



## New Dog Breeding Regulation

### Breeding licence regulations update – April 2019

DEFRA has issued a note to local authorities in England in which it is made clear any member of the Kennel Club Assured Breeder Scheme of at least three years' standing should be awarded a five-star breeding licence valid for three years. ABS members who have less than three years membership of the ABS or have had a licence for three years should receive a four-star licence valid for two years. The only exception would be where significant evidence of poor animal welfare standards or non-compliance is found during a local authority inspection.

Defra has also provided further clarification regarding the £1,000 trading income licensing exemption, which has caused considerable confusion for all parties, with many believing that this is a threshold for which anyone exceeding it would require a dog breeding licence. Defra has now made it clear that the "£1,000 trading income as referred to in the guidance documents should be used as an indicator and not a ceiling as someone with over £1,000 trading income may not be a commercial dog breeder or pet seller and they may not be making a profit".

The note issued to local authorities in England today can be accessed [here](#).

### Changes to breeding regulations in England

New regulations on dog breeding in England will be live from 1<sup>st</sup> October. There are no changes to breeding regulations in Wales, Scotland and Northern Ireland. A number of significant changes are being made, which are summarised by the Kennel Club as follows -

#### Licensing threshold

The biggest change to the regulations is the reduction of the litter threshold for which a dog breeding licence is required.

- After the 1<sup>st</sup> October, anyone breeding three or more litters and selling at least one puppy in a 12 month period will require a dog breeding licence, this is a reduction from the previous litter test of five or more litters.
- A breeder can breed as many puppies as they like without a licence "if the person carrying on the activity (breeding) provides documentary evidence that none of them have been sold (whether as puppies or as adult dogs)".
- For those breeding one or two litters in a twelve month period and selling puppies, a licence may be required if you are deemed to be "breeding dogs and advertising a business of selling dogs". The Government has provided guidance on what local authority inspectors should consider when assessing whether a breeder meets the business test. These full guidelines can be found [here](#).
- There are certain factors that would trigger the need for a breeding licence such as "High volumes of animals sold or advertised for sale could indicate a business; and low volumes of animals sold or advertised could indicate a business where high sales prices or large profit margins are involved".

Conversely "Breeders who breed a small number of puppies (i.e. fewer than three litters per year), and sell them without making a profit" are deemed to be out of the scope of licensing.

It is important to note that a similar business test has been in place since 1999 for those breeding under the previous five litter threshold. Defra have informed the Kennel Club that as with the existing business test, it is not their intention for hobby breeders to be caught out under this business test.

Further examples are provided within the Government's guidance document "The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, Guidance notes for conditions for breeding dogs" this can be found [here](#).

#### Star rating

The new regulations also include a star rating system. The new star rating system has been designed to both reward high performing breeding establishments and to give further help to the puppy buying public in identifying good breeders.

Licensed breeders will receive a star rating from one to five stars. Those with a five star rating will receive a three year licence, pay a lower fee and will be inspected less frequently. Those at the other end of the spectrum will only receive a one year licence and will pay a higher licence fee and will be inspected with greater frequency. The star rating that is awarded will be based on two factors: the welfare standards against which the breeder is operating (i.e. whether the breeder makes use of health tests etc), and their risk rating which is based on whether the breeder has a history of meeting these standards.

Breeders operating to higher welfare standards and who have a history of maintaining these standards should receive a higher star rating, whilst those who are operating to the minimum standards and have no compliance history should be awarded a two star rating. A one star rating will be awarded to breeders who have minor failings.

#### Welfare standards

The Government's guidance document sets out the minimum standards that all licensed breeders will be required to meet. These are based on the current model licensing conditions for dog breeders that have been in use for a number of years. These conditions include housing, exercise, feeding, health, socialisation and provision for emergencies. There are also a number of 'higher standards' that will enable breeders to obtain a better star rating with the associated benefits.

The minimum and higher standards are listed within the Government guidance document.

#### Risk rating

Alongside welfare, the breeder's compliance history will also be assessed, to determine whether the breeder is either a low risk or high risk operator, i.e. whether it should be expected the breeder will maintain their standards for the duration of their licence period.

To obtain a low risk rating breeders will need to demonstrate they have been maintaining acceptable standards for a minimum of three years. Factors that will be considered include history in meeting licensing standards, nature of complaints received and how they were dealt with and the quality of record keeping. Only compliance history which has been obtained either through local authority licensing or through a UKAS accredited scheme, such as the Kennel Club Assured Breeder Scheme, will be considered.

Breeders who haven't held a dog breeding licence before or haven't been members of a UKAS accredited scheme, such as the Kennel Club Assured Breeder Scheme for a minimum of three years will automatically be categorised as high risk and will not be able to gain the highest star rating at first and benefit from a three year licence duration.

The scoring matrix (reproduced by kind permission from Department for Environment Food and Rural Affairs.)

Scoring matrix		Welfare Standards		
Risk		Minor Failings (existing business that are failing to meet minimum standards)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)
Low Risk	1 Star 1 yr licence Min 1 unannounced visit within 12 month period	3 Star 2 yr licence Min 1 unannounced visit within 24 month period	5 Star 3 yr licence Min 1 unannounced visit within 36 month period	
Higher Risk	1 Star 1 yr licence Min 1 unannounced visit within 12 month period	2 Star 1 yr licence Min 1 unannounced visit within 12 month period	4 Star 2 yr licence Min 1 unannounced visit within 24 month period	

### Other canine business regulation changes

As well as changes to the breeding regulations, revisions have been made to the licensing regime for boarding kennels, home boarders and day boarding establishments. The same star rating system will be implemented for these businesses as well.

The performing animal regulations have also been amended and are now only applicable to those in the business of keeping or training animals for educational or entertainment purposes. The exemption for those keeping or training animals solely for military, police or sporting purposes has been maintained.