

DEFRA CONSULTATION

A ban on the commercial
third-party sales of puppies
and kittens in England

September 2018

Submitted by:

Canine Action UK
C.A.R.I.A.D. and Pup Aid



- Banning commercial third-party sales of puppies and kittens in England -

Response submitted by Canine Action UK, Pup Aid and C.A.R.I.A.D.

September 2018

QUESTION 1: DO YOU AGREE OR DISAGREE WITH A BAN ON THE COMMERCIAL THIRD-PARTY SALES OF PUPPIES AND KITTENS IN ENGLAND?

Canine Action UK, Pup Aid and C.A.R.I.A.D. welcome the Government's consultation on plans to introduce a ban on commercial third-party sales of puppies and kittens in England. We have campaigned on this issue individually and as a coalition of organisations for many years, identifying and promoting a ban as the most crucial and significant measure to improve the welfare of dogs that are commercially bred for the pet market. Our conviction that a ban is essential is based upon:

First-hand experience of conditions inside licensed dog breeding establishments in the UK; personally rehabilitating ex-breeding dogs that have long term mental and physical damage resulting from lack of appropriate care; treating puppies with severe and life threatening illnesses arising from poor hygiene, exposure to disease and compromised immune systems; dealing with numerous complaints from members of the public relating to sick and dying puppies; investigations into individual sellers including gathering evidence of fraudulent practices, deception and threatening behaviour; extensive research into the activity of third-party selling, puppy buying behaviour and the welfare of ex-breeding dogs.

Our knowledge of the harm caused by the commercial third-party puppy trade is supported by the findings of other campaign groups, welfare organisations, enforcement agencies and individuals in the UK and around the world and backed by peer reviewed research.

The enormous weight of evidence, gathered over many years supports the urgent need for a ban on third party selling, while arguments against a ban are unsubstantiated. Further research is unnecessary, as it will only corroborate the need for a ban while needlessly delaying its implementation, causing unacceptable ongoing welfare harm.

There is no justification for continuing to compromise the welfare of dogs that are being bred and sold as companion animals. Compelling commercial dog breeders to sell directly to the public rather than through third-party agents means they will be visible and accountable for the immediate and long-term welfare of the puppies and dogs that they are earning a living from. A ban is urgently needed to help ensure the success of the new dog breeding regulations, due to come into force on 1st October 2018. It has cross party support and is backed by the majority of stakeholder organisations. The 'Lucy's Law' e-petition closed on 1st September at just under 150,000 signatures, demonstrating extensive public approval for an immediate ban.

We have campaigned vigorously for a ban on commercial third-party puppy sales based on our extensive knowledge of the industry and evaluation of alternative measures. 'Puppy farming' is unanimously considered to be a problem that should be prevented, and we are in full agreement with this concept. However, in practice we are forced to conclude that it is impossible to define the activity of 'puppy farming' in a measurable way that would be necessary for effective detection and enforcement, due to the number of variables involved and potential for subjective judgements. A universally accepted indicator of good breeding practice is transparency, which at the most basic level means that purchasers are able to view puppies alongside their mother at the premises where they have been bred and the sale is conducted by the breeder. Conversely, a common factor for many low welfare breeding establishments is that sub-standard conditions are concealed from purchasers because puppies are not sold from the breeding premises. While it is important to clarify that not all low welfare breeders will sell their puppies through commercial third parties, no responsible breeder will ever opt for this method of selling.

A ban is consistent with Government advice that purchasers should see a puppy with its mother, which effectively discourages buying from licensed third party sellers. It will be much easier to educate the

public against a trade which is not legal under any circumstances and will support consumers in making responsible buying choices by eliminating the highest risk sellers from the licensing system.

The breeders who sell puppies to commercial third parties do so to evade responsibility and avoid public scrutiny of the breeding establishment and breeding dogs. In turn, the commercial third-party puppy trade depends upon breeders that can consistently supply large numbers of puppies at a minimal price, with no regard for their long-term future. The entire industry sustains a model of low welfare dog breeding. Breeders located outside the UK are also increasingly capitalising upon the commercial third-party puppy trade to reach the UK market without being subject to UK dog breeding regulations.

Attempting to raise standards through tightening breeding regulations cannot succeed while breeders continue to sell puppies to a third-party market that actively incentivises a minimal regard for welfare. This is clearly demonstrated by the ongoing existence of licensed breeding establishments where conditions are extremely poor (Reference: BBC The Dog Factory documentary and EFRA evidence obtained during visit to licensed commercial breeder). Furthermore, the intrinsic physical and psychological harm caused directly by the processes of selling puppies from an environment away from their place of birth in itself justifies the prohibition of this practice.

Enforcement of a ban will be simpler and more objective than the current system of licensing, as it would only involve detecting and implementing sanctions against those engaged in illegal activity. Officers will not require specialist animal welfare training (with the exception of removal of animals from the premises) as the focus is on detecting illegal trading. In contrast, if a seller is operating illegally, enforcement agencies have a mandate to investigate and prosecute, even on the basis of a single offence.

In conclusion, banning the commercial third-party sale of puppies removes a market which partially sustains and entirely depends upon low welfare breeding establishments and completely eliminates the inevitable physical and psychological damage caused by selling puppies hundreds of miles away from their place of birth. It sends a clear message that it is no longer legally acceptable to trade puppies as a retail

commodity with no regard for their welfare or the welfare of breeding dogs in the establishments that supply the trade.

NB. We have confined our response to the commercial third-party sale of puppies as this is our area of specific expertise. However, we fully support the extension of the measure to kittens, as although the issues involved differ from the puppy trade, we do not regard a retail pet shop environment as suitable to meet the needs of kittens. Removing a potential outlet for kittens resulting from unplanned pregnancies could also incentivise owners to commit to neutering their female cats.

QUESTION 2: DO YOU BELIEVE THAT A BAN WILL HAVE NEGATIVE OR POSITIVE IMPACTS ON THE WELFARE OF ANIMALS?

A considerable obstacle to effective regulation of the commercial dog breeding industry is that while third-party selling remains legal, breeders selling through these channels can avoid taking responsibility for the puppies they produce. Additionally, welfare improvements entail commitment of time and financial resources, which would reduce the margin of profit for each puppy. This means there is little incentive for breeders selling through third parties to comply with enhanced breeding regulations, especially if breaches are not enforced with meaningful penalties.

Forcing breeders to sell directly to the public will ensure they are visible and accountable for the puppies they produce, a compelling incentive for improvement. Selling directly to the public will also bring financial benefits, as the net revenue per puppy will increase if puppies are sold at the average market price rather than at the wholesale price paid by third-party dealers. This will provide additional resources for welfare improvements and may mean that breeding establishments can generate the same level of income from fewer puppies, potentially resulting in a reduction in scale.

A ban would ensure that responsibility for adequate socialisation rests with the breeder and cannot be delegated to subsequent parties in a chain of sale. Breeders can be held accountable for inadequate socialisation which will encourage compliance with this vital requirement.

Compelling all dog breeders to sell their puppies directly to the public is the most immediate and simple means of incentivising responsible breeding, at a very basic level. It will immediately increase the number of puppies produced in a more ethical way, because all breeders previously selling through third parties would now meet the minimum criteria for a responsible breeder. **A ban on third-party selling is therefore the essential first step in any attempt to reform dog breeding welfare.**

A ban would prevent the sale in England of puppies which have not been bred to standards of welfare recognised by the national and devolved administrations. If puppies bred in Europe under low welfare conditions and with little thought for genetic and physical health continue to be legally sold, commercial breeders in England and the rest of the UK will be deterred from having regard for these aspects. The continued pressure of competing against sellers supplying cheaper puppies from Europe, the Republic of Ireland or from low welfare breeding establishments in the UK may reduce demand for responsibly bred puppies, possibly resulting in some UK breeders reducing or even ceasing breeding activity. This in turn will increase the market for irresponsible breeders and dealers.

Prohibiting third-party sales will potentially improve the overall health of the UK dog population by levelling the playing field, therefore compelling and incentivising all UK breeders towards more responsible breeding practices.

The intrinsic processes of third-party sales carry inherent immediate and long-term welfare risks. A ban would remove the need for transportation away from the breeding establishment, eliminating risks posed by exposure to pathogens in vehicles and the sale environment and preventing the transmission of disease between animals originating from different sources. Removing the need for transportation and restricting puppy sales to breeders' premises will also reduce the risk of disease outbreaks and transmission to the wider canine population. It will also reduce the potential for stressful and negative experiences during the critical development phases of a young puppy's life which can result in severe behavioural issues.

A ban on third-party selling is an essential measure to raise welfare standards in commercial breeding establishments, because breeders will be accountable

for the puppies they produce. The physical and psychological damage inevitably caused by selling puppies hundreds of miles away from their place of birth can be entirely eliminated.

Concerns have been raised that prohibiting the activity of third-party puppy selling will remove it from the protection of regulation, running the risk that the trade will continue 'underground' with even worse welfare consequences. The premise for these objections is founded on an erroneous belief that the welfare of puppies sold by licensed third-party sellers is significantly better than those sold by unlicensed (illegal) sellers and that enforcement against illegal sellers would be more successful under a regulatory system than under a ban.

The inherently negative welfare impact caused by the processes of third-party selling can at best only be reduced through regulation, it cannot be entirely eliminated. This means that puppies sold via this route are inevitably detrimentally affected to some degree by practices which are absent if puppies are sold directly to the purchaser. Reducing the amount of harm inflicted falls far short of ensuring good standards of welfare.

In reality however, robust licensing of third-party sellers is an unachievable prospect as the risk of welfare harm and incentives for malpractice are too high. The enforcement of increasingly more complex licence conditions presents considerable resource and logistical problems, making regulatory control of third-party puppy vendors an ineffective and unattractive option for local authorities. There is strong evidence to indicate that licensing third-party sellers only results in superficial improvements to welfare compared with illegally operating traders; in many cases conditions in licensed premises are virtually indistinguishable to those in illegal premises. While the new regulations are more demanding than previous versions, there are still significant omissions (sourcing of puppies, unsold puppies) and areas open to considerable subjective interpretation. Enforcement of the regulations and the accompanying guidance cannot be done at intervals sufficient to ensure that breaches are not routinely occurring.

While the new regulations require a licence number on advertisements which could help determine the legitimacy of a seller, this has at least equal merit under a ban as under a licensing system. There is no evidence to suggest that third-party sellers would be

QUESTION 3: WE HAVE PUBLISHED A DRAFT REGULATORY TRIAGE ASSESSMENT, AVAILABLE TO VIEW ON THIS PAGE. THIS RTA HAS NOT BEEN VALIDATED BY THE REGULATORY POLICY COMMITTEE. DO YOU HAVE ANY VIEWS ON THE ASSUMPTIONS OR CONCLUSIONS SET OUT?

less likely to comply with a ban than with a requirement for licensing, or that the number of illegal third-party sellers would increase if a ban was introduced. There is at least an equal potential for continued licensing to 'drive the trade underground' because it is more difficult for enforcers, advertising websites, consumers and the public to make the distinction between legal and illegal traders. As the activity itself is not prohibited, illegally operating traders can often hide 'in plain sight' and it is therefore far more likely that sellers removed from the licensing regime or evading licensing will continue to operate.

Prospective dog owners sometimes do not put sufficient effort into sourcing a dog and while this is part of the problem, it also negates the argument that restricting the legitimate supply of dogs would drive the trade underground. Puppy buyers will usually take the easiest and most obvious path to obtain a puppy. If there is a trustworthy and straightforward system in place to obtain a dog responsibly and lawfully, purchasers looking for a family pet are extremely unlikely to deliberately seek out a hidden criminal underworld of puppy dealers. Puppy buyers are making a one off purchase and therefore advertising is essential to those engaged in the commercial sale of dogs. Blocking illegal third party sellers from mainstream advertising will achieve success, even without extensive prosecution action because if the trade cannot reach the market it cannot not survive 'underground' and the easier it becomes for people to buy puppies responsibly, the more likely they are to follow this path.

Claims that a ban on third-party selling would be detrimental to dog welfare are entirely without substance. A ban will unequivocally prevent the inherent harm caused by the process, and detection of illegal sellers will be easier if the activity itself is prohibited. The welfare of puppies sold by licensed sellers is only marginally better than those sold by unlicensed sellers, therefore the resources required for regulating the trade are disproportionate to the level of protection that can be achieved.

- Point 3. We would like to clarify that the policy objective refers to anyone selling puppies or kittens commercially. This policy would not extend to non-commercial sales that do not meet the criteria for licensing as an animal seller under the new regulations.
- Point 7. The RTA acknowledges there is 'significant uncertainty' around the impact of a ban on commercial third-party puppy selling but estimates that the overall net cost to businesses in the existing third-party chain will be in the region of £1.7 million a year. The expected loss of profit for breeders dependent upon the third-party market, and the loss of revenue for sellers is predicted to be partially offset by an increase in net profit for breeders who are able to benefit from selling puppies directly for a higher fee. We agree with this assessment.

The RTA highlights that the data available on third-party sales of puppies and kittens is limited. We have collected and submitted extensive evidence relating to the trade and agree with this statement. However, we would add that due to the very covert nature of the third-party trade and the difficulties of establishing the accuracy of information disclosed by breeders and sellers, refining the estimates will be difficult. Even with the requirement for microchipping, tracing puppies through the chain from birth to sale would pose considerable challenges and cash transactions obscure the financial pathways.

- Point 11. We agree with the RTA estimates for the scale of the licensed third-party puppy trade. There is some fluidity in the market, with sellers withdrawing and new sellers obtaining licenses, but our research leads us to the conclusion that the overall number of sellers remains fairly stable. There are indications that increasing numbers of puppies are sold via third-party sellers, as the more traditional 'retail pet shop' occasionally

selling a single litter is becoming rarer and being replaced by single species dealers operating from private premises and selling multiple litters of puppies.

We would also reiterate the point made in our response to the Call for Evidence:

‘5.6.4 The new regulations for dog breeders will prevent the activity of ‘hybrid selling’ – where breeders sell bought in puppies alongside those bred on site. Regulation 2, Schedule 6:1. (1) (a) **‘The licence holder must not advertise or offer for sale a dog which was not bred by the licence holder. This will eliminate approximately 41% of existing pet shops licensed for the sale of puppies.’**

These hybrid sellers currently make up almost half the current pet shop licenses that permit the sale of puppies. It appears the RTA does not take into account that the new regulations for dog breeding should prevent breeders from holding licenses that permit the sale of bought in puppies alongside those bred on site. Estimates should be adjusted to take into account that these licensed third-party sellers will be effectively ‘banned’ once the new regulations come into force and will therefore not factor any further in the consideration of the potential impact upon businesses under an outright ban.

- Point 15. We would once again clarify that a ban would apply only to those sellers that would meet the criteria for licensing as animal sellers. The Guidance Notes for Conditions for selling animals as pets (July 2017) states that:

‘2. In all cases except dog breeding, the licensable activity is **restricted to businesses or those operating on a commercial basis.**’

We are concerned that it is essential to make this distinction to avoid misconceptions that a ban will apply in situations other than the intended target of commercial third-party puppy traders. Although this is obliquely referred to in point 16, we do not feel that it is sufficiently unambiguous.

- Point 18. We are in agreement that the number of breeders that sell through third-party sellers is unknown. There is considerable difficulty in obtaining this information. The hugely variable nature of dog breeding license inspection reports in use across the UK means that the method of sale

is not recorded as a matter of course. Some local authorities (notably those in Wales where the greatest concentrations of licensed breeders occur) have previously included the method of sale in inspection reports, only to remove this question in later versions. This may well be a response to pressure from breeders who are keen to conceal this information from campaign groups utilising the Freedom of Information Act. (The identity of the third-party seller is almost always redacted).

Our own extensive investigations into numerous third-party sellers have also demonstrated the difficulty in obtaining details about breeders supplying these outlets. We would draw attention to the active deception employed by sellers in many instances to conceal the origin of puppies from purchasers, including sticking labels over the breeder’s details on pedigree/vaccination records.

Further complications arise when sellers purchase puppies from breeders based outside the UK, including those supplied by breeders based in the Republic of Ireland. Our investigations have included FOI requests to the APHA pertaining to import data for individual sellers, but this does not indicate whether puppies are sourced from single or multiple breeders. In all but a few cases, obtaining specific details for breeders supplying third-party sellers is virtually impossible as most local authorities do not hold this information on record as part of the inspection process and sellers refuse to disclose the identity of their supplier. While it would be useful to have accurate figures for breeders supplying third parties, we do not believe such information is essential for the RTA as it is highly likely that the majority of breeders are not based in England.

- Point 20. We do not disagree with the estimate of £7.9 million for third-party puppy sales, however we refer to the observation made relating to point 11, that about 41% of currently licensed sellers will already be prohibited as a result of measures included in the new licensing regulation.
- Points 23 and 24. The clandestine nature of the third-party trade makes it extremely difficult to obtain accurate figures for the distribution of profit between breeders and sellers and the costs involved in rearing puppies. Caution should be exercised when

relying upon information volunteered by those involved in the trade, as this cannot be independently verified, and it may be intended to mislead.

- Point 26. See earlier comments relating to hybrid sellers.
- Point 28. We believe that the research referred to is still essentially correct, and location alone is not a barrier for many breeders that currently supply third parties to switch to selling directly to the public. We agree with the assumption that other factors may contribute to breeders withdrawing from the market following a ban but wish to clarify that the estimate of 20% is based on figures relating **only** to breeders selling to third parties and therefore does **not** indicate a loss of 20% of all dog breeders as a consequence of a ban. The number of breeders dropping out of the market as a result of a ban will only be a tiny fraction of the overall breeder population, potentially less than 1%. The estimates given in Points 31 and 32 may therefore need readjusting. Breeders who are entirely dependent upon a third-party outlet also have the least incentive for compliance with tighter breeding regulations and pose a considerable risk due to the absence of any regular scrutiny.
- Points 29 and 30. We concur with the conclusions of the RTA; that a proportion of revenue is lost to breeders based outside of the UK, but that breeders based in the UK who cannot or will not sell directly to the public will also face a loss of revenue. See also comment under Point 28.
- Point 31. As mentioned under points 23 and 24, obtaining accurate data on production costs and net profit is extremely difficult due to the reliance upon records kept by those involved in the trade and the absence of any independent verification.
- Points 35 and 36. Previous observations apply, that obtaining accurate information for this aspect of the assessment will be difficult. Unlike manufacturing industries, there is virtually no traceability or transparency within the third-party puppy trade. However, we believe it is reasonable to assume that

breeders who are able to transition to selling directly to the public will benefit from a higher net profit per puppy.

The reasons for breeders selling through third parties are predominantly for convenience and avoidance of responsibility. We are confident to make this statement based upon our knowledge of the industry and also breeders' responses to previous regulatory consultations conducted in Wales and Ireland. Third-party puppy sellers provide a market for puppies that are bred purely for financial gain with no regard for their long-term welfare. The wholesale trade in puppies where animals are purchased as a batch and resold individually at a marked-up price depends on and sustains the production of dogs as a cash crop – hence the term 'puppy farming' is an accurate description of the reason for breeding. Breeders must ensure a consistent supply of puppies and income is generated by the quantity sold, as the profit margin per puppy is relatively small. In return breeders have a guaranteed purchaser and can absolve themselves of any further responsibility. The existence of third-party sellers perpetuates a culture of irresponsible dog breeding where the driving concern is to maximise profit at the expense of welfare and the breeder acts only as a supplier whose involvement ends immediately puppies leave the breeding premises.

Responses to the Welsh Government's 2012 Dog Breeding Regulations consultation provide clear evidence that breeders were reluctant to accept welfare reforms which might impact upon their income and were strongly adverse to being identified (via microchipping).

'Dog breeding is a business and as such, best practice would have a serious economic impact.'

"The dangers of employing best practice is that it may have an adverse economic effect."

"(Minimum staffing requirements) ... are not financially viable."

"(Approved health and welfare plan) ... would have an adverse economic impact."

"It renders breeders liable for a dog 5/6 years down the line."

"Breeders cannot be responsible for that pup for years to come."

“What if ...the dog becomes ill/causes an accident/incurs large vet bills for any reason in 5 years time? Does the responsibility still come back to the Welsh licensed breeder who sold that pup when he/she was 8 weeks old?”

“We supply four licensed pet shops and due to the bad press that puppies from Wales have received over the years they will fail to sell our puppies.”

“The identifying of Welsh puppies will certainly affect their sale.”

“People won’t buy pups in England if there is any trace of them being from Wales.”

“Pet shops who purchase their puppies from Wales will not be able to sell microchipped Welsh puppies due to the publicity we have received over the years.”

“At present, most of the puppies born in Wales are sold to pet shops in England and these establishments are not willing to buy puppies that are from Wales that are difficult to sell due to the adverse publicity.”

While these comments were made several years ago, there is nothing to suggest that the attitude of breeders who supply third-party sellers will have altered dramatically in the intervening period.

Under these circumstances, breeders are not meeting the needs of the eventual purchaser but only the interim third-party market. It may be assumed that breeders choosing to rear dogs purely as a cash crop will have little interest in changing to the more involved role required to maintain a dog breeding business dealing directly with the public. However, breeders that have a genuine interest in dogs may be more inclined to adapt their operation.

- Point 43. We would also make the point that provision will be needed for any breeding dogs that are no longer required, as a result of breeders withdrawing from the market. This would also apply to any remaining puppies in the trade at the time a ban comes into force. Additional space may be required in rescue shelters to accommodate and rehabilitate these animals. We anticipate there will be a lead in period which should allow for gradual rehoming of breeding dogs and puppies.
- Points 44 to 48. The RTA only superficially examines the impact of a ban on consumers, however we wish to highlight that in the

absence of a ban, costs incurred by consumers as a result of the trade are far from insignificant. The cost of veterinary treatment for an acute condition such as parvovirus that develops shortly after purchase can run to several thousand pounds, but owners may also face considerable ongoing costs resulting from late onset chronic conditions, including joint, digestive and skin problems. There are also wider cost implications for owners that have no connection with the third-party trade. For instance, the cost of pet insurance premiums will be affected by the number and value of claims and dogs from low welfare backgrounds may generate high numbers of costly claims. Puppies originating from low welfare backgrounds in the UK and Europe pose a risk of disease transmission to the wider canine population.

The emotional implications for consumers cannot be quantified but nor can this aspect be ignored as it is a very significant consequence of the third-party trade. Very often puppies are purchased by families and the death of a puppy shortly after acquisition is likely to be a traumatic event for all family members, especially children.

- Point 49. We disagree with the conclusion that the impact of a ban upon the supply of puppies is uncertain. There is no evidence to indicate that the supply of puppies will be noticeably affected, as 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. A ban simply removes a method of distribution; the overwhelming majority of dog breeders will continue to have access to the market. As mentioned in our response to Question 2, removing competition from low welfare breeders may improve the market for responsible breeders, driving an increase in breeding. Our response to the Call for Evidence provides a detailed discussion about the misconceptions of supply and demand (see Question 3 CFE).

We disagree with the suggestion that prices (of puppies) may increase as a result of a number of breeders dropping out of the market. There is no evidence that this will happen, as the proportion of breeders withdrawing from the market would be only

a fraction of the overall breeder population. (See remarks against Point 28)

- Point 50. We are concerned that the proposed education campaign will “inform consumers about the dangers of buying pets from unlicensed breeders”. As the ban will apply to the sale of kittens as well as puppies, and cat breeders are not required to be licensed this is inaccurate from the outset. Additionally, we are concerned that ‘unlicensed’ breeders appear to be aligned with ‘illegal’ breeders (“this will reduce the risk of an increase in illegal sales activity.”) The majority of dog breeders are still likely to remain exempt from the requirement for licensing even after the new regulatory threshold comes into force and there is little conclusive evidence to demonstrate that exempt breeders in general have lower standards of welfare than licensed breeders (rather the evidence is to the contrary). We feel that until there is demonstrable evidence that the licensing regime is successfully raising and upholding high standards of welfare, consumers should not be advised to view a license as an indication of a responsible breeder and the absence of a licence as an indication of irresponsible or illegal activity. Existing advice on selecting a responsible breeder remains perfectly adequate.

Points 51 to 53. We are in agreement with these conclusions. However, we note the observation made in Point 51, that “only those people who had bred the animals would be allowed to conclude the sale in England” and the statement (Point 20 of the Consultation document) “The ban would not apply to sales that are conducted outside of England with the puppies and kittens then being delivered to their new owners in England.” We believe that this could be avoided with an explicit requirement that “*only licensed breeders, with premises located in England may sell in the course of a business.*” This would prevent breeders located outside England from delivering puppies to England to sell. It is also our view that the requirement for **the sale of a dog to be completed in the presence of the purchaser on the premises** (Schedule 3, Selling animals as pets, 5 (2) should be retained and transferred to Schedule 6 (Breeding Dogs) as this is a more explicit requirement than to state “advertised or offered for sale” (Schedule 6, 1. (1)) The objective of a ban on third-party selling is to ensure that puppies are purchased

from their place of birth in order to drive transparency and a rise in standards.

- Point 54. We are in agreement with this. A ban on third-party selling would be applicable only to sellers that meet the criteria of requiring an animal seller licence (previously a Pet Shop licence). There is no indication that genuine rehoming centres will fall into this category and indeed the proposed consultation on regulation for this sector is further proof that rehoming activities are not regarded as commercial animal sellers and therefore a specific exemption is not required. We are also in full agreement that commercial third-party sellers attempting to operate under the guise of ‘rescue’ would meet the criteria for licensing as animal sellers and would therefore be prohibited from selling puppies and kittens. Sellers operating illegally without a licence and masquerading as a rehoming service will be subject to enforcement under the new regulations and additionally could face prosecution under consumer protection, fraud prevention and tax evasion laws. As such it is clear there are no ‘loopholes’ that could be exploited, as has been claimed.
- Points 55 to 57. We are in agreement with the remaining conclusions.

Questions 4 and 5. These questions do not fall within the scope of a consultation on banning commercial third-party selling of puppies and kittens. Point 54 of the RTA is clear that the potential regulation of rescue and rehoming activity is a separate policy area and that a ban will have no impact upon this activity. We have provided further discussion on this subject in Question 3 of this response and under section 5.4 of our response to the Call for Evidence. The definition of rescue/rehoming centres and need for regulation should be considered under a separate consultation to ensure the subject receives appropriate consideration.