

The Animal Welfare (Licensing of Activities Involving Animals)(Scotland) Regulations 2021

SCHEDULE 3 – SELLING ANIMALS AS PETS

Interpretation

1. In this schedule—
 - “prospective owner” means a person who seeks to purchase an animal to be kept or to be resold as a pet,
 - “premises” means the premises specified in the licence and on which the licensable activity described in paragraph 1 of schedule 1 is carried on,
 - “purchaser” means a person who purchases an animal to be kept or to be resold as a pet.

Records and advertisements

2. (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

3. (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

4. (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

5. (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

6. (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

7. (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.