

Welfare of Cats (Breeding and Sale) Bill [HL]

CONTENTS

- 1 Licensing of breeding establishments for cats
- 2 Inspection of breeding establishments for cats
- 3 Power to inspect other premises
- 4 Offences and disqualifications
- 5 Fees
- 6 Interpretation
- 7 Extent, commencement and short title

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TO

Make provision about the commercial breeding of cats; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Licensing of breeding establishments for cats

- (1) No person shall keep a breeding establishment for cats except under the authority of a licence granted in accordance with the provisions of this Act.
- (2) Every local authority may, on application being made to them for that purpose by a person who is not for the time being disqualified — 5
 - (a) from keeping a pet shop under the Pet Animals Act 1951;
 - (b) under section 34 of the Animal Welfare Act 2006; or
 - (c) from the boarding of animals under the Animal Boarding Establishments Act 1963,grant a licence to that person to keep a breeding establishment for cats at such premises in their area as may be specified in the application, and subject to compliance with such conditions as may be specified in the licence. 10
- (3) On receipt of an application by a person to a local authority for the grant of a licence under this Act in respect of any premises — 15
 - (a) if a licence under this Act has not previously been granted to the person in respect of the premises, the local authority shall arrange for the inspection of the premises by a veterinary surgeon or veterinary practitioner and by an officer of the local authority; and
 - (b) in any other case, the local authority shall arrange for the inspection of the premises by a veterinary surgeon or veterinary practitioner or by an officer of the local authority (or by both). 20
- (4) Where an inspection is arranged under subsection (3), the local authority shall arrange for the making of a report about the premises, the applicant and any other relevant matter; and the local authority shall consider the report before determining whether to grant a licence. 25

- (5) In determining whether to grant a licence for the keeping of a breeding establishment for cats 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 –
- (a) the need for the cats to have a suitable environment, 5
 - (b) the need for the cats to have a suitable diet,
 - (c) the need for the cats to be able to exhibit normal behaviour patterns,
 - (d) the need for any cat to be housed with, or apart from, other animals,
 - (e) the need for the cats to be protected from pain, suffering, injury and disease, and 10
 - (f) the need for the breeding establishment to meet the specific requirements set out in subsection (6).
- (6) The specific requirements mentioned in subsection (5) are that –
- (a) the cats will at all times be kept in accommodation that is suitable in terms of size, number of cats, temperature, lighting, ventilation and cleanliness; 15
 - (b) the cats will be adequately supplied with suitable food, drink and bedding material, and visited at suitable intervals;
 - (c) all reasonable precautions will be taken to prevent and control the spread among cats of infectious or contagious diseases; 20
 - (d) appropriate steps will be taken for the protection of the cats in case of fire or other emergency;
 - (e) all appropriate steps will be taken to secure that the cats will be provided with suitable food, drink and bedding material and adequately exercised when being transported to or from the breeding establishment; 25
 - (f) queens are not mated if they are less than one year old.
- (7) A local authority may specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case for securing the welfare of the cats as specified in subsections (5) and (6). 30
- (8) A person holding a licence under the provisions of this Act must –
- (a) ensure that they keep accurate records in a form prescribed by regulations at the premises and make them 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; 35
 - (b) ensure that there is a programme for enrichment and enhancement of the cats and kittens in a form set out by regulations and that this programme is approved by the local authority;
 - (c) ensure that there is a programme of socialisation of the animals in a form set out by regulations and that this programme is approved by the local authority to ensure that the animals are well-socialised and balanced; 40
 - (d) retain ownership and possession of the kitten or kittens on the premises, and not sell them, until they are at least 56 days old. 45
- (9) Regulations under subsection (8) shall be made by the Secretary of State by statutory instrument; and a statutory instrument containing such regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

- (10) Any person aggrieved by the refusal of a local authority to grant a licence, or by any condition subject to which a licence is proposed to be granted, may appeal to a magistrates' court; and the court may on such an appeal give such directions with respect to the issue of a licence or, as the case may be, with respect to the conditions subject to which a licence is to be granted as it thinks proper. 5
- (11) Any licence shall (according to the applicant's requirements) relate to the year in which it is granted or to the next following year; in the former case, the licence shall come into force at the beginning of the day on which it is granted, and in the latter case it shall come into force at the beginning of the next following year. 10
- (12) Subject to any cancellation under section 4(3)(a), a licence shall remain in force until the end of the year to which it relates and shall then expire.
- (13) In the event of the death of a person who is keeping a breeding establishment for cats at any premises under the authority of a licence granted under this Act, that licence shall be deemed to have been granted to his personal representatives in respect of those premises and shall, notwithstanding subsection (11) (but subject to subsection (14) and section 4(3)(a)), remain in force until the end of the period of three months beginning with the death and shall then expire. 15
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- (14) On the application of the personal representatives referred to in subsection (13), the local authority by which the licence was granted may extend or further extend the said period of three months if it is satisfied that the extension is necessary for the purpose of winding up the deceased person's estate and that no other circumstances make it undesirable. 25
- (15) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence; and if any condition subject to which a licence is granted in accordance with the provisions of this Act is contravened or not complied with, the person to whom the licence was granted shall be guilty of an offence.
- 2 Inspection of breeding establishments for cats** 30
- (1) A local authority may authorise in writing any of its officers or any veterinary surgeon or veterinary practitioner to inspect (subject to compliance with such precautions as the authority may specify to prevent the spread among animals of infectious or contagious diseases) any premises licensed under this Act or any premises in respect of which an application for a licence has been made. 35
- (2) Any person authorised under this section may, on producing his authority if so required, enter any such premises at all reasonable times and inspect them and any animals found thereon or anything therein.
- (3) Any person who wilfully obstructs or delays any person in the exercise of his powers of entry or inspection under this section shall be guilty of an offence. 40
- 3 Power to inspect other premises**
- (1) If a magistrates' court is satisfied that there are reasonable grounds for suspecting that an offence under section 1(1) of this Act has been or is being committed at any premises, the court may issue a warrant authorising the inspection of such premises, using reasonable force if necessary. 45

- (2) An inspection under subsection (1) must be carried out by an officer of a local authority, a veterinary surgeon or veterinary practitioner authorised for the purposes of this section by the relevant local authority.
- (3) A warrant issued under subsection (1) –
- (a) may authorise persons to accompany the person who is executing the warrant; and
 - (b) shall continue in force for the period of one month commencing with the date of issue.
- (4) The power of entry conferred by the warrant may be exercised at all reasonable times and any person entering the premises in exercise of that power shall –
- (a) produce the warrant if so required; and
 - (b) comply with such precautions (if any) as the court may specify to prevent the spread among animals of infectious or contagious diseases.

4 Offences and disqualifications

- (1) A person guilty of an offence under section 1 shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or a fine not exceeding level 4 on the standard scale (or both).
- (2) A person guilty of an offence under section 2 shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (3) Where a person is convicted of any offence under this Act, the court by which he is convicted may (in addition to or in substitution for any penalty under subsection (1) or (2)) make an order providing for any one or more of the following –
- (a) the cancellation of any licence held by him under this Act;
 - (b) his disqualification, for such period as the court thinks fit, from keeping an establishment the keeping of which is required to be licensed under this Act; and
 - (c) his disqualification, for such period as the court thinks fit, from having custody of any cat.
- (4) A court which has made an order under this section may, if it thinks fit, suspend the operation of the order pending an appeal.
- (5) Where a court makes an order under subsection (3)(c), it may also make such order as it thinks fit in respect of any cat which –
- (a) was in the offender’s custody at the time when the offence was committed; or
 - (b) has been in his custody at any time since that time.
- (6) An order under subsection (5) may in particular –
- (a) require any person who has custody of the cat to deliver it up to a specified person; and
 - (b) require the offender to pay specified amounts to specified persons for the care of the cat from the time when it is delivered up in pursuance of the order until permanent arrangements are made for its care or disposal.
- (7) A person who –
- (a) has custody of a cat in contravention of an order under subsection (3)(c); or

- (b) fails to comply with a requirement imposed on him under subsection (6),
shall be guilty of an offence.
- (8) Where a court proposes to make an order under subsection (5) in respect of a cat owned by a person other than the offender, the court shall notify the owner who may make representations to the court; and if an order is made the owner may, within the period of seven days beginning with the date of the order, appeal to the Crown Court against the order. 5
- (9) A person who is subject to a disqualification by virtue of an order under subsection (3)(c) may, at any time after the end of the period of one year beginning with the date of the order, apply to the court which made the order for a direction terminating the disqualification from such date as the court considers appropriate. 10
- (10) On an application under subsection (9) the court –
- (a) shall notify the relevant local authority which may make representations to the court; 15
- (b) shall, having regard to the applicant’s character and his conduct since the disqualification was imposed, any representations made by the relevant local authority and any other circumstances of the case, grant or refuse the application; and 20
- (c) may order the applicant to pay all or any part of the costs of the application (including any costs of the relevant local authority in making representations).
- (11) In subsection (10) “the relevant local authority” means the local authority in whose area are situated the premises in relation to which the offence which led to the disqualification was committed. 25
- (12) Where an application under subsection (9) is refused, no further application under that subsection may be made before the end of the period of one year beginning with the date of the refusal.
- 5 Fees** 30
- (1) The costs of inspecting premises under this Act shall be met by the local authority concerned.
- (2) A local authority may charge fees in respect of –
- (a) applications for the grant of licences under section 1; and
- (b) inspections of premises under section 2. 35
- (3) A local authority may set the level of fees to be charged by virtue of subsection (2) –
- (a) with a view to recovering the reasonable costs incurred by them in connection with the administration and enforcement of this Act; and
- (b) so that different fees are payable in different circumstances. 40
- 6 Interpretation**
- (1) References in this Act to the keeping of a breeding establishment for cats shall be construed in accordance with this section.

- (2) A person keeps a breeding establishment for cats at any premises if he carries on at those premises a business of breeding cats for sale (whether by him or any other person).
- (3) Subject to subsection (5), a person shall be treated as carrying on a business of breeding cats for sale at the premises if three or more litters are born to queens falling within subsection (4) within a period of twelve months. 5
- (4) The queens falling within this subsection are –
- (a) queens kept by the person at the premises at any time during the period;
 - (b) queens kept by any relative of his at the premises at any such time; 10
 - (c) queens kept by him elsewhere at any such time; and
 - (d) queens kept anywhere by any person at any such time under a breeding arrangement made with him.
- (5) Subsection (3) does not apply if the person shows that none of the kittens born to queens falling within subsection (4) was in fact advertised for sale or sold during the period (whether by him or any other person). 15
- (6) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them –
- “breeding arrangement” means a contract or other arrangement under which the person agrees that another person may keep a queen of his on terms that, should the queen give birth, the other person is to provide him with either – 20
 - (a) one or more of the kittens; or
 - (b) the whole or part of the proceeds of selling any of them;
 - “local authority” means the council of a London borough, the council of a district or the Common Council of the City of London and in Wales the council of a county or county borough; 25
 - “queen” means an unneutered, fertile female cat;
 - “relative” means the person’s parent or grandparent, child or grandchild, sibling, aunt or uncle, nephew or niece, or someone with whom he lives as a couple; 30
 - “veterinary practitioner” means a person who is for the time being registered in the supplementary veterinary register;
 - “veterinary surgeon” means a person who is for the time being registered in the register of veterinary surgeons. 35

7 Extent, commencement and short title

- (1) This Act extends to England and Wales only.
- (2) Sections 1 to 6 come into force at the end of the period of six months beginning with the day on which this Act is passed.
- (3) This section comes into force on the day on which this Act is passed. 40
- (4) This Act may be cited as the Welfare of Cats (Breeding and Sale) Act 2015.

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To make provision about the commercial breeding of cats; and for connected purposes.

Lord Black of Brentwood