

DOG BREEDING – WHAT YOU NEED TO KNOW

The Dog Breeding Regulations, which was created by DEFRA, has become a statutory piece of legislation that Carlisle City Council are required by law, to enforce.

HOW DO WE DO THIS?

Carlisle City Council carry out routine checks on the online sales platforms regarding dog breeders, respond to complaints made to the Council about dog breeding concerns and work with other agencies, such as the RSPCA and the Police for assistance.

WHAT ACTION DO THE COUNCIL TAKE?

If an unlicensed person is identified as advertising and selling puppies – they will be contacted by the online forum they have posted their advert on, with a request from Carlisle City Council to make contact. Communication in the first instance is to raise awareness of the legislation and why a person may or may not need a licence. Depending on information, the Council can advise whether you will need a licence to proceed with the activity, or whether you do not fall into the category of needing a licence for the activity.

SO, WHAT ARE THE RULES?

The days of 3 litters and then a licence is required, is no longer the only criteria you need to meet for needing a licence, as Defra have updated the Regulations with stricter rules for those who breed dogs.

There are now multiple factors to consider when trying to ascertain if a person needs a licence or not. The first point to consider is:

In 2016, the Government announced a new trading allowance of £1000, and for anyone falling under this, they would not automatically need a Dog Breeders' Licence. Anyone earning over this, then the following areas need to be considered: (Please note, this is £1000 in total, not per puppy).

The Business Test.

These are the circumstances in which a local authority must take into account in determining whether an activity is being carried on in the course of a business and include, whether the operator –

- (a) Makes any sale by, or otherwise carries on, the activity with a view to making a profit, or
- (b) Earns any commission or fee from the activity.

Have you advertised a litter of puppies and once sold, stand to make a profit?

We look at the Business Test alongside the **9 Badges of Trade** as set out by the HMRC and these are as follows:

1. Profit seeking motive
2. The number of transactions
3. The nature of the asset

4. Existence of similar trading transactions or interests
5. Changes to the asset
6. The way the sale was carried out
7. The source of finance
8. Interval of time between purchase and sale
9. Method of acquisition

Now, it is important to note that only **ONE** of the 9 points above needs to be met in determining whether a person needs a licence.

WHAT IF I MAKE OVER THE £1000 ALLOWANCE BUT HAVEN'T MADE A PROFIT?

You will need to submit evidence to demonstrate that your outgoings for the puppies justify the price of them for sale. You can do this by submitting invoices for their care.

In line with this, the Council take into consideration your **intention** to breed. Have you sought a particular stud for your breeding bitch? Have you paid for progesterone testing? These factors could imply a commercial set up and the costs of these may not be accepted as an outgoing cost for the care of the puppies.

As a Council, we are trying to spread awareness of the need to be licenced, not only to protect the welfare of the animals, but also to protect people such as yourself – the seller.

WHAT IS THE PROCESS TO APPLY?

The process to apply is simple. It consists of an application, an inspection (with the vet) and some paperwork (of which there are fees attached). We can arrange a meeting before the inspection to cover all areas and walk you through what is required by law. Support is offered throughout your licence term – any questions, just ask.

ENFORCEMENT.

Anyone seen to be advertising puppies for sale without a licence are in breach of the Regulations and can be prosecuted if they continue to do so – if you are unsure, email us.

For any licence holder found to be breaching the licence requirements, we have a duty to investigate this and report any breaches to any other relevant agencies.

QUESTIONS?

Please contact the department on:

environmentalhealth@carlisle.gov.uk