Guidance for Applicants on Legal Requirements and Licence Conditions for Dog Breeding Establishments


Disclaimer

The information contained within this document has been produced based on available information and has been compiled in good faith for the sole purpose of providing information.

Wigan Council has taken reasonable care to ensure this information is accurate and up to date. Wigan Council cannot however accept liability for any claims, actions and demands arising from or relating to losses due to the accuracy of the information given in this document. Therefore, it is strongly recommended that before you take any action in respect of any matters referred to within this document that you seek your own independent legal advice.

The Law

The law relating to the breeding of Dogs can be found in:

- The Breeding of Dogs Act 1973;
- The Breeding of Dogs Act 1991;
- The Breeding and Sale of Dogs (Welfare) Act 1999;

When is a licence required?

Section 1 of the Breeding of Dogs Act 1973 states:

“No person shall keep a breeding establishment for dogs except under the authority of a licence granted in accordance with the provisions of the Act”.

Section 4A of the Breeding of Dogs Act 1973 as inserted by the Breeding and Sale of Dogs (Welfare) Act 1999 Section 7 states as follows:

Definition of establishments

(1) References in this Act to the keeping of a breeding establishment for dogs shall be construed in accordance with this section.

(2) A person keeps a breeding establishment for dogs at any premises if he carries on at those premises a business of breeding dogs for sale (whether by him or any other person).

(3) Subject to subsection (5) of this section, where:
(a) a person keeps a bitch at any premises at any time during any period of twelve months; and

(b) the bitch gives birth to a litter of puppies at any time during that period, he shall be treated as carrying on a business of breeding dogs for sale at the premises throughout the period if a total of four or more other litters is born during the period to bitches falling within subsection (4) of this section.

(4) The bitches falling within this subsection are:

(a) the bitch mentioned in subsection (3)(a) and (b) of this section and any other bitches kept by the person at the premises at any time during the period;

(b) any bitches kept by any relative of his at the premises at any such time;

(c) any bitches kept by him elsewhere at any such time; and

(d) any bitches kept (anywhere) by any person at any such time under a breeding arrangement made with him.

(5) Subsection (3) of this section does not apply if the person shows that none of the puppies born to bitches falling within paragraph (a), (b) or (d) of subsection (4) of this section was in fact sold during the period (whether by him or any other person).

(6) In subsection (4) of this section “breeding arrangement” means a contract or other arrangement under which the person agrees that another person may keep a bitch of his on terms that, should the bitch give birth, the other person is to provide him with either:

(a) one or more of the puppies; or

(b) the whole or part of the proceeds of selling any of them; and “relative” means the person’s parent or grandparent, child or grandchild, sibling, aunt or uncle or niece or nephew or someone with whom he lives as a couple.

(7) In this section “premises” includes a private dwelling”.

In simple terms this means that you keep a breeding establishment if you carry on at premises a business of breeding dogs for sale whether by you or another person. (See sub-section (2) above). Below is an extract from the Home Office Circular 53/1999:

“The definition of keeping a breeding establishment for dogs, for the purposes of the Act, is provided in section 4A. Under section 4A(2) a person keeps a breeding establishment for dogs at any premises if he/she carries on at those premises a business of breeding dogs for sale. Section 4A(3) in effect provides that a person whose bitches give birth to 5 or more litters in any period of 12 months shall be presumed to be carrying on a dog breeding business.

Those breeders whose rate of litter production brings them within section 4A(3) will therefore have to be licensed, without the local authority having to take additional steps to satisfy itself as to whether or not a business is being carried out (unless no puppies have
been sold). Decisions as to whether breeders with bitches producing fewer than 5 litters a year need to be licensed will depend on whether the persons concerned are carrying on a business as per section 4(2). That in turn can only be determined on the facts of each case. The legislation was not intended to apply to hobby breeders, and the "litter test" in section 4A(3) will in practice catch most of the dog breeding businesses. There will however be exceptions, and there will no doubt be some breeders producing fewer than 5 litters a year who will have to be licensed”.

Please see sub-section (6) above for the meaning of “breeding arrangement” and “relative” and sub-section (7) for “premises”.

You will not be granted a licence if you have been disqualified from any of the following:

- keeping a breeding establishment;
- keeping a pet shop;
- having custody of animals;
- from keeping an animal boarding establishment.

**How conditions are attached to licences:**

Before a licence is issued the Council must be satisfied that certain ‘dog breeding’ conditions relating to the welfare of the animals are met.

Conditions are attached to licences to make sure that:

1. The dogs will at all times be kept in accommodation suitable in respect of construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness.

2. That the dogs are adequately supplied with suitable food, drink and bedding material, adequately exercised and visited at suitable intervals.

3. That all reasonable precautions are taken to prevent and control the spread among dogs of infectious and contagious diseases.

4. That appropriate steps will be taken for the protection of dogs in case of fire or other emergency.

5. That all appropriate steps will be taken to ensure that the dogs will be provided with suitable food, drink and bedding material and adequately exercised when being transported to or from the breeding establishment.

6. That bitches are not mated if they are less than one year old.

7. That no bitch shall give birth to more than six litters each.

8. That no bitch gives birth before the end of a period of twelve months beginning on the day on which they last gave birth.

9. That accurate records in a form prescribed by the Breeding of Dogs (Licensing Records) Regulations 1999 are kept at the premises.
Before you apply:

Before making an application you must consider whether you will require planning permission. You are advised to contact the Council’s Planning Services Section on (01942) 404364 for advice.

How to apply:

You must complete a ‘dog breeding’ application form which can be obtained by telephoning (01942) 404627 or by e-mail to licensing@wigan.gov.uk and send it together with all the documents and the appropriate fee to the Licensing Section, Town Hall, Library Street, Wigan, WN1 1YN. Please note that we will not deal with your application if it is incomplete or the fee is not paid.

If you already hold a licence, a renewal notice will normally be sent to you about six weeks before it expires. Please note that this is not required in law and the responsibility to renew your licence is yours.

What happens when you have applied:

If a licence has not previously been issued to you in respect of premises an inspection will be made by a Veterinary Surgeon or Veterinary Practitioner authorised by the Council and by an Authorised Officer of the Council. Please note that that the cost of the veterinary inspection will be invoiced to you separately.

When you apply to renew a licence then the Council will again arrange for your premises to be inspected by a Veterinary Surgeon or Veterinary Practitioner authorised by the Council and by an Authorised Officer of the Council. Please note that that the cost of the veterinary inspection will be invoiced to you separately.

Once the inspection has been carried out a report about the premises, the applicant and any other relevant matters will be made and will be considered before a licence is issued.

When a licence has been issued, a copy of the licence shall be displayed to the public in a prominent position in the dog breeding establishment.

Length of licence:

Licences are issued for a maximum period of twelve months. Renewal application forms are sent out by the Council six to eight weeks prior to the renewal date.

Refusal of a licence:

If you were refused a licence or were aggrieved by any of the conditions attached to a licence then you have the right to appeal to a Magistrates Court.

Who can visit your premises:

Local authority officers, veterinary surgeons or practitioners authorised in writing by the local authority may, upon producing such authorisation, enter any licensed dog breeding establishment for the purposes of carrying out an inspection.
Advice to all breeders:

1. You should provide suitable bedding material for the breed and ensure adequate exercise is given. Where cages are provided, these must be of sufficient size for a dog to lie down, stand up, turn around comfortably and to defecate away from the sleeping area.

2. You should keep the temperature of the sleeping accommodation at a minimum of 10°C (50°F) and a maximum of 26°C (79°F). Open flame heating appliances should not be used.

3. You should provide natural and artificial lighting. Low level night light is recommended.

4. You should make sure that there is an adequate supply of suitable food and clean water available at all times. There should be adequate refrigeration to keep food fresh, particularly for fresh and cooked meats.

5. You should make sure that eating and drinking vessels are capable of being easily cleaned.

6. You should make sure that whelping does not take place in a domestic kitchen. If there are children in the house, there should be separate facilities for food preparation.

7. You should take reasonable precautions to prevent and control the spread amongst the dogs of any infectious diseases. All dogs should be vaccinated against Canine Distemper, Infectious Canine Hepatitis, Leptospirosis and Canine Parvovirus.

8. You should provide a first-aid kit suitable for use on dogs and puppies which is at all times available and accessible. Your vet will advise on contents appropriate for your breed of dog.

9. You should make sure that a fit and proper person is always present to exercise supervision and deal with emergencies and that dogs are regularly checked throughout the day.

Guidance on licence conditions for non-domestic breeders (i.e. breeders who keep dogs in kennelling which is not within the house):

1. Walls, floors and ceilings should be capable of being easily cleaned and disinfected. Great care must be taken when using and storing bleach; always follow the manufacturer's instructions. Phenolic disinfectants should not be used around dogs.

2. Wood must be smooth and treated to render it impervious; it should not be used on exposed surfaces of walls, floors, partitions, door frames or doors in the dog kennelling area. All exterior wood should be treated against wood rot using a non-toxic coating.
3. Walls with which dogs may come into contact must be of smooth and impervious materials. Where concrete or other building blocks or bricks are used they should be sealed so as to be smooth and impervious.

4. Floors in kennels’ exercise areas should be smooth and impervious and be constructed and maintained so as to prevent pooling of liquids. A minimum fall of 1 in 80 is recommended.

5. Kennels should be provided with an adequate size of sleeping area for the breed. Dogs should be able to lie down, turn around and stand comfortably in the sleeping area, with sufficient space for the door to open fully. Adequate exercise areas should be provided and partition walls between kennels and individual exercise areas should be of solid construction to a minimum height of 1.2 metres (4 feet).

6. Windows and doors should be strong and secure.

7. Sleeping areas in kennels must be insulated to prevent extremes of temperature. Bedding should have sufficient depth to allow the dog protection against draughts and must be capable of being easily cleaned.

8. The establishment should be connected to mains drainage or a sewerage system of an approved type.

9. During daylight hours light must be provided to exercise and sleeping areas so that all parts are clearly visible. Where practicable this should be natural light. Adequate supplementary lighting must be provided throughout the establishment.

10. Ventilation must be provided to all interior areas without the creation of excessive, localised draughts in the sleeping area.

11. Isolation facilities should be available when required. The isolation facility must be physically isolated from other dogs.

12. All kennels and exercise areas must be kept clean and free from accumulation of dirt. Each kennel must be cleaned daily and regularly disinfected. Sleeping areas and bedding must be kept clean and dry. Measures must be taken to minimise the risk from rodents, insects and other pests.

Advice on kitchen facilities:

1. Storage and preparation facilities for food should be hygienically constructed and maintained to a high standard. Be mindful of the risks posed by the dog roundworm parasite toxocare canis, particularly if children are likely to come into contact with the dogs or their feeding equipment.

2. Fresh and cooked meats should always be stored in a refrigerator. Other food should be stored in vermin and insect proof containers.

3. A sink with hot and cold running water is essential. It is recommended that a separate hand basin with hot and cold running water is also provided.

Advice on transportation:
1. Suitable food, clean drinking water and bedding should be provided.

2. Dogs should be adequately exercised whilst being transported to and from the breeding establishment.

3. It is recommended that records are kept of how and when your dogs are transported.

Advice on emergencies / fire prevention:

1. All appropriate steps should be taken for the protection of the dogs in case of fire or other emergency. You should have in place an emergency evacuation plan which should be practised at least annually. The fitting of smoke detectors is recommended.

2. Open flame heat appliances should not be used.

3. All electrical installations and appliances should be maintained in a safe condition.

   You are recommended to purchase the following book which offers more detailed guidance:


   Published by BVA Publications, 7 Mansfield Street, London W1M 0AT
   Telephone: 020 7636 6541

Finally:

If you have any questions about the application process please contact the Licensing Section on (01942) 404627 or by e-mail at licensing@wigan.gov.uk. As staff in the Licensing Section only deal with the administration of your application, they are unable to give you advice on technical questions or advice on how to set up a business. If you need this type of information or advice, please contact the Council’s Business Compliance Section on 01942 827495, or by e-mail at comm@wigan.gov.uk.