veterinary surgeon must be sought and followed.

### **Emergencies**

**10.**— (1) If animals are kept in premises, other than domestic premises, from which the licensable activity is carried on—

(a) a written emergency plan, acceptable to the licensing authority, must be in place, known and available to all the staff on the premises, and

(b) such a plan must be followed where necessary to ensure appropriate steps are taken to protect all animals on the premises (without risking human life) in case of fire, breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

(2) Any such emergency plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.

(3) External doors and gates must be lockable.

(4) If animals are kept in premises from which the licensable activity is carried on, a designated key holder with access to all animal areas must at all times be within reasonable travel distance of those premises and available to attend in an emergency.

## **SCHEDULE 6**

### **Specific conditions: breeding dogs**

#### **Interpretation**

1. In this schedule—

“adult dog” means a dog aged 6 months or more,

“breeding procedure” means a procedure involving—

- (a) artificial insemination of semen into the vagina or uterus, or
- (b) the placement of one or more embryos into the uterus,

with the purpose of establishing pregnancy,

“microchipped” means microchipped in accordance with regulation 6(5) of the Microchipping of Dogs (Scotland) Regulations 2016([17](#)),

“prospective purchaser” means a person who seeks to purchase a puppy,

“sleeping area” means a fully enclosed indoor area in which a dog can rest and sleep.

#### **Advertisements and sales**

2.— (1) A dog must not be advertised or offered for sale—

- (a) which was not bred by the licence holder,
  - (b) from any place other than the premises where it was born and reared under the licence,
- unless the dog is over the age of 12 months and was procured by the licence holder for breeding purposes.

(2) Any advertisement for the sale of a dog must—

- (a) include the number of the licence holder’s licence,
- (b) specify the local authority that issued the licence,
- (c) include a recognisable photograph of the dog being advertised, and
- (d) display the age of the dog being advertised.

(3) Any equipment and accessories being sold with a dog must be suitable for it.

(4) The purchaser must be informed of the age, sex and veterinary record of the dog being sold.

(5) No puppy aged under 8 weeks may be—

- (a) sold, or
- (b) permanently separated from its biological mother.

(6) A puppy may only be shown to a prospective purchaser if it is together with its biological mother.

(7) Sub-paragraphs (5)(b) and (6) do not apply in relation to a puppy if—

- (a) separation of the puppy from its biological mother is necessary for the health or welfare of the puppy, other puppies from the same litter or its biological mother, or

(b) the puppy's biological mother is deceased.

(8) A dog may only be sold if the name, and an address, of the licence holder are disclosed to the purchaser.

### **Number of breeding bitches and litters produced**

3.—(1) The number of breeding bitches kept in relation to the licensable activity of breeding dogs at any time on the premises specified in the licence and on which the licensable activity is carried on must not exceed the maximum number specified by the local authority in the licence.

(2) The number of litters produced on the premises during each consecutive 12-month period commencing with the date on which the licence was granted or, as the case may be, renewed must not exceed the maximum number of breeding bitches specified in the licence.

### **Suitable environment**

4.— (1) Each dog must have access to—

- (a) a clean, dry and warm sleeping area with comfortable bedding and which is free from draughts, and
- (b) an exercise area.

(2) Each dog must be provided with sufficient space to—

- (a) stand upright on its hind legs,
- (b) lie down fully stretched out,
- (c) wag its tail,
- (d) walk, and
- (e) turn around,

without touching another dog or the walls of the sleeping area.

(3) The exercise area must not be used as a sleeping area unless the dog chooses to do so.

(4) There must be a separate whelping area for each breeding bitch to whelp in which contains a suitable bed for whelping.

(5) Each whelping area must be maintained at an appropriate temperature and include an area which allows the breeding bitch to move away from heat spots and from her young if she chooses to do so.

(6) Each dog must be provided with constant access to a sleeping area.

(7) A separate bed or area with bedding must be provided for each adult dog.

(8) No puppy aged under 8 weeks may be transported without its biological mother except—

- (a) if a veterinary surgeon agrees for health or welfare reasons that it may be so transported, or
- (b) in an emergency.

(9) No pregnant breeding bitch may be transported later than 54 days after the date of successful mating or breeding procedure except to a veterinary surgeon.

(10) No breeding bitch may be transported earlier than 48 hours after whelping except to a veterinary surgeon where it is not otherwise practicable or appropriate for that person to attend to the bitch.

(11) In this paragraph, “exercise area” means a secure area where dogs may exercise and play.

### **Suitable diet**

5.— (1) Each puppy must be provided with the opportunity to start weaning as soon as it is capable of ingesting feed on its own.

(2) Each adult dog must be provided with feed appropriate to its needs.

(3) Each puppy must be provided with feed appropriate for its stage of development.

(4) Reasonable efforts must be made so that each puppy ingests the correct share of the feed provided.

### **Monitoring of behaviour, exercise and training**

6.— (1) The licence holder must implement and be able to demonstrate use of a documented socialisation and habituation programme for the puppies.

(2) All puppies must be given suitable and adequate opportunities to—

(a) learn how to interact with people, dogs and other animals where such interaction benefits their welfare, and

(b) become habituated to noises, objects and activities associated with a domestic environment.

(3) Each dog must be provided with toys or feeding enrichment (or both) unless advised otherwise by a veterinary surgeon.

(4) All adult dogs must be exercised at least twice daily away from their sleeping area unless advised otherwise by a veterinary surgeon.

(5) Where a veterinary surgeon has advised against exercising a dog, the dog must be provided with alternative forms of mental stimulation or environmental enrichment.

(6) All adult dogs must have at least daily opportunities to interact with people where such interaction benefits their welfare.

### **Housing with or apart from other dogs**

7.— (1) Each adult dog must be provided with opportunities for social contact with other dogs where such contact benefits the dog's welfare.

(2) Each adult dog must be given suitable and adequate opportunities to become habituated to handling by people.

(3) There must be an area within each sleeping area in which dogs can avoid seeing people and other dogs outside the sleeping area if they so choose.

### **Protection from suffering, injury and disease**



8.— (1) All dogs for sale must be in good health.

(2) Any dog with a condition which materially affects, or is likely to materially affect, its quality of life must not be—

(a) transferred in ownership,

(b) offered for sale, or

(c) moved from the premises specified in the licence and on which the licensable activity is carried on, other than to an isolation facility or veterinary care facility where the animal is in need of isolation or treatment,

until it has recovered, ceased to require isolation or, where there is no need for the animal to be isolated, been certified by a veterinary surgeon as being in a condition that is suitable for such transfer, sale or movement.

(3) The licence holder must ensure that no bitch—

(a) is mated or undergoes a breeding procedure if aged less than 12 months,

(b) gives birth to more than one litter of puppies in a 12-month period,

(c) gives birth to more than 6 litters of puppies in her lifetime,

(d) is mated or undergoes a breeding procedure if she has had—

(i) two litters delivered by caesarean section, or

(ii) one litter delivered by caesarean section if the need for the caesarean section was due to the conformation of the bitch or her offspring.

(e) is mated or undergoes a breeding procedure if aged 8 or more years.

(4) Each puppy must be microchipped and registered to the licence holder before it is sold.

(5) No dog may be kept for breeding if it can reasonably be expected, on the basis of its genotype, conformation, behaviour or state of health, that breeding from it could have a detrimental effect on its health or welfare or the health or welfare of its offspring.

(6) Each dog must be checked in person at least two times per day.

(7) Breeding bitches must be adequately supervised during whelping and the licence holder must keep a record of—

(a) the date of birth of each puppy,

(b) each puppy's sex and colour,

(c) the number of puppies in the litter, and

(d) any other significant events.

(8) The licence holder must keep a record of each puppy sale including—

(a) the microchip number of the puppy,

(b) the date of the sale, and

(c) the age of the puppy on that date.

(9) The licence holder must keep a record of the following in relation to each breeding dog—

(a) its name,

(b) its sex,

(c) its microchip and database details,

(d) its date of birth,

(e) the postal address where it normally resides,

(f) its breed or type,

(g) the date or dates of any mating and breeding procedures (whether or not any such mating or procedure is successful),

(h) details of its biological parents,

(i) details of any veterinary treatment it has received, and

(j) the date and cause of its death (where applicable).

(10) In addition to the matters mentioned in sub-paragraph (9), the licence holder must keep a record of the following in relation to each breeding bitch—

(a) the number of matings and breeding procedures,

(b) its age at the time of each mating and breeding procedure,

(c) the total number of its litters,

(d) the date or dates on which it has given birth, and

(e) the caesarean sections it has had, if any, and their cause.

(11) Any preventative healthcare plan agreed with the veterinary surgeon with whom the licence holder has registered under the condition specified in paragraph 9(8) of the general conditions must be implemented.

(12) The licence holder must keep a record of any preventative or curative healthcare (or both) given to each dog.

(13) Where any other activity involving animals is undertaken on the premises on which the licensable activity of breeding dogs is carried on, it must be kept entirely separate from the area where that licensable activity is carried on.