

**Department for Environment, Food and Rural Affairs**

# **A ban on commercial third party sales of puppies and kittens in England**

## **Call for evidence**

**8 February 2018**

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## Overview

Today the government has published proposed new rules which significantly modernise and enhance the welfare requirements applying to dog breeding, pet sales and other pet-related activities licensed by local authorities in England. These reforms introduce a wide range of improvements. In particular they:

- Require all licensed dog breeders and licensed sellers of all pet animals, including sellers who are not also breeders, to adhere to enhanced strict statutory minimum welfare standards linked to the animals' welfare needs set out in the Animal Welfare Act 2006.
- Prohibit the sale of puppies, kittens, ferrets or rabbits below eight weeks of age. This is also supported by changes to Defra's statutory [Dog Welfare Code](#) which provides guidance aimed at dog owners.
- Require any licensed pet seller advertising pets for sale to include their licence number in the advert as well as identifying the local authority that issued it, a photo of the pet, its age, country of residence and country of origin. This will help people identify pets offered for sale from unlicensed sellers including those based abroad.
- Require the sale of a dog to be completed in the presence of the purchaser on the premises where the licensed seller or licensed breeder has been keeping the dog, thereby banning online sales by licensed sellers and breeders.
- Ensure licensed dog breeders must show puppies alongside their mother before a sale is made and only sell puppies they have bred themselves.

These reforms should address the majority of current concerns about pet sales and breeding. They will also enable local authorities to better target their enforcement effort by adopting a more risk-based approach to regulation; lower risk and high performing operators will be allowed a longer licence, fewer inspections and a lower licence fee.

## Commercial third party sales of puppies and kittens

These reforms place enhanced requirements on licensed pet sellers who are not also licensed pet breeders – also known as third party sellers. Local authorities in England currently license less than 100 third party sellers. Some operate from retail premises, while the remainder operate from non-retail premises. There are no records of how many puppies are sold each year through third party sellers but one animal welfare non-government organisation has estimated that it may be as many as 80,000 in Great Britain.

Some organisations have suggested that there should be a complete ban on commercial third party sellers of puppies and kittens. The organisations have suggested that these animals have a high risk of serious health and behaviour problems associated with the additional travel from the place of birth to sale, change in environment and surroundings, and often premature separation from the animal's mother. In addition, there are concerns

that third party sales encourage impulse purchases. This has consequences not only for the animal but for owners, including unexpected vet bills, issues with socialisation, and increased numbers being given up or having to be rehomed. Mortality rates pre-sale are unknown.

A ban would mean that pet shops, pet dealers and other outlets and licensed sellers of puppies and kittens would be unable to sell these pets unless they themselves have bred them. The implications are that anyone seeking to acquire a puppy or kitten would have to look to an authorised breeder or an animal rescue or rehoming organisation. It has been suggested that a ban could:

- Ensure consistency with government advice that purchasers should seek to see puppies or kittens with their mother.
- Incentivise welfare improvements in high risk commercial dog breeding establishments through ensuring transparency, accountability and appropriate remuneration for breeders.
- Assist purchasers to make informed choices based upon seeing a puppy or kitten with its mother and encourage responsible buying decisions.
- Prevent the sale of puppies which have not been bred to recognised standards of welfare in this country.

The government considers that there is merit in exploring this further. The rationale for a ban on third party sales is that such a ban would further protect the welfare of puppies and kittens and is an important step to improving standards in breeding establishments.

## Questions

In this call for evidence, we only want people to send us evidence which will specifically help us understand the effect of introducing a ban, and any limitations of doing so. We do not want people to send us their wider opinions at this stage.

1. Your views are invited on the nature and extent of the problems which a ban on third party sales in England might address, i.e. on the benefits of a ban and on how and why a ban would tackle the problems identified, taking into account the extent to which the regulations laid before Parliament today place enhanced requirements on licensed sellers and on licensed breeders.
2. Is there a way of conducting sales of animals through commercial third party sellers that preserves appropriate standards of animal welfare?
3. In considering a third party sales ban, your views are invited on the following consequential impacts of any ban on third party sales in England and how they might best be addressed:

- How the absence of licensed third party sellers will affect supply**

Evidence suggests there is demand for at least 700,000 puppies per annum in the UK – the majority in England, and that the annual demand for kittens is approximately the same. Some of those proposing a ban on third party sales have suggested that the current market share of licensed sellers could all be picked up by legitimate licensed breeders. Others have suggested a ban could lead to a significant proportion of sales currently undertaken by licensed sellers being picked up by increased imports from abroad and by unregulated domestic traders – for example sales conducted on social media and through commercial transactions in pub car parks and the like. We would welcome views on this issue. Related to this, we would welcome views on whether, and if so to what extent, the absence of licensed third party sellers would have an impact on the price of puppies and kittens, on dog theft, and on the extent of unlicensed dog breeding.
- The ability of local authorities to tackle illicit unlicensed pet sales activity**

Local authorities fund the regulation of dog breeders and pet sellers through full cost recovery via their licensing fees. This also partially covers identifying and taking action against those who are illegally conducting business without a licence. If third party sellers are banned they would not pay licence fees, and local authorities would at the same time save some costs by no longer regulating them. Views would be welcome on whether, and if so to what extent, this change would affect the ability of local authorities to identify and tackle illicit unlicensed pet sales activity. Views would also be welcomed as to the role that others e.g. the RSPCA, might play in enforcing a ban.
- The impact on rescue and rehoming organisations**

Some have expressed concern that traders will set themselves up as a rescue and rehoming organisation to get around the ban. Views would be welcome as to whether this is a risk.
- The impact on the pet industry**

Less than 100 third party sellers are currently licensed in England. Some of these are pet shops, but only around 2% of pet shops sell puppies<sup>1</sup>. Banning third party sales could have a significant impact on large, franchised pet shops, which sell puppies and kittens but do not breed puppies and kittens themselves, as well as on smaller independent pet shops which sell puppies and kittens. This might have an impact on these pet shops' viability as well as on pet shop pricing. Views would be welcome on these issues.

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<sup>1</sup> FOI survey figures from Canine Action UK: <https://cariadcampaign.files.wordpress.com/2016/05/licensed-third-party-puppy-vending-in-gb-20164.pdf>

4. Your views would also be welcome on the specific scope of any ban on third party sales in England:
- Are there other measures, short of a ban on third party sellers that could have a similar effect in restricting sales by licensed third party sellers which are considered to be problematic?
  - Should any ban on third party sales extend to both puppies and kittens, and not to other types of pet?
  - Should any ban on third party sales apply in addition to pet adult dogs and cats – i.e. those over 6 months of age?
5. In addition Defra would welcome any further thoughts relating to any ban on third party sales in England, in particular:
- How should any ban on third party sales be applied?
  - What specific measures should be adopted?
  - What other factors should be considered and addressed in order to maximise the benefits and to address any risks effectively?

## How to respond

Please submit your evidence to [AnimalWelfare.Consultations@defra.gsi.gov.uk](mailto:AnimalWelfare.Consultations@defra.gsi.gov.uk) by **2 May 2018**.

Or in writing to:

Animal Welfare Team  
Area 5B Nobel House  
17 Smith Square,  
London  
SW1P 3JR

## After the call for evidence

A summary of the responses to this call for evidence will be published and placed on the government website at [www.gov.uk](http://www.gov.uk).

The summary will include a list of names and organisations that responded but not personal names, addresses or other contact details. Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes e.g. Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998.

If you want information, including personal data, that you provide to be treated as confidential, please say so clearly in writing when you send your response to the call for

evidence why you need to keep these details confidential. If we receive a request for disclosure under the FOIA, we will take account of your explanation, but we cannot provide an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by our IT system will not, if itself, be regarded as a confidentiality request.

This call for evidence is being conducted in line with the “Consultation Principles” as set out in the Better Regulation Executive guidance which can be found at <https://www.gov.uk/government/publications/consultation-principles-guidance> If you have any comments or complaints about the consultation process, please address them to: Consultation Co-ordinator, Room 629, Millbank, 17 Smith Square, London SW1P 3JR Or email: [consultation.coordinator@defra.gsi.gov.uk](mailto:consultation.coordinator@defra.gsi.gov.uk).



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