



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

**APPLICATION FOR THE GRANT OR RENEWAL OF A LICENCE TO SELL ANIMALS AS
PETS**

PLEASE READ GUIDANCE NOTES SUPPLIED BEFORE COMPLETING FORMS

A. PERSONAL DETAILS

Full Name

Home Address

.....

.....

Post Code

Tel. No Mobile.....

Email

Date of Birth Age.....

Place of Birth

Do you intend to carry out the day to day management of the business? YES / NO

B. BUSINESS DETAILS

Full Name of Business

Address of Registered
or Principal Office

.....

.....

Post Code

Tel. No

Email

Nature of Business Firm/Partnership ☐ Limited Company ☐ Organisation ☐

Full details of all Directors or Partners of the business (continue on a separate sheet if required)

Full Name

Home Address

.....

.....

Post Code

Tel. No Mobile.....

Email

Date of Birth Age.....

Place of Birth

Full Name

Home Address

.....

.....

Post Code

Tel. No Mobile.....

Email

Date of Birth Age.....

Place of Birth

Full Name

Home Address

.....

.....

Post Code

Tel. No Mobile.....

Email

Date of BirthAge.....

Place of Birth

Full details of the employee responsible for the day to day management of the business

Full Name

Home Address

.....

.....

Post Code

Tel. No Mobile.....

Email

Date of BirthAge.....

Place of Birth

C. LICENCE DETAILS

Tick one box only Grant ☐ Renewal ☐

Length of licence 1 year ☐ 2 years ☐ 3 years ☐

If Renewal– Current Licence Number

If not a Renewal:

Have you previously been licensed to sell animals as pets
in this area or any other area in the UK? YES / NO

If Yes Area

Dates and duration of licence

Reason no longer licensed

If not a Renewal

Have you previously been refused a licence to sell animals as pets
in this area or any other area of the UK? YES / NO

If Yes Area
Reason for refusal(s)
Date(s) of Refusal

D. PREMISES DETAILS

Address of the Premises for which
the licence is required
.....
.....

Have you considered if planning consent is required? YES / NO

If Yes, please give the reference and date granted

If No, please search "Do I need planning permission?" at www.moray.gov.uk

Have you considered if a building warrant is required? YES / NO

If Yes, please give the reference and date granted

If No, please search "Do I need a building warrant?" at www.moray.gov.uk

Have you attached a layout plan? ☐

Interior dimensions of the premises to be licensed.....

Method of heating

Method of ventilation

Describe the exits and dimensions thereof and arrangements in case of fire.

.....
.....
.....

E. ANIMAL DETAILS

Description of the animals to be kept and sold

.....
.....
.....

F. INSURANCE DETAILS

Specify the public liability insurance you have in force, giving details of the insurance company and the amount of cover.

.....

.....

Note: Please enclose, with the application, the insurance certificate or other proof of insurance cover.

G. DISQUALIFICATIONS

Have you, or any of your employees ever been disqualified for keeping or having custody of animals under any of the following Acts:-

| | |
|--|----------|
| Animal Welfare Act 2006 | YES / NO |
| Welfare of Animals Act (Northern Ireland) 2011 | YES / NO |
| Animals Act 1911 | YES / NO |
| Pet Animals Act 1951 | YES / NO |
| The Protection of Animals (Scotland) Act 1912 | YES / NO |

If Yes please give details

.....

.....

.....

H. RESIDENCE OUTSIDE THE UK

Since being born have you, or anyone named in this Application lived outside the UK for a continuous period of 12 months or more? YES / NO

If you have answered YES please provide details of all the countries in which you, or anyone named in this application, have lived. Please continue on a separate sheet if required.

Country of Residence.....FromTo.....

Country of Residence.....FromTo.....

Country of Residence.....FromTo.....

Country of Residence.....FromTo.....

For each country you, or anyone named in this application, have lived in the last 10 years you are required to provide a Criminal Record Check. Please refer to the guidance for further details of the documentation you are required to provide.

Declaration

I declare that the particulars given by me on this form are true and I hereby make application to Moray Council for the grant or renewal of the licence applied for.

Signature of applicantDate

Or

Signature of Agent onDate
behalf of applicant

Agents Address
.....

NB. It is an offence for any person to make any statement which he knows to be false in this application or in connection with the making of this application

Data Protection - The Moray Council / Licensing Board is the data controller for this process. Information about you on this form will be used to process your licensing application. In processing your application, the information may be shared between Council departments, other agencies and the public where necessary and/or in accordance with statute. The Council / Board has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you. For full terms please visit [Licensing Privacy Statement](#). For full Data Protection policy, information and rights please see www.moray.gov.uk/dataprotection .



GUIDANCE NOTES for SELLING ANIMALS AS PETS LICENCE

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

Disclaimer

These notes have been prepared as an outline of the licensing provisions in connection with selling animals as pets as introduced by the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021. Whilst every effort has been made to ensure accuracy, these notes are for general guidance only and do not constitute legal advice. It is the responsibility of applicants and licence holders to ensure that they comply with the provisions of the Act, any statutory instruments made thereunder, the conditions outlined in the schedule attached to your licence and any policy/guidance notes issued by the Council.

INTRODUCTION

To run a business selling pet animals you need a licence from us. This includes all commercial selling of pet animals, including pet shops and businesses selling animals over the internet;

THE APPLICATION FORM

The application is split into 7 sections

- A. Personal Details
- B. Business Details
- C. Licence Details
- D. Premises Details
- E. Animal Details
- F. Disqualifications
- G. Residence Outside the UK

You must answer all of the questions as fully as you can as failure to do so may result in your application being returned to you. Your application will not be processed until you have provided all the necessary information.

A. PERSONAL DETAILS

Last Updated 29/03/2019

You require completing this section if you are an individual person applying for a licence to sell animals as pets rather than a business or partnership. It is essential that your personal details are supplied on the application form so that necessary police checks can be undertaken swiftly and so your application can be processed as quickly as possible.

B. BUSINESS DETAILS

You require completing this section if the premises are run by a company or partnership rather than an individual person. Please include the details of any Partners, Directors responsible for the management of the business.

C. LICENCE DETAILS

A licence to sell animals as pets generally lasts for a maximum of 1 year although the Licensing Authority have the discretion to grant it for a shorter period. Once it expires you can apply to renew it for a further 1 year.

Grant of a Licence - If you have never held a licence to sell animals as pets before, or you do not currently have such a licence, or you are moving to different premises then you need to apply for the grant of a licence.

Renewal of Licence – If you currently hold a licence to sell animals as pets which has not expired, but is due to expire then you need to apply for a renewal of the licence. The old licence remains in force until the renewal is granted, but only if the renewal application is made before the expiry date.

If you are applying for the grant of a licence you are asked questions on the form as to whether you have previously held a licence in the United Kingdom or whether you have been refused such a licence previously. Please note that it is very important that you complete these questions fully.

D. PREMISES DETAILS

You are required to supply the full postal address and telephone number of the premises to which the licence is to relate. Please also include the details of the heating and ventilation, description of the fire and fire evacuation plan. Please include a layout plan and as much information as possible. The Council may ask for further information in regards to the premises and you will be required to provide this upon request.

E. INSURANCE DETAILS

Under this section applicants under the above licence and who may employ others are asked to provide details of their public liability insurance policy. You are also asked to produce a certificate or other proof of insurance cover when you lodge the application.

The Moray Council requires applicants under this licence to have in force during the period of their licence a policy of public liability insurance of £5 million to cover the public, employees and property against injury or damage.

F. ANIMAL DETAILS

Please give details of all the animals in which it is proposed to trade.

G. DISQUALIFICATIONS

Please give details of any disqualifications for keeping or having custody of animals you or any of your employees have received under any of the Acts stated.

H. RESIDENCE OUTSIDE THE UK

If you are making an application you, or anyone named in the application must provide evidence of your criminal history:

- **If you were born in the UK** but have lived in any other country within the ten years prior to your application for a continuous period of twelve months or more you must provide a Criminal Record Check for all those countries for the relevant period(s)
- **If you were born outwith the UK** you must provide a Criminal Record Check from your country of origin for the time of residence there IF it was in the last ten years, unless you left that country without reaching the criminal age of responsibility. You must also provide a Criminal Record Check from any other country in which you have resided for a continuous period of twelve months or more in the ten years prior to application.

In all cases, the Criminal Record Checks provided must

- have been obtained within the six months immediately prior to submitting your application; and
- be translated into English; and
- be verified by the relevant UK-based Embassy or High Commission

Process for obtaining Criminal Record Checks -

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Note: The certificate must be produced before the licence can be granted. Whilst it is desirable for the applicant to produce the certificate with the application, it is not a strict requirement. This is so any applicant having difficulties will not be disadvantaged by delays to processing the application. At the applicant's choosing, the application can be accepted as valid without the convictions evidence but the evidence should be provided as soon as possible. In this way the convictions evidence will be a check rather than a validation. Applicants should still note, however, that the licence cannot be granted without the evidence having been produced. Therefore if the application is approaching the 9 month time limit without the evidence being produced, the application may be refused for failure to comply with administrative provisions.

If you are experiencing difficulties in obtaining a certificate then please contact the licensing team to discuss your options. It may be possible to accept alternative evidence, for example: evidence of checks having been carried out by another government body; affidavits; or character references.

In cases where it is not possible to provide any satisfactory evidence, the application will be referred to the Licensing Committee for a decision. Therefore the application may be delayed pending the outcome of a hearing.

The following conditions will apply to any licence granted:

Licence display

1. (1) A copy of the licence must be clearly and prominently displayed on any premises on which the licensable activity is carried on.
- (2) Any website operated by the licence holder in respect of the licensable activity must clearly and prominently display—
 - (a) the name of the licence holder,
 - (b) the number of the licence holder's licence, and
 - (c) the name of the licensing authority that granted the licence.

Records

2. (1) The licence holder must ensure that all the records that the licence holder is required to keep as a condition of the licence are either—
 - (a) available for inspection by an inspector in a visible and legible form at any premises specified in the licence at which the licensable activity is carried on, or
 - (b) if not kept at such premises, are kept in a manner in which they can be readily made available to an inspector.
- (2) Where any records that the licence holder is required to keep as a condition of the licence are stored in electronic form they must be stored in a form from which they can readily be produced in a visible and legible form.
- (3) The licence holder must keep all such records for at least three years beginning with the date on which the record was created.
- (4) Where records are not kept at any premises specified in the licence at which the licensable activity is carried on, the licence holder must promptly make such records available (whether in electronic format or otherwise) for inspection upon request by an inspector.

Number of animals

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

Staffing

4.(1) Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met.

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

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

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

Suitable environment

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

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

(a) their behavioural needs,

(b) its situation, space, air quality, cleanliness and temperature,

(c) the water quality (where relevant),

(d) noise levels,

(e) light levels,

(f) ventilation.

(3) Animals must be kept clean and comfortable.

(4) Where appropriate for the species—

(a) opportunities for toileting must be provided, and

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

(5) Procedures must be in place to ensure that—

(a) accommodation in any premises from which the licensable activity is carried on and in which animals are kept is capable of being thoroughly cleaned and disinfected,

(b) any equipment within the accommodation is cleaned as often as necessary, and

(c) good hygiene standards are maintained.

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

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

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

(9) The animals must not be left unattended in any situation or for any period likely to cause them distress.

Suitable diet

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

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

(3) Feed and drinking water provided to the animals must be unspoilt and free from contamination.

(4) Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.

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

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

Enrichment and training of animals

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

Animal handling and interactions

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

(2) If the animals are kept in premises from which the licensable activity is carried on, the animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals.

(3) No animals from a social species may be isolated or separated from others of their species for any longer than is necessary.

Protection from suffering, injury and disease

9. (1) Written procedures must—

(a) be in place and implemented covering—

(i) feeding regimes,

(ii) cleaning regimes,

(iii) transportation,

(iv) the prevention of, and control of the spread of, disease,

(v) monitoring and ensuring the health and welfare of all the animals, and

(vi) except in relation to fish, the death or escape of an animal (including the storage of carcasses),

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

(i) following the suspension or revocation of the licence,

(ii) during an emergency, and

(iii) following an emergency.

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

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

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

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

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

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

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

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

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

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

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

(a) in the case of fish, a person who is competent for such purpose,

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

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

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

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

Emergencies

10. (1) If animals are kept in premises, other than domestic premises, from which the licensable activity is carried on—

(a) a written emergency plan, acceptable to the licensing authority, must be in place, known and available to all the staff on the premises, and

(b) such a plan must be followed where necessary to ensure appropriate steps are taken to protect all animals on the premises (without risking human life) in case of fire, breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

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

(3) External doors and gates must be lockable.

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

Records and advertisements

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

(a) the full name of the supplier of the animal,

(b) the animal's sex (where known),

(c) (except in the case of fish) the animal's age (where known),

(d) details of any veterinary treatment (where known),

(e) the date of birth of the animal or, if the animal was acquired by the licence holder, the date of its acquisition,

(f) the date of the sale of the animal by the licence holder,

(g) the date of the animal's death (if applicable), and

(h) the animal's microchip number (if any).

(2) Where an animal is undergoing any medical treatment—

(a) this fact must be clearly indicated—

(i) in writing next to it, or

(ii) (where appropriate) by labelling it accordingly,

if it is on display in the premises with the purpose of being sold, and

(b) it may only be sold to a prospective owner if—

(i) a veterinary surgeon advises that the animal is in a suitable condition to be rehomed, and

(ii) details of, and the reasons for, the treatment are communicated to the prospective owner prior to the sale.

(3) Any advertisement for the sale of an animal must—

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

Prospective sales: pet care and advice

12.—(1) Any equipment and accessories being sold with an animal must be suitable for the animal.

(2) The purchaser must be provided with information on the appropriate care of the animal including in relation to—

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

(3) Appropriate reference materials on the care of all animals for sale must be—

- (a) on display and available to be consulted by prospective owners in the premises, or
- (b) provided to prospective owners in an electronic format,

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

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

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

Suitable accommodation

13. (1) Animals must be kept in housing which minimises stress including from other animals and the public.

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

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

Training and exercise

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

(2) All immature animals must be given suitable and adequate opportunities to—

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

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

(3) The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

Sale of animals

15. (1) No animal of any of the following descriptions may be sold as a pet, or sold with a view to being resold as a pet, by or on behalf of the licence holder—

(a) unweaned mammals,

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

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

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

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

(2) The sale of a dog or a cat must be completed in the presence of the purchaser on the premises.

(3) No animals or types of animal other than those animals and types of animal specified in the licence may be sold.

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

Protection from suffering, injury and disease

16. (1) All animals for sale must be in good health.

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

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

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

17. That the arrangements in regard to Conditions 1 to 17 above, as approved by the Council and as last seen by the Council's inspector before the granting of this licence be, in all respects, kept and maintained unless the consent of the Council is given in writing to any departure therefrom.

18. That every authorised officer of the Council be, at all times, allowed free access to the premises of the licensee for the purposes of ascertaining if the above conditions are properly observed.

GENERAL INFORMATION

You require to sign and date the declaration at the bottom of the application form. This is a very important part of the form and you should note that it is a criminal offence to make a false declaration for which you can be prosecuted and fined up to £2,500.

Once you have completed the application form please submit it to:

Head of Legal and Democratic Services
Moray Council
High Street
Elgin
IV30 1BX

If you have any queries please e-mail licensing@moray.gov.uk or contact us on 01343 563027.