Registration and Licensing of Animal Sanctuaries and Rehoming Activities in Scotland

Consultation document

Consultation open – 11 December 2017 to 4 March 2018
To Interested Parties  
(List attached)

Dear Sir/Madam

Consultation on “Registration and Licensing of Animal Sanctuaries and Rehoming Activities in Scotland”.

You are invited to respond to the enclosed consultation document on a specific proposal to introduce legislation for a modern system of registration and licensing of animal sanctuaries and rehoming activities, allowing for independent accreditation of applicants to reduce the burden on local authority inspectors.

Full details regarding the purpose and scope of the consultation, and how to respond to it are contained in pages 2 – 4 of the consultation paper. To improve ease of analysis of the consultation response we would be grateful if, where possible, you could respond by way of the online survey facility hosted by Citizenspace. A link to the consultation survey on Citizenspace can be found on the Scottish Government website at: [https://consult.gov.scot/animal-welfare/animal-sanctuaries-and-rehoming-activities](https://consult.gov.scot/animal-welfare/animal-sanctuaries-and-rehoming-activities).

Other methods for responding are explained in the consultation paper.

Your consultation response is important to us so please note that the consultation will close on 4 March 2018. Any response received after this date is unlikely to be included in the consultation analysis.

As always with consultations, we need to know how you wish your response to be handled, and in particular, whether you are happy for your response to be made public. The Respondent Information Form should be completed by everyone providing a response to the consultation document. Further information concerning the Respondent Information Form and how your response will be handled can be found on pages 2 – 4 of the consultation paper.
If you have any queries about this consultation please contact Louise Dowdles by email: sanctuarylicensingconsultation@gov.scot or by telephone: 0300 244 5062.

Enclosed with this letter are:

- The main Consultation Document
- The Respondent Information Form and consultation questionnaire (to be completed when sending a response)

Please feel free to forward copies of these consultation documents to anyone else that you think might have an interest in them.

We look forward to your response.

Yours faithfully

Animal Welfare Team
Scottish Government
Abercorn Veterinary Clinics
Acoura
Action of Churches Together in Scotland
ADAS
Albavet
Allandale Animal Sanctuary
All-Party Parliamentary Group for Animal Welfare
Alphavet
Angus College
Angus Dog Rescue
Animal Aid
Animal Concern Advice Line
Animal Defenders International
Animal Health and Welfare Board for England
Animal Protection Agency
Animal Welfare Party
Animaline
Aquithie Boarding & Quarantine Kennels & Cattery
Argyll Animal Aid
Armac Vets Ltd
Ashgrove Veterinary Centre Ltd
Associate Parliamentary Group for Animal Welfare
Association of British Riding Schools
Association of Government Veterinarians (Wales)
Association of Scottish Police Superintendents (The)
Ayrshire Dog Agility Club
Balhall Riding Stables & Boarding Kennels
Bandeath Kennels
Banff & Aberdeenshire Rescue & Rehoming Kennels
Barony College
Battersea Dogs and Cats Home
Beechwood Veterinary Centre
behalal.org
Bernese Mountain Dog Club of Scotland
Berwick Swan and Wildlife Trust
BirdsFirst
Blackness Veterinary Surgery
Blue Cross (The)
Bodleian Libraries of the University of Oxford
Borders Pet Rescue
Born Free Foundation
Boyce & Houston Ltd
British and Irish Association of Zoos and Aquariums
British Deer Society (The)
British Hedgehog Preservation Society
British Horse Society (Kenilworth)
British Horse Society (The)
British Horse Society Scotland (Crieff)
British Library's Legal Deposit Office
British Rabbit Council
British Veterinary Association
British Veterinary Association (Scottish Branch)
Broadleys Veterinary Hospital
Brooke (The)
Bulldog Club of Scotland
Bunny Haven Rabbit Rescue
Calderglen Country Park
Cambridge University Library
Canine Concern Scotland Trust
Canine Concerns Dog Training & Behaviour
Captive Animals’ Protection Society
CARROT (Arbroath)
Cat Action Trust 1977
Cat Chat, the Cat Rescue Resource
Cat Register & Rescue
Catflap
Catholic Action for Animals
Catholic Parliamentary Office
Cats Protection (Kirkintilloch)
Cats Protection (West Sussex)
Central Scotland Smallholders Association
Chartered Institute of Environmental Health
Christine Grahame MSP
Church of Scotland (The)
Cocker Spaniel Breed Council (The)
Collier & Brock
Companion Animal Welfare Council (The)
Convention of Scottish Local Authorities
Cotton Tails Rescue
Cottontails
Cousland Park Training and Livery Centre
D & G Canine Rescue
Dalriada Vets
Dog Aid Society of Scotland Limited
Dog World Publications Ltd
Dogs Trust (Glasgow)
Dogs Trust (Leicester)
Dogs Trust (London)
Donkey Sanctuary (The)
Donview Veterinary Centre
Dryburgh Abbey Training Group
Dryden Riding Centre
Dryfe Vets Ltd
Dukes Veterinary Practice Ltd
Dumfries and Galloway Canine Rescue Centre
Dumfriesshire And Cumbria Greyhound Rescue
Dumyat Kennels
Dundas Veterinary Group
Dunfermline & District Rabbit Club
E & L Insurance Services
East Lothian Dog Training Club
Easter Ross Vets
Edinburgh Dog & Cat Home (The)
Elmwood College
English Setter Society of Scotland (The)
Eriskay Pony Mother Stud Book Society - Comann Each nan Eilean Ltd
Ethical Voice for Animals
European Studbook Foundation
Federation of Companion Animal Societies
Fergusson, Alex MSP
Fife Cat Shelter
Fife Rabbit Rescue
Finnie, John MSP
Firth Veterinary Centre
Flandres Veterinary Services
Foreside Farms
Fox Terrier Club of Scotland
Fur & Feather Including Rabbits Magazine
German Shepherd Dog Club of Scotland (The)
Gibson, Kenneth MSP
Give A Greyhound A Home
Grahame, Christine MSP
Grampian German Shepherd Dog Association
Greenside Veterinary Practice Limited
Greyhound Awareness League
Greyhound Board of Great Britain
Greyhounds UK
Guardian Angels Organisation United Kingdom
Haflinger Trekking Centre
Heads of Ayr Farm Park
Help Fife Animals
Help Or Rehabilitate Scottish Equines
Hessilhead Wildlife Rescue
Highland Canine Association
Highland Wildlife Hospital Trust
Highland Wildlife Park
Horse Rescue Scotland
Horse Trust (The)
Hudghton, Ian MEP
Humanist Society Scotland
Strathspey Veterinary Centre
Inshes Veterinary Centre
Institute of Biodiversity, Animal Health and Comparative Medicine
International Fund for Animal Welfare UK
International Otter Survival Fund
International Sheepdog Society
Inverclyde Dog Training Club
K R & P A Playle
Keele University
Kennel Club (The)
Kirk Dog Training Club
Labrador Rehoming Co-ordination Service
Ladies Kennel Association of Scotland
Laminitis Clinic (The)
Library of Trinity College, Dublin (The)
Little Critterz
Logan Fish Pond Marine Life Centre
Marine Conservation International
McTaggart Veterinary Group
Monkey World - Ape Rescue Centre
Moray Firth Ringcraft Club
Morven Veterinary Practice Ltd
Mossburn Community Farm
Mountains Animal Sanctuary
Mrs Murray's Home for Stray Dogs and Cats
Munlochy Animal Aid
Muslim Council of Scotland
Nardini Rudder Veterinary Centre
National Angora Club of Great Britain (The)
National Animal Welfare Trust
National Dog Warden Association (Scotland)
National Library of Scotland (The)
National Library of Wales (The)
National Secular Society
Native Ponies GB
North of Scotland British Veterinary Association Welfare Representative
Northern Newfoundland Dog Club (The)
Oban Veterinary Surgeons
O'Connor-Pierce Veterinary Surgeons
Old Mill Veterinary Practice
OneKind
Orkney Carriage Driving Group
Orkney Seal Rescue
Ornamental Aquatic Trade Association Ltd
Scottish Parliament Information Centre
Scottish Parliament Rural Affairs, Climate Change Environment Committee
Scottish Police Federation
Scottish Progressive German Shepherd Dog Group (The)
Scottish Rabbit Club
Scottish Rex Rabbit Club
Scottish Society for the Prevention of Cruelty to Animals
Scottish SPCA
Scottish SPCA Edinburgh & Lothian Animal Rescue & Rehoming Centre
Scottish SPCA Middlebank Wildlife Centre
Scottish Staffordshire Bull Terrier Rescue
Scottish Voice for Animals
Scottish Youth Parliament
Sheep Veterinary Society
Shetland Dog Club
Shetland Pony Stud Book Society
Shetland Riding Club
Shetland Vets
Smooth Fox Terrier Association
Society for Abandoned Animals (The)
Society of Chief Officers of Trading Standards in Scotland
St Clair Veterinary Group
Stewartry Veterinary Centre Ltd (The)
Strathblane Falconry
Strathbogie Veterinary Centre
Strathclyde Emergencies Co-ordination Group
Struthers & Scott Veterinary Surgeons
Swedish Vallhund Society
Tayside, Lochee & District Canine Club
Teen Ranch Scotland
Tobson Common Grazing Committee
Universities Federation for Animal Welfare
University of Aberdeen (School of Law)
University of Bristol (Animal Welfare)
University of Cambridge (Department of Veterinary Medicine)
University of Edinburgh
University of Lincoln
University of Stirling (Department of Psychology)
Urquhart, Jean MSP
Valley Veterinary Group
Veteran Horse Society
Veterinary Centre (Portree)
Veterinary Centre (The)
Veterinary Centre (The), Glasgow
Veterinary Centre (The), Uddingston
Veterinary Deer Society
Vetwork UK
Viva!
Weimaraner Club of Great Britain
Weimaraner Club of Scotland
Wigtownshire Animal Welfare Association
Wild Futures (Primate Welfare Team)
Willows Animal Sanctuary
Windgates Stables
Wood Green Animal Shelters
World Horse Welfare
World Parrot Trust
World Society for the Protection of Animals
Private Individuals, Local Authorities & Other Government Departments
CONTENTS

PART I – ABOUT THIS CONSULTATION

Topic of this consultation 2
Scope of this consultation 2
Geographical extent 2
Audience 2
Body responsible for the consultation 2
Duration 2
How to make an enquiry 2
The Scottish Government consultation process 3
Responding to this consultation paper 3
Handling your response 4
Next steps in the process 4
Comments and complaints 4

PART II – BACKGROUND INFORMATION 5

PART III – PROPOSALS FOR CONSULTATION 6

PART IV – CONSULTATION QUESTIONS 7
PART I – ABOUT THIS CONSULTATION

Topic of this consultation

This consultation is seeking views on proposals to introduce regulations for registration or licensing of animal sanctuaries and rehoming activities in Scotland.

Scope of this consultation

This consultation covers the proposals for a modern system of registration and licensing of animal sanctuaries and rehoming activities, allowing for independent accreditation of applicants to reduce the burden on local authorities. This includes all rehoming activities in Scotland, including charities and agencies rehoming animals from abroad.

The consultation considers how thresholds for registration and licensing may be determined depending on the size of the undertaking and how this may work for larger organisations with multiple premises.

Geographical extent

Animal welfare is a devolved matter and this consultation applies to the proposed introduction of regulations on animal sanctuaries and rehoming activities in Scotland only. The appropriate administration should be approached for further information in other parts of the UK.

Audience

Anyone may reply to this consultation. The Scottish Government would particularly like to hear from: animal sanctuaries, rehoming centres, animal welfare organisations, local authorities, veterinary professionals and academics.

Body responsible for this consultation

The Scottish Government's Animal Welfare Team is responsible for this consultation.

Duration

This consultation starts on 11 December 2017.
This consultation closes on 4 March 2018.
This constitutes a full consultation period of 12 weeks.

How to make an enquiry

If you have any queries about this consultation please contact the Scottish Government Animal Welfare Team (0300 244 5062) or by e-mail at sanctuarylicensingconsultation@gov.scot
The Scottish Government consultation process

Consultation is an essential part of the policy-making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: http://consult.scotland.gov.uk. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Consultations may involve seeking views in a number of different ways, such as public meetings, focus groups, or other online methods such as Dialogue (https://www.ideas.gov.scot).

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

Responding to this consultation paper

We are inviting responses to this consultation by 4 March 2018.

Please respond to this consultation using the Scottish Government’s consultation platform, Citizen Space. You view and respond to this consultation online at https://consult.gov.scot/animal-welfare/animal-sanctuaries-and-rehoming-activities. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 4 March 2018.

If you are unable to respond online, please send your response with a completed Respondent Information Form (see "Handling your Response" below) to:

Sanctuary Licensing Consultation
Scottish Government Animal Welfare Team
P Spur
Saughton House
Broomhouse Drive
EH11 3XD
Handling your response

If you respond using Citizen Space (http://consult.scotland.gov.uk/), you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form attached included in this document. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at http://consult.scotland.gov.uk. If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to sanctuarylicensingconsultation@gov.scot.
PART II – BACKGROUND INFORMATION

Animal sanctuaries and rehoming activities are currently not regulated. These include the premises of larger Scottish and UK organisations such as the Scottish SPCA, Dogs Trust and Cats Protection, as well as a number of smaller centres. Rehoming activities also involve organisations or individuals operating without premises to keep animals, such as organisations rehoming dogs directly from rescue centres in other countries.

While most of these are run by persons with the best interests of the animals at heart, there are some concerns that:

- Welfare may suffer if more animals are kept than the premises have room for.
- Animals might not be best matched to new owners, resulting in them needing to be returned or being placed in other rehoming centres;
- Some rehoming centres might be operating as pet retailers, circumventing the need for them to be licensed as such under the Pet Animals Act 1951.
- Some animals that are imported, legally or illegally, for rehoming may be carrying diseases not normally found in the UK.

Proposed licensing of rehoming centres and animal sanctuaries has been discussed with stakeholders alongside the concerns surrounding pet breeding and sale. The concept of licensing is supported by the larger rehoming organisations, noting the differences between rehoming (often required where life circumstances of owners change) and sanctuaries (longer term care of animals that are not always rehomed). Dogs are increasingly being imported, legally and illegally, for rehoming from abroad. Street dogs may struggle to acclimatise to a new environment and considering the number of dogs already waiting to be rehomed in the UK, there may not be an overall welfare benefit in these cases.

The Programme for Government 2017-18 committed The Scottish Government to prepare legislation for a modern system of registration and licensing of animal sanctuaries and rehoming activities, allowing for independent accreditation of applicants. The overall aim is to regulate this area to protect animal welfare in a way that is not unduly burdensome for those doing a good job at present, while being effective in dealing with cases where welfare is not being sufficiently protected or where such rescue activities are effectively operating commercially in the guise of a charity.

The main features of the modern system are proposed to be a threshold number of cared-for animals determining whether light registration or stricter licensing is to be applied; whether licences should be flexible and may be awarded, on a risk-based assessment, for a period of up to 3 years; and independent accreditation by an agent approved by the Scottish Ministers, to replace the need for inspection by local authorities.
PART III – PROPOSALS FOR CONSULTATION

The Scottish Government made a commitment in the Programme for Government 2017-18 to introduce legislation for the registration and licensing of animal sanctuaries and rehoming activities in Scotland, using the powers contained in the Animal Health and Welfare (Scotland) Act 2006. Prior to presenting such legislation for approval by the Scottish Parliament, the Scottish Ministers are required, by law, to consult such persons they consider to represent relevant interests and any other persons they consider appropriate. This public consultation document forms part of that consultation process.

The Scottish Government is seeking views on proposals for animal sanctuaries and rehoming agencies to be required to hold a license or to be registered, depending on the size of the undertaking, to carry out those activities.

The Scottish Government proposes using thresholds for exemption, registration and licensing of persons and premises.

- Premises/persons keeping up to 5 rescued/adopted animals at a time and/or rehoming up to 5 animals per year, without receiving any associated payment/fee/commission for this service or being a registered charity will be exempt.

- Premises/persons keeping 6-10 rescued/adopted animals at a time and/or rehoming up to 6-10 animals per year, without receiving any associated payment/fee/commission for this service or being a registered charity must be registered to carry out these activities.

- Premises/persons keeping
  - 11 or more rescued/adopted animals at a time and/or rehoming more than 11 animals per year;
  - or receiving any associated payment/fee/commission;
  - or being a registered charity must be licensed by the local authority to do so.

Current animal welfare legislation, such as the Breeding of Dogs Act 1963, ensures that those who have been disqualified from other activities reliant on the provision of acceptable animal welfare can be neither registered or licensed to care for animals. The Scottish Government agrees with that principle and seeks views on what other requirements should be contained in a ‘fit and proper’ person test to allow those who may become registered or licensed to operate an animal sanctuary or rehoming centre.

The Scottish Government also considers that legislation should provide Scottish Ministers with powers to require compliance with guidance that they approve. The requirement to use such guidance can help ensure that the best possible animal welfare standards are consistently used by all those involved in animal rescue.
PART IV – CONSULTATION QUESTIONS

All of the consultation questions are listed below. When considering these, we ask that you take into consideration the information provided in this document alongside any other knowledge or personal experiences that could be relevant. All opinions are welcome.

We ask that you use either the online Citizenspace facility or the consultation questionnaire provided to respond to this consultation as this will help with our analysis of responses. Please try to answer all the questions; however if you are unable to answer any particular question then please feel free to move on to the next. The questionnaire and on-line facility will also ask questions relating to your interest in this matter and where you currently reside; this will aid in the analysis of the responses to this consultation.

In order for us to deal with your response appropriately in terms of making responses publically available, please ensure that you complete a Respondent Information Form. This will ensure that if you ask for your response not to be published that we regard it as confidential and will treat it accordingly.

Consultation questions

1. The Scottish Government proposes that animal sanctuaries and rehoming centres should be regulated. Do you agree?
   Yes ☐ No ☐

2. Do you agree with the principle that registration is appropriate for those with fewer animals and that licensing is appropriate for those with more animals?
   Yes ☐ No ☐

3. Do you have any comments on the thresholds that should apply? Should these be different for separate species?
   Comments:

4. Larger organisations and charities that may have a network of homes and smaller branches in different local authority areas should be able to apply centrally for the relevant licensing. Do you agree?
   Yes ☐ No ☐
5. The Scottish Government believes that all premises must be inspected before licensing (but not registration). We propose that, as well as local authorities, expert independent bodies, such as Scottish SPCA, should be able to carry out inspections. Do you agree?

Yes ☐  No ☐

Comments:

6. Do you agree that individuals with unspent convictions for animal welfare offences or other criminal convictions (e.g. fraud) should not be allowed to register or hold a licence for an animal sanctuary or rehoming activity?

Yes ☐  No ☐

Comments:

7. Are there other requirements, apart from criminal, that should be part of a ‘fit and proper person’ test for those running animal sanctuaries or rehoming activities?

Comments:
8. The Scottish Government proposes that reasonable costs of inspections should be charged to recover costs to inspectors approved by Scottish Ministers or local authorities. Do you agree with that proposal? To note: It is expected that registration will be free or incur a nominal fee.

   Yes ☐    No ☐

9. Should licence fees be set by the authorised inspectors, local authorities or by the Scottish Government? Do you have any comments on what cost is reasonable and what should be included in this? (For example, this might include recovery of administrative costs, or payment for the inspectors time etc).

Comments:


10. The Scottish Government considers that licences lasting more or less than one year may be issued on the basis of a welfare risk assessment. Do you agree?

   Yes ☐    No ☐

Comments:


11. Do you consider that the relevant Local Authority should have a duty to enforce the regulations on animal sanctuaries and rehoming activities in Scotland?

   Yes ☐    No ☐
12. Do you consider that the Scottish SPCA should be able to act on behalf of the relevant Local Authority using the powers contained in Animal Health and Welfare (Scotland) Act 2006 to enforce proposed regulations on animal sanctuaries and rehoming activities in Scotland?

Yes ☐ No ☐

13. Do you think that a national list of licensed premises and activities should be kept?

Yes ☐ No ☐

Comments:

14. Do you have any comments on who should be able to access information from the list, and if a charge should be made for information?

Yes ☐ No ☐

Comments:

15. The Scottish Government believes that enforcement agencies should be able to suspend, vary or revoke registrations and licences or issue improvement notices for minor irregularities. Do you agree with this proposal?

Yes ☐ No ☐

Comments:
16. The Scottish Government proposes to adopt welfare standards based on those published by the Association of Dog and Cat Homes that all licensed animal sanctuaries and rehoming organisations should follow for the species they hold. Do you agree that this should be a condition of licensing? If you are aware of any other relevant standards please comment.

Yes ☐ No ☐

Comments:

17. Do you agree that appropriate fixed penalties should apply for minor non-compliance with the legislation?

Yes ☐ No ☐

About the consultation

While we have done our best to explain the issues facing us clearly, there may be aspects that you feel we have not explained well or have not covered at all.

The following questions in this consultation paper are to provide you with the opportunity to raise such points, and to provide us with feedback on the consultation itself.

1. Are there any other measures you consider should be included in legislation for animal sanctuaries and rehoming activities in Scotland?

Yes ☐ No ☐

Comments:
2. Do you consider that the consultation explained the key issues sufficiently to properly consider your responses?
   Yes ☐  No ☐

3. Do you consider that you had sufficient time to respond to the consultation?
   Yes ☐  No ☐

4. Do you have any other comments on the way this consultation has been conducted?

   Comments:
Consultation on Registration and Licensing of Animal Sanctuaries and Rehoming Activities in Scotland

RESPONDENT INFORMATION FORM

Please Note this form must be completed and returned with your response.

Are you responding as an individual or an organisation?

☐ Individual
☐ Organisation

Full name or organisation’s name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

☐ Publish response with name
☐ Publish response only (without name)
☐ Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

☐ Yes
☐ No