



**BREEDING OF DOGS ACTS 1973 and 1991**

**BREEDING AND SALE OF DOGS (WELFARE) ACT 1999**

**Last Updated April 2010**

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## 1. Introduction

The 1973 Breeding of Dogs Act ('the 1973 Act') requires proprietors of breeding establishments to be licensed (see paragraph 3 for the definition of a breeding establishment). Under the authority of the 1973 Act, local authorities may issue licences to proprietors of breeding establishments stipulating conditions which must be complied with by the licensee. No person is entitled to a licence if at the time he/she is disqualified from keeping a dog breeding establishment, pet shop (see paragraph 9), or boarding kennels or if he/she has been disqualified from keeping dogs or other animals as a result of specified convictions for cruelty. However, a person aggrieved by refusal of a local authority to grant a licence or by any condition to which the licence is subject may appeal to a Magistrates' Court (or if in Scotland, the Sheriff).

The 1991 Breeding of Dogs ('the 1991 Act') extends the powers of inspection to unlicensed premises, excluding a private dwelling, and is discussed further at paragraph 5 below.

It should be remembered that the aim of the licensing system is to ensure that high standards of animal health and welfare are maintained in breeding establishments. Licence conditions will inevitably vary; however, local authorities should bear in mind the principal aims as set out in Section 1(4) of the 1973 Act as well as the Breeding and Sale of Dogs (Welfare) Act 1999 ('the 1999 Act') which amends and extends the existing breeding of dogs' legislation.

Whilst the legislation allows local authorities to specify any conditions in the licence that they consider necessary or expedient in a particular case, there is no power to impose other, unrelated, conditions in the licence. The local authority can, though, withhold a licence on grounds other than failing to satisfy Section 1(4). This discretion is referred to in that section. In addition, where a breeding establishment previously operated illegally and where the local authority believes it is necessary, prosecution proceedings may still be brought notwithstanding a licence being subsequently granted.

Throughout the text and as a licence condition, the following applies:

*Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or used in association with the breeding of dogs.*

## 2. Health and welfare

Where there is concern for the health and welfare of the dogs, veterinary advice should be sought. For breeding establishments caught by the 1999 Act, there are a number of safe-guards to protect the health and welfare of the bitch. For example, the number of litters a bitch is allowed to have in her lifetime is restricted to six. In addition, no more than one litter may be born in any twelve month period and bitches may not be mated if they are under one year old (see paragraph 9).

It should also be borne in mind that the Protection of Animals Act 1911 makes it an offence, *inter alia*, for a person to cause, or being a dog's owner, allow it to be caused, unnecessary suffering. The equivalent legislation in Scotland is the Protection of Animals (Scotland) Act 1912. Evidence of over-breeding may come within the scope of this legislation, however, it is hoped that the breeding restrictions contained in the 1999 Act in relation to the breeding bitch will prevent this. (See paragraph 11 under Other Relevant Legislation.)

The Kennel Club of the UK will not register a litter if the bitch was under one year old at the time of mating or if she has already whelped six litters. Neither will it register a litter if the bitch has reached the age of eight years of age at the date of whelping out prior permission.

There are schemes in place for screening for hereditary conditions in dogs. The BVA, in conjunction with the Kennel Club and the International Sheep Dog Society, encourages responsible breeding through its Canine Health Schemes. Breeders may have their dogs screened for various hereditary conditions to assist them to make responsible breeding decisions.

### **3. Definition of a breeding establishment**

The 1999 Act amends the definition of a breeding establishment in the 1973 Act. A breeding establishment is defined as any premises where the business of breeding dogs for sale is carried on. The Home Office advise that it will be a matter for local authorities and their legal advisers to decide whether or not a particular establishment is required to be licensed (see paragraph 17).

A person will be presumed to be carrying on the business of breeding dogs for sale where during any twelve month period five or more litters are born to his/her bitch or bitches which are:

- (a) kept by him at any premises during any period of 12 months;
- (b) kept by any relative of his at those premises;
- (c) kept by him elsewhere; and
- (d) kept by any person under a breeding arrangement with him. This presumptive test will not apply if a breeder is able to prove that none of the puppies born to bitches at their premises or under a breeding arrangement was in fact sold during the 12 month period. More detailed guidance may be found in the relevant Home Office or Scottish Executive circulars (see paragraph 17 below).

### **4. Inspection of breeding establishments**

Upon application for a licence which has not previously been granted, the premises must be inspected by a veterinary surgeon and a local authority officer. For subsequent applications the local authority has discretion as to whether the inspection is carried out by a veterinary surgeon or a local authority officer or both. A report following inspection shall be considered by the local authority before determining whether or not to grant a licence.

It is recommended that inspections are carried out well before the licence date for renewal to allow for any repairs and/or maintenance to be completed before the licence expires (see paragraph 7 below).

Once a licence has been granted, regular inspections should be carried out during the licence period to protect the health and welfare of the dogs, particularly when there is concern over a specific breeding establishment.

## **5. Powers of inspection under the 1991 Act**

The 1991 Act empowers a Justice of the Peace (or Sheriff if in Scotland) to issue a warrant to any authorised person to enter, by reasonable force if necessary, and inspect unlicensed premises (excluding private dwellings) where the Magistrate or Sheriff (as appropriate) is satisfied that there are reasonable grounds for suspecting that a dog breeding business is being unlawfully carried out without a licence.

It should be noted that although inspection of unlicensed private dwellings is specifically excluded under the 1991 Act, Section 1(3) allows a warrant to be obtained in relation to a garage, outhouse or other structure which belongs to or is usually enjoyed with the premises and therefore may be inspected under this section.

## **6. Fees**

The cost of inspecting premises shall be met by the local authority which has the power to charge fees in respect of applications for licences and in respect of inspections of premises. A local authority may set the level of fees with a view to recovering reasonable costs and may set different fees for different circumstances.

## **7. Commencement and duration of the licence**

A local authority has three months from the application to determine whether to grant a licence. The duration of the licence is for one year, effective from either the day stated in the application or the day the licence is granted, whichever is the later.

With previously unlicensed breeding establishments, there is an expectation that all appropriate conditions will be met before a licence is granted. However, the situation is more complicated where an application is made for a licence where improvements are necessary.

With previously unlicensed breeding establishments, there is an expectation that all appropriate conditions will be met before a licence is granted. However, the situation is more complicated where an application is made for a licence where improvements are necessary.

Whenever improvements/repairs are required, it is recommended that the applicant for a licence be notified in writing of:

- (i) a schedule of works (preferably agreed with the breeding establishment);
- (ii) the date by which such works must be completed; and
- (iii) the consequences of non-compliance (that is, refusal to grant a licence).

The local authority should apply discretion when taking enforcement measures during the period for compliance stated in the notice.

There may be occasions where the required remedial work is extensive. In these circumstances the local authority should agree a schedule of works to be completed over a reasonable period of time and ensure that the work is being carried out as agreed in the Schedule (see paragraph 4 above).

## 8. Offences and disqualification

The court has powers to order imprisonment for a term not exceeding three months and/or a fine not exceeding level 4 on the standard scale upon conviction for keeping a dog breeding establishment without a licence.

There are additional powers for the court to order cancellation of a licence, disqualification from keeping an establishment which is required to be licensed and disqualification from having custody of any dog specified. Where the offender is not the owner, there is provision to allow the owner to make representations.

Where a disqualification order has been made in respect of custody of a dog, the court may also make an order for any dog described to be delivered to a specified person and for the offender to pay for its care until permanent arrangements are made. Local authorities may wish to have contingency plans in case dogs need to be housed. A list of welfare and breed rescue organisations may be helpful.

Upon conviction for intentionally obstructing or delaying any person in the exercise of their powers of entry or inspection as provided for by the Breeding of Dogs Act 1991, the maximum penalty is a fine not exceeding level 3 on the standard scale (see paragraph 5 above).

## 9. Requirements of the 1973 Act (as amended)

Section 1(4) of the Act states:

'In determining whether to grant a licence for the keeping of a breeding establishment for dogs by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing:

- (a) that the dogs will at all times be kept in accommodation suitable as respects construction, size of quarters, numbers of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;
- (b) that the dogs will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and visited at suitable intervals;
- (c) that all reasonable precautions will be taken to prevent and control the spread among dogs of infectious or contagious diseases;
- (d) that appropriate steps will be taken for the protection of the dogs in case of fire or other emergency;
- (e) that all appropriate steps will be taken to secure that the dogs will be provided with suitable food, drink and bedding material and adequately exercised when being transported to or from the breeding establishment;
- (f) that bitches are not mated if they are less than one year old;
- (g) that bitches do not give birth to more than six litters of puppies each;
- (h) that bitches do not give birth to puppies before the end of the period of twelve months beginning with the day on which they last gave birth to puppies; and that accurate records in a form prescribed by regulations are kept at the premises and made available for inspection there by any officer of the local authority, or any veterinary surgeon or veterinary practitioner, authorised by the local authority to inspect the premises; and shall specify such conditions in the licence, if granted by them, as appear to the local authority nec-

essary or expedient in the particular case for securing all the objects specified in the paragraphs (a) to (i) of this subsection.'

## 10. Record-keeping

Having regard to '... securing all the objects specified in section 1 (4) (a) to (i) ...' above, it is essential that detailed records are kept covering all aspects concerning the health and welfare of the dogs since this will provide the inspector with valuable information on the adequacy of the various regimes in place within the breeding establishment. Records will also be helpful should problems arise. Therefore completing and maintaining accurate records is regarded as essential (See record-keeping section under Domestic and Non-Domestic Breeders sections.)

The Breeding of Dogs (Licensing Records) Regulations 1999 (SI 1999 No 3192) prescribe the form of records to be kept by licensed breeding establishments in England and Wales. These records must be kept on the premises and made available to local authority inspectors or any veterinary surgeon or veterinary practitioner authorised by the local authority. Similar Regulations apply to Scotland.

It is suggested that the following additional records might also usefully be kept by the breeding establishment. The list is by no means exhaustive.

- The details and number of all dogs kept on the premises;
- oestrus dates of breeding bitches;
- microchip and tattoo numbers or other suitable form of identification. If the dogs are KC registered, these numbers should also be recorded;
- where dogs are under a breeding arrangement, the details of such dogs, together with their whereabouts;
- vaccination and worming records and details of other veterinary treatment given;
- cleaning and disinfecting regimes;
- feeding and exercise routines;
- accommodation temperatures;
- details of any isolation cases and the management regime in place;
- details of vehicles used for transporting dogs, as well as time and length of journeys taken. Records should also show which dogs are transported and their destination.

(See Record-keeping sections for Domestic and Non-Domestic Breeders).

## 11. Sale of dogs

The 1999 Act establishes new restrictions on the sale of dogs born at licensed breeding establishments. The keeper of a licensed breeding establishment has two methods of sale. He or she may either sell a dog direct to its final home, provided the dog is not less than eight weeks old and the keeper does not know or believe that the buyer intends to sell the dog on.

Alternatively, he or she is restricted to sell to licensed third parties, namely a licensed pet shop or licensed Scottish rearing establishment, provided the dog is wearing a collar with an identifying tag or badge indicating the licensed breeding establishment at which it was born. Similar restrictions are imposed on Scottish rearing establishments.

The Sale of Dogs (Identification Tag) Regulations 1999 (SI 1999 No 3191) require additional information to be shown on the identifying tag, namely the date of birth of the dog and any identifying number allocated to the dog by the licensed breeding establishment where it was born. Similar Regulations apply to Scotland.

It is an offence for a licensed pet shop to sell a dog which, when it was supplied by the licensed breeder or licensed Scottish rearing establishment, was wearing a collar with identification tag but was not wearing the tag when it was supplied to the purchaser.

## **12. Transport**

Section 1(4)(e) of the 1973 Act is concerned with safeguarding the welfare of dogs 'when being transported to or from the breeding establishment'. Dogs and puppies being transported under these circumstances should be properly supervised to ensure compliance with the obligations under the 1973 Act. (See the Welfare of Animals (Transport) Order 1997 at paragraph 8 under Other Relevant Legislation.)

## **13. Insurance**

Insurance should be considered when operating a breeding establishment. There may be dogs housed on the premises which are 'on loan' for which the breeding establishment proprietor may be liable. Veterinary fees may be insured against, as well as liability for straying dogs.

Employers Liability Insurance is mandatory for employers under the Employers Liability (Compulsory Insurance) Act 1969.

Certificates of Insurance must be prominently displayed.

## **14. Licence display**

A copy of the licence and its conditions should be suitably displayed to the public in a prominent position in, on or about the breeding establishment.

## **15. Domestic and non-domestic breeders**

There are generally two ways in which dog breeding establishments are operated. Some breeders maintain their stock within their private dwelling house ('domestic breeders'), while a number of breeders keep dogs in outside accommodation consisting of buildings of one sort or another, either attached or separated from the private dwelling but in which numbers of dogs are bred ('non-domestic breeders'). It should be borne in mind that there are a number of breeders who keep dogs both in their private dwelling and in other buildings.

The most appropriate conditions to include in the licence will be dependent upon whether the breeding establishment is considered to be a domestic or non-domestic undertaking. However, there may be occasions when the recommendations for the non-domestic breeder should be applied to the domestic breeder.

## 16. How to use the guidance

For ease of reference, sub sections (a) to (i) of Section 1(4) the 1973 Act ('BDA 1973') are quoted in **bold type** in the left-hand column. The remaining conditions contained in the left-hand column reflect best practice.

The notes in italics situated in the right-hand column contain additional explanatory advice. These notes occasionally refer to legislation other than the Breeding of Dogs Acts. References to this other relevant legislation are made simply to alert the reader to other issues, such as those relating to health and safety matters, as well as environmental protection, which should also be considered in the operation of a breeding establishment.

References to legislation should not be taken as a detailed explanation of the law, and this publication may not refer to all legislation that may be relevant depending on the circumstances. (The 'Other Relevant Legislation' section can be found on page 27.)

It should be borne in mind that laws change and expert advice should always be sought as to the current legal position.

## 17. Further information

Home Office Circular Number 53/1999 provides guidance to local authorities in England and Wales on licensing dog breeding establishments. Scottish Executive Development Department Circular Number 17/1999 provides guidance to local authorities in Scotland.

# DOMESTIC BREEDERS

## 1 Accommodation

### 1.1 GENERAL

Dogs will at all times be kept in accommodation suitable as respects construction, size of quarters, numbers of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;

BDA 1973 S.1(4)(a)

Where dogs are maintained in cages within the house, as happens with many small breeds (terriers, toys, and so on) these must be of sufficient size for the dog to lie down, stand up and turn around comfortably, and allow the dog to defecate away from the sleeping area. Local authorities may wish to refer to the International Air Transport Association Regulations (IATA) which provide useful guidelines for **minimum** cage sizes. It should be remembered that these size guidelines are adequate for **short** periods only and should **not** be regarded as suitable for permanent accommodation. Such cages should be used principally for sleeping quarters and animals should not be confined to them for long periods of the day. All dogs require adequate exercise and exercise space should be provided. How much space is a matter for discretion by the authorised inspector and will depend upon the size of the dog as well as the circumstances of each breeding establishment.

Thought should be given to the maximum likely litter size. There should be effective housing to care for the maximum number of puppies. To avoid crushing puppies, crush bars can be useful when breeding large or giant dogs or if the bitch is particularly clumsy

The general assessment of domestic arrangements should be considered. If there are children in the house, there should be separate facilities because of public health concerns. In particular, during whelping the risk of *Toxocara* is increased. Food preparation should be carried out in hygienic conditions and there should be adequate refrigeration to keep food fresh. To avoid cross-contamination, there should be separate facilities for washing dishes and bedding. Inspectors should compare the size and use of the property with the proposed breeding activity to ensure that the operation of the breeding establishment is not compromised. In addition, the construction of the proposed licensed premises should be safe and well maintained.

The applicant should understand how to achieve the required standards of hygiene and disease control set by the conditions to which the licence is subject.

When bitches are whelping every effort should be made to maintain adequate standards of hygiene. Where whelping actually takes place is probably the most controversial aspect of dog breeding, both for domestic and non-domestic breeders.

Whelping should not take place in a domestic kitchen for public health reasons. Impermeable floor coverings should be provided to prevent fluids and discharges from fouling wooden

floors and similar surfaces.

An adequate quantity of absorbent disposable material, eg newspapers, should be available and properly disposed of after use. Waste arising from the breeding establishment should be disposed of without harm to human health or the environment. Certain waste may only be passed to registered carriers or appropriate licensed or authorised disposal facilities. Those wishing to dispose of waste on their premises must seek advice from the Environment Agency or local authority (See Environmental Protection under *Other Relevant Legislation at page 28.*)

Whether or not the bedding is adequate will be a matter for the inspector. Proprietary bedding materials are available in a range of materials that are easily cleaned and hard wearing. Suitable bedding should be chosen according to the size, coat density, heating and comfort factors needed for the dogs and puppies.

The condition of the dogs with regard to cleanliness of skin, bodyweight in relation to breed, and other well recognized signs of health will form the best evidence of the suitability of the breeder to carry on an establishment within the meaning of the 1973 Act. The inspector's opinions of the breeding establishment will be based on intelligent assessment of the answers provided by the applicant to questions asked by the local authority, as well as what is revealed by any inspection. Veterinary advice should be sought if there is any concern about the health and welfare of the dogs.

## 1.2 TEMPERATURE

There must be some part of the sleeping area where the dog is able to enjoy a minimum temperature of 10°C (50°F) and a maximum temperature of 26°C (79°F).

The difficulty of maintaining the ideal temperature is acknowledged, however these are realistic temperatures and should not be exceeded in normal circumstances. Puppies under two weeks of age should be kept at a temperature between 26°C (79°F) to 28°C (82°F). Temperatures should be monitored and recorded. (See Record-keeping section at paragraph 6.4).

## 1.3 LIGHTING

1.3.1 During daylight hours, light must be provided to exercise and sleeping areas so that all parts are clearly visible. Where practicable this should be natural light.

Lighting must be of sufficient standard to enable efficient working both during and after daylight hours.

It is recommended that breeding establishments should have a low level night light for a 12 hour period for after daylight hours.

# 2 Management

## 2.1 GENERAL

Dogs will be adequately supplied with suitable food, drink and bedding material, adequately

*The 1999 Act strengthens the requirements for dogs to be visited at suitable intervals*

exercised, and visited at suitable intervals;  
BDA 1973 S,1(4)(b)

## 2.2 SUPERVISION

- 2.2.1 A fit and proper person should always be present to exercise supervision and deal with emergencies.
- 2.2.2 Dogs must be checked on regularly throughout the day.

Consideration should be given to the number of dogs being kept at the breeding establishment and the ratio of persons supervising.

Dogs should not be left alone for long periods of the day. It is recommended that dogs should be checked regularly at least every four hours between the hours of 8am and 6pm.

Checks should be more frequent when bitches are whelping and puppies are not yet weaned.

## 2.3 FOOD AND WATER SUPPLIES

- 2.3.1 All dogs must be adequately supplied with suitable food. Clean water must be available at all times and changed daily.
- 2.3.2 Eating and drinking vessels must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must be maintained in a clean condition and cleansed or disposed of after each meal.

Dogs must be fed sufficiently well to maintain health. Inspectors should observe the general nutrition of the dogs and check on the quantity of food in store and the process of preparation. If necessary, the veterinary surgeon should be consulted to advise. Special dietary considerations should be given to young and old dogs and to whelping and nursing bitches.

Nutrition is particularly important during pregnancy and lactation. It is recommended that a requirement of about 1.5 times the non-pregnant state is necessary for the last few (say three) weeks of pregnancy.

Lactation will last until the puppies are weaned. During lactation, the bitch must have sufficient food to satisfy the demands being made upon her.

Consideration should also be given to how many puppies the bitch is nursing.

During lactation the bitch should be closely monitored for signs of complications (eg, eclampsia).

The feeding level required for the bitch after weaning will depend upon her body condition.

Where a proprietary food source is used the manufacturer's guide should be followed.

Veterinary advice should be sought if in doubt.

## 3 Disease control, vaccination and worming

### 3.1 GENERAL

All reasonable precautions will be taken to prevent and control the spread among dogs of infectious or contagious diseases;

Adequate precautions should be taken to prevent and control the spread of infectious and contagious diseases and parasites among dogs and zoonoses among dogs and visitors. Records should be kept of all vaccination and worming regimes. (See Record-

BDA 1973 S.1(4)(c)

3.1.1 All dogs should be vaccinated against Canine Distemper, Infectious Canine Hepatitis (Canine Adenovirus), Leptospirosis (*Leptospira can/cola* and *Leptospira icterohaemorrhagiae*) and Canine Parvovirus. It may be necessary to vaccinate against other diseases and veterinary advice should be sought.

keeping Section at paragraph 6.4).

Infectious bronchitis ('Kennel Cough') can be problematic in kennels, and staff should be aware of the symptoms. However, because vaccination will depend on the local level of infection, it is recommended that the advice of the veterinary surgeon is sought.

For the control of roundworms, pregnant and nursing bitches should be given additional worming treatment. Breeding bitches require particular attention and veterinary advice should always be sought. However, as a rule of thumb, it is suggested that bitches are wormed before mating and then again after the 41st day of pregnancy with a broad spectrum anthelmintic. The bitch should also be wormed at the same time as the puppies, which should be when the puppies are at two, four and six weeks of age.

Thereafter it is recommended that puppies should be wormed at regular intervals, according to manufacturer's instructions.

From 16 weeks of age into adulthood, worming should be carried out routinely two to four times per year.

Advice concerning dogs with tapeworms should be sought from the veterinary surgeon.

Fleas, lice, ticks and harvest mites are common ectoparasites of dogs.

Appropriate treatment must be carried out if they are found on any of the dogs. When treating these infestations it is important to take account of the life cycle of the parasite in order to achieve maximum control or even eradication.

For instance, simply killing the adult flea is unlikely to provide adequate control.

Several mange mites affect dogs, including *Demodex folliculorum*, *Sarcoptes scabies* and *Cheyletiella*, all of which attack the skin, and *Otodectes*, which is most commonly seen in the ears. Any of these infestations can cause severe illness in puppies and older dogs.

Some of these parasites can cause disease in humans.

Ringworm can be passed to humans. Early diagnosis and thorough treatment is essential if the disease is to be controlled.

The veterinary surgeon should be consulted if any of these conditions is suspected or known. Particular care

is required with pregnant bitches and suckling puppies when using treatments for these infestations.

3.1.2 Advice from the veterinary surgeon must be sought where a dog shows signs of disease, injury or illness. A competent person must ensure this advice is followed.

### 3.2 FIRST AID KIT FOR DOGS

A fully maintained first-aid kit suitable for use on dogs and puppies should be available and accessible on the premises.

The first-aid kit for use on dogs and puppies must be kept fully stocked at all times. A veterinary surgeon should be consulted concerning its contents and a competent member of staff should be in charge of its maintenance.

### 3.3 ISOLATION FACILITIES

3.3.1 Facilities for isolation should be available when required.

The requirement for 5 m distance between isolation facilities and the other dogs is based upon consideration of the distance that airborne infection can carry. Intervening buildings and construction detail (ie, window and door positions) should be taken into account because individual circumstances may significantly affect the recommended distance.

3.3.2 Isolation facilities must be in compliance with the other licence conditions but must be physically isolated from other dogs ideally at a distance of at least 5 m (15 ft).

Isolation facilities must be used where the presence of infectious disease is suspected or known. Protective clothing and equipment, for use only in the isolation facility, must be used to reduce the spread of infection.

3.3.3 Adequate facilities to prevent the spread of infectious disease between the isolation case and any other dogs must be provided.

A management regime should be followed where an isolation case is being handled. For example, isolation cases must be cared for after all other dogs have been attended to. Records of the isolation cases and the management regime to be followed should be kept. (See Record-keeping section at paragraph 6.4).

3.3.4 Hands must be washed after leaving the isolation facilities before handling other dogs.

Complete disinfection of the isolation facilities and equipment must be carried out once vacated.

## **4 Emergencies / Fire Prevention**

### GENERAL

That all appropriate steps will be taken for the protection of the dogs in case of fire or other emergency;

BDA 1973 S. 1 (4)(d)

The domestic breeder must be able to protect the dogs in case of fire or other emergency and have in place an emergency evacuation plan which should be practised at least annually. Smoke detectors are recommended and should be regularly tested.

## **5 Transport**

### GENERAL

That all appropriate steps will be taken to secure that the dogs will be provided with suitable food, drink and bedding material and adequately exercised when being transported to or from the breeding establishment;

BDA 1973 S. 1 (4)(e)

Section 1(4)(e) of the 1973 Act is concerned with safeguarding the welfare of dogs 'when being transported to or from the breeding establishment'. Dogs and puppies being transported to and from breeding establishments should be properly supervised to ensure compliance with the obligations under the 1973 Act. It is recommended that records are kept of the vehicles used when dogs are transported, as well as details of journeys undertaken (see Record-keeping section below at paragraph 6.4). (See also the Welfare of Animals (Transport) Order 1997 under Other Relevant Legislation at page 28).

## **6 Health and welfare of the breeding bitch**

### 6.1 MATING

That bitches are not mated if they are less than one year old;

BDA 1973 S. 1(4) (f)

### 6.2 MAXIMUM NUMBER OF LITTERS

That bitches do not give birth to more than six litters of puppies each;

BDA 1973 S. 1(4) (g)

### 6.3 TWELVE MONTHS BETWEEN LITTERS

That bitches do not give birth to puppies before the end of the period of twelve months beginning with the day on which they last gave birth to puppies; BDA 1973 S. 1(4) (h)

Although the sub-section does not provide any scope for liability, the Home Office and the Scottish Executive guidelines to local authorities expect local authorities to take into account any difficulties in relation to factors beyond the breeder's control, such as when a bitch whelps prematurely. Accurate records showing matings and whelpings will be essential.

## 6.4 RECORD KEEPING

That accurate records in a form prescribed by regulations are kept at the premises and made available for inspection there by any officer of the local authority, or any veterinary surgeon or veterinary practitioner, authorised by the local authority to inspect the premises;  
BDA 1973 S. 1(4) (i)

Additional records will provide useful information to the local authority inspectors should problems arise. It is suggested that this information should include:

6.4.1 The Breeding of Dogs (Licensing Records) Regulations 1999 (SI 1999 No 3192) prescribe the form of records to be kept by licensed breeding establishments. These records must be accurate and kept on the premises and made available to local authority inspectors or any veterinary surgeon or veterinary practitioner authorised by the local authority.

- The details and number of all dogs owned by the licensed breeder and their whereabouts;
- oestrus dates of breeding bitches;
- microchip and tattoo numbers or other suitable form of identification. If the dogs are KC registered, these numbers should also be recorded;
- where dogs are under a breeding arrangement, the details of such dogs, together with their whereabouts;
- vaccination and worming records and details of other veterinary treatment given;
- cleaning and disinfecting regimes;
- feeding and exercise regimes;
- accommodation temperatures;
- details of any isolation cases and the management regime in place;  
details of vehicles used for transporting dogs, as well as time, length of journeys taken and destination.

This list is by no means exhaustive.

6.4.2 A record must be kept by every licensed dog breeder for each breeding bitch providing the name of the bitch, date of birth, address where she is kept, breed, description, date of mating and details of sire. Licensed dog breeders must also keep a record of any litters, including the sex of the puppies, date of birth, weight, description and total number in the litter. The record must also show the details of sale, namely the date of sale, name and address of who was supplied and the status of the purchaser (ie, private owner or pet shop).

# NON-DOMESTIC BREEDERS

## 1 Accomodation

### 1.1 GENERAL

Dogs will at all times be kept in accommodation suitable as respects construction, size of quarters, numbers of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;

BDA 1973 S. 1 (4)(a)

The establishment should, at all times, be laid out and operated in accordance with an approved plan, to be attached to the licence. Before carrying out alterations, advice should be sought from the licensing officer of the local authority.

Where kennels are provided, within converted outbuildings, consideration should be given to cleaning, energy conservation, wildlife access, vermin control, natural lighting and ventilation.

Converting existing buildings may be more expensive to adapt and less efficient to operate than building new kennels. Proposed building works may require approval from the building control department and/or planning department.

1.1.1 Where wood has been used in an existing construction it must be smooth and treated to render it impervious. Wood should not be used on exposed surfaces of walls, floors, partitions, door frames or doors in the dog kennelling area. There must be no projections liable to cause injury.

The purpose of avoiding wood on surface structures of kennel interiors is because of the possibility of damage to the material caused by scratching or chewing by dogs. Worn and splintered material is difficult to clean, harbours bacteria, viruses and so on, and allows the splinters to penetrate the animal's skin.

1.1.2 All exterior wood should be properly treated against wood rot, eg, tanalised. Only non-toxic products should be used.

The interior and exterior of the buildings should be kept in good decorative order and repair. Outer paths, gardens, exercise areas and general surroundings should be kept in good, clean, safe condition.

1.1.3 All internal surfaces used in the construction of walls, floors, partitions, doors and door frames are to be durable, smooth and impervious. There must be no projections or rough edges liable to cause injury.

1.1.4 Sleeping areas of kennels must be insulated so as to prevent extremes of temperature.

Where galvanised welded mesh is used for fencing the wire diameter should not be less than 2 mm (14 standard wire gauge) excluding any covering and the mesh size should not exceed 5 cm (2 in).

1.1.5 The construction should be such that the security of the dog is ensured.

1.1.6 Fencing material should be secure and safe.

## 1.2 WALLS AND PARTITIONS

1.2.1 Walls with which dogs may come into contact must be of smooth impervious materials, capable of being easily cleaned. Where concrete or other building blocks or bricks are used, they should be sealed so as to be smooth and impervious, and resealed as necessary.

Sealing is the use of proprietary water proofing agent for sealing the wall against damp-penetration. Under certain circumstances sealing of brickwork can only be achieved by rendering prior to sealing.

1.2.2 Junctions between vertical and horizontal sections should be covered. If impractical in existing premises, all joints should be sealed.

Partition construction may be solid from floor to ceiling, but this should not be to the detriment of other welfare considerations such as the dog's outlook, lighting, ventilation and socializing. Suitable materials for the construction of partition walls include properly surfaced impervious brick/block constructions, moulded plastic, glass reinforced plastic (GRP) and pre-formed plastic surfaced board.

1.2.3 It is suggested that partition walls between kennels and individual exercise areas should be of solid construction to a minimum height of 1.2m(4ft).

Constructing a solid partition to a minimum height provides a physical barrier to infection. It will also reduce aggression while allowing the dogs to socialise.

## 1.3 FLOORS

1.3.1 Floors of all buildings, individual exercise areas and kennels should be of smooth, impervious materials, capable of being easily cleaned. It is recommended that new kennels should incorporate a damp proof membrane.

Floors of kennels and related exercise areas should be constructed of impervious material and be easily cleanable while providing sufficient grip for the animal to walk or run without sustaining injury

1.3.2 All floors of kennels and individual exercise areas should be constructed and maintained in such a condition as to prevent pooling of liquids.

Drainage channels should be provided near to the kennel edge so that urine cannot pass over walk areas in corridors and communal access areas. A separate drainage channel may be needed in the exercise area. Advice concerning waste water outlets must be sought from the Environment Agency and/or, the local authority. (See Environmental Protection under Other Relevant Legislation at page 28.)

1.3.3 In new constructions, it is recommended that floors should be laid to a minimum fall of 1 in 80 leading to a shallow drainage channel or effectively covered deep drainage channel.

1.3.4 Communal exercise areas should also be suitably drained to prevent pooling of liquids.

#### 1.4 CEILINGS

Ceilings must be capable of being easily cleaned and disinfected.

#### 1.5 DOORS

1.5.1 Kennel doors should be strong enough to resist impact and scratching and should be capable of being effectively secured.

When designing kennel doors regard should be had to the health and safety of the person working in the kennel, for example, large dogs may push against the door which may give rise to difficulties in securing the door and even to accidents to the person on the opposite side of the door when it opens outwards. A door which opens inwards may also reduce the possibility of escape. (See Health and Safety at Work Act 1974 under Other Relevant Legislation at page 27.)

1.5.2 Where metal bars and frames are used, they should be of suitable gauge with spacing adequate to prevent dogs escaping or becoming entrapped. Where metal edging is used, this should not present a risk of injury to the dog.

1.5.3 Door openings should be constructed such that the passage of water/waste is not impeded, or allowed to accumulate due to inaccessibility.

#### 1.6 WINDOWS

Windows should not pose a security risk and ideally should be escape proof for the protection of the dog as well as the public.

Dogs should not be allowed to escape. When windows are so situated that they pose a security risk, it is recommended that welded mesh or reinforced glass, polycarbonate or other impact-resistant material is used. (See Other Relevant Legislation concerning the Control of Dogs Order and the Dangerous Dogs Act at pages 28 and 29 respectively).

#### 1.7 DRAINAGE

The establishment must be connected to mains drainage or an approved sewerage disposal system.

(See Environmental Protection under Other Relevant Legislation at page 28.)

## 1.8 LIGHTING

1.8.1 During daylight hours light must be provided to exercise and sleeping areas so that all parts are clearly visible. Where practicable this should be natural light.

Lighting must be of sufficient standard to enable efficient working both during and after daylight hours.

It is recommended that breeding establishments should have a low level night light for a 12 hour period for after daylight hours.

1.8.2 Adequate supplementary lighting must be provided throughout the establishment.

## 1.9 VENTILATION

Ventilation must be provided to all interior areas without the creation of excessive, localised draughts in the sleeping area.

A balance should be struck between providing adequate ventilation while avoiding unnecessary removal of heat.

Checks need to be made during the day and night to allow for temperature fluctuations.

Ventilation is important in disease control. It provides protection against accumulation of odour and prevents excessive humidity. High humidity increases the risk of infectious bronchitis ('Kennel Cough').

Bedding should have sufficient depth to allow the dog protection against draughts.

See Section 1.12 on Temperature in Kennels.

## 1.10 NUMBER OF DOGS PERMITTED

1.10.1 The maximum number of dogs to be kept at any one time is [ ] to be determined by the Local Authority.

The number of dogs permitted must relate to the number and size of the kennels available and should be stipulated clearly on the front sheet of the licence. The decision regarding the number of dogs permitted to be kept must take into account the maximum likely litter size as well as the effectiveness of site management.

## 1.11 KENNEL SIZE, LAYOUT AND EXERCISE FACILITIES

1.11.1 Kennels should be provided with an adequate size of sleeping area.

When constructing kennels, an appropriate design and correct materials should be used to overcome problems of noise emission and to ensure energy conservation. This is in order to minimise discomfort to the dog and risk of nuisance to persons in the vicinity of the site. (See Nuisance under Other Relevant Legislation at page 28.)

Dogs should be able to lie down, turn around and stand comfortably in the sleeping area, with sufficient space for the door to open fully.

Special consideration should be given to whelping bitches. Kennels should cater for the maximum number of puppies having regard to the size of the breed and litter size. To avoid crushing puppies, crush bars can be useful when breeding large or giant dogs or if the bitch is particularly clumsy.

- 1.11.2 Bedding should be suitable to allow dogs to be comfortable. Bedding must be capable of being easily cleaned and sanitised and sited away from draughts. All bedding material in use should be clean, parasite free and dry.
- In adverse weather conditions, the responsible person must decide whether or not dogs are given free access to their exercise area. The exercise area should be roofed to a minimum of half the area, sufficient to give the dog protection against the weather. Some of this should be translucent material capable of filtering UV light and providing adequate shade.
- 1.11.3 Adequate exercise areas must be provided for all kennels.
- 1.11.4 Kennels should have a minimum height of 1.8 m (6 ft) to allow adequate access by kennel staff for cleaning.
- It should be borne in mind that certain breeds are more adept at climbing than others. Therefore, depending upon the breed, consideration should be given to covering the whole of the exercise areas.
- 1.11.5 Kennels and exercise areas should open onto secure corridors or other secure areas so that dogs are not able to escape from the premises.
- It is recommended that the exercise area is separate from the sleeping area and exclusive to that kennel for free use by the dog during the day
- 1.11.6 Exercise areas should not be used as sleeping areas.
- 1.12 TEMPERATURE IN KENNELS
- 1.12.1 Heating facilities must be available in the kennel and used according to the requirements of the individual dog.
- The materials used on the kennel exterior should offer adequate protection against temperature variations throughout the year.
- 1.12.2 There must be some part of the sleeping area where the dog is able to enjoy a minimum temperature of 10°C (50°F) and a maximum temperature of 26°C (79°F).
- The difficulty of maintaining the ideal temperature is acknowledged, however, these are realistic temperatures and should not be exceeded in normal circumstances. Puppies under two weeks of age should be kept at a temperature between 26°C (79°F) to 28°C (82°F). Temperatures at dog level should be monitored and recorded. (See Record-keeping section below at paragraph 6.4).
- There will be periods in the year where the ambient external temperatures will cause temperatures to fluctuate above or below the recommended levels. If the higher temperature is exceeded due to structural shortcomings rather than normal ambient temperature, then artificial means of counteracting this high temperature should be introduced.
- Where temperatures fall below the recommended level, the use of individual heating lamps for dogs may prove adequate. In some circumstances, additional background heating will also be required.
- Failure to give adequate attention to construction and

insulation may cause dogs to suffer and increase running costs. Geographical orientation will affect temperature, e.g. north facing openings make it difficult to maintain adequate heating levels. Correct orientation of the kennel will allow maximum use of natural light.

Devices used for heating and cooling must be safe and free from risk of burning or electrocution. Open flame appliances must not be used and manufacturer's instructions should be followed. (See Health & Safety at Work Act 1974 under Other Relevant Legislation at page 27.)

## 1.13 CLEANLINESS

1.13.1 All kennels, corridors, common areas, kitchens and so on must be kept clean and free from accumulations of dirt and dust so that disease control is maintained and the dogs are comfortable.

Advice must be sought from the Environment Agency or local authority concerning removal of waste such as dog faeces and soiled material. In addition, foul waste water must be disposed of by discharge to the approved drainage system. Those wishing to operate an incinerator must seek advice from the Environment Agency and/or the local authority. (See Environmental Protection under Other Relevant Legislation at page 28.)

1.13.2 Each occupied kennel must be cleaned daily. All excreta and soiled material must be removed from all areas used by the dogs at least daily and as necessary.

There are a range of alternative cleaning regimes. The regime should, however, include:

1. Removal of solids
2. Washing
3. Disinfection
4. Drying

1.13.3 All sleeping areas and bedding must be kept clean and dry.

The physical collection of faeces is usual ('poop scoop' or shovel and bucket). The use of detergent and water will 'wash down', Pressure hoses or steam cleaning will wash down more effectively.

Bacteria, viruses, fungi must be controlled by the sanitising process, Because disinfectant is washed away after a short period of time, the long term activity of chemicals used to control viruses, bacteria and fungi should be considered.

1.13.4 Regular disinfection should be demonstrated by keeping records of disinfecting regimes.

Great care should be taken when using any chlorine-based chemical, eg, bleach. Chemicals and materials must be used and stored correctly. (See notes on COSHH Regulations under Other Relevant Legislation at page 27).

1.13.5 Facilities must be provided for the proper reception, storage and disposal of waste. Particular care should be taken to segregate waste arising from the treatment and handling of dogs with infectious diseases. (See Isolation section at paragraph 3.3).

Combinations of bactericides, fungicides and virucides may prove expensive to use and may not necessarily provide the best system. Professional advice should be sought for the most effective method.

Staff working from kennel to kennel further increase the risk of spreading disease. Staff should be trained in good kennel hygiene. Complete disinfection of kennel and equipment must be carried out between occupancies.

1.13.6 Measures must be taken to minimise the risks from rodents,

insects and other pests within the breeding establishment. Such pests should be adequately dealt with without delay to eradicate the infestation.

## **2 Management**

### **2.1 GENERAL**

Dogs will be adequately supplied with suitable food, drink and bedding material, adequately exercised and visited at suitable intervals;  
BDA 1973 S.1(4)(b)

The 1999 Act strengthens the requirements for dogs to be visited at suitable intervals.

### **2.2 SUPERVISION**

2.2.1 A fit and proper person should always be present to exercise supervision and deal with emergencies.

Ideally, a written training policy should be provided. Training of staff, whether permanent or temporary, should be demonstrated to have been carried out on all aspects of the care of all ages of dogs. Staff should be adequately trained in the work they are expected to carry out. For example, in handling dogs safely and in procedures to be followed in the event of an emergency (See Health and Safety at Work Act 1974 under Other Relevant Legislation at page 27.)

2.2.2 Dogs must be checked regularly throughout the day.

The following are regarded as essential topics to be covered in the training programme relating to the care of dogs: Animal Health and Welfare; Cleanliness and Hygiene; Feeding and Food Preparation; Disease Control; Recognition of Sick Animals; Dog Handling; Health and Safety; Emergency Procedures.

There are a variety of animal care courses available and staff should be encouraged to attend. Relevant NVQs attained at Level 2 or the equivalent should enable staff to gain a minimum level of competency.

The licensee should have adequate staff ratios to number of dogs. Non-domestic breeding kennels should have a ratio of at least one member of staff to 30 dogs where the dogs are adult and not whelping or nursing puppies. However, whelping and nursing bitches are time-consuming. It is therefore recommended that at least one member of staff should be available for every 5 bitches which are either whelping or nursing puppies.

It is recommended that dogs should be checked regularly by a member of staff at least every four hours between 8 am and 6 pm. An evening visit may be appropriate but this must be balanced against the possibility of disturbing the dogs and thereby causing a

nuisance due to excessive barking. Dogs should not be left alone for long periods of the day.

Checks should be more frequent when bitches are whelping or when puppies are not yet weaned.

Breeding establishments are the permanent home for some dogs and therefore provision of exercise facilities may be inadequate for the long term. Arrangements should be made for the dogs to be exercised at least twice a day. Dogs should not be kept permanently confined. Where dogs are exercised off the premises, reference should be made to the Dogs (Fouling of Land) Act 1996 and the Control of Dogs Order 1992. (See Other Relevant Legislation at page 28.)

The name, address and telephone number (including the emergency number) of the establishment's veterinary practice should be displayed prominently, preferable by the telephone.

## 2.3 FOOD AND WATER SUPPLIES

2.3.1 All dogs must be adequately supplied with suitable food. Clean water must be available at all times and changed daily.

Dogs must be fed sufficiently well to maintain health. Inspectors should observe the general nutrition of the dogs and check on the quality of food in store and the process of preparation. If necessary, the veterinary surgeon should be consulted to advise.

2.3.2 Eating and drinking vessels must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must be maintained in a clean condition and cleansed or disposed of after each meal.

To avoid flies and odours, food should not be left for excessive periods in the kennel, nor should food be left outside at night as this will attract vermin.

Special dietary considerations should be given to young and old dogs and to whelping and nursing bitches.

Nutrition is particularly important during pregnancy and lactation. It is recommended that a requirement of about 15 times the non-pregnant state is necessary for the last few (say three) weeks of pregnancy.

Lactation will last until the puppies are weaned. During lactation, the bitch must have sufficient food to satisfy the demands being made on her. Consideration should also be given to how many puppies the bitch is nursing.

During lactation the bitch should be closely monitored for signs of complications (e.g. eclampsia).

The feeding level required for the bitch after weaning will depend on her body condition.

Where a proprietary food source is used the manufacturer's guide should be followed.

Veterinary advice should be sought if in doubt about any of the above.

## 2.4 KITCHEN FACILITIES

- 2.4.1 Exclusive facilities, hygienically constructed and maintained, should be provided for the storage and preparation of food for the dogs.
- 2.4.2 Where fresh and cooked meats are stored, refrigeration facilities must be provided. Food contamination must be avoided.
- 2.4.3 A sink with hot and cold running water must be available for washing kitchen utensils and eating and drinking vessels. A separate hand basin with hot and cold running water should be provided for staff.
- 2.4.4 Containers for storing foods should be provided and should be constructed and maintained to guard against insects and other pests.

## 3 Disease control, vaccination and worming

### 3.1 GENERAL

All reasonable precautions will be taken to prevent and control the spread among dogs of infectious or contagious diseases;  
BDA 1973 S.1(4)(c)

Adequate precautions should be taken to prevent and control the spread of infectious and contagious diseases and parasites among dogs, and zoonoses among dogs, staff and visitors. Records should be kept of all vaccination and worming regimes. (See Record-keeping Section at paragraph 6.4).

- 3.1.1 All dogs should be vaccinated against Canine Distemper, Infectious Canine Hepatitis (Canine Adenovirus), Leptospirosis (*Leptospira canicola* and *Leptospira icterohaemorrhagiae*) and Canine Parvovirus. It may be necessary to vaccinate against other diseases and veterinary advice should be sought.

Infectious bronchitis ('Kennel Cough') can be problematic in kennels, and staff should be aware of the symptoms. However, because vaccination will depend on the local level of infection, it is recommended that the advice of the veterinary surgeon is sought.

For the control of roundworms, pregnant and nursing bitches should be given additional worming treatment. Breeding bitches require particular attention and veterinary advice should always be sought. However, as a rule of thumb, it is suggested that bitches are wormed before mating and then again after the 41<sup>st</sup> day of pregnancy with a broad spectrum anthelmintic.

The bitch should also be wormed at the same time as the puppies, which should be when the puppies are at two, four and six weeks of age.

Thereafter it is recommended that puppies should be wormed at regular intervals, according to manufacturer's instructions.

From 16 weeks of age into adulthood, worming should be carried out routinely two to four times per year.

Advice concerning dogs with tapeworms should be sought from the veterinary surgeon.

Fleas, lice, ticks and harvest mites are common ectoparasites of dogs. When treating these infestations it is important to take account of the life cycle of the parasite in order to achieve maximum control or even eradication. For instance, simply killing the adult flea is unlikely to provide adequate control.

Several mange mites affect dogs, including *Demodex folliculorum*, *Sarcoptes scabiei* and *Cheyletiella*, all of which attack the skin, and *Otodectes*, which is most commonly seen in the ears. Any of these infestations can cause severe illness in both puppies and older dogs.

Ringworm can be passed to humans. Early diagnosis and thorough treatment is essential if the disease is to be controlled.

Some of these parasites can cause disease in humans.

The veterinary surgeon should be consulted if any of these conditions is suspected or known. Particular care is required with pregnant bitches and suckling puppies when using treatments for these infestations.

It is important that there are facilities and procedures for cleaning and disease control. Staff should know what action to take in the event of an outbreak of a disease/illness. In addition, staff should be aware of the procedure to be followed in the event of a dog being found dead. Sudden death of a bitch or puppy should, if possible, be investigated and therefore advice should be sought from a veterinary surgeon.

Phenolic disinfectants should not be used around dogs. Dogs must be kept dry whilst kennels and enclosures are being cleaned.

All insecticides, disinfectants and so on, must be used strictly in accordance with the manufacturer's instructions. In addition, staff must be told of any precautions they should take before using such solutions. Hazard sheets should be posted at strategic points in the establishment. It may be necessary to provide protective clothing.

### 3.1.2 Advice from a veterinary surgeon must be sought where a dog shows signs of disease, injury or

illness. A competent person must ensure this advice is followed.

## 3.2 FIRST AID KIT FOR DOGS

A fully stocked first-aid kit suitable for use on dogs and puppies should be available and accessible on the premises.

The first-aid kit for use on dogs and puppies must be kept fully stocked at all times. The veterinary surgeon should be consulted concerning its contents and a competent member of staff should be in charge of its maintenance.

## 3.3 ISOLATION FACILITIES

### 3.3.1 Isolation facilities should be provided.

It is recommended that isolation facilities should be provided at the rate of at least one isolation kennel for up to 50 kennels at the breeding establishment and pro rata above that. The number should be noted on the Licence.

### 3.3.2 Isolation facilities must be in compliance with the other licence conditions but must be physically isolated from the main kennels at a distance of at least 5 m (15 ft).

The requirement for 5 m distance between isolation facilities and the main kennels is based upon consideration of the distance that airborne infection can carry. Intervening buildings and construction detail (ie, window and door positions) should be taken into account because individual circumstances may significantly affect the recommended distance,

### 3.3.3 Adequate facilities to prevent the spread of infectious disease between isolation and other kennels must be provided.

Isolation facilities must be used where the presence of infectious disease is suspected or known. Where stray dogs or new arrivals are accepted by kennels they must be kept in a separate area.

### 3.3.4 Hands must be washed after leaving the isolation facilities before handling other dogs and visiting kennels.

Protective clothing and equipment, for use only in the isolation facility, must be used to reduce the spread of infection.

A management regime should be followed where an isolation case is being handled. For example, isolation cases must be cared for after all other dogs have been attended to. Records of the isolation cases and the management regime to be followed should be kept. (See Record-keeping section at paragraph 6.4).

Complete disinfection of the isolation facilities and equipment must be carried out once vacated.

## 4 Emergencies/Fire Prevention

### 4.1 GENERAL

All appropriate steps will be taken for the protection of the dogs in case of fire or other emergency;

BDA 1973 S. 1 (4)(d)

The onus is upon the breeding establishment to ensure adequate fire prevention precautions are in place.

Appropriate steps should be taken in the event of an emergency.

It is recommended that plans and details for large breeding establishments are lodged with the police and fire authorities

4.1.1 There should be an emergency evacuation plan and fire warning procedure in place. This should be posted where staff may become familiar with it. This procedure should include instructions dealing with where dogs are to be evacuated.

Fire prevention advice may be sought from the Fire Prevention Officer regarding appropriate fire drills, fire escapes and equipment. Staff should not attempt to fight a fire unless they are confident that they can do so without injury,

4.1.2 Fire fighting equipment and detectors should be properly maintained.

Staff should be familiar with the fire evacuation procedure by use of fire drills. Staff should also know how to use fire extinguishers. Smoke detectors are recommended. Fire detection and fighting equipment should be easily accessible and regularly tested. Exit routes should be kept clear,

4.1.3 All electrical installations and appliances should be maintained in a safe condition. There should be a residual current circuit breaker system on each block of kennels.

When new buildings are constructed or existing buildings modified, the Fire Prevention Officer should be consulted regarding written advice on fire prevention requirements.

4.1.4 Heating appliances should not be sited in a location or manner where they may present a risk of fire, or risk to dogs.

The Fire Precautions (Workplace) Regulations 1997 place a duty on employers to carry out a risk assessment for premises not covered by a fire certificate.

4.1.5 Precautions should be taken to prevent any accumulation of material which may present a risk of fire.

Copies of Fire Safety - An Employer's Guide may be obtained from HSE books.

4.1.6 There should be adequate means of raising an alarm in the event of a fire or other emergency.

## 5 Transport

### GENERAL

That the dogs will be provided with suitable food, drink and bedding material and adequately exercised when being transported to or from the breeding establishment;

BDA 1973 S.1(4)(e)

The welfare of dogs 'when being transported to or from the breeding establishment'. Dogs and puppies being transported to and from breeding establishments should be properly supervised to ensure compliance with the obligations under the 1973 Act. It is recommended that records are kept of the vehicles used when dogs are transported, as well as details of journeys undertaken (see Record-keeping section at paragraph 6.4). (See also the Welfare of Animals (Transport) Order 1997 under Other Relevant Legislation at page 28.)

## 6 Health and welfare of the breeding bitch

### 6.1 MATING

That bitches are not mated if they are less than one year old;  
BDA 1973 S. 1(4) (f)

### 6.2 MAXIMUM NUMBER OF LITTERS

That bitches do not give birth to more than six litters of puppies each;  
BDA 1973 S. 1(4) (g)

### 6.3 TWELVE MONTHS BETWEEN LITTERS

That bitches do not give birth to puppies before the end of the period of twelve months beginning with the day on which they last gave birth to puppies; BDA 1973 S. 1(4) (h)

Although the sub-section does not provide any scope for flexibility, the Home Office and the Scottish Executive guidelines to local authorities expect local authorities to take into account any difficulties in relation to factors beyond the breeder's control, such as when a bitch whelps prematurely. Accurate records showing matings and whelpings will be essential.

### 6.4 RECORD-KEEPING

That accurate records in a form prescribed by regulations are kept at the premises and made available for inspection there by any officer of the local authority, or any veterinary surgeon or veterinary practitioner, authorised by the local authority to inspect the premises;  
BDA 1973 S. 1(4) (i)

Additional records will provide useful information to the local authority inspectors should problems arise. It is suggested that this information should include:

- The details and number of all dogs owned by the licensed breeder and their whereabouts;
- oestrus dates of breeding bitches;
- microchip and tattoo numbers or other suitable form of identification. If the dogs are KC registered, these numbers should also be recorded;
- where dogs are under a breeding arrangement, the

6.4.1 The Breeding of Dogs (Licensing Records) Regulations 1999 (SI 1999 No 3192) prescribe the form of records to be kept by licensed breeding establishments. These records must be accurate and kept on the premises and made available to local authority inspectors or any veterinary surgeon or veterinary practitioner authorised by the local authority.

- details of such dogs, together with their whereabouts,
- vaccination and worming records and details of other veterinary treatment given;
- cleaning and disinfecting regimes;
- feeding and exercise regimes;
- accommodation temperatures;
- details of any isolation cases and the management regime in place;
- details of vehicles used for transporting dogs, as well as time, length of journeys taken, and destination.

This list is by no means exhaustive.

6.4.2 A record must be kept by every licensed dog breeder for each breeding bitch providing the name of the bitch, date of birth, address where she is kept, breed, description, date of mating and details of sire. Licensed dog breeders must also keep a record of any litters, including the sex of the puppies, date of birth, weight, description and total number in the litter. The record must also show the details of sale, namely the date of sale, name and address of who was supplied and the status of the purchaser (ie, private owner or pet shop).

# OTHER RELEVANT LEGISLATION

References to other relevant legislation are made simply to alert the reader to other issues, such as those relating to health and safety matters, as well as environmental protection, which should also be considered in the operation of a breeding establishment.

References to legislation should not be taken as a detailed explanation of the law, and this publication may not refer to all legislation that may be relevant depending on the circumstances.

It should be borne in mind that laws change and expert advice should always be sought as to the current legal position.

A list of useful addresses is included at the back of the guide.

## 1. Health and Safety at Work Act 1974

Employers must ensure the safety of their workers and visitors to the workplace. This is underpinned by the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1992.

A safe system of work must be in place and there must be adequate training and supervision. For example, staff employed to handle dogs must be competent and properly trained for the work they are expected to carry out.

Employers with five or more employees are also required to prepare (and keep under review) a written statement of their health and safety policy.

Employers with five or more employees are required to carry out and record the findings of risk assessments. The steps taken to control the risks identified should also be recorded.

Employers with five or more employees are required to keep an accident book. Ideally, near misses should also be recorded. An approved form of accident book may be obtained from The Stationery Office.

A copy of The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR), as well as other regulations may be obtained from The Stationery Office.

Areas of health and safety include safety management, manual handling, visual display screens, provision and use of work equipment, personal protection equipment, control of substances hazardous to health (COSHH), electricity at work, noise at work and first aid. The Health and Safety Executive and/or the local authority should be contacted for further advice and information.

## **2. Control of Substances Hazardous to Health (COSHH) Regulations**

These Regulations require chemical substances to be kept on premises in a safe manner. There should be a review of whether it is possible to reduce the number of chemicals used and to use chemicals which are less hazardous in order to do the same job.

These Regulations also cover zoonoses (diseases transmitted between animals and people, such as Salmonellosis, Toxocariasis and Toxoplasmosis) and suitable advice on risks and precautions should be brought to the attention of staff. Staff should also be suitably vaccinated. It is vital that those working with dogs are aware of the importance of preventing disease transference and take appropriate steps. Cross contamination risks are high and good hygiene is important.

An approved Code of Practice on COSHH Regulations is available from HSE Books.

## **3. Staff**

Adequate toilet and washing facilities must be available for staff in accordance with health and safety requirements. There is a general duty on employers to ensure there is adequate first aid provision for employees. All employers must provide a first aid box which should be clearly identified as a first aid container. A person must be appointed to take charge of a situation in the event of serious injury or illness. Staff may need to be provided with items such as protective clothing, dog catching devices and muzzles.

## **4. Environmental Protection**

Certain waste may only be passed to registered carriers or appropriate licensed or authorised disposal facilities. Those wishing to dispose of waste on their premises or operate an incinerator must seek advice from the local authority.

The type of waste likely to be produced by breeding establishments would include faeces, soiled material, waste water, blood and other discharges. Blood and tissues are clinical waste. There are regulations which pertain to the collection, carriage and disposal of such waste and place a duty of care on those producing and handling certain types of waste. Advice should be sought from the Environment Agency Regional Office which produces information sheets or from the local authority. In Scotland, advice should be sought from the regional offices of the Scottish Environment Protection Agency or the local authority.

## **5. Nuisance**

It is important to consider the potential problem of noise and odour nuisance. Local authorities may serve an abatement notice and if this is ignored, a summons may follow.

Monitoring a single dog barking at close range may produce a reading in the region of 95 dB(A). It is important to design and site kennels to prevent any cause for complaint from neighbours. The choice of appropriate materials, and their correct use in design, in terms of preventing noise (and odour) nuisance is extremely important. It should be borne in mind that if the nuisance is unreasonable having regard to the area, a cause of action could still arise even if the nuisance was already present when the complainant moved to the area.

In Scotland, the Civic Government (Scotland) Act 1982 - Dangerous and Annoying Creatures - Section 49 makes it an offence for anyone to allow a creature in their charge to endanger or injure any person or give that person reasonable cause for alarm or annoyance when in a public place. It also allows any person to apply to a court for an order if they consider that a creature kept in the vicinity where the applicant resides is giving cause for annoyance. In such circumstances it is open to the Court to order that the person keeping the creature takes whatever steps the court considers necessary to prevent the continuance of the annoyance. Failure to comply with such an order is also an offence.

Environmental Health Officers within the local authority should be able to give further advice and guidance on nuisance problems and related statutory provisions.

## **6. Dogs (Fouling of Land) Act 1996**

This Act empowers local authorities to designate certain land for the purpose of making it an offence to allow a dog to defecate on such land. If the person in charge of a dog allows that dog to defecate on designated land and fails to remove the faeces forthwith, then that person will be guilty of an offence, unless he has reasonable excuse or has the consent of an authorised person not to remove the faeces. It should be borne in mind that the Act specifically states that it will not be considered reasonable excuse if a person is without the means to remove the faeces or is unaware that the dog has defecated.

The Dogs (Fouling of Land) Act 1996 is only applicable in England and Wales. Dog fouling provisions for Scotland are contained at Section 48 of the Civic Government (Scotland) Act 1982.

Department of the Environment Circular No. 18/1996: Dogs (Fouling of Land) Act 1996 provides useful guidance on the Act. Where dogs are exercised off premises, the provisions of this Act should be borne in mind.

## **7. The Control of Dogs Order 1992**

This Order replaces and extends the Control of Dogs Order 1930 and provides that every dog, subject to specific exceptions, while in a highway or in a place of public resort shall wear a collar with the name and address of the owner inscribed on the collar or on a plate or badge attached to it. It should be noted that it is the local authority who have the authority to enforce the Order.

## **8. The Welfare of Animals (Transport) Order 1997**

The Welfare of Animals (Transport) Order 1997 came into force on 1 July 1997 and makes general provision for the welfare of animals during transport. It is the UK's implementing legislation of EC Directive 91/628/EEC as amended by Directive 95/29/EEC. Its relevance to transporting dogs will depend upon whether the dogs are being transported in the course of a business.

The Order provides a general obligation that 'No person shall transport any animal in a way which causes or is likely to cause injury or unnecessary suffering to that animal'. This obligation applies to all journeys, regardless of their nature and length.

Apart from the general obligation referred to above, the Order shall not apply to transport which is not of a commercial nature, or to transport of an individual animal accompanied by its owner or other responsible person and is fit for the journey or to the transport of pet animals which are accompanied by their owners on a private journey.

Transport of a commercial nature is defined as meaning 'transport in the course of a trade or business'.

The Order provides for feeding and watering, travelling times and rest periods. Schedule 1 provides for general requirements for construction and maintenance of the means of transport and Schedule 4 includes additional requirements specific to domestic dogs.

Enforcement of the Order shall be executed by the local authority, but in particular cases the order may be enforced by the Minister.

The local authority should be contacted in the first instance where there is concern that the Order is not being complied with.

Guidance on the Welfare of Animals (Transport) Order is available from MAFF.

## **9. Dangerous Dogs Act 1991**

The Dangerous Dogs Act 1991 prohibits persons from having in their possession or custody dogs of a type specified in Section 1. It enables restrictions to be imposed in relation to other types of dog which present a serious danger to the public; and makes further provision for ensuring that dogs are kept under proper control by their owners and those in charge of them.

The Home Office and Scottish Office have released several circulars on the 1991 and 1997 Acts and these may be obtained from the relevant Government Departments.

## **10. The Dangerous Dogs (Amendment) Act 1997**

The Dangerous Dogs (Amendment) Act 1997 amends the Dangerous Dogs Act 1991 and allows the Courts limited discretion where previously a destruction order would have been mandatory.

## **11. Protection of Animals Acts 1911 and 1954**

The Protection of Animals Act 1911 makes it an offence, *inter alia*, to cause any animal unnecessary suffering. Section 12(1) of the 1911 Act states that a police constable may apprehend without warrant any person who he has reason to believe is guilty of an offence under this Act which is punishable by imprisonment without the option of a fine, whether upon his own view thereof or upon the complaint and information of any other person who shall declare his name and place of abode to such constable.

The equivalent legislation in Scotland is the Protection of Animals (Scotland) Act 1912.

The Protection of Animals (Amendment) Act 1954 gives a Court power to disqualify persons convicted of cruelty under the Protection of Animals Act 1911 or the Protection of Animals (Scotland) Act 1912 from keeping a specified animal or animals.

## 12. Council Directive 92/65 EEC - Balai Traded Animals Regulations

From July 1, 1994, dogs imported for breeding purposes are exempt from current quarantine regulations. Traded dogs must:

- Have been kept on registered premises since birth.
- Had no contact with any wild animal.
- Be vaccinated against rabies after the age of three months and at least 6 months before dispatch.
- Have been blood tested 30 days after vaccination. Have valid vaccination records and certificates.
- Show no visible sign of disease.
- Be transported by an authorised carrier.  
Be microchipped for identification and examined within 48 hours of arrival to check certification and microchip identification.

## USEFUL ADDRESSES

British Veterinary Association  
7 Mansfield Street  
London W1 M OAT  
Tel 020 7636 6541  
Fax 020 7436 2970  
[E-mail: bvahq@bva.co.uk](mailto:bvahq@bva.co.uk)

British Small Animal Veterinary Association  
Woodrow House  
1 Telford Way  
Waterwells Business Park  
Quedgeley  
Gloucester GL2 4AB  
Tel 01452 726700  
Fax 01452 726701  
[E-mail: adminoff@bsava.com](mailto:adminoff@bsava.com)

Chartered Institute of Environmental Health  
Chadwick Court  
15 Hatfields  
London SE1 8DJ  
Tel 020 7928 6006  
Fax 020 7827 5865

Local Government Association  
Local Government House  
Smith Square  
London SW1 P 3HZ  
Tel 020 7664 3000  
Fax 020 7664 3030

Department of the Environment  
AEQ Division  
Ashdown House  
Victoria Street  
London SW1 E 6DE  
Tel 020 7890 631 4

Health and Safety Executive InfoLine  
Tel 0541 545500

Home Office  
Animals, Byelaws and Coroners Unit  
Room 976  
50 Queen Anne's Gate  
London SW1 H 9AT

Tel 020 7273 2316

International Sheep Dog Society  
Chesham House  
47 Bromham Road  
Bedford MK40 2AA  
Tel 01234 352672

The Kennel Club  
1-5 Clarges Street  
Piccadilly  
London W1Y 8AB Tel 020 7493 6651

Ministry of Agriculture, Fisheries and Food  
Animal Health and Veterinary Groups  
1 Page Street  
London SW1 P 4PQ  
Tel 020 7904 6000

The Stationery Office Tel 0870 600 5522

Scottish Executive Development Department  
Local Government Division 2  
Victoria Quay  
Edinburgh EH6 6QQ  
Tel 0131 244 7042  
Fax 0131 244 7058

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