

Dog Breeding Licences



General Guidance

The Breeding of Dogs Act 1973 (as amended by the Breeding and Sale of Dogs (welfare) Act 1999) states that a person who is in the business of breeding and selling dogs to be licenced regardless of the number of the number of litters produced in a 12 month period.

Anyone producing five litters or more in a 12 month period also needs to be licenced regardless of whether they are in the business of breeding and selling dogs.

Conditions in the Licence state that:

- Bitches must not be mated until they are at least 1 year old
- Bitches must not give birth to more than 6 litters in a lifetime
- Bitches must not have more than 1 litter in any 12 month period; and
- Breeders must keep accurate and detailed records covering all aspects concerning the health and welfare of the dogs, including details of litters. These records must be kept on the premises and made available to the Council if requested.

The Law

The Law relating to the breeding of Dogs can be found in:

- The Breeding of Dogs Act 1973
- The Breeding of Dogs Act 1991
- The Breeding and Sale of Dogs (welfare) Act 1999
- The Breeding of Dogs (Licensed Records) Regulations 1999

When is a Licence Required?

Section 1 of the Breeding of Dogs Act 1973 states “No person shall keep a breeding establishment for dogs except under the authority of a licence granted in accordance with the provisions of the Act”.

Section 4A of the Breeding of Dogs Act 1973 as inserted by the Breeding and Sale of Dogs (Welfare) Act 1999 Section 7 states as follows:

Definition of Establishments

4A (1). References in this Act to the keeping of a breeding establishment for dogs shall be construed in accordance with this section.

(2). A person keeps a breeding establishment for dogs at any premises if he carried on at those premises a business of breeding dogs for sale (whether by him or any other person).

(3). Subject to subsection (5) of this section where:

(a). a person keeps a bitch at any premises at any time during any period of twelve months: and

(b). the bitch gives birth to a litter of puppies at any time during that period,

he shall be treated as carrying on a business of breeding dogs for sale at the premises throughout the period if a total of four or more other litters is born during the period to bitches falling within subsection (4) of this section.

(4). The bitches falling within this subsection are:

a). the bitch mentioned in subsection (3) (a) and (b) of this section and any other bitches kept by the period at the premises at any time during the period

b). any bitches kept by any relative of his at the premises at any such time

c). any bitches kept by him elsewhere at any such time; and

d). any bitches kept (anywhere) by any person at any such time under a breeding arrangement made with him.

(5). Subsection (3) of this section does not apply if the person shows that none of the puppies born to bitches falling within paragraph (a), (b) or (d) of subsection (4) of this section was in fact sold during the period whether by him or any other person.

(6). In subsection (4) of this section “breeding arrangement” means a contract or other arrangement under which the person agrees that another person may keep a bitch of his on terms that, should the bitch give birth, the other person is to provide him with either:

a). One or more of the puppies; or

b). the whole or part of the proceeds of selling any of them; and “relative” means the person’s parent or grandparent, child or grandchild, sibling, aunt or uncle or niece or nephew or someone with whom he lives as a couple.

(7). In this section “premises” includes a private dwelling.

In simple terms this means that you keep a breeding establishment if you carry on at premises a business of breeding dogs for sale whether by you or another person (See sub-section (2) above). Below is an extract from the Home Office Circular 53/1999:

“ The definition of keeping a breeding establishment for dogs, for the purposes of the Act, is provided in section 4A. Under Section 4A(2) a person keeps a breeding establishment for dogs at any premises if he/she carries on at those premises a business of breeding dogs for sale, regardless of the number of the number of litters produced in a 12 month period Section 4A(3) in effect provides that a person whose bitches give birth to 5 or more litters in any period of 12 months shall be presumed to be carrying on a dog breeding business.”

Those breeders whose rate of litter production brings them within section 4A(3) will therefore have to be licensed, without the local authority having to take additional steps to satisfy itself as to whether or not a business is being carried out (unless no puppies have been sold). Decisions as to whether breeders with bitches producing fewer than 5 litters a year need to be licensed will depend on whether the persons concerned are carrying on a business as per section 4(2). That in turn can only be determined on the facts of each case. The legislation was not intended to apply to hobby breeders and the “litter test” in section 4A(3) will in practice catch most of the dog breeding businesses. There will however be exceptions and there will no doubt be some breeders producing fewer than 5 litters a year who will have to be licensed.

Please see sub-section (6) above for the meaning of “breeding arrangement” and “relative” and sub-section (7) for “premises”.

You will not be granted a Licence if you have been disqualified from any of the following:

- Keeping a breeding establishment
- Keeping a pet shop
- Having custody of animals
- From keeping an animal boarding establishment