Guidance notes

Dog Breeding Licence

Updated May 2015

Do you need a licence with North Devon Council?

If you are in the business of breeding and selling dogs (trading), then you need a dog breeding licence.

If you keep bitches at any premises in North Devon, and they give birth to five or more litters during a 12 month period, regardless of whether you are in the business of breeding and selling dogs, you must also obtain a licence. This includes bitches kept:

- by any person at the premises
- by any relative of the person at the premises
- elsewhere by the person
- anywhere by the person under a breeding arrangement/contact with another person

Legislation relevant to dog breeding includes:

- Breeding and Sale of Dogs (Welfare) Act 1999
- Breeding of Dogs (Licensing Records) Regulations 1999

The applicant

To apply for a Dog Breeding Licence, you must not have been previously disqualified under the:

- Dog Breeding Acts of 1973 & 1999 from keeping a breeding establishment
- Pet Animals Act 1951 from keeping a pet shop
- Protection of Animals (Amendment) Act 1954 from having the custody of animals
- Animal Boarding Establishments Act 1963 from the boarding of animals
- Animal Welfare Act 2006, section 34(2)(3) or (4)

The application process

To apply for a Dog Breeding Licence, you must complete and submit an application form, with the relevant fee. These can be found on the council’s website.

If you have not previously been licensed to breed dogs at your current establishment, you must have the premises inspected by both a veterinary surgeon or practitioner and an officer of the council. If you have previously been granted a licence to breed dogs, an inspection will be carried out by either an officer of the council or veterinary surgeon/practitioner, or both.

In determining whether to grant an application for a Dog Breeding Licence, North Devon Council will take into consideration:

- whether the dogs have access to suitable accommodation at all times, with regard to the construction and size of the quarters, number of occupants, ventilation, cleanliness, exercise facilities, temperature and lighting
- whether the dogs will be suitably fed, watered, visited and supplied with adequate bedding material
- that all reasonable steps are in place to prevent and control the spread of infectious/contagious diseases
- whether appropriate steps will be taken to protect the animals in the event of a fire or other emergency
- that the dogs will be suitably cared for when being transported to and from the breeding establishment (for example, food, drink, bedding, exercise)
- that bitches are not mated if they are less than one year old
- that bitches do not give birth to more than six litters of puppies each
- that bitches do not give birth more than once in a 12 month period

How long does the licence last?

A licence will be valid for one year. It will come in to force on either the date when the licence is granted, or when you ask for it to start in your application.

You will be reminded by us approximately four months before your licence expires that you will need to reapply, should you wish to continue operating.
In the event of a licence-holder dying, the licence shall be deemed to be granted to their personal representatives in respect of those premises and will remain in force for up to three months before expiring.

A further extension may be granted by North Devon Council if we are satisfied that it is deemed necessary and that no other circumstances make it undesirable.

**What conditions will be attached to a licence?**

Standard conditions are attached to a Dog Breeding Licence. These conditions were formulated using the guidance issued in 2000 by the Chartered Institute of Environmental Health, British Veterinary Association, British Small Animal Veterinary Association and Local Government Association on The Breeding of Dogs Act 1973 and 1991, Breeding and Sale of Dogs (Welfare) Act 1999. Please ensure you follow these conditions, and any others that may be set out when granting the licence, alongside legislation relevant to this area.

**Keeping records**

A record must be kept by every licensed dog breeder for each breeding bitch. The Breeding of Dogs (Licensing Records) Regulations 1999 stipulate the format of records required to be kept and a template of which can be found on our website. It is necessary to:

- provide the name of the bitch, date of birth, address where she is kept, breed, description, date of mating and details of sire
- keep a record of any litters, including the sex of the puppies, date of birth, weight, description and total number in the litter
- show the details of sale, namely the date of sale, name and address of who was supplied and the status of the purchaser (for example, private owner or pet shop)

Records must be available for inspection by an officer of the local authority or veterinary surgeon/practitioner, authorised under the Act.

**Rights of entry**

Authorised officers of the council and authorised veterinary surgeons or practitioners may enter and inspect a licensed boarding premises at any reasonable time.

The Breeding of Dogs Act 1991 contains a power for our officers to inspect unlicensed premises in the area, if a Justice of the Peace is satisfied by information laid by officers
that there are reasonable grounds for suspecting an offence under the Breeding of Dogs Act 1973.

**Offences and penalties**

The following offences and penalties apply to dog breeders:

- Any person found guilty of obstructing or delaying any person in the exercise of his powers of entry or inspection shall be subject to a fine not exceeding level 3 (currently £1,000)
- Any person found guilty of keeping a breeding establishment for dogs without a licence shall be subject to imprisonment for up to three months, or to a fine not exceeding level 4 (£2,500), or to both
- Any person found guilty of contravening or failing to comply with any conditions of the licence shall be subject to imprisonment for up to three months, or to a fine not exceeding level 4 (£2,500) or to both

If you are convicted for any of these offences, the court also has power to order the cancellation of your Dog Breeding Licence and to disqualify you from keeping or breeding dogs, as specified in the court’s order for as long as the court decides.

The court can make a further order in relation to any dog of a specified description that may have been in your custody when an offence was committed, or at any time since. Such an order can require you to deliver the dog to a specified person and require you to pay for the care of the dog until permanent arrangements are made for its care or disposal.

Applications can also be made to lift disqualifications. As a result, a court may suspend the operation of any order it may make, pending an appeal.

**Sale of dogs**

Please be aware that under the Breeding and Sale of Dogs (Welfare) Act 1999, it is against the law for the keeper of a licensed breeding establishment or a licensed pet shop to:

- sell a dog otherwise than at a licensed breeding establishment or a licensed pet shop
- sell a dog otherwise than to the keeper of a licensed pet shop, knowing or believing that the person who buys it intends that it should be sold
- sell a dog that is less than eight weeks old, otherwise than to the keeper of a licensed pet shop
- sell a dog to the keeper of a licensed pet shop, which was not born at a licensed breeding establishment
• sell a dog to the keeper of a licensed pet shop, which, when delivered, is not wearing a collar with an identifying tag or badge (which clearly displays information indicating the licensed breeding establishment where it was born, its date of birth, and any identifying number allocated to the dog by the licensed breeding establishment where it was born).

How long will it take to process your application?

If we have not contacted you to make arrangements to complete an inspection within 14 days of your application, please contact us to check that your application was correctly made and received.

The Breeding of Dogs Act 1973 requires North Devon Council to determine whether to grant such a licence within three months from when the licence application was received. However, we will aim to do this within 30 working days.

Right of appeal

If you wish to challenge a refusal to be granted a licence, or any conditions to a licence, you can appeal to the magistrates courts.

Complaints

If you want to make a complaint about any dog breeding establishment, please contact us.

If you feel we have failed to provide you with good service or are concerned about the progress of your application, please telephone Customer Services and we will try to resolve any concerns you may have.

The council also has a formal complaints procedure.

Further information


The Animal Welfare Act 2006, places responsibilities for care and welfare of an animal, on persons who are in charge of an animal, whether on a permanent or temporary basis. More information can be found on the DEFRA website.

Relevant trade associations:
- PCT - Pet Care Trust
- RCVS - Royal College of Veterinary Surgeons
- The Kennel Club