

# **Report to the Tyne and Wear Trading Standards Joint Committee**

**1<sup>st</sup> November 2018**

## **Implementation of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018**

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**Anneliese Hutchinson, Service Director, Communities and Environment,  
Gateshead Council**

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### **Purpose of the report**

To update the Committee on the responses provided by local authorities as animal licensing authorities on the new legislative requirements under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. The Regulations came into force on 1 October 2018.

### **Why is there perceived a need for new regulations?**

1. The previous legislation, covering a range of animal-related legislation had been in place for decades, and in that time, there have been huge changes in pet owner attitudes and lifestyles. The new legislation takes account of different business models which have sprung up in response to these, as well as the rise of the internet. A major criticism of the previous legislation was that they were inconsistently applied across the country, with inspection fees varying hugely and the inspections themselves based on a variety of different criteria. These issues have been addressed in the new regulations.
2. The new Regulations provide for the licensing of persons involved in England in selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs and keeping or training animals for exhibition.
3. The Regulations specifies these activities for the purposes of section 13(1) of the Animal Welfare Act 2006 and provides for local authorities to be the licensing authorities. The consequence of this specification is that, subject to qualifying criteria, any person wishing to carry on any of these activities in England must obtain a licence from their local authority under these Regulations.
4. These requirements replace the requirement, in England, to be registered under the Performing Animals (Regulation) Act 1925 or to obtain a licence under the Pet Animals Act 1951; the Animal Boarding Establishments Act 1963; the Riding Establishments Act 1964 or the Breeding of Dogs Act 1973.
5. A person who carries on any of these activities in England without a licence under these Regulations commits an offence under section 13(6) of the 2006 Act and is liable to imprisonment for a term of up to six months, a fine or both.

Under section 30 of the 2006 Act, local authorities may prosecute for any offence under the Act.

6. Part 2 of the Regulations sets out how a person may apply to the local authority for a licence and sets out matters in respect of which a local authority must be satisfied when considering the granting or renewing of a licence. It provides for a local authority to charge fees to cover the costs it incurs in performing this function, considering a licence holder's compliance with these Regulations, enforcement and administration. It requires a local authority to have regard to guidance issued by the Secretary of State in carrying out their functions under these Regulations. It makes provision for the inspection of premises and provides powers for inspectors to take samples from animals.
7. Part 3 sets out the circumstances and procedures under which a licence may be suspended, varied or revoked. It also provides that the breach of a condition of a licence or the obstruction of any inspector appointed for the purposes of enforcement of these Regulations is an offence and applies relevant post-conviction powers contained in the 2006 Act.
8. Part 4 provides for appeals against licensing decisions by local authorities. Part 6 makes transitional and saving provision for unexpired licences or registrations under the pre-existing statutory regime. Existing Licences, apart from those issued under the Performing Animals (Regulation) Act 1925 (valid until 1 April 2019) will be valid until the 1 January 2019.
9. Part 7 contains a requirement for the Secretary of State to carry out reviews of these Regulations and for local authorities to provide information to the Secretary of State for the purpose of such reviews.
10. Schedule 1 describes each type of licensable activity. Schedule 2 sets out the general conditions that apply to all licensable activities and Schedules 3 to 7 set out the specific conditions that apply to each licensable activity. Schedule 8 lists persons who may not apply for a licence and Schedules 9 and 10 provide for repeals, revocations and consequential amendments.

### **Recommendation**

11. The Committee is asked to note the information as contained within the report.

### **Reference:**

<https://www.legislation.gov.uk/ukxi/2018/486/contents/made>

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David Ellerington, Newcastle Council Council, on 0191 2116119,  
david.c.ellerington@newcastle.gov.uk

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