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Legislation, Justice and Constitution Committee  
Welsh Parliament  
Cardiff Bay  
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Dear Chair,

We are writing with regard to The Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021. We are aware that the Regulations will be going back to the Committee on 22<sup>nd</sup> March and are very concerned by their potential unintended consequences.

The Kennel Club firmly believes that, due to the drafting of the regulations, their scope of impact will be much wider than the Government's stated aim to prohibit commercial third party sales of puppies and kittens in Wales and will introduce a new licensing threshold for one to two litter breeders. Legitimate low volume breeders who are explicitly out of scope of The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 – i.e. breeders with one or two bitches, producing one or two litters in a 12 month period – could reasonably fall within the scope of the new regulations. If they are deemed to be selling their puppies as pets in the course of a business, as outlined in Schedule 1, (1) and (2), the regulations as drafted would surely necessitate the acquisition of a 'pet vending' licence. Since the introduction of an identically worded 'business test' licensing threshold in England in 2018, we have seen a number of one and two litter dog breeders being deemed to be operating a business by overzealous local authorities.

The Welsh Government did not consult on the introduction of a de facto new licensing threshold for dog breeders in either the 2019 or 2020 consultations, nor has this been taken into account in the legislation's accompanying explanatory memorandum or accompanying regulatory impact assessment. As such, we are highly concerned that the Regulations' implications – in terms of the general puppy buying public, breeders and licensing authorities – will not have been duly considered.

We believe that the implementation of a licensing regime whereby some dog breeders would need to adhere to the conditions set out within the 2014 breeding regulations, others by these new 'pet vending' conditions, and a third group of unlicensed breeders would introduce excessive and unnecessary complications for all relevant stakeholders.

Furthermore, we do not believe the implementation of this licensing threshold for dog breeders would be in line with the recommendations of the recent independent review of Welsh dog breeding regulations. The expert panel, commissioned by the Welsh Government, highlighted that the extension of 'full licensing' (i.e. inspections) to one and two litter dog breeders, as being introduced in practice by this legislation, would require a significant increase in local



authority resources to enable effective implementation, which was a major factor as to why they did not support such a measure.

The panel also highlighted the significant unintended and unwanted consequences that such a step could result in: “Many of the best welfare conditions for the breeding of dogs occur in low volume, home breeding situations with an owner who may wish to have one or two litters from a well looked after, well socialised, pet dog. There is therefore a legitimate argument that full licensing of all breeders, regardless of size, could deter the best small-scale breeders from continuing. This reduction of supply in the face of ongoing demand for puppies could inadvertently lead to an increase in the sourcing of dogs from lower welfare situations including large-scale licensed breeding establishments, illegally unlicensed establishments, or those imported from overseas.”

In the Welsh Government’s formal response to the Group’s recommendations, there was no indication that the Government felt that one and two litter dog breeders should come under the scope of a licensing regime. Whilst we clearly note that these new regulations do not amend the 2014 breeding regulations, we believe that they will have an equivalent effect in practice.

The Kennel Club fully supports the principle aim of the legislation to prohibit the commercial third party sale of puppies and kittens in Wales. However, we firmly believe that the draft regulations exceed what the Welsh Government has consulted upon and assessed within the accompanying explanatory memorandum and impact assessment. As such, we believe that the scope of the Regulations, in their current form, far exceeds what the Welsh Government stated they hoped to achieve by introducing a new licensing threshold for one and two litter breeders in Wales.

We urge you to consider these points when the Regulations come before your Committee and to seek further clarification from the Welsh Government on this matter.

Yours sincerely,

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The Kennel Club