

The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021

Guidance for Pet Sellers

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Section 1: Introduction

This guidance applies in Scotland only. It is issued by the Scottish Ministers under section 38 of the Animal Health and Welfare (Scotland) Act 2006. The purpose of this guidance is to help applicants for or holders of a pet sellers licence understand the requirements of the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 (hereinafter referred to as “the Regulations”). You can find the Regulations here: [The Animal Welfare \(Licensing of Activities Involving Animals\) \(Scotland\) Regulations 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2021/1251/contents/made).

This guidance is advisory only. If there are conflicts between the content of this guidance and the provisions of the Regulations or any other legislation, the statutory provisions should take priority. The interpretation of legislation is ultimately a matter for the courts.

The Regulations came into force on 1 September 2021. They replace previous legislation covering pet sales and dog breeding and introduced new licensing requirements for cat and rabbit breeders, animal welfare establishments (such as animal sanctuaries and rehoming centres) and other pet rehoming activities, subject to operators meeting the licensing criteria for each activity.

Section 2: Summary of criteria and thresholds for licensing

Under the Regulations anyone selling animals as pets in the course of a business requires a licence.

This activity captures the following conduct:

- selling animals as pets in the course of a business,
- selling animals, with the expectation that they will be resold as pets, in the course of a business,
- keeping animals in the course of a business with a view to them being sold as pets,
- keeping animals in the course of a business with a view them being resold as pets.

The activity of selling animals as pets does not include selling or keeping animals in the course of any of the licensable activities of operating an animal welfare establishment (such as an animal sanctuary or rehoming centre), engaging in other animal rehoming activities or dog, cat or rabbit breeding (a breeding licence allows for the direct supply of animals as pets). However, if a licence holder is licenced to carry on one of those other licensable activities and carries on the activity of selling animals as pets in the course of a business outside the licenced activity, a separate licence will be required for the activity of selling animals as pets.

To determine whether a person supplying pets requires to be licensed, local authorities may consider a number of factors which must include:

- whether the person engages in the activity in order to make a profit,
- whether engaging in the activity earns the person any commission or other fee,

- the frequency of sales, and
- the number of animals kept by the person for the purposes selling them (as pets or to be resold as pets).

The criteria set out above for determining whether a person is selling animals as pets in the course of a business is not exhaustive and local authorities should use their own professional judgement and experience to decide whether a person selling pets requires to be licensed.

Other factors or situations that may need to be considered include the following:

- whether the licence holder imports, distributes and sells animals as a business,
- whether the business is registered with Companies House (some individuals operating for commercial purposes may however not be listed with Companies House),
- whether premises are open to members of the public or to other businesses where animals are available for purchase,
- whether animals are bought and then re-advertised for sale or sold within a short period of time,
- the variability in the animals traded (a wide variety of species or taxa being traded could indicate the commercial nature of the activity).

Although the frequency of sales is factor to be taken into account, a low volume of sales does not necessarily lead to the conclusion that the person is not carrying on the activity in the course of a business, particularly where high prices or large profit margins are involved.

Situations likely to be outwith the scope of licensing include the following:

- the infrequent sale of a small number of surplus offspring or excess stock by an individual who breeds animals as a hobby, for pleasure, exhibition or for education, study or scientific advancement (clearly, where hobby breeders breed 3 or more litters of dogs or cats or 6 or more litters of rabbits in any 12-month period they should be licensed as a breeder),
- the private sale of an individual animal, or animals on an infrequent basis, from one individual to another for no profit.

“Pet” means an animal kept permanently, or intended to be kept permanently, by a person mainly for personal interest, companionship, ornamental purposes or a combination of such purposes. Horses and other equines are not normally considered to be pets as they are generally kept for riding or other sporting or recreational purposes.

Section 3: The application process (new and renewal applications)

Under the Regulations local authorities are the licensing authority for pet selling activities. If you wish to apply for a licence you should contact your local authority licensing team.

The Regulations include a provision that allows the licensing authority to charge a fee for the consideration and granting of a pet sellers licence. Any fee payable will be confirmed by the licensing authority at the time of application.

Upon receipt of a valid application for a licence and payment of any fee the licensing authority will arrange for an inspection of the premises on which the licensable activity is to be undertaken. A key requirement of the inspection is to gather information about whether the applicant is meeting, or can demonstrate that they are ready to meet the conditions for holding a licence. The inspector's report is required to provide the licensing authority with information on:

- the applicant,
- the suitability of the premises for the proposed activity,
- any relevant records,
- the condition of any animals, and
- any other matter the inspector considers relevant.

The other relevant matters referred to above would normally include:

- the staffing ratio,
- staff experience and, where applicable, staff qualifications,
- the quality of record keeping or the likelihood of the applicant keeping records that meet the record keeping requirements set out in the general and activity specific licence conditions in the Regulations.

In addition, the inspector's report must state whether in the inspector's opinion the general licence conditions (set out in schedule 2 of the Regulations) and the activity specific licence conditions applicable to dog breeding (schedule 6 of the Regulations) are likely to be met.

The licensing authority will consider the inspector's report and use it to make an informed decision on whether or not to grant a licence to an applicant.

An inspector is a person appointed by the licensing authority for the purposes of the Regulations. A person does not need to be employed by the licensing authority in order to be appointed as an inspector.

The licensing authority, having considered the application submitted, and the report submitted by the inspector must either grant a licence or refuse it. Where the decision of the licensing authority is to refuse a licence it must notify the applicant accordingly, stating the reasons why and making clear the applicant's right to appeal the decision. The appeals process is covered in section 4 of this guidance.

Where the licensing authority decides to grant a pet sellers licence it will attach the conditions that are set out in schedule 2 of the Regulations (the general conditions) and those at schedule 3 (specific conditions for pet selling). The conditions of licence that must be complied with are set out in annexes A and B of this guidance.

Guidance on each of the licence conditions is also provided to assist you in understanding your obligations as a licence holder. If you have any questions regarding particular conditions or have concerns about compliance with them you

should seek further guidance from the relevant licensing authority. Licences will be granted for a period of one, two or three years. Applicants have no say on licence duration.

Regulation 6(5) of the Regulations provides the licensing authority with flexibility to attach further licence conditions to any licence granted or renewed if considered necessary for the purposes of securing the welfare of animals for which any licence holder is or will be responsible. Where a licensing authority considers that the imposition of an additional condition is necessary, it will notify applicants or licence holders of that decision by way of a notice under regulation 7 of the Regulations. Any such notice served will include information on the applicant's right to appeal the decision to impose additional conditions and the licensing authority's reason for the decision.

Note that a person subject to a disqualification order of a type listed in regulation 13 of the Regulations is not permitted to apply for a licence under the Regulations. An application made by such a person will be refused.

The Regulations require the licensing authority to publish and maintain a register of all those holding a licence under the regulations. The rationale for the register and for making it available to the public is to enable prospective owners of pet animals to quickly and easily check whether the person they are purchasing from is indeed licenced by the licensing authority. Regulation 28(2) of the Regulations sets out the information to be included in the register.

Section 4: Appeals process

The Regulations allow for licence holders or licence applicants who disagree with the decision of a licensing authority to appeal to the sheriff. Licence holders or applicants can appeal against a decision to:

- refuse to grant or renew a licence,
- attach a further condition or conditions (under regulation 6(5)) to any licence granted or renewed,
- revoke or vary a licence.

Any licence holder or applicant wishing to appeal to the sheriff must do so within 28 days beginning from the day after the notice is served by the licensing authority.

Upon receipt of any appeal made, a sheriff may, until such time as the appeal is determined or withdrawn, decide to:

- permit the licence holder to continue the licenced activity where the local authority has decided not to renew a licence,
- permit the licence holder to continue the licenced activity without having to comply with the additional condition or conditions attached to their licence (under regulation 6(5)) by the local authority, or
- suspend a revocation or variation.

A sheriff may, having considered any appeal made, either confirm or overturn a local authority's decision, with or without modification.

Section 5: Offences and penalties

The Regulations include the following offence provisions:

- The Regulations specify a number of general (welfare and animal husbandry) conditions that, regardless of which of the licensable activities is being carried out, apply to all licences issued by a licensing authority (the “general licence conditions”). The regulations also set out conditions that are specific to pet selling licences. Subject to the exceptions detailed below, licence holders will commit a criminal offence if they fail to comply with the general or relevant specific licence conditions.
- Licence holders will not commit a criminal offence if they fail to comply with an additional licence condition attached to the licence by the licensing authority under regulation 6(5) of the Regulations. Whilst failing to comply with such a condition would not constitute a criminal offence, it would represent a breach of the licence and accordingly might result in suspension, variation or revocation of the licence.
- It is a criminal offence to undertake a licensable activity without an appropriate licence from the licensing authority.
- It is a criminal offence to provide to an inspector information required by or under the Regulations which the person knows, or ought reasonably to have known, is to a material extent false or misleading.
- It is a criminal offence to fail to comply with any reasonable request from an inspector to facilitate the identification and examination of an animal and the taking of samples (including restraint of any animal where requested by an inspector).
- It is a criminal offence to intentionally obstruct any inspector appointed to enforce the regulations in the exercise of any powers conferred on them.
- It is a criminal offence for the purpose of obtaining or holding a licence—
 - to make a statement required by or under the Regulations to a licensing authority (or someone acting on its behalf) which the person knows, or ought reasonably to have known, is to a material extent false or misleading, or
 - recklessly to make a statement required by or under the Regulations to the licensing authority (or somebody acting on its behalf) which is to a material extent false or misleading.

Penalties:

A person who breaches a licence condition (where this is a criminal offence) is liable, on summary conviction only, to a fine not exceeding £5,000.

A person who commits any other criminal offence under the Regulations is liable to a fine not exceeding £40,000 or to imprisonment for a term not exceeding 12 months (or both).

Guidance on the General Conditions of licence

The general conditions set out in schedule 2 of the Regulations must be attached to any licence granted by a local authority.

1. Licence display

Condition: A copy of the licence must be clearly and prominently displayed on any premises used for the licensable activity.

Guidance: You must ensure that a copy of your pet sellers licence is displayed in a location where it can be easily seen by visitors to your premises.

Condition: The name of the licence holder, the number of the licence and the name of the local authority that issued the licence must be clearly and prominently displayed on any website used in respect of the licensable activity.

Guidance: Any website includes, for the avoidance of doubt, paid for ad sites, social media platforms and any other website linked to or used in connection with your pet selling activities.

2. Records

Condition: The licence holder must ensure that all the records that the licence holder is required to keep as a condition of the licence are either—

- (a) available for inspection by an inspector in a visible and legible form at any premises specified in the licence at which the licensable activity is carried on, or
- (b) if not kept as such premises, are kept in a manner in which they can be readily made available to an inspector.

Condition: Where any records that the licence holder is required to keep as a condition of the licence are stored in electronic form they must be in a form from which they can readily be produced in a visible and legible form.

Condition: The licence holder must keep all such records for at least 3 years beginning with the date on which the record was created.

Condition: Where records are not kept at any premises specified in the licence at which the licensable activity is carried on, the licence holder must promptly make such records available (whether in electronic format or otherwise) for inspection upon request by an inspector.

Guidance: The records that you must keep are detailed in the specific conditions of licence. All such records must be kept in a manner that complies with the conditions set out in the above box.

3. Number of animals

Condition: The total number of animals kept for the licensable activity at any time must not exceed the maximum that is reasonable taking into account the facilities and numbers of employed staff and volunteers on any premises on which the licensable activity is carried on.

Guidance: As a holder of a pet selling licence you should ensure that the number of animals kept at premises linked to the licensable activity at any one time is appropriate for the facilities and staff ratio. Where the licensing authority has concerns that the numbers of animals kept has exceeded what is manageable or acceptable, it may take action to require the licence holder to reduce the number of animals on site or to arrange additional accommodation to reduce stocking density etc.

4. Staffing

Condition: Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals in the licenced premises are met.

Condition: The licence holder or a designated manager and any staff employed to care for the animals must be competent to identify the normal behaviour of the species for which they routinely care and to recognise signs of, and take appropriate measures to mitigate or prevent, suffering, injury, disease or abnormal behaviour.

Condition: Volunteers who assist in relation to the licensable activity must only undertake tasks for which they have been suitably trained.

Condition: The licence holder must provide and ensure the implementation of a written training policy for all staff members and volunteers who care for the animals.

Guidance: Suitable and sufficient training of staff must be demonstrated to have been carried out in the following areas:

- animal welfare, including recognising poor welfare,
- animal handling,
- animal behaviour,
- cleanliness and hygiene,
- feeding and food preparation,
- disease control,
- recognition and first aid action for sick animals,
- new information on disease and inherited disease, legislation and behaviour.

Staff should hold a relevant qualification and/or be able to clearly evidence knowledge through experience, for example through on the job in-house training.

The training policy for staff should be reviewed and updated on an annual basis and may include:

- annual appraisal,

- planned continued professional development,
- recognition of knowledge gaps,
- use of online courses and literature,
- if no staff are employed the licence holder must demonstrate their own knowledge development.

The training policy must be applicable to any members of staff and volunteers and can be evidenced by engagement with courses, written or online learning, keeping up to date with any research or developments for specific species and the documentation of the annual appraisal. Evidence of staff and volunteer attendance or completion of the training should be provided. Training records for individual staff and volunteers should be retained.

5. Suitable Environment

Condition: All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape and must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

Guidance:

Non-domestic Environment

- Housing should be secure to prevent injuries and reduce risk of disease transmission. Structural integrity must be maintained, and housing designed to ensure dry, easily cleansed surfaces. Materials must be non-toxic and non-porous or be appropriately treated.
- Accommodation should be regularly inspected for damage and potential injury or escape points. Damaged accommodation must be repaired or, where an immediate repair isn't possible, made safe and secure until it can be repaired or replaced.
- Floors should be non-slip, impervious and easily capable of being cleaned and disinfected. Doors should be strong enough to resist impact, scratching and chewing and should be capable of being secured.
- Hazards must be minimised in accommodation. There should be no projections or rough edges liable to cause injury. No electrical cables must be within reach of any animal that could chew or damage them.
- All licence holders should be able to demonstrate that both environmental and biosecurity, including zoonotic disease, risks have been considered in the enclosure selection and use.
- Drainage in enclosures, activity areas, passageways and preparation areas should be adequate to reduce the risk of pathogens associated with standing water. Enclosures should be designed to minimise issues with standing or pooling liquids which may be hazardous to animals.
- Where new accommodation units are built, they should be built in compliance with relevant building regulations and ensure that any animals to be housed therein have sufficient space and are protected from the effects of weather.

Domestic (home) Environment

- The home should be well maintained and in good repair. There should not be any sharp edges, projections, rough edges or other hazards which may present risk of injury to an animal.
- Where pens are used at domestic properties, e.g. pens in the garden, they must meet the standards of the non-domestic dwelling.
- Outdoor fencing should be secure and kept in a good state of repair.

Condition: If the licensable activity is carried on from premises at which animals are kept, such premises must provide an environment suitable to their species and condition (including health status and age) with respect to—

- (a) their behavioural needs,
- (b) its situation, space, air quality, cleanliness and temperature,
- (c) the water quality (where relevant),
- (d) noise levels,
- (e) light levels,
- (f) ventilation.

Guidance:

- Animals must be able to exhibit normal behaviour in their environment.
- Accommodation must provide shelter from adverse environmental conditions and predators.
- Enclosure sizes should be appropriate to the species, and be adjusted to the animal's size as it grows (see Annex C for guidance on the acceptable minimum enclosure/cage sizes (where used) for dogs).
- Where animals are kept communally they should be monitored to ensure none are disadvantaged. Any change in group dynamics may require separation or larger enclosures.

(a) Behavioural needs

- Where appropriate, animals should have separate areas for hiding, sleeping, toileting and exercising. Sleeping areas must be dry, draught-free, well ventilated and clean, as well as large enough to allow individual animals to rest fully outstretched where appropriate and turn around unimpeded. Any substrate used should be appropriate for the animal concerned.

(b) Situation, space, air quality, cleanliness and temperature

- Licence holders must ensure that environmental conditions such as temperature, relative humidity, ventilation and lighting are carefully controlled at all times, are within the appropriate range for the animal/s concerned and monitored as appropriate, with any deviations recorded.
- Staff should be able to outline the remedial action taken when parameters deviate from the acceptable ranges for the animals housed. Over-exposure to direct sunlight and other unintended heat sources must be avoided.
- Animals held or displayed outdoors must always have access to suitable protection from adverse weather conditions.
- Animals should not be exposed to draughts.

(d) Noise levels

- Noise and vibration should be managed as far as possible and kept to a minimum, and enclosures must be situated away from sources causing stress or disturbance.

(e) Light levels

- Light should be provided in a suitable natural cycle and where natural light is insufficient, suitable artificial lighting must be used.

(f) Ventilation

- Ventilation should be provided to all interior areas. Ventilation and humidity should be appropriate to the species.

Condition: Animals must be kept clean and comfortable.

Guidance: Where accommodation is on a tiered system, it must be designed such that water, food or waste products must not be allowed to contaminate lower levels. All tiered accommodation should be secure to ensure that no animal can escape or fall out.

Condition: Where appropriate for the species—

- (a) opportunities for toileting must be provided, and
- (b) a toileting area must be provided if the licensable activity is carried on from premises at which animals are kept.

Guidance: A toileting area that is appropriate for the animals or species concerned must be provided. Where a separate area is provided this must be thoroughly cleaned at regular intervals to maintain cleanliness and reduce the risk of illness or disease. For animals kept in pens or cages etc. procedures must be in place to ensure accommodation and any equipment within it is cleaned and disinfected as often as necessary to minimise the risk of disease and protect the health of the animals. Spot cleaning is acceptable if done frequently.

Condition: Procedures must be in place to ensure that—

- (a) accommodation in any premises from which the licensable activity is carried on and in which animals are kept is capable of being thoroughly cleansed and disinfected.
- (b) any equipment within the accommodation is cleaned as often as necessary, and
- (c) good hygiene standards are maintained.

Guidance:

- All units, corridors, common areas, kitchens etc. should be capable of being kept clean and free from accumulations of dirt and dust and must be kept in a condition which will reduce the risk of disease spread and possible accidents. Moveable items should be removed for cleaning at regular and appropriate intervals.

- Accommodation must be cleaned and disinfected with products effective against likely pathogens. At normal usage levels, disinfectants must be non-toxic to the species housed, used at an appropriate dilution factor and as per the manufacturer's instructions, with appropriate timed separation between disinfection and (re)introduction of animals observed.
- Soiled bedding must be removed in a timely fashion and immediately replaced.
- Empty enclosures should be fully cleaned and, where appropriate, disinfected and allowed to dry when vacated and before new animals arrive. Substrate must be replaced as appropriate, and enclosure fixtures and fittings where they exist should be adequately disinfected.
- Enclosures should be cleaned at least daily and as necessary, unless such routine cleaning would cause stress or otherwise impact negatively on the welfare of the animals. Spot cleaning of enclosures is acceptable where appropriate.

Condition: The animals must be transported and handled in a manner (including, for example, in relation to housing, temperature, ventilation and frequency) that protects them from pain, suffering, injury and disease.

Guidance:

- Any vehicles used in connection with the licensable activity must be suitably equipped with appropriate ventilation, temperature control, security etc.
- Any animals received or consigned must be transported in accordance with current legislation.
- Vehicles or relevant carriers / compartments should be cleaned and disinfected after each collection / delivery of animals.
- Animals must be transported in suitable containers and/or be suitably restrained and must not be mixed with different species or unfamiliar animals. Where a number of animals are transported in the same container then it must be of an appropriate size and construction to minimise stress and avoid welfare issues.
- Animals should not be left in vehicles for unreasonable periods and must never be left unattended in a car or other vehicle when the temperature may pose a risk.
- On longer journeys, there must be planned stops to allow for toileting, access to water etc as appropriate, and to allow checks to be made on the welfare of all animals being transported.
- Injured, diseased or ill animals must not be transported unless being taken to a veterinarian, quarantine or isolation facility. In these situations, where applicable, there must be barriers between containers to reduce the transmission of disease or avoid further injury, where applicable, and the vehicle and equipment should be appropriately disinfected following transportation.
- Details of diseased or ill animals being transported should be recorded.

Condition: If the animals are kept in premises from which the licensable activity is carried on, all the animals must be easily accessible to staff and for inspection and there must be sufficient light for the staff to work effectively and observe the animals.

Guidance:

- The premises on which animals are kept, and the enclosures where they are housed should be so designed to allow for at least daily visual inspection, with minimal disturbance to the animal.
- Easy, safe access to animals is required to enable ready access to any animal in distress or is otherwise in need of assistance.
- Unless a particular animal requires to be kept in a low light environment, premises must have lighting that is adequate to allow for thorough inspection.

Condition: All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.

Guidance:

- Resources include, but are not limited to: food, water, enrichment items and resting/sleeping/toileting areas.
- There must be sufficient resources for each individual animal in any shared enclosure to minimise monopolisation of resources by dominant animals, and where this is identified, additional resources must be provided, or dominant animals removed where appropriate.
- Staff must be trained to recognise signs of group disruption (e.g. competition and aggression) which could compromise animal welfare.

Condition: The animals must not be left unattended in any situation or for any period likely to cause them distress.

Guidance: Licence holders should have appropriate procedures and sufficient staff in place to ensure that animals kept for the licensable activity are routinely checked and not subjected to situations that would impact negatively on the animal's welfare or lead to unnecessary stress.

6. Suitable Diet

Condition: The animals must be provided with a suitable diet in terms of quality, quantity and frequency and any new feeds must be introduced gradually to allow the animals to adjust to them.

Guidance:

- The quantity, frequency, delivery and type of food must be determined by what is appropriate for the species, its life stage and the individual animal's behavioural and nutritional needs. Staff should have knowledge of the feeding requirements for all the species held for which they are responsible.
- Fresh foods must be kept refrigerated where appropriate. Frozen foods intended for use should be stored in an appropriate deep freeze and defrosted thoroughly to room temperature before use.
- Live food intended for use must be housed in suitable escape proof containers.

Condition: Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.

Guidance:

- Licence holders should demonstrate adequate procedures to record abnormalities in animals eating and/or drinking habits and the actions to be taken in such circumstances. Licence holders should know when to seek appropriate veterinary advice if necessary.
- If an animal is housed as part of a social group, the licence holder should have the ability to isolate an individual to ascertain whether it is eating or not.
- Significant weight loss or gain in animals kept for the licensable activity must be assessed by a competent person. Where the underlying reason cannot be identified, and/or remedial measures have been unsuccessful, the animal must be assessed by a veterinarian.

Condition: Feed and drinking water provided to the animals must be unspoilt and free from contamination.

Guidance:

- Animals must have access to fresh, clean drinking water at all times, unless it is being restricted on veterinary advice.
- Any uneaten food should be removed within 24 hours of being supplied to an animal or sooner if spoilt.
- Refrigeration facilities for food storage should be provided. High risk foods (such as cooked or raw meat and fish, or dairy products) and the remains of opened tinned or pouched food must be stored in covered, non-metal, leak proof containers and refrigerated.
- Dried food should be stored in appropriately cool and dry places.
- Food must be protected against dampness, deterioration, mould or from contamination by other animals.

Condition: Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.

Guidance:

- Receptacles should be non-porous, or disposable.
- Receptacles must be cleaned daily and disinfected at least once a week. If damaged they must be disposed of.
- Disposable receptacles should only be used once.
- Animals undergoing treatment for illness or disease must have separate food and water containers whilst treatment is ongoing to protect the health of other animals on the premises.

Condition: If the animals are kept in premises from which the licensable activity is carried on, constant access to fresh, clean drinking water must be provided in a suitable receptacle for species that require it.

Guidance:

- Fresh clean water must be available at all times, except when withdrawn on veterinary advice, and during the transitional period when water supplies are being changed e.g. when water bottles are removed for filling, cleaning etc.
- Water should be located away from the sleeping area to help prevent this becoming damp or waterlogged.
- There should be sufficient water receptacles for the number of animals kept on site.

Condition: Where feed is prepared on any premises from which the licensable activity is carried on, there must be hygienic facilities for its preparation, including a working surface, hot and cold running water and storage.

Guidance:

- Staff should conform to good hygiene practice in the preparation of food, having due regard to the risk of cross contamination between equipment, utensils and surfaces. There should be appropriate disinfectants available to clean the food preparation area immediately following its use.
- The food preparation area must be kept clean and vermin free.
- Human and animal food preparation should not take place in shared preparation areas at the same time or using shared utensils.
- In establishments where staff are employed, appropriate hand washing facilities with an adequate supply of hot and cold water must be provided for them to wash their hands.

7. Enrichment and training of animals

Condition: If the animals are kept in premises from which the licensable activity is carried on, active and effective environmental enrichment must be provided to the animals in inside and any outside environments.

Guidance:

- Where appropriate, you should provide enrichment both inside and outside, including activities such as training, grooming, socialisation and play.
- Environmental enrichment accessories which stimulate natural behaviour must be provided as appropriate to the species maintained. Such accessories could include ramps, tunnels, hides and toys etc. These must not have the potential to cause injury, must be checked daily and replaced if damaged.
- As appropriate to the species, enrichment devices should be changed on a regular basis to introduce novelty and maintain interest. When adding new enrichment devices, staff should ensure that the animal is closely monitored for signs of distress.
- Accessories should be disposable or be disinfected between animals where there is an identified risk of disease spread if enrichment toys or other forms of enrichment are allowed to be shared.
- Where training is undertaken it must not involve methods that may cause pain, injury or suffering. Training should be reward based, i.e. it should reward desired behaviour and ignore unwanted behaviour.

8. Animal Handling and interactions

Condition: All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from suffering, injury or disease.

Guidance:

- All staff must be trained and competent in the handling of the animals for which they are responsible and be able to demonstrate that they understand the signs of an animal that is stressed or uncomfortable with being handled.
- Where a customer, visitor or potential adopter is handling an animal, a competent member of staff should be present to demonstrate how the animal should be handled and ensure the interaction is appropriate and is stopped if the animal shows sign of fear, suffering or fatigue.
- Visitors, especially children, handling animals must be supervised and offered facilities (and encouraged) to clean their hands before and afterwards (e.g. hand sanitisers). Hand washing facilities should be available.
- Appropriate handling equipment should be available and used when necessary. All equipment used should be safe and appropriate for the intended use.

Condition: If the animals are kept in premises from which the licensable activity is carried on, the animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals. No animals from a social species may be isolated or separated from others of their species for any longer than is necessary.

Guidance:

- Where appropriate, animals should be housed in social groups of suitable size. Group-housed animals must be monitored for any signs of domination or wider group disruption and remedial action taken, and documented if necessary.
- Acceptable reasons for isolation/separation of social species if remedial action has not been successful include demonstrable risk of disease, injury, stress or behavioural issues such as persistent domination/aggression.
- Where practical and appropriate for the species, to help avoid unwanted litters, all animals should be sexed immediately on arrival to the premises and housed in single sex groups unless this would compromise welfare.
- Species that are not social or of limited sociability, e.g. cats, should be housed individually or in small groups with animals that they are sociable with. Individual animals must be monitored and separated if necessary, even if in small groups as some individuals that tolerated one another in a household may not be so tolerant in the confines of a pen or enclosure.

9. Protection from Pain, Suffering, Injury and Disease

Condition: Written procedures must—

(a) be in place and implemented covering—

- (i) feeding regimes,
- (ii) cleaning regimes,
- (iii) transportation,
- (iv) the prevention of, and control of the spread of, disease,

- (v) monitoring and ensuring the health and welfare of all the animals,
- (vi) the death or escape of an animal (including the storage of deceased animals);

(b) be in place covering the care of the animals—

- (i) following the suspension or revocation of the licence,
- (ii) during an emergency, and
- (iii) following an emergency.

Condition: All people responsible for the care of the animals must be made fully aware of these procedures before they attend to any animal in the course of the licensable activity.

Guidance:

- Written procedures should be proportional to the size and complexity of the licenced activity. Written procedures must be made available to inspectors when requested. The licence holder and any staff (including volunteers) must be fully aware of these procedures and be confident in their application.
- Procedures should demonstrate how the conditions outlined in this guidance are met.

Condition: If animals are kept in premises from which the licensable activity is carried on, appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.

Guidance:

- Provision must be made for the isolation of sick/injured/infectious animals and those that are potentially infected or otherwise a risk, e.g. a rescued animal that is clearly in a poor state of health.
- Adequate isolation facilities may be on site or at another location, such as a local veterinary practice or introduced through specific changes in management practices demonstrated by written procedures. If the isolation facility is at another location, such as a local veterinary practice, a letter must be provided by the practice stating that they are prepared to provide such facilities and that letter should be made available to an inspector upon request. Isolation facilities must be available 24 hours per day.
- Documented procedures must be in place, and understood by all staff, to prevent the spread of infectious disease, parasites etc between isolated animals and the other animals on the premises.
- Where infectious disease is present in premises, appropriate procedures to mitigate against further spread must be implemented. This includes use of protective clothing and footwear (where applicable) changed between enclosures; separate storage and use of equipment, thorough cleaning of utensils, and segregation of waste.
- Isolated animals must be kept in a secure, comfortable location where their condition and needs can be monitored and a record kept of their treatment.
- Sick, injured or infectious animals must not be handled by members of the public.

Condition: All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.

Guidance:

- Procedures should be in place so that signage, care information and/or staff inform visitors about the risks of infectious disease transmission.
- Any animal which is suffering from, or is reasonably suspected of having come into contact with any other animal suffering from, any infectious or contagious disease or which is clinically infested with parasites, must be quarantined from healthy animals.
- Where appropriate, any animals brought on to a facility that is suspected of having disease or parasitic infestation must be kept isolated until cleared by a veterinarian.

Condition: All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.

Guidance:

- Licenced premises must have facilities for the appropriate storage, treatment and disposal of all classifications of waste produced as part of the licensable activity.
- Excreta and soiled bedding should be removed from the premises on a regular basis, at least weekly, disposed of to the satisfaction of the appropriate local authority, and in accordance with current regulations and good waste management practice.
- All excreta and soiled bedding must be stored away from where food and animals are kept.

Condition: Sick or injured animals must receive prompt attention from a veterinary surgeon or, in the case of any sick or injured fish, an appropriately trained person and the advice of that veterinary surgeon or that trained person must be followed.

Guidance:

- Licence holders should demonstrate that they have procedures in place to ensure that any sick or injured animal receives appropriate care and treatment without delay. Animals must only be treated by appropriately competent and trained staff or veterinarians. "Care and treatment" may include euthanasia. Where euthanasia is to be carried out it must only be done by a suitably qualified and trained person.
- Any animal showing any sign of disease, injury or illness must be kept separate from other animals and veterinary advice must be promptly sought. Any instructions for the treatment of an animal must be strictly followed, with appropriate records kept (see relevant specific guidance).

Condition: Where necessary, animals must receive preventative treatment by an appropriately competent person in consultation with a veterinary surgeon.

Guidance: See guidance notes directly above.

Condition: The licence holder must register with a veterinary surgeon and the contact details of that veterinarian must be readily available to all staff on any premises on which animals are kept and where the licensable activity is carried on.

Guidance:

- Licence holders should be able to provide the licensing authority with evidence of registration with a veterinary practice where requested to do so.
- The name, address and telephone contact number, including out of hours provision, of the veterinary practice used by the licenced premises must be easily available to all staff and included as part of overall emergency planning.

Condition: Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinary surgeon.

Guidance:

- Licence holders must ensure safe and secure storage for prescribed medicines and appropriate procedures should be in place to ensure that only staff with sufficient knowledge or training have access to medicines on site.
- Appropriate procedures should be in place to record any use of prescribed medicines.

Condition: Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinary surgeon.

Guidance:

Licence holders must have appropriate storage, usage and disposal procedures in place which meet this condition of licence.

Condition: Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals and must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.

Guidance:

- Manufacturers' recommended guidelines for use, correct dilutions and contact time for use in cleaning and disinfection procedures must be followed.
- Any equipment that has been used on an infectious or suspected infectious animal must be cleaned and disinfected after use, or disposed of.
- Staff using cleaning products must be competent in the safe use of those cleaning products and understand the compatibility or otherwise of different bactericides, fungicides and virucides.

Condition: No person may euthanase an animal except a veterinary surgeon, a person acting under supervision of a veterinary surgeon, a person who has been authorised by a veterinary surgeon as competent for such purpose or—

- (a) in the case of fish, a person who is competent for such purpose,
- (b) in the case of equines, and species generally regarded as farmed livestock, a person who is competent, and who holds a licence or certificate which is relevant to the species, for such purpose,

except where the purpose of the euthanasia is to end suffering that has arisen suddenly and unexpectedly and to arrange for such a person to euthanase the animal would prolong the suffering.

Guidance:

- Euthanasia must be carried out using a humane and effective method in a manner compliant with current legislation, including, but not limited to, the Animal Health and Welfare (Scotland) Act 2006.
- Under no circumstances may an animal be euthanized other than in a humane and effective manner. In case of doubt as to humane and effective methods of euthanasia, veterinary advice must be sought.

Condition: All animals must be checked at least once daily and more regularly as necessary for any signs of suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.

Condition: Any signs of suffering, injury, disease or abnormal behaviour must be recorded and if necessary the advice of a veterinary surgeon (or in the case of fish, of an appropriately competent person) must be sought and followed.

Guidance:

- Checks should not cause unnecessary stress or disturbance. Visual checks are acceptable.
- A system of recording abnormalities must be maintained and demonstrated to the satisfaction of the local authority.
- Where necessary for specific species, vulnerable animals, such as young, pregnant, sick or injured animals, must be checked more frequently than the minimum of once daily.
- Licence holders or any staff responsible for the care of animals should be competent in identifying signs of suffering or abnormal behaviour and know whom to contact for advice.

10. Emergencies

Condition: If animals are kept in premises, other than domestic premises, from which the licensable activity is carried on—

- (a) a written emergency plan, acceptable to the licensing authority, must be in place, known and available to all the staff on the premises, and
- (b) such a plan must be followed where necessary to ensure appropriate steps are taken to protect all animals on the premises (without risking human life) in case

of fire, breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

Guidance:

- Licence holders must have an emergency plan in place that is appropriate for the size and complexity of the premises and facilities on which animals are kept.
- A copy of the emergency plan must be permanently available and displayed to allow staff to access it as and when required.
- Both the licence holder and, where applicable, all staff on site must be able to demonstrate that they are both aware of and conversant with the requirements of the emergency plan.
- Suitable emergency response plans must cover arrangements for emergency evacuation, housing, husbandry and loss of power/water. Emergency evacuation must detail how and by what means animals, staff and the public must evacuate the establishment, identify designated fire assembly points, designated holding areas for animals and which animals can and cannot be evacuated (such as aquaria and ponds).
- Consideration must be given to using systems which would allow timely removal of the animals in the case of emergency. Where emergencies are potentially life threatening, humans must not be put at risk attempting to remove animals.
- Emergency drills should be regularly practised and practices recorded with any failings noted and addressed in the procedures. Drills should be undertaken at least annually, or as determined by fire risk assessments.
- All staff and volunteers should undergo regular training and records must be kept of such training. Sufficient nominated staff must be properly trained on the use of any emergency equipment provided.
- All emergency equipment must be maintained in a good state of repair and serviced according to manufacturer's guidelines.
- Entrances and fire exits must be clear of obstructions at all times.
- Suitable firefighting, prevention and detection equipment must be provided and maintained in good working order. Any buildings must have at least one working smoke detector (or other suitable fire detection system) installed in a suitable location on each separate level / floor of the property and there must be at least one carbon monoxide detector.

Condition: Any such emergency plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.

Guidance:

- There must be a plan for the relocation and accommodation of animals kept for the licensable activity should the premises become uninhabitable.
- There must be a documented policy in place for dealing with emergencies, including extremes of temperature and weather conditions (both hot and cold).

Condition: External doors and gates must be lockable.

Guidance: Licence holders should ensure that any areas where animals are kept for the purposes of the licensable activity have secure and lockable external doors and gates. This is to ensure that only authorised persons can access areas where animals are kept and keep animals on the premises from escaping.

Condition: If animals are kept in premises from which the licensable activity is undertaken, a designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.

Guidance:

- A reasonable distance would, in normal conditions, be no more than 30 minutes travelling time.
- On non-domestic premises an emergency contact name / number should be displayed on the outside of the premises.
- The designated key holder must be fully conversant with the emergency plan and know exactly what animals are on the premises and where they are located. They should be familiar with the layout of the licensed premises.
- Ideally, an on-call rota system should be in place.

Guidance on activity specific conditions - pet selling

1. Definitions

“prospective owner” means a person who seeks to purchase an animal to be kept or to be resold as a pet.

“premises” means the premises specified in the licence and on which the licensable activity of selling animals as pets, as described in paragraph 1 of schedule 1 of the Regulations is carried on.

“purchaser” means a person who purchases an animal to be kept or to be resold as a pet.

2. Records and advertisements

Condition: A register must be maintained for all the animals or, in the case of fish or other animals (not including dogs and cats) kept in groups where it is not practicable to keep individual records, all the groups of such animals, on the premises which must include—

- (a) the full name of the supplier of the animal,
- (b) the animal’s sex (where known),
- (c) (except in the case of fish) the animal’s age (where known),
- (d) details of any veterinary treatment (where known),
- (e) the date of birth of the animal or, if the animal was acquired by the licence holder, the date of its acquisition,
- (f) the date of sale of the animal by the licence holder,
- (g) the date of the animal’s death (if applicable), and
- (h) the animal’s microchip number (if any).

Guidance:

The information to be recorded and retained by licence holders is set out above. Where a licence holder is failing to record the information required under licence, the local authority may take such action as it considers necessary to address the situation. It is recognised however that for certain types of animal, for example small furrries (gerbils, hamsters etc.) bought in batches for resale, licence holders may not know an animal’s exact date of birth or its precise age. In such circumstances so long as the licence holder can demonstrate that all known information is being recorded then this is likely to satisfy the local authority.

For fish sales the acceptable minimum for a licence holder to record is the type of fish sold, i.e. tropical marine, tropical freshwater or cold water along with the number of each sold per day. For example: on [date] sales were: 15 cold water and 10 tropical freshwater; total fish sales for the day 20. For fish, deaths should be recorded when mortality exceeds 5% of a fish type on site, over a 24 hour period. As for all records this information needs to be retained for 3 years.

The register must be a stand-alone dedicated document. This can be a centralised system, but must either be accessible in store or be readily and promptly made

available to an inspector upon request. The register may be in electronic or paper format. Registers must be inspected on site, treated in confidence and not routinely removed from the licensed premises. Regulation 24 does however provide inspectors with powers to copy or remove registers where there is cause to suspect that an offence has been committed.

The register must contain sufficient detail as to allow identification of the supplier of the animals.

Condition: Where an animal is undergoing any medical treatment—

- (a) this fact must be clearly indicated—
 - (i) in writing next to it, or
 - (ii) (where appropriate) by labelling it accordingly,if it is on display in the premises for the purposes of being sold, and
- (b) it may only be sold to a prospective owner if—
 - (i) a veterinary surgeon advises that the animal is in a suitable condition to be rehomed, and
 - (ii) details of, and the reasons for, the treatment are communicated to the prospective owner prior to the sale.

Guidance:

As a licence holder you must not sell any animal that is undergoing any medical treatment unless a veterinarian confirms that it is in a fit state to be rehomed. Licence holders should retain proof of such advice and this should be shared with any prospective owner or purchaser along with reasons for the treatment. Licence holders should be able to demonstrate to the local authority the procedures that are in place to ensure that an animal undergoing treatment that makes it unsuitable for sale is clearly identified, segregated where necessary and not sold.

For clarity, medical treatment does not include routine, preventative measures such as the administration of wormers or flea/tick treatments, unless a veterinary surgeon advises otherwise.

Condition: Any advertisement for the sale of an animal must—

- include the number of the licence holder's licence,
- specify the local authority that issued the licence,
- if the animal being advertised is a dog or cat, include a recognisable photograph of the animal,
- (except in the case of fish) display the age of the animal being advertised,
- state the country of residence of the animal from which it is being sold, and
- state the country of origin of the animal.

Guidance:

For the avoidance of doubt, "any advertisement" includes ads placed on social media platforms, ad sites like Gumtree, Pets4Homes etc., and any other web site on which the licence holder advertises animals for sale to the public.

Where an ad is for a dog or cat that is for sale, the ad must include a recognisable photograph of the animal for sale.

The country of origin must refer to the country of birth of the specific animal. Where this is not known, the country of export of the specific animal may be used.

3. Prospective sales: pet care and advice

Condition: Any equipment and accessories being sold with an animal must be suitable for the animal.

Guidance:

As a licensed pet seller you must only stock and supply equipment and accessories that are designed for and are suitable for the particular animal or animals being sold.

Condition: The purchaser must be provided with information on the appropriate care of the animal including in relation to—

- a) feeding,
- b) housing,
- c) handling,
- d) husbandry,
- e) the life expectancy of its species,
- f) the provision of suitable accessories, and
- g) veterinary care.

Guidance:

Licence holders are required to provide pet purchasers with appropriate and accurate advice on the care of any animal sold. The information provided must, as a minimum, include that set out in the box above. Only suitably qualified or experienced staff should provide such advice. Pet care advice may be in the form of pet care leaflets or other similar written or electronic instructions, given at the point of sale to the purchaser.

Ideally, any advice given by licence holders should outline the 5 Welfare Needs of Animals and make reference to an owner's legal obligations under the Animal Health and Welfare (Scotland) Act 2006. Advice on microchipping should also be covered where appropriate.

In particular, licence holders must provide the following information for each of the animals below:

Dogs:

Information provided to the purchaser must include advice on updating microchip database registration, vaccinations, routine worming, socialisation and neutering. A transitional feeding schedule must also be provided showing the day by day ratio if changing puppies on to a different food. A puppy contract and puppy information pack must be provided at the point of sale.

Cats:

This must include advice on, vaccinations, worming, socialisation and neutering. A transitional feeding schedule must also be provided showing the day by day ratio if changing kittens on to a different food.

Note: holders of a pet selling licence can only sell puppies or kittens that they have bred themselves. Where a licensed pet seller is selling puppies or kittens (defined in the regulations as a dog or cat under 6 months old) the authority should seek evidence to confirm that the seller is indeed the breeder. If they are breeding more than 3 litters of pups or kittens in any 12 month period they must hold a dog or cat breeding licence.

Rabbits:

Where sold singly, the licence holder and/or staff must ask if the purchaser owns a compatible conspecific and if not, encourage them to purchase one, or check that they have a care plan in place for a single housed rabbit. This must also include advice on vaccinations and reproductive health care.

Ferrets:

This must include advice on vaccinations, socialisation and reproductive management.

Reptiles:

Advice must be given on enclosure setup, lighting, appropriate environmental conditions and dietary and water requirements. Advice on common ailments and how to spot and treat these should be provided.

Fish:

Advice must cover feeding and appropriate feed types, aquarium setup and maintenance, the importance of water quality to fish health, compatible and incompatible fish species and stocking densities. Purchasers of fish should be signposted to relevant online resources such as the web site of the Ornamental Aquatic Trade Association. Licence holders should ensure that when fish are being sold any tank and equipment also purchased is appropriate for the type of fish and the numbers of fish being purchased in order to ensure that the recommended stocking density is not likely to be exceeded.

Condition: Appropriate reference materials on the care of all animals for sale must be—

(a) on display and available to be consulted by prospective owners in the premises, or

(b) provided to prospective owners in an electronic format,

if the licensable activity is conducted in a way that involves persons attending the premises to view animals available for sale as pets, or otherwise in relation to arranging the purchase of animals as pets.

Guidance:

Information could include Codes of Practice issued by Government, animal welfare organisations, industry bodies or the veterinary profession.

Condition: The licence holder and all staff must have been suitably trained to advise prospective owners about the animals being sold.

Guidance:

Licence holders and any staff employed must be suitably experienced, knowledgeable and appropriately trained to advise prospective purchasers about an animal in which they are interested and its long-term needs and care. This could be evidenced, for example, through the provision of an established and ongoing staff training program or the holding of a recognised, relevant qualification.

Condition: The purchaser must be informed of, where known, the country of origin, age, sex and veterinary record of the animal being sold.

Guidance:

Licence holders should ensure that they retain records sufficient to capture the above information so that it may be provided to a purchaser. Local authorities when inspecting a premises may seek assurances/evidence that the required information is being recorded and passed on to purchasers. It is recognised however that it may not be possible to provide the age and/or sex for all animals being sold under licence, for example fish.

4. Suitable accommodation

Condition: Animals must be kept in housing which minimises stress including from other animals and the public.

Guidance:

Housing or other accommodation must be suitable for the species/animals kept. It must have lighting and ventilation appropriate for the needs of the animal/species and offer the animals a sense of security where appropriate. For dogs and cats particularly, the design and layout of accommodation should be such that the animal can control visual contact with its surroundings and animals in other enclosures.

Generally speaking, animals presented for sale by pet sellers only remain on the premises from which they are being sold for a relatively short period of time. Whilst on site they must however be kept in housing that provides each animal with sufficient space to stretch out, turn around unimpeded, and, where applicable, lie down fully stretched out without touching any other animal in the enclosure. The minimum enclosure/cage sizes (where these are used) that apply to all the licensable activities are as specified in Annex C.

Condition: Where members of the public can view or come into contact with the animals, signage must be in place to deter disturbance of the animals.

Guidance:

If animals are on public display, signs must be displayed on enclosures to deter members of the public from tapping on glass or poking fingers into cages.

Clear signage should be in place at all times outlining health and safety risk to customers and appropriate behaviour around animals on the premises relevant to the specific species. In addition to signs, other measures may be required, such as limiting access to some animal enclosures. The licence holder must ensure that no animal is handled by the public without the licence holder's or a staff member's supervision. Signs should inform the public that they should not handle an animal without first speaking to the licence holder or a member of staff.

Condition: Dangerous wild animals (if any) must be kept in secure accommodation that is lockable and appropriate for the species.

Guidance:

For species listed in the first column of the schedule of the Dangerous Wild Animals Act 1976 (DWAA), licence holders must be able to demonstrate to the local authority that the safety of staff and the general public has been considered in the design of the enclosures, layout of the premises where the animals are kept, and in the design of any safety barriers that may be present.

Design must also demonstrate that prevention of escape has been considered and addressed. Licence holders selling animals on the Schedule to the DWAA must inform the purchaser that they require a licence under the DWAA and also inform the issuing authority of the details of the purchase.

Whilst pet shops are exempt from the DWAA, consideration must be given to complying with any special requirement(s) specified in the DWAA for the safe accommodation and care of any DWAA listed animal. The licence holder must demonstrate that effective plans are in place to deal with the escape of any dangerous wild animal.

5. Training and exercise

Condition: For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinary surgeon recommends otherwise.

Guidance:

While it is recognised that animals kept for sale may only be on the premises for a short length of time, licence holders must be able to demonstrate to the licensing authority that where it is necessary for an animal's physical and mental wellbeing there are designated areas where animals can play and exercise. Periods of exercise should include social interaction with animals of the same species where this clearly benefits an animal's welfare. For birds kept in aviaries or animals kept in enclosures the provision of appropriate environmental enrichment (physical stimuli) would be acceptable and should be encouraged.

Condition: All immature animals must be given suitable and adequate opportunities to learn how to—

(a) interact with people, their own species and other animals where such interaction benefits their welfare, and

(b) become habituated to noises, objects and activities associated with a domestic environment.

Condition: The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

Guidance:

For animals destined to be sold as pets, interaction with and habituation to people, noise and other stimuli is important. Licence holders must be able to demonstrate therefore that they understand the need to provide regular opportunities to allow for such interaction and habituation and that they have the time, staff and, where appropriate, the required facilities to facilitate this.

6. Sale of animals

Condition: No animal of any of the following descriptions may be sold as a pet, or sold with a view to being resold as a pet, by or on behalf of the licence holder—

a) unweaned mammals,

b) mammals weaned at an age at which they should not have been weaned,

c) non-mammals that are incapable of feeding themselves,

d) puppies, kittens, ferrets or kits, aged under 8 weeks, and

e) puppies or kittens which were not bred by the licence holder.

Guidance:

Puppies and kittens can only be sold in the course of a business by the person responsible for breeding them. The breeder must be the person named as the licence holder on the pet selling licence. If the holder of a pet selling licence is also a regular breeder of dogs and cats (3 or more litters in any 12-month period) then they must be licenced as a breeder and comply with the conditions of that licence.

In order to demonstrate that you are the breeder of any puppies or kittens that you offer for sale, the holder of a pet selling licence must be able to provide evidence to the local authority, when requested to do so, that they had control over the decisions made for the complete reproductive process from dam/sire selection, conception and gestation to birth. Where requested local authorities must be shown records of the mating(s), including the location of mating/fertilisation, the identity of the sire (where known), as well as being shown where the animals are or will be born, reared and kept until sale. Where the holder of a pet selling licence is also a licenced breeder of dogs or cats, they must comply with the conditions on that licence regarding record keeping.

Licence holders selling puppies or kittens that they have bred (but who are not licenced as breeders due to not meeting the criteria for licensing) should retain other supporting evidence such as photographs, microchip and veterinary records to show

that they housed and cared for the young and their mother for the first 8 weeks of their life.

Condition: The sale of a dog or a cat must be completed in the presence of the purchaser on the premises.

Guidance:

Where the holder of a pet sellers licence sells dogs or cats (including puppies and kittens) that sale must take place on the premises used by the licence holder for the licensable activity and the purchaser must be on the premises. Where a prospective purchaser of a puppy or kitten wishes to see the animals for sale, but the animals are under 8 weeks old and therefore not able to be sold, they should only be shown to the prospective purchaser if they are with their biological mother and the viewing should be supervised to ensure the safety of the mother and pups.

Condition: No animals or types of animal other than those animals and types of animal specified in the licence may be sold.

Guidance:

Licence holders must only sell the types of animals specified in their licence. Where a licence holder wishes to sell other animal types not specified on the licence they must make a request to the issuing authority to have their licence varied. Before any variation is granted the local authority will need to be satisfied that the holder of the licence has the required facilities, staff ratio and knowledge to both keep and care for the animal in question.

Condition: No animal may be sold in any part of a road or public place or at a point of sale at a market (unless the point of sale at the market forms part of the premises).

Guidance: The sale of animals from these locations is prohibited under the terms of the licence granted.

7. Protection from suffering, injury and disease

Condition: All animals for sale must be in good health.

Guidance:

Licence holders must not knowingly sell any animal that is not fit, healthy or, where applicable, socialised. Where it is clear that an animal that is for sale is not in good physical or mental health it must be removed from sale and provided with appropriate care, including veterinary care where necessary, until it is considered fit for sale. In order to meet this licence obligation the licence holder and any staff employed must be adequately trained and experienced enough to identify when an animal is unsuitable for sale due to ill-health, injury or another form of suffering. Procedures should be in place to deal with ill and injured animals.

Condition: Any animal with a condition which is likely to affect its quality of life must not be moved, transferred or offered for sale but may be moved to an isolation facility or veterinary care facility if required until the animal has recovered.

Guidance:

Licence holders must have provision on the licenced premises or at another nearby suitable facility to isolate any animal with a condition that is likely to be affecting its quality of life, either short-term or long-term. If the animal is to remain on the licensed premises it should be located in a suitably quiet and safe part of the premises which is readily accessible to allow for regular monitoring of its condition. Veterinary opinion should be sought where necessary, and must be sought, except in the case of fish, where it is clear that the animals condition is long-term or unlikely to improve. If the animal requires to be transported to a veterinary facility then it should be done in a manner that minimises the stress on the animal.

Condition: When arranging for the receipt of animals, the licence holder must make reasonable efforts to ensure that they will be transported in a suitable manner.

Condition: When an animal is to be transported or handed to a purchaser in a container, the container must be suitable for the species and expected duration of the journey.

Guidance:

In a suitable manner means, in a manner that ensures the animal is safe from harm, unable to escape and has both space and ventilation commensurate with the animal type and distance to be travelled. The licence holder should be able to demonstrate that any containers used meet these requirements. All reasonable steps should be taken to minimise the stress on the animal during transportation.

Where fish are being sold or transported any containers used must contain a sufficient oxygen supply for the duration of the journey plus some contingency. They must contain appropriate quantities of water and be suitably insulated to protect against large fluctuations in temperature. Ideally, fish should be transported in specifically designed fish transportation bags and these should be made available to any purchaser of fish. For longer journeys consideration should be given to using protective and insulated containers, for example a polystyrene box with a lid. If the purchaser is travelling longer distances oxygen tablets should be used or alternatively an air pump.

Species of fish that may be aggressive to one another must be packed separately. Fish should not be transported with other aquatic species, including invertebrates, aquatic plants, corals etc.

Dogs: minimum enclosure/kennel size

Dog weight	Minimum Kennel area (m ²) (per dog)	Kennel <u>example</u> dimensions (LxW) (m)	Minimum area per additional dog (m ²)	Minimum height of kennel (m)
<5kg (incl. puppies)	4	2 x 2	0.5	2
5 to 10kg	4	2 x 2	1.0	2
10 to 15kg	4	2 x 2	1.5	2
15 to 20kg	4	2 x 2	2	2
20 to 30kg	8	4 x 2	4	2
Over 30kg	Must be scaled up as appropriate	Must be scaled up as appropriate	Must be scaled up as appropriate	2

The kennel area should be large enough to allow separate sleeping and activity areas. The activity area must not be used (designated) as a sleeping area or part of the sleeping area. The kennel should allow each dog to be able to walk, turn around and wag its tail without touching the sides of the kennel. The dogs should have sufficient room to play, stand on their hind limbs and to lie down fully stretched out without touching another individual. The kennel size required will increase in relation to the size and number of dogs housed at any one time. Bitches with a litter of pups should have an enclosure size double that stated for its normal weight range.

The length and the width should be sufficient to allow all the dogs to lie outstretched without their noses or tails touching the walls or other individuals. It is permissible to have separate exercise areas to sleeping areas but in such cases dogs must be given access to the exercise area at least four times a day. Part or all of the exercise area should be outdoors. Any separate exercise area should be fully cleaned and disinfected between its use by different batches of dogs to minimise the risk of disease transmission.

Cats: Minimum enclosure size for adult cats (older than 26 weeks old)

The size of a cat unit includes the sleeping area plus the exercise area. These sizes are outlined below.

The sleeping area may be full height or penthouse sleeping accommodation (an enclosed boxed sleeping area or pod raised off the ground). The pod needs to be high enough off the ground to be able to clean underneath but not too high as to make cleaning inside the box difficult. The height of the pod must be between 75cm and 1.5m and the total height of the sleep area must be a minimum of 1.8m whether full height or a pod. The area under the pod cannot be considered as part of the exercise area.

In some catteries that are completely indoors, it is not necessary to have completely separate sleeping and exercise areas. The floor area must be equal to the sum of the above sleeping and exercise areas and the cat needs a unit to sleep on.

Size	Min area for the sleeping area	Min area for the exercise area	Minimum total area if single indoor unit	Min height
One cat	0.85m ²	1.65m ²	2.5m ²	1.8m
Up to 2 cats	1.1m ²	2.2m ²	3.3m ²	1.8m
Up to 4 cats	1.7 m ²	2.8m ²	4.5m ²	1.8m

Minimum enclosure sizes for kittens up to 26 weeks old

Cats	Minimum floor area (m ²)	<u>Example</u> dimensions (m) W x L	Minimum cage height (m)	Additional space
4 Kittens <12-weeks old	1	1 x 1	0.6	0.25m ² / kitten
Single cat 12 – 26 weeks old	0.85	0.9 x 0.95	1.8	-
2 cats 12 – 26 weeks old	1.5	0.9 x 1.66	1.8	-
3 to 4 cats 12 – 26 weeks old	1.9	0.9 x 2.1	1.8	-

Kittens require adequate space to play together and to have space for a litter tray and bed. Where practical, varying floor heights to enable climbing should also be provided. There should be adequate space for feeding, drinking, sleeping and litter tray to be kept separate.

Rabbits: Minimum enclosure sizes (excluding exercise run/area)

Weight of rabbit	Maximum stocking density	Minimum floor area (m ²)	<u>Example</u> dimensions (m) W x L	Minimum cage height (m)	Additional floor area for each additional rabbit (m ²)
Up to 4kg	4	0.75	1.5 x 0.5 or 1.0 x 0.75	0.45	0.25
4 – 6kg	2	0.75	1.5 x 0.5 or 1.0 x 0.75	0.5	0.25
>6kg	2	1.08	1.8 x 0.6 or 1.5 x 0.72	0.8	0.54

Enclosures should be large enough for rabbits to be able to stand fully upright on their haunches without their ears touching the roof and lie fully outstretched (without touching the sides of the enclosure or another rabbit). Slatted, grid or wire mesh floors must not be used in rabbit accommodation. Where exercise runs are attached

to enclosures these must be of sufficient size to allow rabbits to hop, jump and generally enjoy total freedom of movement.

Ferrets: Minimum enclosure sizes

Age of ferret	Maximum stocking density	Minimum floor area (m ²)	Dimensions (m) W x L	Minimum dimensions (m)	Minimum cage height (m)	Additional floor area for each additional ferret (m ²)
<12 weeks old	1 – 4	1	1 x 1 or 1.66 x 0.6	0.6	0.6	0.25
>12 weeks old	1	0.6	1 x 0.6 or 0.77 x 0.77	0.6	0.6	0.6

Accommodation needs to be of sufficient size to allow all the ferrets housed to be able to lie fully outstretched in any direction, run, forage, explore or play, as well as to stand fully upright without touching the roof of the enclosure. Ferrets must be provided with constant access to places to hide. As a minimum, each hiding place must be large enough to allow one ferret to rest alone.

Guinea Pigs: Minimum enclosure sizes

Type	Stocking density	Minimum floor area (m ²)	Example dimensions (m) W x L	Minimum cage height (m)	Additional floor area for each additional animal (m ²)
Guinea pig	1-4	0.23	1 x 0.23 or 0.52 x 0.52	0.3	0.09

Accommodation needs to be of sufficient size to allow all the guinea pigs housed to be able to lie fully outstretched (without touching the sides of the enclosure or another guinea pig), run, play, tunnel and stand without touching the roof of the enclosure. Ramps within enclosures must be no steeper than 45° as guinea pigs are poor climbers.

Where guinea pigs are housed in hutches, provision must be made for regular exercise in a secure area outside of the hutch.

Guinea pigs must be provided with constant access to places to hide, which may include hay piles, in addition to their sleeping area. At a minimum each hiding place is to be large enough to allow one guinea pig to rest alone.

Small Rodents: Minimum enclosure sizes

	Area per number of animals (cm ²)	Minimum	Minimum
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No. of Animals	1 – 4	5	6	7	8	9	10	Cage Height (cm)	Cage Depth (cm)
Mice and hamsters	680	790	900	1000	1113	1240	1350	25	25
Gerbils	680	790	900	1000	1113	1240	1350	30	25
Rats	1350	1570	1800	2020	2225	2470	2700	30	28
Degus	2250	2630	3000	3380	3750	4130	4500	30	30
Chinchillas	2500	3750	5000	6250	7500	8750	10000	45	45

Every animal should be able to lie fully outstretched, turn around unimpeded, stand fully upright without touching the cage roof, hide, dig, and play.

Sleeping areas need to be dry, draught-free, well ventilated and clean as well as large enough to allow all the small rodents housed to rest together fully outstretched, turn around unimpeded and move around comfortably.

Birds: Minimum enclosure/cage sizes

Species	Approx. length of bird (head to tip of tail) (cm)	Average length of flying wingspan (cm)	Minimum cage dimensions (cm) (L = 2 x wingspan, D = 1.5 x wingspan, H = 1.5 x wingspan)			Suggested % enclosure size increase per additional bird.
			L	D	H	
Budgerigar	18	30	60	45	45	5
Cockatiel	30	48	96	72	72	10
Love bird	15	28	56	42	42	10
Small parakeets and conures	20	35	70	52.5	52.5	10
Large parakeets, conures and small macaws	34	70	140	105	105	20
Amazon parrots	30	60	120	90	90	20
African grey	34	70	140	105	105	20
Cockatoo (small - medium)	35	75	150	112.5	112.5	20
Large cockatoos and macaws	85	110	220	165	165	20
Canary	10 -12	22	44	33	33	5
Zebra finch	10 -12	22	44	33	33	5
Pigeon	35	70	140	105	105	10
Turaco	40-50	50	100	75	75	20

Care must be taken where aviaries or cages are constructed of newly galvanised mesh to prevent heavy metal poisoning, particularly in psittacines which will often chew the metal. If wire mesh is used in the construction of an enclosure the mesh hole size must be small enough that birds housed within cannot put their head or wing through it. The mesh gauge must be stout enough that the birds cannot break or bend it. The licence holder must be able to demonstrate the steps taken to minimise or prevent any poisoning.

Birds should not have to compete for drinkers/feeders and risk exclusion. Passerines should have food available at all times. Enrichment and feeding devices need to be provided for larger psittacids. For parrots, it is preferable to use swinging systems such that the keeper does not need to enter the cage in order to change food/water. Bowls should not be able to be removed from holders by the parrot.

There must be adequate perching space for all birds at the same time. Perches must be positioned so that birds do not defecate on each other and must be of appropriate size and shape for each species. Outdoor aviaries must include sufficient sheltered and non-sheltered space. Cage size must be adequate to allow birds to open their wings fully in all directions. Cages must include appropriate environmental enrichment.

Reptiles and amphibians: minimum acceptable enclosure sizes

SVL: Snout-to-vent length (distance from nose to cloaca).

STL: Snout-to-tail length (distance from nose to tip of tail).

SCL: Straight-carapace-length (straight length of the curved part of the shell of a tortoise). Carapace is the curved top part of the tortoise or terrapin shell, as opposed to the flat bottom part which is the plastron.

Group	Length	Width	Height	Water depth (where appropriate)
Frogs and toads	30cm or 3 x SVL (whichever is larger)	30cm or 3 x SVL (whichever is larger)	30cm or 3 x SVL (whichever is larger)	2 x SVL
Newts and salamanders	30cm or 3 x SVL (whichever is larger)	30cm or 2 x SVL (whichever is larger)	30cm or 3x SVL (whichever is larger)	2 x SVL
Snakes (currently subject to review by UK Animal Welfare Commission)	No less than 2/3 length STL	No less than 1/3 length STL	-	-
Lizards	4 x SVL	2.5 x SVL	-	-
Terrapins and turtles	90cm or 5 x SCL (whichever is larger)	3x SCL	-	4 x carapace height*

Tortoises	90cm or 5 x SCL (whichever is larger)	5 x SCL	2 x SCL	-
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Height and Width of the enclosure must be appropriate to the species, with arboreal species requiring more height than terrestrial species. When considering vivarium size for arboreal species the licence holder should look to increase the heights outlined above. Where this is the case it is acceptable to reduce the length of the vivarium dimensions by a maximum of 30%. Any reduction in length must, at least, equal the additional height.

Most amphibians and reptiles are not social and may, therefore, be kept individually. Decisions to pair- or group-house amphibian or reptile species must be made by suitably trained and competent staff. Compatible species-specific sex ratios and suitable group sizes must be observed bearing in mind potential for persistent aggression.



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