2 May 2018

JOINT BVA AND BSAVA RESPONSE TO DEFRA’S CALL FOR EVIDENCE ON A BAN ON COMMERCIAL THIRD PARTY SALES OF PUPPIES AND KITTENS IN ENGLAND

1) BVA is the national representative body for the veterinary profession in the United Kingdom and has over 17,000 members. Our primary aim is to represent, support and champion the interests of the veterinary profession in this country, and we therefore take a keen interest in all issues affecting the profession, including animal health and welfare, public health, regulatory issues and employment matters.

2) The British Small Animal Veterinary Association (BSAVA) exists to promote excellence in small animal practice through education and science and is the largest specialist division of BVA representing over 11,000 members.

3) We welcome the opportunity to contribute to Defra’s call for evidence on proposals to ban commercial third-party sales of puppies and kittens in England. We always recommend that anyone considering buying a puppy only buys directly from a reputable breeder (this would include members of the Kennel Club Assured Breeder Scheme, those using the BVA/AFW/RSPCA Puppy Contract or the GCCF Breeder Scheme) or considers giving a home to a rescue dog from a recognised UK rehoming charity.

4) A ban on third party sales must not be considered in isolation. If we are to support the principle of a ban on third party sales, it would be on the understanding that this measure will be part of a holistic approach which considers a suite of measures that would address the complexity of the issues relating to sales of puppies and kittens.

This should cover legislation encompassing all sources of supply and demand, including advertising, sales conducted on social media, illegal imports and ideally, should be supported by an understanding of customer demand and pet purchasing behaviours. In addition, we would recommend that anyone breeding from a dog or cat is required to register with their local authority and ensure appropriate animal identification eg. microchipping. Such an approach would reduce the risk of any unintended consequences and ensure that significant numbers of puppy and kitten sales are not driven underground.

5) **Benefits of a ban**

We strongly support the Government’s proposed reforms on pet sales and breeding, which go a considerable way to modernising the regulation of pet breeding, sales and other pet-related activities licensed by local authorities.

In addition, as set out in the consultation document, there are specific health and welfare concerns that arise in the context of commercial third-party sales that could be addressed through the proposed ban. These include early separation of puppies and kittens from their mothers, preventing young animals from expressing their behaviours in a natural
environment and disrupting appropriate socialisation which influences long term behaviour, as well as potential stress incurred during travel from place of birth to place of sale and possible exposure to disease. Further, from a consumer perspective, commercial third-party sales perpetuate a ‘click and collect’ pet-buying experience, which may encourage impulse purchases.

The proposed ban on third party sales may also reduce the activity of unscrupulous breeders and large-scale suppliers such as puppy farmers who have given minimal regard to the health and welfare of the puppies or kittens often intended for sale to pet dealers and pet shops who sell on to the wider public. However, it is important to avoid oversimplification when considering how larger, licensed, breeding establishments address the health and welfare needs of the pets in their care, recognising that that welfare outcomes are not solely dependent on the type or size of different breeding establishments. High health status, high welfare puppies and kittens require appropriate opportunities for socialisation, appropriate preventive healthcare regimes and musculoskeletal development in appropriate early life environments, which some larger licensed establishments may be able to provide.

As set out in the consultation document, a ban on third party sales, if adequately resourced and properly enforced, could also encourage more responsible purchasing behaviours (in line with Government advice to see puppies and kittens with their mother and to foster a better understanding of the provenance of animals), as well as opportunities for breeders to demonstrate how they have met the welfare requirements of the puppies/kittens in their care eg. through the BVA/AWF/RSPCA Puppy Contract. We hope that in turn this would have a positive impact and drive up welfare standards overall.

6) Areas for further consideration

It is, however, important to recognise that a ban on commercial third-party sales would not represent a welfare panacea in pet breeding, sales and activity as only a small number of pet shops sell puppies and kittens and it is likely that many third party sales are now carried out online under the guise of sales from individual breeders. It is uncertain how these online sales would be monitored and how consumers would identify animals that are not being sold through a third party. Therefore, further consideration must be given to a holistic approach that tackles the complex issues surrounding all sources of supply and demand for pets eg. internet sales and advertising, social media, illegal imports (see paragraph 10) and purchasing behaviours.

In terms of internet sales and advertising, as a member of the Pet Advertising Advisory Group (PAAG) we would support further engaging with online marketplaces (including social media sites) to ensure that PAAG's minimum standards for responsible advertising are adopted and raise public awareness of the need to act responsibly when looking to buy pets advertised on websites.

Coupled with this, we would welcome a similar approach to that which the Scottish Government has committed to taking in its Programme for Government 2017-2018, where it has set out intentions to launch a communications campaign on the risks of
buying puppies advertised on-line and rehoming dogs supplied from abroad in order to educate prospective owners and encourage responsible purchasing behaviours. The SSPCA, for example, has also recently launched a #SayNoToPuppyDealers campaign. Similar initiatives could be explored as part of communication plans surrounding Defra’s proposed reforms to pet sales and breeding.

In addition, we would welcome enhanced research to better understand the influences that drive demand for pets in order to develop targeted strategies that will influence purchasing behaviours. In terms of understanding what drives demand for puppies and kittens from different sources, research, for example that led by Dr. Rowena Packer assessing what influences the public to buy the popular flat-faced (brachycephalic) dogs and their purchasing behaviours, may be of interest.

7) Is there a way of conducting sales of animal through third party sellers in a way that preserves animal welfare standards?

BVA and BSAVA always recommend that anyone considering buying a puppy only buys directly from a reputable breeder (including members of the Kennel Club Assured Breeder Scheme) or considers giving a home to a rescue dog from a recognised UK rehoming charity.

Sales of animals through third party sellers could be maintained if there was in place a satisfactory system of identification, monitoring and enforcement.

Such a system would require sufficient data on third party sellers (see comments on registration below) and continued maintenance of such data. In addition, adequate numbers of enforcement officers, who have been appropriately trained on animal welfare and have the support of similarly trained veterinary inspectors, would be required to ensure satisfactory expertise to support the system.

8) How the absence of third party sellers will affect supply

We acknowledge the potential unintended consequences of banning third party sales as it may drive supply underground and result in suboptimal welfare practices.

However, accurate assessment of how the absence of third party sellers will affect supply is limited by the lack of clarity regarding statistics and market segmentation. Defra’s figures indicate an annual demand for 700,000 puppies however other sources suggest an annual demand of up to 800,000 (dependent on assumed average life-span). The recent PFMA survey of pet ownership indicates that there is a total of 9 million dogs in the UK and that the number has increased by 400,000 in the last year alone.

Currently our understanding of estimates around the annual supply of puppies from various sources suggests that 60,000 – 100,000 are sourced from imports, 60,000 - 70,000 puppies from re-homing centres and approximately 240,000 are Kennel Club registered puppies. It is unclear to us where the remaining 300,000 - 400,000 puppies are sourced from. It is suspected that the ability for UK breeders to fulfill current or near future demand is very limited. If the demand for UK puppies is to be met by sufficient numbers of UK bred stock this would take time to achieve and will need supportive
measures to mitigate risk of illegal activities. In the meantime, there is the distinct likelihood that market demand will potentially be met by unscrupulous, unlicensed sellers and unregulated internet sales with the potential for sales to be driven underground unless careful consideration is given to any new legislative measures.

According to Defra, currently there are less than 100 third party sellers licensed in England, some of these are pet shops and only 2% of pet shops sell puppies therefore it is assumed a very small number of puppies are sold by pet shops and licensed third-party sellers. Given the relatively small numbers involved, the impact of a ban on the 100 third party sellers that are licensed is questionable. Also, it is not clear how the 80,000 puppies they sell would be monitored, which if not maintained will serve to compound matters.

Overall, there seems a paucity of robust statistics on which to base decisions. Defra should consider all available recent population statistics, analyse figures and undertake a gap analysis to take into consideration ambiguities before risk assessment and proposal of risk management options. Part of this analysis should include segmentation of the commercial and non-commercial market to support more accurate assumptions and an understanding of the true impact of proposed measures. In effect, an element of due diligence is required in making pragmatic assumptions to ensure any proposed measures are proportionate and potentially effective.

To address the likelihood of puppies which are either non-compliant with import or UK breeding legislation fulfilling market demand, implementation of enforcement measures as part of a suite of simultaneously introduced measures to address the wider population issues such as illegal puppy imports would need to be introduced.

Until there is greater clarity on statistics, it remains difficult to comment as to how any proposed changes might be enforced and applied in practice, along with any wider enforcement measures.

Regarding kittens, there is limited information for the UK on the numbers of kittens or their sources.

9) Measures to mitigate against unintended consequences

If the demand for UK puppies is to be met by sufficient numbers of UK bred stock this will take time and will need supportive measures to mitigate risk of illegal activities. With this in mind, there is a risk that market demand will potentially be met by unscrupulous, unlicensed sellers and unregulated internet sales.

To mitigate against potential illegal, imported or unregulated supply, measures should be taken to manage and redirect the demand for puppies and kittens to responsibly sourced and bred pets.

We are aware that it is currently difficult to identify all those who require licencing and would therefore also recommend that anyone breeding from a dog should be required to register (preferably online) with their local authority (with the data treated in line with the
Data Protection Act 1998). This would mean that the local authority had a list of contact details for all dog breeders in their area, aiding enforcement bodies and ensuring that dog breeders were aware of the legal requirements. There should be a publicly available national list of dog breeders, to provide intelligence for enforcers and allow the public to check the list. Then should the threshold of three or more litters per year be met, this would trigger a dog breeding licensing inspection. If there were other concerns or complaints in the meantime, then a visit could be carried out under the Animal Welfare Act 2006 or other relevant legislation.

As aforementioned, redirecting demand towards responsibly sourced pets could be achieved through ensuring UK websites adhere to PAAG minimum standards for sale, educating consumers on the risks of buying puppies/kittens advertised on-line, rehoming dogs/cats supplied from abroad and conducting enhanced research to better understand the purchasing behaviours of consumers in order to develop targeted strategies to influence purchasing behaviours.

We would also advise anyone buying or selling a puppy to use the freely downloadable Puppy Contract, which has been developed by the RSPCA and the Animal Welfare Foundation (AWF) to empower puppy buyers and help them to avoid the problems that can arise from buying a puppy from an irresponsible breeder. We would likewise encourage prospective kitten buyers to use the CFSG Kitten Check List to ensure informed purchasing decisions, which is currently in its final stages of development.

In terms of mitigating against an increased risk of illegal imports, we support extending the waiting time post-rabies vaccination to 8-12 weeks under the Pet Travel Scheme (at present the waiting time stands at 21 days). This has the potential to reduce the misuse of non-commercial routes for the illegal imports of puppies for sale (because the puppies will be older and past their most saleable age) and therefore reduce the negative welfare implications for puppies imported via this route, the likely negative welfare experienced by the breeding bitches supplying these puppies and ultimately disrupting the supply of puppies via illegal import. This may also have biosecurity advantages as albeit it was likely originally considered that the risk of introduction of rabies to the UK was minimal, this assessment unlikely took into account the number of illegally imported puppies and the difficulty in reliably ascertaining the age of young puppies. See paragraph 13 for more information.

In addition to the above, a suite of measures that includes suitable enforcement powers supported by adequate numbers of trained enforcement officers and proportionate sanctions which serve as effective deterrent need to be introduced, in particular to address individuals who have no regard for the health and welfare of the animals they sell.

10) Impact on price of puppies/kittens

We recognise that the absence of third party sellers may cause an increase in the price of puppies and kittens. For any product on the free market where there is high demand

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and low supply, the expectation is that the price of the product would increase but not necessarily the quality. In the case of trade in live animals, poor quality means the health and welfare of the animal will likely be compromised.

However, encouraging prospective owners and the wider public to value responsibly bred puppies and kittens, as well as fully considering the financial impact of owning a pet, could have a positive impact by driving the demand for high welfare pets and encouraging responsible ownership. Therefore, prices may increase due to the fact that breeders may be under greater scrutiny from consumers to provide high welfare puppies and kittens. As part of this, it is important to recognise that there is already a current willingness to pay high prices for certain breeds of puppies or kittens (eg. brachycephalic breeds), which suggests that consumers are willing to pay an increased price for puppies and kittens, but perhaps less able to judge the quality of the products they are purchasing.

In addition, from a breeding perspective, improved remuneration for high welfare pets may act as an incentive to undertake further health and welfare improvements in breeding practices eg. further progression towards more widespread testing of parents for hereditary breed health issues etc. Reiteration of this positive messaging along with pragmatic enforcement measures should achieve desired results.

11) The ability of local authorities to tackle illicit unlicensed pet sales activity
To facilitate local authorities in tackling illicit unlicensed pet sales activity, we would recommend that anyone breeding from a dog should be required to register (preferably online) with their local authority (with the data treated in line with the Data Protection Act 1998). This would mean that the local authority had a list of contact details for all dog breeders in their area, aiding enforcement bodies and ensuring that dog breeders were aware of the legal requirements. There should be a publicly available national list of dog breeders, to provide intelligence for enforcers and allow the public to check the list. Then should the threshold of three or more litters per year be met, this would trigger a dog breeding licensing inspection. If there were other concerns or complaints in the meantime, then a visit could be carried out under the Animal Welfare Act 2006 or other relevant legislation.

We would also support the undertaking of enforcement activities from expert independent bodies such as the RSPCA. It is anticipated that the RSPCA would only deal with welfare matters while local authorities would have a wider remit. We recognise the need to optimise enforcement resources given the increasing lack of resource and animal welfare expertise available to local authorities. However, we would stress that any enforcement activities should be carried out according to a standardised protocol to enhance consistency, alongside appropriate species knowledge and experience and thereafter veterinary expertise that is obtained as required.

We would also wish to ensure that there is an adequate suite of enforcement powers simultaneously available for suitably qualified enforcement officers, along with proportionate sanctions as deterrents, to manage the complexities of the issues involved. Financial sanctions should be such that they are significant and ring-fenced to support
enforcement activities.

Regarding resources required for enforcement, these will need to be sufficient in terms of funding and numbers to monitor sales including internet sales; adequately trained to ensure satisfactory enforcement; and have suitable powers to carry out full investigations and take necessary actions when required eg. powers of entry.

12) The impact on rescue and rehoming organisations
We note concerns that traders might set up as a rescue and rehoming organisation to get around the ban on third party sales. As far as we are aware the Animal Welfare (Licensing of Activities Involving Animals) (England) (2018) Regulations should exempt a charity under the business case definition however the charity sector will have the expertise to comment on the detail and if the new regulations allow for any loopholes which could be exploited by unscrupulous breeders.

In order to avoid any loop holes in legislation, regulation of animal sanctuaries and rehoming centres must be strengthened, as has been proposed in Scotland. A way to mitigate against any unintended consequences of third party sales through enhanced regulation would be to require that any rescue or rehoming organisation that receives a fee for animals is required to be registered or licensed and inspected at specified intervals. In addition, these establishments should also comply with the requirements to provide information to the prospective owner on the appropriate care of the animal including in relation to its five welfare needs as set out in the incoming Animal Welfare (Licensing of Activities Involving Animals) (England) (2018) Regulations. This would ensure that these establishments are monitored and are unable to circumvent licensing and inspection legislation as is the situation at present. In our joint response to the Scottish Government’s recent consultation on strengthening regulation of animal rehoming centres and sanctuaries we indicated our views in full, namely that small centres should be registered and larger centres should be licensed.

13) Are there any other measures, short of a ban on third party sellers that could have a similar effect in restricting sales by licensed third party sellers which are considered to be problematic?

Consideration could be given to other measures that would restrict problematic sales by licensed third party sellers. Our suggestions are outlined below:

Requirement to register with local authorities
As outlined at paragraph 12, require anyone who breeds puppies to be registered and assigned a registration number. In line with Animal Welfare (Licensing of Activities Involving Animals) (England) (2018) Regulations, the registration number would be required to be displayed in any advertisement for sale of puppies including on the internet. This would assist enforcement authorities in identifying third party sellers. Management of a registration system could be online based - in effect, on line registration and fee payment with auto-generation of a registration number. Enforcement could be by randomised spot checks. Adequate resources and enforcement powers would be needed to support the system, in particular during the initial stages.
Financial sanctions
Introduce financial sanctions that are proportionate to the value of the sale ie in addition to a standard financial sanction it should include a sum which is a significant percentage of the sale price of each advertised puppy. This fine could prove effective in those cases where desirable breeds eg brachycephalics, dachshunds, teacup breeds and popular cross-breeds, are sold. It may also be worthwhile prioritising resources to focus on these breeds in the first instance as they likely represent the worst offenders.

Increased checks at point of entry
Increase checks at points of entry to the UK in particular during periods of high demand eg. Christmas. Adequate and trained resources would be required.

Illegal imports – Pet Travel Scheme
Whilst the EU Pet Travel Scheme has made pet travel easier and less expensive for owners, there is increasing acknowledgement that the changes to the Pet Travel Scheme in 2012 have resulted in negative unintended consequences with the increase of puppies being imported illegally for sale through abuse of the non-commercial routes. BVA is aware of concerns that large numbers of puppies being imported from Europe (particularly Central and Eastern Europe) do not comply with the legislation, either because they are being brought for commercial purposes under the non-commercial Pet Travel Scheme; or in order to fulfil public demand, they are being brought in below 15 weeks of age (the minimum age that complies with the Scheme and under which it is difficult to accurately age puppies).

Defra's scientific risk assessment of the changes implemented in 2012, which looked at the risk of Rabies introduction, concluded that the changes would result in a risk status of very low or negligible. However, it is unlikely that this assessment took into account the scale of the illegal importation of puppies through abuse of the Scheme, the potential welfare implications of transporting young animals and the unknown disease status of these animals.

In terms of mitigating against an increased risk of illegal imports, based on the available evidence BVA supports extending the waiting time post-rabies vaccination to 8-12 weeks under the Pet Travel Scheme (at present the wait time stands at 21 days). This has the potential to reduce the misuse of non-commercial routes for the illegal imports of puppies for sale (because the puppies will be older and past their most saleable age) and therefore reduce the negative welfare implications for puppies imported via this route, the likely negative welfare experienced by the breeding bitches supplying these puppies and ultimately disrupting the supply of puppies via illegal import.

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3 Veterinary Laboratories Agency (2010) “A quantitative risk assessment on the change in likelihood of rabies introduction into the United Kingdom as a consequence of adopting the existing harmonised Community rules for the non-commercial movement of pet animals.”

In addition, it may be possible to mitigate the risk of abuse of non-commercial movements by restricting the number of animals that can travel to five per consignment rather than five per person (unless attending or training for a competition, show or sporting event where, in line with current legislation, written evidence of event registration must be provided). For puppies under 6 months the number could be restricted to two per person, with a total of three animals allowed per consignment. This would accommodate 96.2% of UK households travelling under the Pet Travel Scheme.  

Further, we do not believe that enforcement provisions have been fully appropriate and effective for enforcing the Pet Travel Scheme, leading to abuse of the scheme and increased illegal imports. The main areas of concern are fraudulent or non-existent documentation, puppies being moved under the pet travel scheme when they are intended for sale (as it is possible to move five puppies per person non-commercially, it is possible for two or three people to bring in 10-15 puppies in this manner), and underage puppies (the minimum age that a puppy can legally be brought into the UK under current legislation is 15 weeks – vaccination at 12 weeks and a 21 day wait time before travel).

We believe that enforcement provisions could be improved and would question whether the carriers are the right people to undertake routine checks. Authorised officers would benefit from veterinary-delivered training or guidance. Moreover, we believe the checking procedure itself should be revised to ensure that there are adequate numbers of checks carried out and an authorised enforcement officer must visualise the animal and microchip that is being scanned. To avoid any circumvention of this approach through the taping of microchips to the inside of the carrier or to the pet’s collar, it must be ensured that checks are only undertaken by an authorised enforcement officer and the animal should be scanned in a manner that ensures the collar is not near the chip where it is read.

Given that the number of movements of dogs per year has increased year on year since the introduction of the Pet Travel Scheme in 2011, we are concerned that this has outstripped resources available to check and ability to detect those bringing in animals for sale (which should be treated as commercial) under the non-commercial Pet Travel Regulations enforce pet-travel legislation, increasing the risk of non-compliance.

Enforcement of the Pet Travel Scheme is crucial to effectively regulate pet movements and to achieve this councils require adequate funding to allow for consistent and effective inspections at ports, including out-of-hours and weekend cover.

14) Should any ban on third party sales extend to both puppies and kittens, and not to other types of pet?

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The issue of early separation of young animals from their mothers could be applicable to all mammals. Therefore, measures must be in place to ensure the welfare of all animals that are sold by third parties.

We are not aware of any evidence that would suggest the need for extending the ban to other species. Many of the problems relating to commercial third party sale of dogs are related to relatively large numbers of (illegal) imports which is not applicable to other species. However, the Rabbit Welfare Association and Fund (RWAF) have reported problems with the online sales of rabbits.

It is also important to recognise the difference between animals such as dogs and cats who require appropriate socialisation and habituation periods in homes with which they share with people as opposed to animals that are generally kept in cages, hutches or vivariums.

15) Should any ban on third party sales apply in addition to pet adult dogs and cats – ie. those over 6 months of age?

We are not aware of any reasons for the need to ban sales on pet adult dogs and cats over 6 months of age. Puppies are particularly desirable and so fuel the puppy trade – illegal or otherwise – the same cannot be said of dogs 6 months of age or above. We would be concerned that if a ban were extended to older animals, already limited enforcement resources would be necessary, detracting from the priority area of puppies and kittens.

However, in order to safeguard animal health and welfare at all life stages, consideration should be given as to how retail and non-retail premises will adequately meet the welfare needs of adult dogs and how the age of dogs and cats will be adequately checked to ensure that legislation is appropriately enforced.

16) What other factors should be considered and addressed in order to maximise the benefits and to address any risks effectively?

As outlined throughout this response, in order to maximise the impact of a ban on commercial third-party sales of puppies and kittens, a holistic approach that considers all sources of supply and demand for pets should be taken. This should include:

- Requiring that anyone breeding from a dog or cat should be required to register (preferably online) with their local authority
- Educating prospective owners to encourage responsible ownership through communications campaigns
- Encourage prospective buyers to use the BVA/AWF/RSPCA Puppy Contract and the CFSG Kitten Check List (currently in its final stages of development)
- Conducting enhanced research to better understand purchasing behaviours and developing targeted strategies to influence purchasing behaviours
- Encouraging online retailers and marketplaces (including social media platforms) to sign up to PAAG minimum standards and including the requirement for a registration number to be displayed on all adverts
• Mitigating the risk of illegal imports through extending the waiting time post-rabies vaccination to 8-12 weeks under the Pet Travel Scheme (at present the wait time stands at 21 days) to reduce the misuse of non-commercial routes for the illegal imports of puppies for sale (because the puppies will be older and past their most saleable age)

17) Concluding remarks
A ban on third party sales must not be considered in isolation. Our support for the principle of a ban on third party sales centres on the understanding that this measure will be part of a holistic approach which considers a suite of measures that would address the complexity of the issues relating to sales of puppies and kittens. This approach would reduce the risk of any unintended consequences and ensure that significant puppy and kitten sales are not driven underground.

As the consultation document recognises, there are specific health and welfare issues involved in the third-party sale of puppies and kittens that could be significantly reduced with the implementation of a ban. Further, we believe that a ban on third party sales could be an important step towards limiting the reach and activity of unscrupulous breeders and puppy farms that do not pay adequate regard for the health and welfare of the puppies and kittens that they produce.

Consideration of all sources of supply and demand is required alongside the Government’s proposed reforms for pet sales and breeding.