

Dog breeding and selling

Research Briefing

June 2020



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On 6 May the National Assembly for Wales became the Welsh Parliament, to be commonly known as Senedd. As a result, references in this research briefing reflect the change of name, referring to the institution as the 'Assembly' in a historical context (prior to 6 May) and 'Senedd' thereafter.



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1. Introduction

This Research Briefing explores the regulation of dog breeding and selling in the UK. It focuses on regulations in Wales to safeguard animal welfare at dog breeding establishments. It also considers the ‘Lucy’s law’ campaign to ban the third-party sale of puppies. It describes action by the Welsh Government and the Senedd, as well as the picture across the UK. This Research Briefing has been published following commitments from the Welsh Government to introduce new legislation on these matters.

2. The current status of dog breeding and selling in Wales

The welfare of dogs at breeding establishments has gained public attention in recent years across the UK. Recently, there have been renewed calls for further regulation of dog breeding following a **BBC documentary** which highlighted poor welfare in some breeding establishments.

Dog breeding in Wales is currently regulated under the ***Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014*** (*'the 2014 Regulations'*). The 2014 Regulations require licences for breeders who keep three or more breeding bitches, breed three or more litters of puppies in a 12-month period and supply or sell puppies from those litters.

In terms of scale, an ***Animal Health and Welfare Framework Group review*** found that in 2019 there were 260 dog breeding licences in operation in Wales, three of which were licensed for more than 100 breeding bitches. The review estimates that these licensed breeding establishments produce around 16,000-25,000 puppies per year. It states that this is 2-3% of the estimated 750,000 dogs required to maintain the UK dog population annually, or 20%-50% of the estimated 50,000-75,000 puppies bred in Wales annually.

There have been appeals from animal welfare groups and the public for the Welsh Government to review and strengthen the 2014 Regulations.

The method by which puppies are sold has also been a focus of debate. In Wales, dogs are purchased/acquired from:

- Licensed breeders;
- Legal unlicensed breeders (those who breed one or two litters per year);
- Illegal unlicensed breeders (those who breed more than two litters per year but do not hold a licence);
- Third-parties (such as pet shops); and
- Re-homing organisations.

There has been a ***UK-wide campaign*** to ban the third-party sale of puppies (known as the 'Lucy's law' campaign). This is being implemented at varying rates across the UK (detailed later). In terms of the scale of the issue, there are no national records of the number of puppies sold via third-parties.

3. Dog breeding regulations

Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014

The Welsh Government introduced the 2014 Regulations with the aim of improving the welfare standards of dog breeding. The 2014 Regulations replaced the **Breeding of Dogs Act 1973** in Wales and introduced stricter welfare criteria for dog breeding. The 2014 Regulations:

- Require the licensing of breeders who keep three or more breeding bitches and either breed, sell, supply or advertise breeding or puppies for sale from their premises;
- Introduce stricter welfare standards for breeding establishments;
- Require breeders to adopt socialisation, enhancement and enrichment programmes for their animals; and
- Create a minimum ratio of one full-time staff member to 20 adult dogs, or one part-time staff member to 10 adult dogs.

Enforcement of the 2014 Regulations is undertaken by local authorities. In April 2018, the Welsh Government published **Dog breeding establishments: guidance for local authorities**. The guidance aims to ensure that the needs of a dog, as set out under Section 9 of the **Animal Welfare Act 2006** are met. These comprise its need:

- (a) for a suitable environment;
- (b) for a suitable diet;
- (c) to be able to exhibit normal behaviour patterns;
- (d) to be housed with, or apart from, other animals (where appropriate); and
- (e) to be protected from pain, suffering, injury and disease.

Local authorities in Wales have developed Model Licensing Conditions (MLCs). The MLCs define the physical care required for breeding bitches and puppies and introduce new requirements around **socialisation** and **environmental enrichment**, designed to help ensure that puppies are better prepared for life in a family setting.

3.1. Concerns over current regulations

Several animal welfare charities have expressed concern that the 2014 Regulations do not go far enough to protect the health and welfare of dogs. These include the **RSPCA Cymru, Kennel Club** and **Dogs Trust**. RSPCA Cymru's **Delivering for a decade: 10 years of the Animal Welfare Act in Wales: 2007–2017 (PDF 1.37MB)** outlines the RSPCA's continued concerns around dog breeding, particularly around staff to dog ratios. It recommends:

While a positive step forward, the minimum one staff member to 20 breeding bitches ratio threatens to undermine the purpose of the regulations. Sadly, this ratio excludes puppies. Given that one breeding bitch could have a litter of up to 10 puppies, RSPCA Cymru fears this ratio will provide a legal safeguard to a situation whereby one attendant faces the prospect of caring for more than 200 dogs and puppies at once – allowing little over 120 seconds to provide for each animal in a working day. RSPCA Cymru has long argued that any minimum staffing ratio should take into account puppies, studs and bitches.

Respondents to a Welsh Government's consultation on **Third-Party Sales of Puppies and Kittens** (February 2019) (discussed later) referred to the 'inability' of local authorities to 'properly inspect' licensed breeding establishments because of a 'lack of resources and limited training'.

3.2. Welsh Government action

Following the BBC documentary discussed above, in October 2019 the **Minister for Environment, Energy and Rural Affairs, Lesley Griffiths AM, ('the Minister')** set out urgent action to regulate the industry, including a review of the 2014 Regulations:

I have written to the Wales Animal Health and Welfare Framework Group to accept their offer of help and request an urgent and immediate review of our dog breeding regulations. The review will include full consideration of any current barriers to enforcement and how impartial veterinary advice is provided during the licensing and inspection process.

I have written to all Local Authority CEOs to raise concerns and invite relevant representatives to a meeting with the Chief Veterinary Officer for Wales to discuss the licensing process, enforcement and barriers to it.

The Chief Veterinary Officer for Wales immediately referred the BBC programme to the Royal College of Veterinary Surgeons.

Officials are developing a campaign aimed at members of the public who may be considering purchasing a puppy highlighting the importance of sourcing responsibly.

The issue was **raised again in Plenary on 29 January 2020**. Following consideration of the Animal Health and Welfare Group's review, the Minister committed to legislate in this area during this Senedd.

In the meantime, the Minister committed to dedicate funding to improve the delivery of the 2014 Regulations, as set out in her **statement on 4 March 2020**. She stated that a scoping project was underway to determine what resources will be required to provide funding for training and increased consistency in the inspection and enforcement of the regulations. She said the training will be funded as a three-year pilot scheme.

On 22 June the Welsh Government published an eight week public consultation **A Ban on Third Party Sales of Puppies and Kittens** (discussed in further detail below). It states that ensuring licenced breeders only sell direct to the public will improve transparency at breeding premises. The consultation includes changing licensing arrangements for the sale of pet animals, including puppies and kittens.

On **announcing** the consultation the Minister said:

I would also like to highlight the proposed legislation to ban commercial third party sales is only one of the steps necessary to improve the welfare of those animals at breeding establishments in Wales. Officials are working closely with local authorities and work is underway in relation to tackling barriers to enforcement; enhanced training; better guidance; and improved use of resources within local authorities as part of a 3 year Welsh Government funded pilot project.

3.3. Wales Animal Health and Welfare Framework Group review

The **Wales Animal Health and Welfare Framework Group review was published on 4 March 2020** accompanied by a **written statement from the Minister**.

The review makes four key recommendations:

- 1. Further training** is required to enable effective enforcement of existing provisions. This should be specific to authority licensing inspectors, inspecting veterinary surgeons and private veterinary surgeons.
- 2. Improved traceability of dogs** is required to enable effective enforcement of existing provisions. This may include registration for all dog breeders and increased compliance with microchipping legislation.

3. Reconsideration of the current minimum ratio of staff members to dogs.

A cap on the total number of dogs per single breeding establishment may be beneficial.

4. Urgent consideration and review of other legislation which may include a ban of third-party sales of dogs and improvements to microchipping regulations.

The Minister said that some of the recommendations could be adopted within the scope of existing legislation but that new regulations would be required to implement others.

3.4. Senedd action

On 12 December 2018 there was a short Assembly debate on dog breeding during which some Members of the Senedd argued that poor breeding practice was disproportionately high in Wales.

Since then, dog breeding has been the subject of debate **several times** in Plenary. This has included **calls from Members** for the Welsh Government to review the 2014 Regulations. The issue was recently debated in Plenary **on 29 January 2020** when the Minister considered the need for additional funding for local authorities and legislation.

The Senedd's **Petitions Committee** has received several petitions regarding welfare at dog breeding establishments during this Senedd / Assembly:

- **P-05-915: Call for better enforcement of puppy farms in Wales.** This petition was submitted by Laura Clays, having collected 112 signatures;
- **P-05-939 Immediate embargo on new dog breeding licences, licence renewals and planning applications until regulations are fit for purpose and enforceable.** This petition was submitted by C.A.R.I.A.D. having collected a total of 1,738 signatures; and
- **P-05-951 Impose a legal limit on the maximum number of breeding bitches in licensed dog breeding establishments in Wales** This petition **was submitted** by Dinah Mulholland having collected a total of 229 signatures.

The Senedd's **Climate Change, Environment and Rural Affairs (CCERA) Committee** questioned the Minister on this policy area most recently **during its draft budget (2020-21) scrutiny session on 16 January 2020**. The Minister recognised there could be additional financial implications for local authorities in the enforcement of further regulations. She suggested this could be mitigated

through collaboration by local authorities in order to maximise resources and expertise. The Minister acknowledged that additional funding for local authorities might be necessary eventually, after other opportunities had been exhausted.

In response to the **Committee's report on the draft budget (2020-21)** the Minister referred to a scoping project being carried out by local authorities to determine how much additional resource is needed:

Officials have met with Local Authority representatives to discuss barriers to enforcement and issues surrounding licencing breeding establishments. Further to those discussions a scoping project is underway by the Local Authorities to determine what additional resource is necessary to maximise the use of existing structures and ensure a consistent approach to licencing breeding establishments across Wales.

4. Lucy's law

'**Lucy's law**' is a campaign seeking to ban the sale of puppies by third-party commercial dealers. The UK-wide campaign has been driven by the group **C.A.R.I.A.D.** (Care And Respect Includes All Dogs). The ban would mean that pet shops, pet dealers and other outlets and licensed sellers of puppies would be unable to sell these pets **unless they themselves had bred them**, improving accountability.

The campaign is based on animal welfare grounds. A ban would prevent the removal of puppies for sale from their mother and the rest of the litter at a young age. The Wales Animal Health and Welfare Framework Group review found a link between third-party sellers and poor welfare at the breeding establishment. It suggested this may be due to the low visibility of the breeding establishment to purchasers. The campaign also argues that third-party sales create additional risks for consumers and public health and safety, due to the purchase of unwell and unsocialised puppies.

The campaign has been named Lucy's law after a rescue Cavalier King Charles spaniel called Lucy, who was heavily bred under poor conditions.

4.1. The complexities of Lucy's law

It has been argued that a ban could lead to unintended consequences. The **UK Government previously (2017) rejected** the UK Parliament **Environment, Food and Rural Affairs (EFRA) Committee's** recommendation to ban third-party sales. It stated that a ban has the potential to increase unlicensed breeding and could result in a rise in the sale and irresponsible distribution of puppies. However, as detailed below, the UK Government later introduced regulations to ban third-party sales of puppies.

The **Pet Industry Federation**, which represents the interests of UK pet businesses, argues that an outright ban would lead to "sales going underground". It states that education for potential new puppy and kitten owners about impulse buying and responsible breeding is needed.

The Dogs Trust argues that, due to the complexity of the issue, an end to third-party sales can best be achieved by introducing a ban as part of a **comprehensive package of coordinated measures**. It calls for the Welsh Government to close loopholes, and asks for:

- Regulation of all rehoming centres and sanctuaries, claiming that underhand breeders could easily set up as one of these;
- Anyone breeding or selling puppies to be on the radar of their local authority to prevent bad practice amongst breeders; and
- Tougher controls on pet travel to prevent puppy smuggling from overseas.

4.2. Welsh Government action

The Welsh Government published a consultation, **Third-Party Sales of Puppies and Kittens**, in February 2019. **The majority of respondents** to the consultation felt that a ban would have a positive effect. However some called for a more robust licensing system to make breeders and sellers “more visible and traceable”. As discussed, some organisations and individuals felt that a third-party ban would need to be part of a package of measures to avoid unintended consequences of the ban.

The consultation also asked whether respondents felt the ban would have an impact on rehoming centres. Although many respondents felt the ban would have a positive impact on these, there were concerns from some individuals. One respondent said:

I would expect rehoming centres to have a temporary bigger influx of dogs/cats in need. As by then, the unlawful third-party sellers would be offloading what they would see as no longer a valuable resource. So an initial support grant to help cope with this should be provided for.

On **18 July 2019** the Minister committed to introducing a ban on the third-party sale of puppies and kittens. On **4 March 2020** the Minister said the Welsh Government would be “legislating on this before the end of this Senedd.”

During the coronavirus pandemic, the issue has not been deprioritised. In a **letter to the CCERA Committee (8 June 2020) (PDF 461 KB)** the Minister said officials are drafting regulations. She highlighted that the proposed changes to commercial third-party sales of puppies and kittens go beyond the ‘Lucy’s Law’ campaign and the legislation introduced in England.

As mentioned above, the Welsh Government published its ‘final’ eight week public consultation **A Ban on Third Party Sales of Puppies and Kittens** on 22 June. The consultation states 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; and
- Reduce the sale of puppies which have not been bred to the recognised standards of welfare in Wales.

Consultation questions relate to extending the ban to other animals and explore other measures to address the welfare problems associated with commercial third-party sellers. It asks whether sanctuaries/rehoming/rescue centres should be classed as commercial third-party sellers and be licenced.

4.3. Wales Animal Health and Welfare Framework Group review

The feasibility and impact of a third-party sales ban was considered by the **Wales Animal Health and Welfare Framework Group review published on 4 March 2020**. Whilst the group strongly supported a ban on third-party sales of puppies it acknowledged concerns that the ban may lead to increased transportation of pregnant bitches instead of puppies.

4.4. Senedd action

Throughout 2019, the Petitions Committee has been considering the petition **P-05-856: Ban the sale of puppies by pet shops and all commercial 3rd party dealers in Wales**; This petition was submitted by C.A.R.I.A.D., having collected 11,195 signatures.

Lucy's law has been the subject of debate in Plenary **several times** during this Assembly / Senedd. The issue was debated recently by Members **on 29 January 2020** when the Minister re-iterated her commitment to bringing forward Lucy's law.

The CCERA Committee has **consistently pursued** this issue with the Minister. On 22 May it **called for an update** on the introduction of legislation. The Minister's response is provided above – regulations are currently being drafted and a public consultation is expected.

5. Other UK countries

5.1. England

In February 2018, the UK Government **launched a consultation** on a third-party puppy sales ban. The consultation was England-only. Around 70% of responses argued in favour of a ban, while less than 10% provided arguments against. On 23 December 2018, **Defra confirmed** it would ban the third-party sale of puppies and kittens in England. The ban came into force on 6 April 2020 under the ***Animal Welfare (Licensing of Activities Involving Animals) (England) (Amendment) Regulations 2019***. A **UK Government press release** provides further information.

5.2. Scotland

In September 2018, the Scottish Government **launched a consultation** seeking views on proposals to introduce new regulations for the licensing of dog, cat and rabbit breeding activities. 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. Overall, responses to the consultation supported the introduction of a licensing system. The **Scottish Programme for Government** committed to banning the third-party sale of puppies and kittens.

The Scottish Government is developing a statutory instrument under section 27(1) of the *Animal Health and Welfare Act 2006* that aims (amongst other things) to strengthen licensing requirements for dog breeders and introduce new requirements for cat and rabbit breeders. It also intends to use the legislation to prevent the third-party sale of puppies and kittens to implement Lucy's law.

5.3. Northern Ireland

The Department of Agriculture, Environment and Rural Affairs (DAERA) has not publicly consulted on these issues. As it currently stands, the ***Welfare of Animals (Dog Breeding Establishments and Miscellaneous Amendments) Regulations (Northern Ireland) 2013*** require that anyone wishing to operate a dog breeding establishment must first obtain a licence from the district council in which the establishment is located.

During 2018 DAERA reviewed the matter of animal establishments, including establishments that sell pets. In 2019, it engaged with the enforcement bodies 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.