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Llywodraeth Cymru
Welsh Government

Welsh Government Consultation Document

A Ban on Third Party Sales of Puppies and Kittens

Date of issue: 22 June 2020

Action required: Responses by Midnight on 17 August 2021

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Overview

The Welsh Government is consulting on proposals to introduce a ban on commercial third party sales of puppies and kittens. This is a follow on from the consultation which was conducted between 19 February – 17 May 2019 and received 458 responses, the majority of which supported a ban. The consultation highlighted other issues which needed further investigation such as enforcement and breeding.

Third party sales are largely referred to as those that are sold by pet shops and other traders who have not bred the litter.

Commercial third party sales may be associated with poorer welfare conditions for the animals compared to buying direct from the breeder. For example, the introduction to several unfamiliar environments and likelihood of multiple journeys may contribute to an increased risk of disease and lack of socialisation and habituation.

There are a number of ways someone can buy a puppy or kitten from a legal source;

- 1) From a licenced dog breeder (those with at least three breeding bitches)
- 2) From an unlicensed breeder (those with less than three breeding bitches or those breeding cats)
- 3) From a third party seller (someone who has not bred the puppy or kitten themselves)
- 4) From a sanctuary/rescue/rehoming centre.

Optimising welfare standards across the whole industry is vital. A key aspect of this legislation is to promote responsible breeding and ensure puppies are bred in suitable conditions. Enrichment and proper socialisation of both breeding dogs and puppies plays an essential role in ensuring a balanced family pet. The majority of licensed breeders recognise the importance of the conditions placed on them and strive to meet those conditions and where possible go beyond this with additional investment. It is important these businesses are provided with a fair and level playing field to apply their trade.

The emotional draw to purchase a puppy or a kitten is sometimes the over-riding reason people succumb to purchasing an animal from someone they know they should not. Their primary reason for doing so seems to be the welfare of the animal and those selling the puppy or kitten does play on this.

Commercial third party sellers are those who are licenced pet sellers; in Wales they hold a licence under the Pet Animals Act 1951¹.

The term 'commercial' means sales as part of a business, for profit. Third-party sellers are people who did not breed the puppy or kitten and who operate as 'middlemen' between the breeders and the buying public. This could be in the form of a 'traditional' pet shop environment, a dealer buying from breeders and selling on to shops or the public with no physical presence required, or licensed dog breeders who sell additional litters from dogs they do not own. All these scenarios are likely to be for commercial purposes and would currently require a licence under the Pet Animals Act 1951.

The proposals being considered will entail changing licensing arrangements for the sale of pet animals, including puppies and kittens and will also lead to a ban on the sale of puppies and kittens below a particular age. Any ban introduced on its own cannot tackle all the complex problems associated with puppy trading. The proposed ban would be one part of a body of work associated with improvements in welfare standards at dog breeding establishments and tackling barriers to enforcement.

Breeding cats and dogs is a legitimate business and whilst most breeders ensure the welfare needs of their animals are met, there are some that are falling short of the standards required. If the Welsh Government is to make a difference in Wales we want to ensure there are no loop holes to be exploited by the unscrupulous so your comments are really valuable in shaping next steps.

We are therefore asking you for your opinion and also to provide us with any evidence you may have which may help us better understand the situation.

We are keen to hear the views of children and young people so have produced questions suitable for young people on the proposed change. We are working with a number of organisations who regularly engage with children and young people

¹ <https://www.legislation.gov.uk/ukpga/Geo6/14-15/35>

How to respond

You can respond to this consultation using the questionnaire at the back of this document, by completing an online questionnaire, or writing to the team using the contact details below.

**Further information and related documents
Large print, Braille and alternative language
versions of this document are available on
request.**

To access the consultation online, including a questionnaire to submit your response, please see <https://beta.gov.wales/consultations>

Contact Details

For further information:

Address:

Companion Animal Policy Team
Animal Welfare & Framework Branch
Office of the Chief Veterinary Officer
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Email: companionanimalwelfare@gov.wales

Telephone: 0300 060 4400

**Further information
and related
documents**

**Large print, Braille and alternative language
versions of this document are available on
request.**

**This document is
also available in
Welsh**

URL HERE to be inserted

General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

e-mail:

Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or
0303 123 1113

Website: <https://ico.org.uk/>

What are the main issues?

The priorities for the Welsh Government include:

- a) Higher standards of welfare for animals bought and sold in Wales
- b) Better health and welfare outcomes for puppies and kittens being bred in Wales
- c) Clarity for the public about how and where to purchase a puppy or kitten in Wales
- d) Stronger enforcement of licenced breeding establishments in Wales

Under current rules, it is possible for someone to sell puppies and/or kittens in Wales without having bred them themselves. For the purpose of this consultation 'puppy' and 'kitten' mean dogs and cats up to the age of 6 months. This will provide consistency with existing legislation (as defined in Part 1, Section 3 of The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014²) and will minimise cross-border issues with England who have also use the same definition.

Sales through third party sellers may be associated with poorer welfare conditions, including lack of socialisation and habituation, increased risk of disease, and increased risk of exposure to stressful events at a young age leading to behavioural problems later on in life. The puppies and kittens may also be subjected to several journeys before reaching the destination of final sale.

There have been calls from the general public and welfare organisations for government to intervene in order to drive up welfare standards in Wales. Other non-regulatory options such as educational campaigns by key stakeholders and a social media campaign by the Welsh Government (#PawsPreventProtect campaign) to encourage buyers to purchase responsibly (e.g. seeing the animal with its mother) have already been tried but with limited success.

Currently, commercial third-party sellers are those who hold a licence under the Pet Animals Act 1951. Local Authorities in Wales determine whether to grant a licence under the following conditions:

- that animals will at all times be kept in accommodation suitable as respects of size, temperature, lightening, ventilation and cleanliness
- that animals will be adequately supplied with suitable food and drink and (so far as necessary) visited at suitable intervals;
- that animals, being mammals, will not be sold at too early an age;
- that all reasonable precautions will be taken to prevent the spread among animals of infectious diseases;
- that appropriate steps will be taken in case of fire or other emergency;

² <http://www.legislation.gov.uk/wsi/2014/3266/regulation/3/made>

The Animal Welfare Act 2006 (“the 2006 Act”)³ also places a duty on someone who is responsible for an animal to ensure its welfare. A person must take such steps as are reasonable in all the circumstances to ensure the statutory needs of an animal are met.

There are concerns commercial third party sales of puppies and kittens may be associated with poorer welfare conditions for the animals compared with a direct purchase from the breeder. These concerns have been raised by a number of animal welfare charities and evidence submitted by RSPCA Cymru, Animal Welfare Network Wales (AWNW), Companion Animal Welfare Group (Wales) (CAWWG) and Local Authorities. A number of campaigns have also taken place by CARIAD and Puppy Love who evidencing why Wales would benefit from a ban of commercial third party sales of puppies and kittens.

Further pressure to introduce a ban has been received since the introduction of the ‘Lucy’s Law’ campaign in England. The ‘Lucy’s Law’ campaign called for an immediate ban on the sale of commercial third party sales of puppies. All local authorities in Wales have signed up to the campaign. A petition associated with the campaign gained over 100,000 signatures and was debated in the UK parliament on 21 May 2018. The new law was laid in Parliament on 13 May and came into force in England on 6 April 2020, with licenced commercial traders no longer allowed to sell puppies or kittens as pets if they are less than 6 months old and they had not been bred by the seller.

Background and where we are now?

On 19 June 2018 the Minister for Environment, Energy and Rural Affairs, Lesley Griffiths, delivered an oral statement⁴ announcing her commitment to explore new options to ban commercial third party sales of puppies and kittens in Wales. On 13 November 2018 the Cabinet Secretary announced⁵ a consultation would be launched to gather information on the supply chain and establish where Government intervention would have the greatest impact.

We held our first public consultation on the banning of third party sales of puppies and kittens from 19 February 2019 and closed on the 17 May 2019⁶. The consultation looked at evidence on what stage the Welsh Government should intervene in the breeding industry to address concerns about animal welfare. The consultation responses showed widespread support for the banning of commercial third party sales of puppies and kittens. The Summary of Responses⁷ from both members of the public and major animal welfare organisations from across Wales and the UK provides significant data which has been taken in to account and, rather than replicate that data in this document, it should be read in conjunction with this consultation.

³<http://www.legislation.gov.uk/ukpga/2006/45/contents>

⁴ <https://gov.wales/oral-statement-companion-animal-welfare>

⁵<https://gov.wales/oral-statement-animal-welfare>

⁶ <https://gov.wales/third-party-sales-puppies-and-kittens>

⁷ <https://gov.wales/third-party-sales-puppies-and-kittens>

However, this was seen as only one of the steps to improve the welfare of puppies and kittens at breeding premises –the main concerns highlighted as being;

- General poor conditions at breeding premises
- Illegal importation of puppies
- Breeding dogs and cats with genetic conditions that cause welfare issues
- Attitude of the public/impulse buying of pets
- Resource issues for enforcement
- Confusion with current system and eligibility for licensing.
- Traceability of dogs and cats back to breeder
- Issues with on-line sales
- Accountability of breeders and links with organised crime/money laundering

In October 2019 the Minister for Energy, Environment and Rural Affairs, Lesley Griffiths announced 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 the review. The group reviewed and made a number of recommendations, one of which was to amend the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014⁸ to improve welfare standards in licensed dog breeding facilities. The review was based on evidence provided by Local Authorities, veterinary surgeons in a variety of roles, representatives of the animal welfare and dog breeding sectors and dog owners⁹.

The key recommendations which came from the review were:

- further training in the physical, socialisation and enrichment aspects of good animal welfare in dog breeding establishments.
- Improved traceability of dogs is necessary to allow enforcement of the existing legislation. Registration for all dog breeders should be considered.
- A minimum ratio of one staff member per 10 adult dogs should be considered to ensure good dog welfare.
- Urgent consideration and review of other legislation should be undertaken; in particular the microchipping regulations to increase compliance.

In addition to amendments to the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 the group also supported a ban of commercial third party sales of puppies and kittens.

On 12 November 2019 the Chief Veterinary Officer for Wales met with Chief Executives and other representatives from the Local Authorities/Welsh Local Government Agency (WLGA). Open discussion at this meeting identified issues such as barriers to enforcement, curbing the demand for puppies, resources to respond to animal welfare issues and concerns, and issues with the current microchipping legislation. The Welsh Government is continuing to work with key stakeholders, including Local Authorities and

⁸ <http://www.legislation.gov.uk/wsi/2014/3266/contents/made>

⁹ <https://gov.wales/dog-breeding-review-animal-welfare-breeding-dogs-wales-regulations-2014>

the other UK Government Administrations to ensure we introduce changes which will have a lasting impact on the welfare standards of dogs and cats bred in Wales.

Current position elsewhere in the UK

England

In October 2018 the Department for Environment, Food and Rural Affairs (Defra) introduced the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018¹⁰. The Regulations introduced new licensing procedures for the selling of pets, boarding for cats and dogs, hiring of horses, breeding of dogs and keeping or training animals for exhibition.

An amendment to The Animal Welfare (Licencing of Activities Involving Animals) (England) Regulations 2018 brought about by The Animal Welfare (Licencing of Activities Involving Animals) (England) (Amendment) Regulations 2019¹¹ which makes the sales of puppies and kittens by third party sellers/anyone other than the breeder unlawful. It came into force on 6 April 2020 in England.

Scotland

In September 2018 the Scottish Government launched a consultation to seek views on proposals to introduce new regulations for the licensing of dog, cat and rabbit breeding activities in Scotland. The consultation considered how thresholds for licensing may be determined depending on the size of the undertaking and how this may work for organisations with multiple premises. Further work is ongoing and will be announced in due course.

Northern Ireland

During 2018 the Department for Agriculture, Environment and Rural Affairs (DAERA) reviewed the matter of animal establishments in Northern Ireland, including establishments that sell pets. In 2019, it engaged with the enforcement bodies in Northern Ireland and obtained their views on the future licensing system. DAERA continues to develop proposals on the future system, which will ultimately be put to public consultation.

What will the new legislation do?

Welsh Ministers have the power to make legislation to promote animal welfare under the Animal Welfare Act 2006. The proposed new legislation will aim to tackle the issues of animal welfare issues associated with commercial third party sales of puppies and kittens. By ensuring licenced breeders only sell direct to the public it will improve transparency at breeding premises and reduce the need for multiple journeys for puppies and kittens. Anyone wanting to purchase a puppy or kitten in Wales will need to buy from a breeder or adopt from a rehoming centre.

¹⁰ <https://www.legislation.gov.uk/ukdsi/2018/9780111165485>

¹¹ <https://www.legislation.gov.uk/ukdsi/2019/9780111186954>

The greater awareness of the issues should reinforce best practice around sourcing pets from responsible breeders. This should improve the welfare at breeding establishments.

There are concerns that commercial third party sales may be associated with impulse purchases. These have consequences not only for the animal but for the owners, included unexpected vet bills, issues with socialisation, and increased numbers of pets being abandoned or having to be rehomed. The rationale for a ban on commercial third party sales of puppies and kittens is that it will protect the welfare of the animals and it's an important step towards improving the standards in breeding establishments. The proposed ban would;

- Ensure consistency with Welsh Government advice that purchasers should seek to see the puppies or kittens with their dam/queen/ mother
- Incentivise welfare improvements in high volume commercial dog breeding establishments by ensuring transparency, accountability and appropriate remuneration for breeders
- Assist purchasers in making well informed choices based on seeing a puppy or kitten with its mother and encourage responsible buying decisions
- Reduce the sale of puppies which have not been bred to the recognised standards of welfare in Wales.

The Questions

Overleaf, we have included a list of questions. Please provide as much information as possible to support your answers.

**Consultation
Response Form**

Your name:

Organisation (if applicable):

email / telephone number:

Your country of residence:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

Question 1:

We propose introducing a ban on the commercial third party sales of puppies and kittens. By “commercial third party sales” we mean those who are licenced pet sellers; in Wales who hold a licence under the Pet Animals Act 1951. Our definition of “puppies” and “kittens” are dogs and cats up to 6 months old.

Do you agree with a ban on the commercial third party sales of puppies and kittens in Wales?

Please explain the reason for your answer and provide supporting evidence.

Question 2:

Do you think that a ban should apply to any other animals sold in pet shops?

Please explain the reason for your answer including which animals and provide supporting evidence.

Question 3:

Are there any measures which could be introduced, other than a ban, which could address the welfare problems associated with commercial third party sellers?

Please explain the reason for your answer and provide any supporting evidence.

Question 4:

Sanctuaries and rehoming centres are not legally defined but we will refer to them as animal welfare establishments for the purpose of this consultation. They charge a fee for the rehoming of animals in their care (but are exempt from current pet shop licencing because they are not commercial in nature). There is no legal requirement for checks to be undertaken and generally speaking, routine checks are not carried out by Local

Authorities at these establishments.

Further, we have concerns that this may leave a loophole in the legislation to avoid a possible ban.

Do you think there should be closer scrutiny of animal welfare establishments in Wales?

Please explain the reason for your answer and provide any supporting evidence.

Question 5:

Do you think sanctuaries/rehoming/rescue centres should be classed as a commercial third party seller in Wales and be licenced?

Please explain the reason for your answer and provide any supporting evidence.

The following questions have been asked as the Welsh Government have a duty to consider the effects of our policy decisions on Welsh Language, Equality and Biodiversity.

Question 6:

We would like to know your views on the effects that a ban on commercial third party sales may have on people with protected characteristics as defined in the Equality Act 2010¹². These characteristics are:

- **age;**
- **disability;**
- **gender reassignment;**
- **marriage and civil partnership;**
- **pregnancy and maternity;**
- **race;**
- **religion or belief;**
- **sex; and**
- **sexual orientation. What effects do you think there would be?**

Please enter here:

¹² <https://www.legislation.gov.uk/ukpga/2010/15/contents>

Question 7:

We would like to know your views on whether the ban on commercial third party sales could offer any opportunities to reverse the decline of biodiversity in Wales, in line with the Wales Nature Recovery Action Plan¹³.

What effects do you think there would be?

Please enter here:

Question 8: Welsh Language

We would like to know your views on the effects that banning third party sales of puppies and kittens would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English.

What effects do you think there would be? How positive effects could be increased, or negative effects be mitigated?

Please also explain how you believe a change in policy could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Question 9:

We have asked a number of specific questions. If you have any related issues which we have not asked or have any comments please use this space to report them.

Please provide as much detail as possible and any supporting evidence.

¹³ <https://www.biodiversitywales.org.uk/Nature-Recovery-Action-Plan>