



Department
for Environment
Food & Rural Affairs

A ban on commercial third-party sales of puppies and kittens in England

Consultation

July 2018



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Overview

1. The government is consulting on plans to introduce a ban on the commercial third-party sales of puppies and kittens in England. Commercial third-party sellers are those who are licensed pet sellers, but are not licensed pet breeders; they will hold a licence under either the Pet Animals Act 1951 or the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (“the licensing regulations”) to sell puppies and kittens commercially that they have not bred themselves. When using the term “commercial third-party sales” in this document this is the arrangement to which we are referring.
2. References to puppy or kitten mean a dog or cat that is under six months old.
3. A Call for Evidence was launched in February 2018 to gather evidence around the impacts of a ban on commercial third-party sales of puppies and kittens.
4. Currently, puppies and kittens can either be purchased via a third-party seller, or directly from a breeder. There are no records of the number of puppies sold via third-parties but estimates range between 40,000 and 80,000 in Great Britain per year. A number of responses to the Call for Evidence, (e.g. Canine Action UK) suggested that there are about 74 pet shop licence holders actively selling puppies, of which 63 are in England.

Why we are proposing a ban

5. There are concerns that commercial third-party sales lead to poorer welfare conditions for the animals compared to when people buy directly from the breeder. For example, this might include the early separation of puppies and kittens from their mothers, the introduction to new and unfamiliar environments, and the increased likelihood of multiple journeys the puppies or kittens have to undertake. All of these can contribute to an increased risk of disease and a lack of socialisation and habituation for the puppies and kittens.
6. We are proposing to ban commercial third-party sales of puppies and kittens in England. This will prevent pet shops, pet dealers, and other outlets from selling these animals in England unless they themselves had bred them. The ban will extend to England only.

Summary of responses from the Call for Evidence

7. The Call for Evidence, published in February 2018, invited evidence on a number of questions relating to commercial third-party sales.

8. We received just over 300 responses. Around 70% provided arguments in favour of a ban and less than 10% provided arguments against. In terms of organisations, the RSPCA, Cats Protection, International Fund for Animal Welfare, Canine Action UK, C.A.R.I.A.D, the BVA/BSAVA, Dogs Trust, Kennel Club, PDSA, and Battersea Dogs and Cats Home cited welfare concerns with third-party sales such as lack of socialisation, increased risk of disease and increased behavioural issues. The Ornamental Aquatic Trade Association, the Pet Industry Federation and Blue Cross provided views about the impact to the pet industry and whether such a ban would improve animal welfare. The Canine & Feline Sector Group, which represents the whole sector, supported the principle of a ban and considered that the new licensing regulations could be allowed to bed in before additional action is taken. A number of organisations suggested that third-party sellers might seek to present themselves as rehoming charities in order to escape the ban.

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

9. The government has introduced new rules which significantly modernise and enhance the welfare requirements applying to dog breeding, pet sales and other pet-related activities licensed by local authorities in England. These new licensing regulations come into force on 1 October 2018. These reforms introduce a wide range of improvements. In particular they:

- Require all licensed dog breeders and licensed sellers of all pet animals, including sellers who are not also breeders, to adhere to enhanced strict statutory minimum welfare standards linked to the animals' welfare needs set out in the Animal Welfare Act 2006.
- Prohibit the sale of puppies, kittens, ferrets or rabbits below eight weeks of age. This is also supported by recent changes to Defra's statutory Dog Welfare Code which provides guidance aimed at dog owners.
- Require any licensed pet seller advertising pets for sale to include their licence number in the advert as well as identifying the local authority that issued it, a photo of the pet, its age, country of residence and country of origin. This will help people identify pets offered for sale from unlicensed sellers including those based abroad.
- Require the sale of a dog to be completed in the presence of the purchaser on the premises where the licensed seller or licensed breeder has been keeping the dog, thereby banning online sales by licensed sellers and breeders.
- Ensure licensed dog breeders must show puppies alongside their mother before a sale is made and only sell puppies they have bred themselves.

10. The proposed ban on commercial third-party sales could be introduced through a new licence condition in Schedule 3 of the licensing regulations (Specific conditions: selling animals as pets). It would include a prohibition on licence holders from selling kittens and puppies that they have not bred themselves.
11. With this amendment in place, if the holder of a licence to sell pets under the licensing regulations was to sell a kitten or puppy that they have not bred themselves this would then be a breach of their licence which is an offence under regulation 20(1)(a) of the licensing regulations. The local authority would then be able to take enforcement action.

Options

Option 1: Do nothing.

Option 2: Introduce a ban on commercial third-party sales of puppies and kittens in England.

Option 3: Introduce a ban on commercial third-party sales of puppies and kittens in England, as well as running an information campaign to raise awareness of best practice when it comes to purchasing a puppy or kitten. This is the proposed option.

Expected impacts of a ban on third-party sales

Welfare implications

12. Whilst the new licensing regulations address a large number of concerns around pet sale and breeding, there are still some concerns surrounding the welfare of animals that are bred for third-party commercial sale. In response to the Call for Evidence, the RSPCA, Cats Protection, International Fund for Animal Welfare, Canine Action UK, C.A.R.I.A.D, the BVA/BSAVA, Dogs Trust, Kennel Club, PDSA, and Battersea Dogs and Cats Home all suggested that animals have a higher risk of serious health and behaviour problems associated with the additional travel from the place of birth to sale, change in environment and surroundings, and often premature separation from the animal's mother than animals sold by the breeders. These animals also lack proper socialisation and habituation.
13. In addition, there are concerns that commercial third party sales may be associated to a greater degree with impulse purchases. These may have consequences not only for the animal but for owners, including unexpected vet bills, issues with socialisation, and increased numbers being given up or having to be rehomed. Mortality rates pre-sale for animals bred for third party sale are unknown.

14. The rationale for a ban on commercial third-party sales is that such a ban will further protect the welfare of puppies and kittens and is an important step to improving standards in breeding establishments. A ban will:

- Ensure consistency with government advice that purchasers should seek to see puppies or kittens with their mother.
- Incentivise welfare improvements in high risk commercial dog breeding establishments through ensuring transparency, accountability and appropriate remuneration for breeders.
- Assist purchasers to make informed choices based upon seeing a puppy or kitten with its mother and encourage responsible buying decisions.
- Reduce the sale of puppies which have not been bred to recognised standards of welfare in England.

Commercial sellers

15. A ban will mean that pet shops, pet dealers and other outlets and licensed sellers of puppies and kittens will be unable to sell these pets unless they themselves had bred them.

Rescue/rehoming

16. It has been suggested that those participating in third-party sales could attempt to circumvent the ban by presenting themselves as rescue and rehoming charities. Equally others have noted that commercial rescue and rehoming operations where a significant rehoming fee is charged and the operation is geared to profit-making should be licensed as pet sellers under the licensing regulations. A commercial rehoming centre which is licensed as a pet seller would be subject to the ban on commercial third-party sales, and would be unable to sell puppies and kittens under 6 months of age that they had not bred themselves. There have also been concerns expressed about poor welfare and poor hygiene in some rescue and rehoming centres, especially where the puppies or kittens are sourced from abroad.

17. We invite evidence in response to this consultation on these concerns including evidence relating to the case for rescue and rehoming centres being subject to licensing under the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 with associated statutory welfare conditions aimed at rescue and rehoming.

Importing pets from abroad

18. It has been suggested that people may be able to circumvent a ban on the commercial third-party sale of puppies and kittens by importing pets from abroad. Pets can be imported from abroad to the UK via two routes:

- The Pet Travel Scheme – this allows you to import your dog, cat, or ferret as long as they have been microchipped, have a pet passport, and have been vaccinated against rabies. In general, you cannot bring in more than five pets. More specifics can be found here: <https://www.gov.uk/take-pet-abroad>
- The Balai Directive – this allows you to import animals to sell commercially within the UK. The specifics of this can be found here: <https://www.gov.uk/guidance/balai-directive-moving-live-animals-semen-and-embryos>

19. In addition there are no restrictions to the movement of kittens and puppies between the countries which make up the UK.

20. A ban on the commercial third-party sale of puppies and kittens in England would apply to all sales which are conducted in England. This would include third-party sales conducted here relating to animals which have been, or which are subsequently, imported, or puppies and kittens that are bred in other parts of the UK to be sold in England. You are invited to share your views on how these puppy breeders would be affected. The ban would not apply to sales that are conducted outside of England with the puppies and kittens then being delivered to their new owners in England.

21. With publicity for the ban on commercial third-party sales and an encouragement to buyers to source their pet from a legitimate breeder, there should be a significant impact reducing sales which take place in other countries leading to puppies and kittens subsequently being delivered here.

Impact Assessment

22. We have published a Regulatory Triage Assessment, which can be found at <https://consult.defra.gov.uk/animal-health-and-welfare/third-party-sales>. This contains more information about the expected impacts of a ban, including a more detailed analysis of the impact to businesses, on commercial third-party puppy and kitten sales in England.

Questions

Question 1: Do you agree or disagree with a ban on commercial third-party sales of puppies and kittens in England? Please set out your reasons why.

Question 2: Do you believe that a ban will have negative or positive impacts on the welfare of animals? Please set out your reasons why.

Question 3: We have published a draft Regulatory Triage Assessment available at <https://consult.defra.gov.uk/animal-health-and-welfare/third-party-sales>. Do you have any views on the assumptions or conclusions set out?

Question 4: Do you agree or disagree with the idea of licensing rescue/rehoming centres under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018? Please set out your reasons why

Question 5: Related to this, how you think rescue/rehoming centres should be defined?

Responding to this consultation

Given Defra has recently conducted a call for evidence on this issue, this consultation will run for 4 weeks from 22 August 2018 to 5pm on 19 September 2018.

Please respond to this consultation using the Citizen Space consultation system:

<https://consult.defra.gov.uk/animal-health-and-welfare/third-party-sales>

Our preferred method of receiving responses is online because it is the fastest and most cost-effective way for us to collate and analyse responses. If you wish to respond to the consultation by email or in writing, please send responses to:

By email – AnimalWelfare.Consultations@defra.gsi.gov.uk

Or

Animal Welfare Team
Area 5B
Nobel House
17 Smith Square,
London
SW1P 3JR

Please make sure your responses reach us by 5pm on 19 September.

Confidentiality

Please tell us if you do not want details of your response to be made public or if there are any restrictions on the use of information submitted, with an explanation of why it should be kept confidential. We will take your reasons into account, but you should be aware that there may be circumstances in which we will be required to disclose this information to

third parties on request. This is in order to comply with our obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations. Please note, if your computer automatically includes a confidentiality disclaimer, this will not be treated as a confidentiality request.

What happens next?

This consultation is an opportunity for all interested parties to scrutinise and comment on our proposals, and, if needed, supply further evidence.

After the consultation has concluded we will publish a summary of the responses received. This will inform the final proposal we will lay before Parliament.