

## Dog Breeding Legislation in Wales: A Summary of Issues and Recommendations

MARCH 2021

### Background

- The third party sale of puppies and kittens refers to incidents where those animals are sold by someone who has not also bred them. Such sales often result in the puppy or kitten being taken from their mother at an early age, which can be extremely distressing for the animal. Additionally, the RSPCA has seen numerous cases of third party sellers keeping animals in extremely poor conditions which have resulted in suffering, illness and in the worst cases, the death of animals.
- 96% of respondents to the latest Welsh Government consultation were in favour of banning commercial third party sales, highlighting the large public support for such a legislative move<sup>1</sup>.
- The UK Government introduced their own ‘Lucy’s Law’ on 6 April 2020. While this was a welcome step-forward for the sector - numerous loopholes have adversely mitigated on enforcing this law since its introduction.
- The RSPCA broadly welcomed the introduction of The Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021, which were re-laid on 2 March following an error in the previous set. However, we are seeking assurances that rescue and rehoming centres will be able to rehome rescued puppies and kittens under six months of age under these Regulations, further to an apparent intention to license such rescue centres.
- With the Regulations set to be debated in the Senedd on the 23 March, this briefing paper seeks to highlight the issues currently associated with dog breeding legislation in Wales - and sets out the RSPCA’s proposals to improve this framework and drive up standards of welfare.

### Key Statistics

- 38% UK households and 41% of Welsh households, say they currently own a puppy or dog.
- In November 2020, 24% of Welsh adults said they are interested in buying a new puppy or dog in the next six months.
- Among those who are interested in buying a puppy or dog in the next six months: 81% would buy from a shelter, rescue centre, or rehoming centre, 64% would buy from a registered breeder in the UK, and 47% would buy an imported puppy from another country.
- 19% UK adults say they are fully aware of the ban of third party sales of puppies and kittens in England, 20% say they are aware but not in detail. 61% say they are not aware of ‘Lucy’s Law’.
- Only 52% of Welsh adults say they are very or fairly confident in how to get a happy, healthy puppy, with 26% saying they are not very or not at all confident.
- Over two in five Welsh adults are very or fairly confident in how to avoid an illegal or irresponsible dog breeder (44%) or seller (41%). This compares to over a third who are not very or not at all confident (31%) and (33%) respectively<sup>2</sup>.

<sup>1</sup> [A Ban on Third Party Sales of Puppies and Kittens - Summary of Responses](#)

<sup>2</sup> Savanta ComRes interviewed 2,173 UK adults online from 13th to 15th November 2020. Data was weighted to be demographically representative of the UK by age, gender, region and social grade.

## Issues Associated with England's Legislation

With England passing regulations for a ban on third party sales in 2019, and implementing that ban in April of 2020, there has been an, albeit limited, opportunity to observe the efficacy of that ban, and highlight the issues associated:

### 1) The ban excludes non-commercial sellers therefore severely limiting its impact to control sales:

- To be truly effective the ban must capture all third party sales. It is known that the largest supply of puppies is from the low volume, usually non-licensable breeders - with fewer than 12% of puppies in 2015 in the UK coming from the licensed sector<sup>3</sup>. The Companion Animal Welfare Enhancement Scheme or CAWES (2008-2011) data, albeit ten years ago, showed that only 20% of dog breeding establishments were licensed compared to 25% unlicensed and 55% exempt. Accordingly, by not introducing a ban on all breeders selling on to third party sellers, the issues we have seen in recent years will likely continue in non-commercial settings.

### 2) Third Party Sellers have set themselves up as animal rescues to avoid the ban

- We have seen cases of commercial breeders setting themselves up as animal welfare establishments or rescues, as this is an unlicensed activity this potentially allows them to not be subject to a ban. Such a move makes the enforcement of the ban by local authorities impossible, and questions the effectiveness of the ban. An example of this took place in the Republic of Ireland, with a puppy farm masquerading as a dog rescue; while such incidents have already been reported be in England<sup>4</sup>.

### 3) Third Party Sellers have set themselves up as breeders

- In a bid to circumvent a ban, the RSPCA has seen an increase in the number of planning applications for breeding establishments, with the on-site facilities that would allow sellers to not be caught by the ban. Under current legislation - the Planning Act (Wales) 2015 - animal welfare is not a material planning consideration, and therefore such applications cannot be rejected even though they will result in the suffering of hundreds, if not thousands, of animals.

### 4) Third Party Sellers being exempt if they are the breeder in another country

- The UK Government has confirmed its ban on the third party sale of puppies and kittens does not prohibit breeders that breed puppies and kittens outside England from selling those dogs in England. As such, a licensed breeder registered in Wales could set up premises in any part of England, and still put the puppies and kittens through early separation from mothers, movement to unfamiliar environments and multiple journeys without breaching the legislation. As a net exporter rather than importer of dogs, Wales can play an important role in preventing third party sales taking place across borders - and this must be a key consideration of any new regulations.

## The Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021

On 2 March 2021, the Welsh Government re-laid The Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021 following a “small but important error” in the previous set introduced.

Under the proposals, anyone who wants to sell pets in Wales has to meet minimum animal welfare standards for the first time, with a new licensing scheme introduced for pet sellers. This establishes that puppies or kittens under six months of age not bred by the licence holder cannot be sold. The law also states that puppies, kittens, ferrets or rabbits cannot be sold until they are at least eight weeks of age - while local authorities across Wales will need to provide more data about the numbers of licenced premises in a locality; ensuring increased understanding of the animal welfare picture across the country. The re-laid, updated regulations also - welcomingly - seek to address a loophole, whereby a breeder of puppies or kittens will no longer be able to transport the animals to a new setting and sell them - as this

<sup>3</sup> <https://www.battersea.org.uk/battersea%e2%80%99s-new-report-exposes-murky-world-dog-breeding>

<sup>4</sup> <https://www.irishmirror.ie/man-who-jailed-animal-cruelty-14044234>

must now be done from the premises they were bred.

The Wales Regulations differ from the England Regulations on a number of key points, including:

1. **The Period of License is for a maximum of one year in Wales rather than a maximum of three years in both England and Scotland; and**
2. **They impose a requirement of local authorities to report data on the number of licensed establishments within their locality and the licence fee being charged.**
3. **It requires the sale of any puppies or kittens to take place both in front of the breeder and on the premises that the dog was bred.**
4. **They do not offer exemptions to animal rescue and rehoming organisations, thereby preventing third party sellers reinventing themselves as rescues and circumventing a ban - but also, worryingly, raising doubts over whether charities can rehome young puppies and kittens rescued from situations of cruelty and neglect.**

These key differences go some way to overcoming many of the issues associated with England's version of 'Lucy's Law', as highlighted above, although the RSPCA remains disappointed that other animal activities remain unlicensed in Wales, or are subject to a regulatory framework which is decades old - such as animal boarding; which was updated in England in 2018, but in Wales still remains subject to the Animal Boarding Establishments Act 1963.

RSPCA Cymru had been hopeful that the re-laid Regulations would provide an expected exemption for animal rescue and rehoming organisations - but this appears to have not been addressed. As the Regulations currently stand, animal rescues would need to be licensed and no animal charity in Wales would be able to rehome kittens or puppies under they're six months of age, which could mean many young animals spend months in boarding waiting for the date they can be legally rehomed. This may also decrease the amount of boarding space many animal rescue centres have available.

The RSPCA, and other animal rescue and rehoming organisations across Wales, routinely rescue kittens and puppies well under the age of six months. While we would not rehome any kitten or puppy until they were at-least eight weeks of age, the Regulations as laid prevent us rehoming any cat or dog under the age of six months. **We are now urgently seeking clarification from the Welsh Government as to their intention for rescue and rehoming centres in Wales - given the content of these regulations.**

RSPCA Cymru has long campaigned for the regulation of animal sanctuaries, rescues and centres - but have favoured standalone regulations designed specifically for animal welfare establishments. Rescue centres are NOT third party sellers - and without an exemption, rescued puppies and kittens in this sector risk being caught up by legislation designed to deal with something very different

The Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021 are set to be debated on 23 March 2021.

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

In October 2019, the Minister for Environment, Energy and Rural Affairs, Lesley Griffiths MS, announced a review of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014<sup>5</sup>, would be undertaken by the Wales Animal Health and Welfare Framework Group, who appointed a Task and Finish Group to complete this review.

The Group reviewed the 2014 Regulations and made a number of recommendations to promote higher welfare standards across breeding establishments in Wales - many of which backed up long-standing RSPCA calls on further tightening Wales' dog breeding laws.

### Key Recommendations of the Review

<sup>5</sup> [Welsh Government, Review of The Animal Welfare \(Dog Breeding\) \(Wales\) Regulations 2014](#)

- **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 Welsh Government has already committed to introducing training for local authorities on a three-year pilot scheme, however the details of this are yet to be fully published.
- **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. 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.
- **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 minimum ratio of one staff member to ten adult dogs has been proposed and would be a step forward.. 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. However, crucially, the current ratio also excludes puppies; which means it is unclear the number of dogs one attendant is legally allowed to care for at once - despite the vitally important socialisation and enrichment needs of young puppies.

On 18 November 2020, the Minister published a written statement<sup>6</sup> in response to the Review of the Regulations undertaken in October 2019, agreeing that the enforcement and delivery of dog breeding establishments in Wales need improving.

While RSPCA Cymru welcomed the clarity on the three year funding for a local authority project, which includes plans to review the guidance made available to local authorities - including on what inspectors should be looking for when young pups are socialised by breeders, we remain unconvinced that the proposals laid out in the statement will go far enough to compliment the forthcoming ban on third party sales, and those associated with dog breeding in Wales more generally, unless the shortcomings of the 2014 Regulations are addressed. However, the Welsh Government said in their response to the review they have "no immediate plans to propose amendments to the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014"<sup>7</sup>.

The Minister outlined that the objective of the project is to develop a consistent approach to applying licence conditions, inspections and enforcement - and maximise the potential to maintain performance and levels of service. While, again, these are welcome comments - and do draw on one of the many key recommendations of the Task and Finish Group - the RSPCA remains concerned that without amending and updating the 2014 Regulations - including the ratio of adults to dogs in licensed establishments - dog breeding in Wales will continue to be not fit for purpose, local authority officers will continue to be stretched, and a postcode lottery of skills across Wales will still be present.

Accordingly, RSPCA Cymru continues to urge the Welsh Government to adopt the recommendations set out in the Review in legislation, and proposals found within this paper, alongside the forthcoming ban on third party sales, to ensure all potential loopholes are closed, welfare is improved in actuality, and local authority officers are supported.

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<sup>6</sup> [Written Statement, Review of The Animal Welfare \(Dog Breeding\) \(Wales\) Regulations 2014, 18 November 2020](#)

<sup>7</sup> [Welsh Government response](#) to the Wales Animal Health and Welfare Framework Group's Review of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014, 18 November 2020, p8

## Dog Breeding Data in Wales

While it is widely accepted that Wales plays home to a large number of dog breeding establishments, particularly in the West Wales localities, there is a lack of credible data on the number of establishments, the number and breed of litters at those establishments, and identification of breeding bitches. This has been a great source of frustration to those organisations working in the animal welfare sector and hindered the ability to monitor the efficacy of the existing legislation. Additionally, a lack of data sharing between public bodies has resulted in animals suffering, with cases of breeding bitches being passed from one local authority to another, breeding in excess of the maximum six litters per year.

Accordingly, the RSPCA is calling for greater transparency and data sharing both from Welsh Government and local authorities in Wales, as well as between local authorities to ensure that we can effectively monitor the efficacy of the existing legislation, and prevent instances of dogs being passed from one local authority to another, without registration, to breed in excess of the maximum number of litters.

**Recommendation:** Introduce a national database for dogs and breeders, to work alongside the existing microchipping legislation. This will prevent instances of 'over-breeding' and ensure that vital data is centrally stored to ensure evidence-based legislation can be enacted to tackle issues associated with the dog breeding trade in Wales.

## RSPCA Proposals

RSPCA is calling for the following proposals to be put forward alongside the introduction of the ban on third party sales in Wales, to ensure the ban's efficacy and to ensure welfare standards are improved in reality, and not only in legislation.

- 1) Welsh Government to provide clarity on whether animal rescue and rehoming organisations will be caught by the Animal Welfare (LAIA) (Wales) Regulations 20201; and therefore need to become licensed. If so, a mechanism should be found to allow such rescue centres to continue to rehome rescue puppies and kittens who are under six months of age.**
- 2) Welsh Government to implement the recommendations of the Review of The Animal Welfare (Dog Breeding) (Wales) Regulations 2014 alongside the ban on third party sales, to solidify dog breeding legislation and ensure standards are improved across the whole of Wales.**
- 3) Welsh Government to work with the UK Government to raise the legal age for importing puppies from fifteen weeks to twenty-four weeks. With a ban on third party sales implemented and properly enforced, RSPCA hopes to see a fall in demand for dogs being imported into the UK for sale. Accordingly, scope now exists to legislate to ban the importation of dogs under the age of 24 weeks, allowing them to remain with their mother and be properly socialised before being sold. This would be permitted once the UK leaves the EU and other countries such as the USA, have successfully introduced such an age limit with a resultant positive impact on puppy imports.**
- 4) Welsh Government and Local Authorities to work together to introduce a 'national database for dogs' in support of the existing microchipping legislation, to help local authorities effectively monitor welfare standards on a cross-boundary basis.**
- 5) Welsh Government to support amending the existing Planning Act (Wales) to make animal welfare a material planning consideration. Such a move would allow local authorities to consider the number of breeding establishments that already exist within their local area, the demand for dogs, and the welfare implications that such an application would have, before granting permission for applications.**
- 6) Welsh Government to undertake a promotional campaign, similar to that of 'Petfished' by the**

UK Government<sup>8</sup>, to encourage individuals to responsibly source their pets, and consider the welfare implications of purchasing a puppy or kitten from a breeder who may be based in a different country within the UK, resulting in long journeys and poor conditions.

## Dog Breeding Establishments by Local Authority

An RSPCA Freedom of Information request, produced the following figures in relation to the question “Number of licensed dog breeding establishments in your local authority, as of 13 November 2020.”

Blaenau Gwent County Borough Council	0
Bridgend County Borough Council	3
Caerphilly County Borough Council	7
Carmarthenshire County Council	70
Ceredigion County Council	28
City of Swansea	22
City of Cardiff	4
Conwy County Borough Council	8
Denbighshire County Council	8
Flintshire County Council	11
Gwynedd Council	2
Anglesey County Council	5
Merthyr Tydfil County Borough Council	1
Monmouthshire County Council	4
Neath Port Talbot Council	14
Newport City Council	1
Pembrokeshire County Council	9
Powys County Council	23
Rhondda County Borough Council	5
Torfaen County Borough Council	2
Vale of Glamorgan Council	4
Wrexham County Borough Council	17
<b>Total</b>	<b>248</b>

<sup>8</sup> <https://getyourpetsafely.campaign.gov.uk/>