Key facts...

★ The RSPCA has identified a number of problems with the current legislation which regulates the pet trade - covering dogs, cats, rabbits, etc but also exotic\(^1\) animals too.

★ We welcome the fact that both the Welsh Government\(^2\) and Scottish Government\(^3\) have taken action in this area.

★ The RSPCA believes the new Government should take a holistic look at the different ways people buy, deal and trade in animals.

★ Poor breeding, dealing, trading and keeping practices can have a significant impact on animal welfare throughout their lives, and not just for the young being sold but also their parents.

★ The Pet Animals Act is over 60 years old and needs updating; this was promised under the Animal Welfare Act but never happened.

★ We would support legislation that looks at all aspects of pet vending that sets out a clear and evidence-based legal framework with animal welfare at its heart.

★ The RSPCA believes a good starting point would be to look at the provision of Regulations under the Animal Welfare Act with species-specific Codes of Practice.

★ These could bring in an updated licensing regime with animal welfare at its heart enforced by local authority licensing officers.

★ If this is to be effective then it is important that sufficient resources and training are made available to those officers tasked with enforcement.

The current legal regime

Animals are supplied to the public, directly and indirectly, via a number of routes, including through licensed breeders (both large and small), hobby breeders, backstreet breeders, international traders and dealers as well as pet shops and the internet. Many of these are not easily captured by the existing regulatory framework that is old and outdated.

For example, current breeding legislation in England only applies to dogs and dates back over 40 years\(^4\); there are no controls or licensing regimes to protect the welfare of other species bred for the pet trade. In any case the dog breeding legislation only provides a licensing regime for those who breed dogs for ‘commercial purposes’ and does not appear to cover traders, or hobby, back-street or opportunist breeders - all of whom have become more commonplace. While there seems to be confusion amongst enforcers about what constitutes a licensable dog breeding establishment, it certainly appears that some of these breeders may be making commercial gain from their activities and it is arguable they should be covered by such a regime. This is why one simple law should be in place governing breeding of animals for pets, with the focus on the welfare of animals, not whether or not they are bred for profit.

Alongside this, the current licensing regime pays little attention to the welfare of the animals concerned and this is out of step with the thinking and legislative framework set out in the Animal Welfare Act 2006

\(^1\) The definition of an ‘exotic’ pet varies greatly but we define them as any wild animal kept as a pet. We follow the principle of Defra’s definition of ‘wild animal’ from the Secretary of State’s Standards of Modern Zoo Practice and define it as ‘any species that is not normally domesticated in the UK’, which includes reptiles, amphibians, invertebrates, fish, birds (such as parrots) and mammals (such as meerkats and raccoons).

\(^2\) Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014


\(^4\) Breeding of Dogs Act 1973 which was updated by the Breeding and Sale of Dogs (Welfare) Act 1999

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(AWA) which places ensuring the welfare needs of animals at its heart. Indeed dog breeding legislation, amongst other outdated legislation relating to supply and sale, was supposed to be updated as part of new Regulations under the AWA however this has not yet occurred. We would like to see this reviewed in the new Parliament.

This should also be seen in conjunction with the legal regime that covers the trade in animals. The main piece of legislation concerning the ‘business of selling animals as pets’ is the Pet Animals Act 1951 and this sets out a licensing regime for pet shops and prevents pets from being sold in the ‘street, road or public place or at a stall or barrow in a market’. However the way pet animals are sold and traded has changed significantly in the 64 years since it was passed, for example the internet is a major source for such trade which was not even in existence when the law was passed. Very little in society is the same as 64 years ago, and the sale of animals is no exception. We have seen an explosion in internet sales and this poses significant challenges in monitoring and regulating it.

Trade in pet animals is not just a local issue but an international one with puppies (and to a lesser extent kittens) being moved across Europe under both the commercial and personal systems. Many other animals (in particular exotics) are moved around Europe and elsewhere for the pet trade.

**Enforcement**

Against the backdrop of a confusing legal framework, many local authorities simply do not have the resources, training or expertise to effectively implement the legislation in its current form (something which has got worse alongside budget cuts and is likely to continue to do so). At present local authorities vary from no enforcement to full enforcement, and retrospective licensing rather than prosecution. Although there are model licensing conditions for dog breeding establishments it is not mandatory to use them and not all local authorities use the most up to date version. Thus there is no standardised approach to licensing in terms of inspections, use of experts or fees and backstreet breeders, dealers and traders often fall below the ‘radar’ of local authorities.

Furthermore, licensing regimes are often not consistently or strictly enforced across the whole supply chain, e.g. breeders, transporters and dealers, and animals can be transferred from a licensed premises to unlicensed premises during the process.

We are aware that inspections, by local authority personnel, are often not carried out on temporary holding facilities or locations, other than the licensed pet shop, where animals are held (e.g. pet shop owner’s home). Equally, pet shops do not always inform local authorities of changes to species/taxa sold.

We believe that updating and standardising legislation in this area will give local authorities more clarity. This will allow them to manage their resources whilst also implementing a more effective and meaningful and practically enforceable approach.

The RSPCA is currently updating the statistics it has on this issue, however it received more than 7,000 complaints about pet shops between September 2004 and August 2007, averaging over 2,000 each year. The majority related to incidents of neglect (c.80%), such as: animals kept in cramped conditions, inadequate environmental conditions (e.g. temperature, humidity), a lack of food and water, unhygienic conditions, sick animals being sold. Other complaints involved cases of apparent abandonment (e.g. pet shops closing down with apparently no care provided to remaining animals), inappropriate transport.

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5 TRACES  
6 PETS  

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conditions, animals being sold at too young an age, animals dying shortly after being taken home from a pet shop and use of inhumane killing methods.

Prosecutions involving pet shops that have been taken by the RSPCA, and in which the RSPCA has assisted (e.g. prosecutions taken by local authorities), numbered 121 for the period 2004 to September 2007. The majority of prosecutions involved exposing animals to illness and infection, and neglect. Other welfare-related offences involved confining animals in unsuitable environments and transporting them in a manner likely to cause injury. The illegal sale of protected species (on CITES Appendices) are not included in these data.

In a recent survey of local authorities carried out by the RSPCA in 2015, of the 194 that responded, when asked if they had prosecuted any pet shops in their area between 2011 and 2014 under the Pet Animals Act 1951 only seven instances were reported by seven local authorities.

**Animal welfare**

There are a number of serious animal welfare concerns surrounding the supply and sale of pets (of which there is a wide diversity of species which are traded). There is a lack of provision of good quality care advice/information about the animal (e.g. longevity/size/keeping requirements) or any objective indication of how challenging the species or breed is to keep, before sale. For the more unusual/recently kept species, this information may not even be known. We are aware that many animals bred and sold (as well as the breeding stock) experience poor health and welfare. This is often compounded by the fact that housing sold with animals as ‘start-up kits’ is often inadequate and the animal may be housed in it for its whole life.

Many animals are poorly socialised and there are sales of single animals of social species which significantly impacts on animal welfare throughout the lives of the animals. We are extremely concerned that species are being bred and traded that should not be, for example primates.

Stipulation about age at which animals can be sold is limited only to mammals and does not include species such as birds, reptiles, etc. Early removal of young can cause significant welfare problems later in life. Wild-caught species are being imported and traded and there is a lack of transparency at the point of sale about which species have been captive-bred and which are wild-caught. Capture from the wild and importation is associated with severe welfare problems and in some cases high mortality. We believe that too many animals are being bred and sold which become unwanted and impact on the limited resources of rehoming organisations.

**Possible way forward**

The RSPCA would like to see a review of all the legislation concerning the supply and sale of pet animals carried out so that a more effective legislative framework could be developed. We believe it may be possible to develop a generic licensing regime under s13 of the AWA to cover the breeding, dealing, sale, supply and trade of all animals for the pet industry with species-specific statutory Codes of Practice introduced under these to provide specific advice and/or conditions.

It should still remain the responsibility of local authorities to enforce this area of law. However it is recognised that many have increasingly tight resources and often do not have expertise in animal welfare as licensing teams may only be trained in licensing of food establishments, etc. In order to help local authorities and ensure strong enforcement, the new legislation needs to be both clear and enforceable. In particular, local authorities could make enforcement largely cost neutral by ensuring all reasonable inspection and licensing fees are charged back to the establishment seeking to be licensed, this should include the services of external expertise, for example a vet or behavioural expert.
This is something we know the All-Party Parliamentary Group for Animal Welfare (APGAW) is interested in conducting a working group on and is something the RSPCA would support. We would hope the new animal welfare Minister would support this and consider any recommendations put forward by APGAW.

CALL TO ACTION... Please encourage APGAW to set up a working group to review pet supply and sales and ask the Minister responsible for pet animals to agree to consider any recommendations put forward by APGAW for improving the law in this area.