POLICY NOTE

THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (SCOTLAND) AMENDMENT REGULATIONS 2021

SSI 2021/XXX

The above instrument was made by the Scottish Ministers in exercise of the powers conferred by sections 27(5)(a) and 51(2) of the Animal Health and Welfare Act 2006 and all other powers enabling them to do so. The instrument is subject to the affirmative procedure.

Purpose of instrument: This instrument amends schedule 4 and schedule 5 of the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 ("the Licensing Regulations") which come into force on 1 September 2021.

Policy objectives

The key objectives of the instrument are:

- to remove the licence condition in paragraph 1(e) of schedule 4 of the Licensing Regulations, applicable to holders of a licence to engage in animal rehoming activities, which prohibits the supply of kittens (cats aged less than 6 months) as pets, and
- to introduce new licence conditions to schedule 5 of the Licensing Regulations, applicable to holders of a licence to operate an animal welfare establishment, which prohibit the supply of the following animals as pets:
  a) unweaned animals,
  b) mammals weaned at an age at which they should not have been weaned,
  c) non-mammals that are incapable of feeding themselves, and
  d) puppies, kittens, ferrets or kits, aged under 8 weeks old.

Removal of the reference to "kittens" in paragraph 1(e) of schedule 4 will permit operators who hold a licence to engage in animal rehoming activities (including foster carers) to rehome kittens. The Scottish Ministers do not propose to remove the reference to puppies in paragraph 1(e) given the significant issues and concerns with the unlicensed puppy trade. If holders of a rehoming licence were permitted to supply puppies (dogs under 6 months old) there would be a risk that those engaging in unlicensed dog breeding and/or dealing would seek to use animal rehoming as a cover for their unlicensed breeding and dealing activities.

Consultation

In accordance with the requirements of section 27(9) of the Animal Health and Welfare (Scotland) Act 2006 the Scottish Ministers have consulted such persons appearing to them to represent relevant interests and such other persons as they consider appropriate regarding the development of these Regulations. The amendments being introduced were identified as a result of engagement and consultation with relevant stakeholders on the development of associated guidance documents and other work being taken forward in partnership with stakeholders to prepare for the coming into force of the new licensing requirements. During this period of engagement no stakeholder has raised concerns about the amendments being introduced. Indeed the amendments were sought by stakeholders.

Impact assessments

Given the limited affect and scope of this instrument no Business and Regulatory Impact Assessment (BRIA) is necessary (a comprehensive BRIA was laid with the Licensing Regulations).

The amendments introduced by this instrument do not have any data protection implications and accordingly no consultation with the Information Commissioner's Office was necessary.

No equality impact assessment has been undertaken as this instrument does not affect people with 'protected characteristics' (race, sex, disability, age, sexual orientation, gender reassignment and religion or belief).

Financial effects

No financial effects associated with the introduction of this instrument have been identified and none are anticipated.

Post-implementation review

Given that the Scottish Government has ongoing engagement with key stakeholders and local authorities on wider animal welfare work, it is likely that we will receive regular feedback on any aspects of this instrument (and the Licensing Regulations they amend) that are causing difficulties, not achieving their policy objectives or are proving difficult to enforce. Any such feedback will be reviewed by the Scottish Government and where issues are identified we will seek to address them where practicable and appropriate.

Animal Health & Welfare
Directorate for Agriculture & Rural Economy
The Scottish Government
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