

Constitutional and Legislative Affairs Committee Draft Report
CLA

Title: The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2013

The Regulations provide for the licensing of persons involved in the breeding of dogs. Part 2 of the Regulations specifies dog breeding for the purposes of section 13 (1) of the Animal Welfare Act 2006. The consequence of this specification is that, subject to qualifying criteria, any person wishing to breed dogs in Wales must obtain a licence from their local authority under these Regulations. This requirement replaces the requirement to obtain a licence under the Breeding of Dogs Act 1973 in Wales.

Procedure: Affirmative

Technical Scrutiny

Under Standing Order 21.2 the Assembly is invited to pay special attention to the following instrument: -

1. Regulation 24 applies a number of relevant post conviction powers which would apply in relation to a conviction for an offence of breach of a condition of a licence . These are disqualification, cancellation of a licence and/or disqualification from holding a licence and seizure of animals.

‘Relevant post conviction power’ is defined in Section 62 of the Animal Welfare Act 2006 and whilst it includes sections 34 (disqualification) and 42 (orders as to licences) it does not include Section 35 (seizure). Section 35 whilst not a ‘relevant post conviction power’ would however be available to a Court in the event that an Order was made under Section 34 of the Animal Welfare Act 2006 -

23(vi) - that its drafting appears to be defective or it fails to fulfil statutory requirements)

Merits Scrutiny

Under Standing Order 21.3 the Assembly is invited to pay special attention to the following instrument: -

1. The existing legislation for dog breeding is the Breeding of Dogs Act 1973 as amended, the requirements for licensing are based upon a breeder producing 5 or more litters per annum. These Regulations revoke the existing licence regime and impose a new regime. The explanatory memorandum states that the main policy proposals within the new Regulations include:

- tighter licensing criteria;
- the requirement to microchip all dogs before they are 56 days old or leave the breeding premises; whichever is later;
- a staff:dog ratio which has a minimum staff requirement;
- standardising the minimum age a pup can leave breeding premises;and
- the need for breeding establishments to introduce socialisation, and environmental enrichment and enhancement programmes.

21.3 (ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly.

2. Regulation 8 (2) provides for a staff-dog ratio of 1 full-time attendant per 20 dogs kept or 1 part-time attendant per 10 dogs kept. **‘Dogs’ are not** specifically defined in either the Regulations or the Animal Welfare Act 2006. **As puppies, breeding bitches and stud dogs are all referred to as ‘dogs’** in regulation 3, the requirement in regulation 8 (2) would mean that 1 full-time attendant is responsible for 20 dogs, to include puppies. It appears from the [Minister’s Statement](#) on 11th June 2013 that the figure of 20 dogs was to exclude any puppies born to those animals. In addition, The Regulatory Impact Assessment at page 5 of the Explanatory Memorandum costs the proposals on the basis that 1 person is to be responsible for 20 dogs plus their offspring, which is not what the legislation provides.

21.3 (v) – that it imperfectly achieves its policy objectives

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Constitutional and Legislative Affairs Committee
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Government response to follow