

# Conditions for Pet Shops i.e. Selling Animals as Pets 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

(vi) except in relation to fish, the death or escape of an animal (including the storage of carcasses),

(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 or, in the case of any sick or injured fish, an appropriately trained person and the advice of that veterinary surgeon or that trained person must be followed.

(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—

(a) in the case of fish, a person who is competent for such purpose,

(b) in the case of equines and species generally regarded as farmed livestock, a person who is competent, and who holds a licence or certificate which is relevant to the species, for such purpose,

except where the purpose of the euthanasia is to end suffering that has arisen suddenly and unexpectedly and to arrange for such a person to euthanize the animal would prolong the suffering.

(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 (or in the case of fish, of an appropriately competent person) 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 3**

### **Specific conditions for selling animals as pets**

#### Interpretation

1. In this schedule—

“prospective owner” means a person who seeks to purchase an animal to be kept or to be resold as a pet,

“premises” means the premises specified in the licence and on which the licensable activity described in paragraph 1 of schedule 1 is carried on,

“purchaser” means a person who purchases an animal to be kept or to be resold as a pet.

#### Records and advertisements

2.—(1) A register must be maintained for all the animals or, in the case of fish or other animals (not including dogs and cats) kept in groups where it is not practicable to keep individual records, all the groups of such animals, on the premises which must include—

- (a) the full name of the supplier of the animal,
- (b) the animal’s sex (where known),
- (c) (except in the case of fish) the animal’s age (where known),
- (d) details of any veterinary treatment (where known),
- (e) the date of birth of the animal or, if the animal was acquired by the licence holder, the date of its acquisition,
- (f) the date of the sale of the animal by the licence holder,
- (g) the date of the animal’s death (if applicable), and
- (h) the animal’s microchip number (if any).

(2) Where an animal is undergoing any medical treatment—

- (a) this fact must be clearly indicated—
  - (i) in writing next to it, or
  - (ii) (where appropriate) by labelling it accordingly,if it is on display in the premises with the purpose of being sold, and
- (b) it may only be sold to a prospective owner if—
  - (i) a veterinary surgeon advises that the animal is in a suitable condition to be rehomed, and
  - (ii) details of, and the reasons for, the treatment are communicated to the prospective owner prior to the sale.

(3) Any advertisement for the sale of an animal must—

- (a) include the number of the licence holder’s licence,
- (b) specify the local authority that issued the licence,
- (c) if the animal being advertised is a dog or cat, include a recognisable photograph of the animal,
- (d) (except in the case of fish) display the age of the animal being advertised,
- (e) state the country of residence of the animal from which it is being sold, and
- (f) state the country of origin of the animal.

#### Prospective sales: pet care and advice

3.— (1) Any equipment and accessories being sold with an animal must be suitable for the animal.

(2) The purchaser must be provided with information on the appropriate care of the animal including in relation to—

- (a) feeding,
- (b) housing,
- (c) handling,
- (d) husbandry,

- (e) the life expectancy of its species,
- (f) the provision of suitable accessories, and
- (g) veterinary care.

(3) Appropriate reference materials on the care of all animals for sale must be—

- (a) on display and available to be consulted by prospective owners in the premises, or
- (b) provided to prospective owners in an electronic format,

if the licensable activity is conducted in a way that involves persons attending the premises to view animals available for sale as pets, or otherwise in relation to arranging the purchase of animals as pets.

(4) The licence holder and all staff must have been suitably trained to advise prospective owners about the animals being sold.

(5) The purchaser must be informed of, where known, the country of origin, age, sex and veterinary record of the animal being sold.

#### **Suitable accommodation**

4.— (1) Animals must be kept in housing which minimises stress including from other animals and the public.

(2) Where members of the public can view or come into contact with the animals, signage must be in place to deter disturbance of the animals.

(3) Dangerous wild animals (if any) must be kept in secure accommodation that is lockable and appropriate for the species.

#### **Training and exercise**

5.— (1) For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinary surgeon recommends otherwise.

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

- (a) learn how to interact with people, their own species and other animals where such interaction benefits their welfare, and
- (b) become habituated to noises, objects and activities associated with a domestic environment.

(3) The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

#### **Sale of animals**

6.— (1) No animal of any of the following descriptions may be sold as a pet, or sold with a view to being resold as a pet, by or on behalf of the licence holder—

- (a) unweaned mammals,
- (b) mammals weaned at an age at which they should not have been weaned,
- (c) non-mammals that are incapable of feeding themselves,
- (d) puppies, kittens, ferrets or kits, aged under 8 weeks, and
- (e) puppies or kittens which were not bred by the licence holder.

(2) The sale of a dog or a cat must be completed in the presence of the purchaser on the premises.

(3) No animals or types of animal other than those animals and types of animal specified in the licence may be sold.

(4) No animal may be sold in any part of a road or public place or at a point of sale at a market (unless the point of sale at the market forms part of the premises).

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

7.— (1) All animals for sale must be in good health.

(2) Any animal with a condition which is likely to affect its quality of life must not be moved, transferred or offered for sale but may be moved to an isolation facility or veterinary care facility if required until the animal has recovered.

(3) When arranging for the receipt of animals, the licence holder must make reasonable efforts to ensure that they will be transported in a suitable manner.

(4) When an animal is to be transported or handed to a purchaser in a container, the container must be suitable for the species and expected duration of the journey.

### **Additional conditions for selling animal as pets**

#### **Stocking Densities, Cage Birds**

- 1.1 "No species of bird shall be housed in accommodation which does not afford that species sufficient space for natural free and full wing stretching and the number of birds housed shall be such that overcrowding does not significantly reduce that freedom. Long tailed birds or birds in full plumage must be provided with properly placed perches and feeding and watering points to prevent that plumage being fouled or otherwise damaged." This refers to the Wildlife and Countryside Act 1981, which should not be, contravened (especially Section 8 of the Act).
- 1.2 For perching birds, a sufficient number of perches (as appropriate) must be provided at such a height that the bird can rest its head without its head touching the top, and its tail the bottom of the cage.
- 1.3 A quality padded net should be used when catching bird in an aviary.
- 1.4 Minimum floor areas apply to young stock. For adult stock offered for sale, the dimensions should be doubled. For advice on the age of stock, it is advisable to contact a veterinary surgeon.

#### **Stocking Densities, Juvenile Small Mammals.**

	<b>No. of Animals</b>	<b>1 - 4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>Min Cage Height</b>	<b>Min Cage Depth</b>
<b>Mice Hamsters Gerbils</b>	Sq. cm	450	525	600	675	750	825	900	25	25
<b>Rats</b>	Sq. cm	575	785	900	1010	1125	1235	1350	30	30
<b>Guinea Pigs</b>	Sq. cm	1350	1570	1800	2020	2250	2470	2700	30	30
<b>Rabbits (up to 2kg) Kittens Ferrets Chinchillas Chipmunks</b>	Sq.cm	2250	2623	3000	3375	3750	4125	4500	40	40
<b>Puppies up to the age of 12 wks (max.)</b>	Sq.cm	10000	12500	15000	17500	20000	22500	25000	Double height at shoulder minimum 50	0.9m

*(All dimensions are given in Square Centimetres unless otherwise stated)*

- 2.1 The range of behavioural opportunities for many of the animals listed in the above schedule should be increased by enriching the environment with accessories.
- 2.2 Raised shelving should be taken into consideration when assessing the total floor area.
- 2.3 Temporary (up to six days) rehousing of adult rabbits in smaller cages than specified above should be considered as acceptable.
- 2.4 The above-recommended stocking densities are insufficient for the housing of marmosets. Marmosets must be housed in cages sufficiently large enough to allow for natural movement, such as climbing and swinging.

### **Stocking Densities, Ornamental Fish**

- 3.1 It is virtually impossible to determine the quantity of fish to be kept in a tank purely on a weight/volume or numbers of fish/volume ratio.
- 3.2 The variation in system design, husbandry techniques and types of fish involved would render any such method too simple to be useful or too complicated to be practical.
- 3.3 The maintenance of water quality standards is essential and is a simple but effective way to determine stocking densities. Water quality testing should be carried out at least once a week in centralised systems and 10% of individual tanks should likewise be tested. Unsatisfactory test results must be recorded in a register together with the corrective action taken. Further tests must be carried out when visual inspection of the tanks indicates the need.

### **Water Quality Criteria (1mg/litre- 1ppm)**

#### Cold Water

*Dissolved oxygen	-	mill 6mg/litre
*Free ammonia	-	max 0.02mg/litre
Nitrite	-	max 0.2mg/litre
Nitrate	-	max 50mg/litre above ambient tap water

#### Tropical Fish

*Dissolved oxygen	-	mill 6mg/litre
*Free ammonia	-	max 0.02mg/litre
Nitrite	-	max 0.2mg/litre
Nitrate	-	max 50mg/litre above ambient tapwater

#### Tropical Marine Species

*Dissolved oxygen	-	mill 5.5mg/litre
*Free ammonia	-	max 0.01mg/litre
Nitrite	-	max 0.125mg/litre
Nitrate	-	max 40mg/litre.
		This is an absolute figure it does not relate to ambient tapwater
*pH	-	mill 8.1
		Tropical Marine Only

\* These parameters should be checked first. Only if a problem exists with these tests is it necessary to check nitrite and nitrate levels.

3.4 Further advice and guidance on water quality criteria can be obtained from the ornamental Aquatic Trade Association Ltd, Unit 5, Narrow Wine Street, Trowbridge, Wiltshire, BA14 8YY.

### **Stocking Densities, Other Species**

- 4.1 Other species should be housed in accommodation appropriate to size, age, and type of species; and to avoid overcrowding. There should be sufficient space for free and natural movement, which should not be restricted by either the size of the accommodation or the number of animals in that holding. Correct temperature for the species must be maintained.

### **Dangerous Wild Animals**

- 5.1 When dangerous wild animals are kept, the cages must be of a secure construction appropriate to the species. A fine wire mesh, glass or plastic safety barrier must be incorporated into the cage system.
- 5.2 The local authority should be notified in the event that the pet shop wishes to offer for sale, for the first time, any animal on the Schedule to the Dangerous Wild Animals Act. Although it is



acknowledged that there is an exemption contained within the Act in relation to pet shops, it is recommended that considerations should be given to complying with any special requirement(s) specified in the Act for the safe accommodation or care of the animal.

- 5.3 Licensees selling animals on the Schedule to the Dangerous Wild Animals Act should inspect the purchaser's licence to keep such an animal, and inform the issuing authority of the details of the purchase.

### **Pet Care Advice**

6.1 Pet care leaflets or other similar written instructions must be made available to customers free of charge at the time of purchase, in addition to any offer to purchase pet care books or leaflets.

6.2 Purchasers must be given proper advice on the care of the animal and, where necessary, on the maintenance and use of any accessories.

6.3 No animal should be sold to any person under the age of 16 years who is unknown to the retailer unless that person is accompanied by a parent or legal guardian or provides appropriate written consent. Subsequent sales to a juvenile less than 16 years (but over 12 years) of age who is known to the retailer can be carried out in the absence of a parent or legal guardian.

### **Fire and Other Emergency Precautions**

7.1 Suitable emergency precautions and written procedures must exist and be made known to all staff, including arrangements for the evacuation of livestock.

7.2 Entrances and exits must be clear of obstructions at all times.

7.3 Suitable firefighting equipment must be provided, maintained, regularly serviced and sited as advised by the local Fire Prevention Officer and in consultation with the licensing authority.

7.4 In the interests of animal welfare, the following notice must be displayed at the front of the shop. "In case of an emergency, dial 999". The number of the local police station should also be displayed.

7.5 When pet shops are sited within other premises, the licensee or keyholders must have access at all times to the premises containing the animals.

### **Boarding of Animals**

8.1 No pet shop should be used for the purpose of boarding any species of animal for which they are not licensed to sell. If it is intended to board cats and dogs, suitable and sufficient accommodation must be provided.

N.B. Boarding of cats and dogs is subject to separate licences issued by the licensing authority under the Animal Boarding Establishments Act.

### **Categories of Animals which a Pet Shop may be Licensed to keep**

Dogs and cats (puppies and kittens) if bred by the license holder

Smaller domesticated mammals e.g. rabbits, guinea pigs, gerbils, hamsters, rats, mice, chinchillas, chipmunks and ferrets.

Larger domesticated mammals e.g. goats, pot-bellied pigs

Primates e.g. marmosets

Other mammals.

Parrots, Parakeets and Macaws.

Other birds

Reptiles

Amphibians

Fish and aquatic invertebrates

Other vertebrates