



GUIDANCE NOTES for DOG, CAT OR RABBIT BREEDING LICENCES

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 breeding establishments 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 keep a breeding establishment in Moray you must have a licence.

We will look at various matters when considering whether to grant a licence, including public safety or nuisance, suitability of the proposed licence holder and animal welfare. The proposed premises must be inspected a vet, for which you must pay the fees.

THE APPLICATION FORM

The application is split into 7 sections

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

You require to complete this section if you are an individual person applying for a Breeding Licence 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 to complete this section if the premises/operation is run by a company or partnership rather than an individual person.

C. LICENCE DETAILS

A Breeding Licence generally lasts for a maximum of 3 years from the issue date, 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 3 years.

Grant of a Licence - If you have never held a Breeding Licence 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 Breeding Licence 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 valid application is made before the expiry date. You can apply up to 3 months before your 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 facilities provided for exercising, isolation and fire protection. **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. VET INSPECTION

Please note that where it is necessary to obtain a vet's report, for any licence type, then a further cost will be incurred. This additional cost is not included in the application fee.

Either the applicant can produce satisfactory evidence in the form of a vet's report or we, as licensing authority, can commission the vet's report. In both cases applicants will be responsible for the vet's fees.

When producing satisfactory evidence, we request the *Vet Report and Certification* is to be completed, satisfactory and submitted at time of applying. The *Vet Report and Certification* should be dated no earlier than within the period of twelve months immediately preceding the application date and preferably within the preceding three months.

The vet inspection and report should be an independent assessment of the operation and the vet is not present to act as a representative of or advocate for the applicant.

Please use our Vet Report and Certification available on our website.

If you would prefer for Moray Council instruct a vet, please note this will be at the applicant's expense. Vet fees are variable, chargeable based on time and distance. All fee's must be paid before any licence is issued. Please note, this will take longer to process your application.

Further information about Vet Fees can be found on our website here:

<https://www.moray.gov.uk/law-and-licensing/licences-permits-and-permissions/animal-licensing/animal-licence-fees/>

These fees are payable whether or not the licence is ultimately granted.

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 must provide evidence of your criminal history:

- **If you were born in the UK** but have lived in any other country within 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 in 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. The Applicants should still note, however, that the licence cannot be granted without the evidence being produced. Therefore if the application is approaching the 9 month time limit without the evidence having been 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.

LICENCE CONDITIONS

If the licence is granted then it will automatically be subject to the following conditions, depending on the licence type:

Dogs

[The Animal Welfare \(Licensing of Activities Involving Animals\) \(Scotland\) Regulations 2021](#)

Cats

[The Animal Welfare \(Licensing of Activities Involving Animals\) \(Scotland\) Regulations 2021](#)

Rabbits

[The Animal Welfare \(Licensing of Activities Involving Animals\) \(Scotland\) Regulations 2021](#)

SUPPORTING DOCUMENTS

Please provide the following documents with your grant/renewal application form:

- Valid Public Liability Insurance Documents (covering at least £5 million)
- Satisfactory Vet Report and Certification (If you arranging the vet inspection)
- Layout Plan of property showing facilities including room dimensions

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 by e-mail licensing@moray.gov.uk or by post to:

Chief Governance Officer
Moray Council
High Street
Elgin
IV30 1BX

If you have any queries please e-mail licensing@moray.gov.uk or contact us 0300 123 4561