



LUCY'S LAW

EXPLAINED

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C.A.R.I.A.D.



Canine Action UK

Measuring progress in the health of our dogs

The KarltonINDEX



INTRODUCTION

On 21st August 2018, Michael Gove announced the Government would be consulting on proposals to ban the commercial third-party sale of puppies and kittens, confirming the Government's support for the Lucy's Law campaign. The proposal currently relates only to England, but we are calling for Lucy's Law to be implemented nationwide by the respective devolved governments.

Banning commercial third parties such as pet shops and dealers from selling puppies will eliminate a market that depends upon and sustains puppy farmers based in the UK, Ireland and Europe. It is critical for raising welfare standards in commercial breeding establishments, because breeders will be directly accountable for the puppies they produce and it will also ensure a greater level of transparency in the industry. A ban completely eliminates the inevitable physical and psychological damage caused by selling puppies hundreds of miles away from their place of birth.

Ultimately, Lucy's Law is a clear statement that selling puppies as a retail commodity – and concealing and condemning dogs to an existence as breeding machines on puppy farms to supply this trade – is no longer legally acceptable.

We have produced this document to provide additional facts, answer questions and dispel the myths surrounding this historic animal welfare legislative change.

IS THIS A BAN ON PUPPY FARMING?

Unfortunately not. In practice it is impossible to precisely define a 'puppy farm' and without a legally acceptable definition, the activity cannot be prohibited.

However, there is strong evidence to show that commercial breeders with the very worst standards of animal welfare (meeting the popular perception of a puppy farm) are often selling puppies through puppy dealers and pet shops – commercial third party sellers. The concept behind Lucy's Law is that banning these sellers removes the main or sole market for many puppy farmers and will either force them to cease breeding or raise their standards in order to satisfy the expectations of purchasers visiting the premises to buy a puppy. Breeders will now be visible and accountable.

DOES THIS ANNOUNCEMENT COVER THE WHOLE OF THE UK?

No, this announcement covers England only. We are calling for Lucy's Law to be implemented nationwide by the respective devolved Governments.

WHO WILL BE AFFECTED BY THE BAN?

Anyone selling animals as pets in the course of a business will be prohibited from selling puppies and kittens, unless the seller is also the breeder. Pet shops and puppy dealers who sell puppies they themselves have not bred will be affected by the ban. Licensed breeders who sell directly to the public i.e. not through middlemen, will be unaffected by the ban.

Breeders exempt from licensing (i.e. not operating as a business) will be unaffected by the ban and will still be able to sell puppies. Anyone privately rehoming or selling a single puppy will not be defined as a commercial third party seller and will not be affected by Lucy's Law.

WILL LUCY'S LAW LEAD TO A SHORTAGE OF PUPPIES?

There is no evidence to support this claim. A ban will actually only prevent commercial breeders located outside of the UK (and therefore not regulated by UK animal welfare standards) from selling puppies.

Some breeders based in the UK that currently depend upon third parties to sell their puppies may also be unwilling or unable to sell directly to the public, but Lucy's Law only removes a method of distribution; the overwhelming majority of dog breeders will continue to have access to the market.

Compelling all breeders to sell directly will also logically result in more breeders meeting the basic definition of 'responsible' – purchasers able to see puppies with their mother in the place where they were born. Puppies born and reared to better standards of welfare are likely to live longer, healthier lives and this will help to slow down the turnover rate in the domestic dog population, thus reducing the demand for 'replacement' puppies.

WHAT WILL HAPPEN TO THE BREEDING DOGS AND PUPPIES?

There will be a lead in period before the law comes into effect. But we are already working with specific rescues around the UK to ensure breeding dogs and their puppies are safely removed and rehomed.

ARE OTHER MEASURES NEEDED TO MAKE LUCY'S LAW A SUCCESS?

We have always stated that a ban on commercial third-party puppy sales is the most essential and significant step towards improving the welfare of breeding dogs in puppy farms, but that it is not a silver bullet.

Combining Lucy's Law with the pending dog breeding legislation changes (due to come into force in October) will ensure that these measures have a far greater chance of tackling puppy farming than would ever be the case without it.

WILL THE TRADE GO UNDERGROUND?

No, puppy sellers rely on advertising and word of mouth to sell their puppies, they have no option but to remain 'above ground'. And members of the public would not deliberately seek out 'rogue underground' sellers.

WHAT ABOUT ILLEGAL PUPPY TRAFFICKING?

Banning all commercial third party puppy selling will make illegal puppy dealing easier to detect because it will not be concealed by the presence of a legal trade. Without a legal outlet, there will be no legitimate reason for batches of puppies to be imported, thus aiding the identification of suspicious activity.

WILL LUCY'S LAW WORK AND WHO WILL ENFORCE IT?

A partial ban on third party puppy sales already exists because the activity is illegal unless the seller holds a pet shop licence. Many illegal puppy dealers have been successfully prosecuted under various pieces of legislation (a significant contrast to the lack of enforcement action against licensed sellers, even though the complaints about sick or dying puppies are identical).

As the impact of illegal puppy sales is not limited to animal welfare, enforcement activity is undertaken by a number of agencies including the police, trading standards and the RSPCA, often working together and with local authorities.

Puppy sellers are dependent upon advertising to reach prospective customers and if visible to consumers, they will also be visible to enforcement agencies, so there is no possibility of the trade moving 'underground'.

WILL LUCY'S LAW STOP ONLINE SALES?

Third party puppy sellers rely on the internet to advertise their puppies, so Lucy's Law will allow websites to block and report possible illegal third party sellers. Breeders and reputable rescues will still be able to advertise online.

WHAT ABOUT RESCUES?

The new regulations covering animal selling are not intended to apply to rescues, which operate in response to need rather than as businesses for financial gain.

Genuine rescues and rehoming activities will not be affected by Lucy's Law as this activity is not done for commercial gain. There is no loophole as anyone concealing animal trading under the guise of rehoming will be deemed illegal.

DOES THIS LEAVE A POTENTIAL LOOPHOLE FOR THIRD PARTY SELLERS TO POSE AS RESCUES TO EVADE A BAN?

No. Selling animals in the course of a business without an animal seller licence is already illegal and will continue to be illegal. This means there is no loophole, as the nature rather than the name of the activity will determine if a licence and therefore a ban would be applicable.

Irrespective of a ban on commercial third party puppy sales, concealing animal trading under the guise of charitable rescue will carry implications of fraud and tax evasion and strict enforcement will be required for these reasons, in addition to animal welfare.

