

SHETLAND ISLANDS COUNCIL

The Animal Health and Welfare (Scotland) Act 2006

The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021

NOTES

No person shall keep a pet shop except under the authority of a Licence granted by the Local Authority in accordance with the provisions of the above Act.

Conditions With Which a Licensee Must Comply

1. **Licence display**

A copy of the licence must be clearly and prominently displayed on any premises used for the licensable activity.

The name of the licence holder, the number of the licence and the name of the local authority that issued the licence must be clearly and prominently displayed on any website used in respect of the licensable activity.

2. **Records**

The licence holder must ensure that all the records that the licence holder is required to keep as a condition of the licence are available, or can be readily be made available, for inspection by an inspector in a visible and legible form. Where any such records are stored in electronic form, they must be in a form from which they can readily be produced in a visible and legible form for inspection. If the necessary records are not kept at the licensed premises, the licence holder must promptly make them available for inspection. Records must be kept for at least 3 years beginning from the date on which the record is created.

3. **Number of animals**

The total number of animals kept for the licensable activity at any time must not exceed the maximum that is reasonable taking into account the facilities and numbers of employed staff and volunteers on any premises on which the licensable activity is carried on.

4. **Staffing**

Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals in the licenced premises are met. The holder of the licence and any employed staff must be competent in identifying the normal behaviour of the animals for which they routinely care, in particular, signs of stress, sickness, injury or abnormal behaviour and no the action to take to mitigate or prevent it. Volunteers must only undertake tasks for which they have been suitably trained. The licence holder must ensure that a written training policy is in place for staff members and volunteers caring for animals.

5. **Suitable Environment**

All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape. They must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

Animals must be kept at all times in an environment suitable to their species and condition (including health status and age) with respect to:

- (a) their behavioural needs,
- (b) its situation, space, air quality, cleanliness and temperature,
- (c) the water quality (where relevant),
- (d) noise levels,
- (e) light levels,
- (f) ventilation.

Staff must ensure that the animals are kept clean and comfortable. Where appropriate for the species, a toileting area and opportunities for toileting must be provided.

Procedures must be in place to ensure that accommodation used in connection with the licensable activity is capable of being thoroughly cleansed and disinfected. Any equipment within the accommodation must be cleaned as often as necessary and good overall hygiene standards must be maintained.

The animals must be transported and handled in a manner (including, for example, in relation to housing, temperature, ventilation and frequency) that protects them from pain, suffering, injury and disease.

All the animals must be easily accessible to staff and for inspection. There must be sufficient light for the staff to work effectively and observe the animals.

All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.

Animals must not be left unattended in any situation or for any period likely to cause them distress.

6. **Suitable Diet**

The animals must be provided with a suitable diet in terms of quality, quantity and frequency. Any new feeds must be introduced gradually to allow the animals to adjust to them.

Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.

Feed and drinking water provided to the animals must be unspoilt and free from contamination.

Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.

Constant access to fresh, clean drinking water must be provided in a suitable receptacle for species that require it.

Where feed is prepared on the premises, there must be hygienic facilities for its preparation, including a working surface, hot and cold running water and storage.

7. **Enrichment and training of animals**

Active and effective environmental enrichment must be provided to the animals in inside and any outside environments.

8. **Animal Handling and interactions**

All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease.

The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals. No animals from a social species may be isolated or separated from others of their species for any longer than is necessary.

9. **Protection from Pain, Suffering, Injury and Disease**

Written procedures must—

(a) be in place and implemented covering—

- (i) feeding regimes,
- (ii) cleaning regimes,
- (iii) transportation,
- (iv) the prevention of, and control of the spread of, disease,
- (v) monitoring and ensuring the health and welfare of all the animals,
- (vi) the death or escape of an animal (including the storage of deceased animals);

(b) be in place covering the care of the animals following the suspension or revocation of the licence or during and following an emergency.

All people responsible for the care of the animals must be made fully aware of these procedures

Appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.

All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases and parasites.

All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.

Sick or injured animals must receive prompt attention from a veterinarian or, in the case of fish, an appropriately competent person and the advice of that veterinarian or, in the case of fish, that competent person must be followed.

Where necessary, animals must receive preventative treatment by an appropriately competent person.

The licence holder must register with a veterinary surgeon and the contact details of that veterinarian must be readily available to all staff on the premises on which animals are kept and where the licensable activity is undertaken.

Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinarian.

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Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinarian.

Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals. They must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.

No person may euthanase an animal except a veterinary surgeon, a person acting under the supervision of a veterinary surgeon, a person who has been authorised by a veterinary surgeon as competent for such purpose or-

(a) in the case of fish, a person who is competent for such purpose;

(b) in the case of equines, and species generally regarded as farmed livestock, a person who is competent, and who holds a licence or certificate which is relevant to the species, for such purpose, except where the purpose of the euthanasia is to end suffering that has arisen suddenly and unexpectedly and to arrange for such a person to euthanase the animal would prolong the suffering.

All animals must be checked at least once daily and more regularly as necessary for any signs of suffering, injury, disease or abnormal behaviour to check for any signs of pain, suffering, injury, disease or abnormal behaviour. Vulnerable animals must be checked more frequently. Any signs of suffering, injury, disease or abnormal behaviour must be recorded and, if necessary, the advice of a veterinary surgeon (or in the case of fish, of an appropriately competent person) must be sought and followed.

10. Emergencies

If animals are kept in premises, other than domestic premises, from which the licensable activity is carried on-

(a) a written emergency plan, acceptable to the local authority, must be in place, known and available to all the staff on the premises, and

(b) such a plan must be followed where necessary to ensure appropriate steps are taken to protect all animals on the premises (without risking human life) in case of fire, breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

The emergency plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.

External doors and gates must be lockable.

If animals are kept in premises from which the licensable activity is undertaken, a designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.

Other Legal Notes

Animals shall not be sold as pets in any part of a street or public place (or)¹ at a stall or barrow in a market.

No person shall sell an animal to a person whom he has reasonable cause to believe to be under the age of 16 years.

Licensed premises are liable to inspection by officers of the Local Authority.

Guidance on specific conditions - pet sellers

Definitions:

“Prospective owner” means a person who seeks to purchase an animal to be kept or to be resold as a pet.

“Premises” means the premises specified in the licence and on which the licensable activity of selling animals as pets, as described in paragraph 1 of schedule 1 of the Regulations is carried on.

“Purchaser” means a person who purchases an animal to be kept or to be resold as a pet.

To determine whether a person supplying pets requires to be licensed, local authorities will need to consider a number of factors which should include:

- Whether the person supplies animals as pets in order to make a profit.
- Whether engaging in the activity earns the person any commission or other fee.
- How frequently the person sells animals as pets.
- The number of animals kept by the person for the purposes selling them.

These criteria for determining whether a person is selling pets in the course of a business is not exhaustive and local authorities should use their own professional judgement and experience to decide whether a person selling pets requires to be licensed. Other factors or situations that may need to be considered could include:

- Does the licence holder import, distribute and sell animals as a business?
- Is the business registered with Companies House? Individuals operating from domestic premises for commercial purposes may however not be listed with Companies House.
- Premises open to members of the public or to other businesses where animals are available for purchase.
- The purchase of animals with the express intent to sell them on for profit.
- Where animals are bought and then re-advertised for sale or sold within a short period of time.
- The number, frequency and/or volume of sales - systematic and repeated transactions using the same means of advertising are likely to indicate a commercial activity.
- Low volumes of animals sold or advertised could be associated with a business where high sales prices or large profit margins are involved.
- Variability in the animals traded. A wide variety of species or taxa being traded could indicate the commercial nature of the activity.

Selling activity likely to be outwith the scope of licensing:

- The infrequent sale of a small number of surplus offspring/excess stock by a private individual who breeds animals as a hobby, for pleasure, exhibition or for education, study or scientific advancement. Clearly, where hobby breeders breed 3 or more litters of dogs, cats or rabbits in any 12-month period they should be licensed as a breeder.
- The private sale of an individual animal, or animals on an infrequent basis from one person to another as a part of a non-commercial transaction.

1. Records and advertisements

Condition: A register must be maintained for all the animals or, in the case of fish, all the groups of fish, on the premises. The register where they are kept for sale which must include —

(a) the full name of the supplier of the animal,

**(b) the animal's sex (where known),
(c) (except in the case of fish) the animal's age (where known),
(d) details of any veterinary treatment (where known),
(e) the date of birth of the animal or, if the animal was acquired by the licence holder, the date of its acquisition,
(f) the date of sale of the animal by the licence holder,
(g) the date of the animal's death (if applicable), and
(h) the animal's microchip number (if any).**

Guidance:

Local authorities must ensure that holders of a pet selling licence are keeping records in accordance with the requirements of section 2, schedule 2 of the Regulations (see section 2 of the guidance on the enforcement of the general conditions of licence). The minimum information to be recorded and retained by licence holders is set out above. Where a licence holder is failing to record the information required under licence, the local authority should engage with the licence holder and ensure that remedial action is taken to ensure compliance. For fish sales the acceptable minimum for the licence holder to record is the type of fish sold, i.e. Tropical Marine, Tropical Freshwater or Cold Water along with the number of each sold per day. For example: on [date] sales were: 15 Cold Water and 10 Tropical Freshwater; total fish sales for the day 20. As for all records this information needs to be retained for 3 years.

The register must be a stand-alone dedicated document. This can be a centralised system, but must either be accessible in store or be readily and promptly made available to an inspector upon request. The register may be in electronic or paper format. For fish, deaths should be recorded when mortality exceeds 5% of a fish type (see above paragraph) on site, over a 24 hour period. Registers must be inspected on site, treated in confidence and not routinely removed from the licensed premises. Section 24, part 4 of the Regulations does however provide inspectors with powers to copy or remove registers where there is cause to suspect that an offence has been committed.

The register must contain sufficient detail as to allow identification of the source (i.e. the supplier) of the animals.

Condition: Where an animal is undergoing any medical treatment:

**- this fact must be clearly indicated in writing next to it or (where appropriate) by labelling it accordingly if it is on display in the premises for the purposes of being sold, and
- it may only be sold to a prospective owner if a veterinary surgeon advises that the animal is in a suitable condition to be sold and the details of and the reasons for the treatment are communicated to the prospective owner prior to the sale.**

Guidance:

Local authorities should ensure that licence holders understand that they must not sell any animal that is undergoing any medical treatment unless a veterinarian confirms that it is in a fit state to be sold. Licence holders should retain proof of such advice and this should be shared with any prospective owner or purchaser along with reasons for the treatment. Licence holders should be able to demonstrate the procedures that are in place to ensure that an animal undergoing treatment that makes it unsuitable for sale is clearly identified, segregated where necessary and not sold.

Treatments administered as part of any routine, preventative measures are not considered as an animal under treatment e.g. worming treatments as part of new acquisition admission policies.

Condition: Any advertisement for the sale of an animal must:

- include the number of the licence holder's licence,
- specify the local authority that issued the licence,
- if the animal being advertised is a dog or cat, include a recognisable photograph of the animal,
- (except in the case of fish) display the age of the animal being advertised,
- state the country of residence of the animal from which it is being sold' and
- state the country of origin of the animal.

Guidance:

Local authorities should ensure that the licence holder understands that “**any advertisement**” includes ads placed on social media platforms, ad sites like Gumtree, Pets4Homes etc., and any other web site on which the licence holder advertises animals for sale to the public.

Where an ad is for a dog or cat the ad must include a recognisable photograph of the animal for sale.

The country of origin must refer to the country of birth of the specific animal. Where this is not known, the country of export of the specific animal may be used.

2. Prospective sales: pet care and advice

Condition: Any equipment and accessories being sold with an animal must be suitable for the animal.

Guidance:

Inspections undertaken by Local authorities should, as far as possible, confirm that licensed pet sellers only stock and supply equipment and accessories that are designed for and are suitable for the particular animal or animals being sold. In particular any housing being sold with an animal must meet or ideally exceed the minimum size recommended for the animal or species.

Condition: The purchaser must be provided with information on the appropriate care of the animal including in relation to-

- a) **feeding;**
- b) **housing;**
- c) **handling;**
- d) **husbandry;**
- e) **the life expectancy of its species;**
- f) **the provision of suitable accessories, and**
- g) **veterinary care.**

Guidance:

Local authorities should be satisfied that the licence holder is fulfilling their obligation to provide pet purchasers with appropriate and accurate advice on the care of any animal sold. The information provided must as a minimum include that set out in the box above. Local authorities should be satisfied that the licence holder understands that only suitably qualified or experienced staff should provide such advice. Pet care advice may be in the form of pet care

leaflets or other similar written or electronic instructions, given at the point of sale to the purchaser.

Ideally, any advice given by licence holders should outline the 5 Welfare Needs of Animals and make reference to an owner's legal obligations under the Animal Health & Welfare (Scotland) Act 2006. Advice on microchipping should also be covered where appropriate. Where such advice is not being given by the licence holder, local authorities should encourage its inclusion.

In particular, licence holders must provide the following information for each of the animals below:

Dogs:

Information provided to the purchaser must include advice on updating microchip registration, vaccinations, routine worming, socialisation and neutering. A transitional feeding schedule must also be provided showing the day by day ratio if changing puppies on to a different food. A puppy contract and puppy information pack must be provided at the point of sale.

Cats:

This must include advice on, vaccinations, worming, socialisation and neutering. A transitional feeding schedule must also be provided showing the day by day ratio if changing kittens on to a different food.

NOTE: HOLDERS OF A PET SELLING LICENCE CAN ONLY SELL PUPPIES OR KITTENS THAT THEY HAVE BRED THEMSELVES. WHERE A LICENSED PET SELLER IS SELLING PUPPIES OR KITTENS (DEFINED IN THE REGULATIONS AS A DOG OR CAT UNDER 6 MONTHS OLD) EVIDENCE MUST BE OBTAINED TO CONFIRM THAT THE SELLER IS INDEED THE BREEDER. IF THEY ARE AND THEY ARE BREEDING MORE THAN 3 LITTERS OF PUPS OR KITTENS IN ANY 12 MONTH PERIOD THEY MUST HOLD A DOG BREEDING LICENCE.

Rabbits:

Where sold singly, the licence holder and/or staff must ask if the purchaser owns a compatible conspecific and if not, encourage them to purchase one, or check that they have a care plan in place for a single housed rabbit. This must also include advice on vaccinations and reproductive health care.

Ferrets:

This must include advice on vaccinations, socialisation and reproductive management.

Reptiles:

Advice must be given on enclosure setup, lighting, appropriate environmental conditions and dietary and water requirements. Advice on common ailments and how to spot and treat these should be provided.

Fish:

Advice must cover feeding and appropriate feed types, aquarium setup and maintenance, the importance of water quality to fish health, compatible and incompatible fish species, stocking densities.

Condition: Appropriate reference materials on the care of all animals for sale must be on display and available to be consulted by prospective owners in the premises or provided to prospective owners in an electronic format if the licensable activity is conducted in a way that involves persons attending the premises to view animals available for sale as pets, or otherwise in relation to arranging the purchase of animals as pets.

Guidance:

Pet care leaflets or other appropriate written or electronic information must be made available by the holder of a pet selling licence to prospective pet owners or purchasers free of charge at the time of purchase. Information could include Codes of Practice issued by Government, animal welfare organisations or the veterinary profession.

Condition: The licence holder and all staff must have been suitably trained to advise prospective owners about the animals being sold.

Guidance:

Local authorities should be satisfied that the licence holder and any staff employed are suitably experienced, knowledgeable and appropriately trained to advise prospective purchasers about an animal in which they are interested and its long-term needs and care. This could be evidenced, for example, through the provision of an established and ongoing staff training program or the holding of a recognised, relevant qualification.

Condition: The purchaser must be informed of, where known, the country of origin, age, sex and veterinary record of the animal being sold.

Guidance:

If the licence holder is keeping the required records then the provision of such information, where it is known or can be determined, should not be problematic. Local authorities should therefore ensure that the required information is being recorded whenever the premises is inspected. Clearly, it may not be possible to provide the age and/or sex for all animals being sold under licence, for example fish, arachnids etc.

3. Suitable accommodation

Condition: Animals must be kept in housing which minimises stress including from other animals and the public.

Guidance:

Housing or other accommodation must be suitable for the species/animals kept. It must have lighting and ventilation appropriate for the needs of the animal/species and offer the animals a sense of security where appropriate. Where at all possible housing must be designed to avoid sensory contact between prey and predator species.

Generally speaking, animals presented for sale by pet sellers will only remain on the premises from which they are being sold for a relatively short period of time. Whilst on site they must however be kept in housing that provides each animal with sufficient space to stretch out, turn around unimpeded, and, where applicable, lie down without touching any other animal in the enclosure. **The minimum enclosure/cage sizes (where these are used) that apply to all the licensable activities are as specified in Annex I.**

Condition: Where members of the public can view or come into contact with the animals, signage must be in place to deter disturbance of the animals.

Guidance:

If animals are on public display, signs must be displayed on enclosures to deter members of the public from tapping on glass or poking fingers into cages. When licensed premises are inspected the inspector should ensure that this is the case and where such signage is lacking this should be discussed with the licence holder.

Clear signage must be in place at all times outlining health and safety risk to customers and appropriate behaviour around animals on the premises relevant to the specific species. In addition to signs, other measures may be required, such as limiting access to some animal enclosures. The licence holder must ensure that no animal is handled by the public without the licence holder's or a staff member's supervision. Signs should inform the public that they should not handle an animal without first speaking to the licence holder or a member of staff.

Condition: Dangerous wild animals (if any) must be kept in secure accommodation that is lockable and appropriate for the species.

Guidance:

For species listed on the Dangerous Wild Animals Act 1976 (DWAA) Schedule, licence holders must be able to demonstrate to the local authority that the safety of staff and the general public has been considered in the design of the enclosures, layout of the premises where the animals are kept, and in the design of any safety barriers that may be present.

Design must also demonstrate that prevention of escape has been considered and addressed. Licence holders selling animals on the Schedule to the DWAA must inform the purchaser that they require a licence under the DWAA and also inform the issuing authority of the details of the purchase. Local authorities should be satisfied that the licence holder is aware of these obligations.

Whilst pet shops are exempt from the DWAA, consideration must be given to complying with any special requirement(s) specified in the DWAA for the safe accommodation and care of any DWAA listed animal.

The licence holder must demonstrate that effective plans are in place to deal with the escape of any dangerous wild animal.

4. Training and exercise

Condition: For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinary surgeon recommends otherwise.

Guidance:

While it is recognised that animals kept for sale may only be on the premises for a short length of time, licence holders must be able to demonstrate that where it is necessary for an animal's physical and mental wellbeing there are designated areas where animals can play and exercise. Periods of exercise should include social interaction with animals of the same species where this clearly benefits an animals welfare. For birds kept in aviaries or animals kept in enclosures the provision of appropriate environmental enrichment (physical stimuli) would be acceptable and should be encouraged.

Conditions: All immature animals must be given suitable and adequate opportunities to learn how to interact with people, their own species and other animals where such

interaction benefits their welfare and become habituated to noises, objects and activities associated with a domestic environment.

The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

Guidance:

For animals destined to be sold as pets, interaction with and habituation to people, noise and other stimuli is important. Licence holders must be able to demonstrate therefore that they understand the need to provide regular opportunities to allow for such interaction and habituation and that they have the time, staff and, where appropriate, the required facilities to facilitate this.

5. Sale of animals

Condition: No animal of any of the following descriptions may be sold as a pet, or sold with a view to being resold as a pet, by or on behalf of the licence holder—

- a) unweaned mammals,***
- b) mammals weaned at an age at which they should not have been weaned,***
- c) non-mammals that are incapable of feeding themselves,***
- d) puppies, kittens, ferrets or kits, aged under 8 weeks, and***
- e) puppies or kittens which were not bred by the licence holder.***

Guidance:

Puppies, kittens and ferret kits must remain with their mother for the first eight weeks of life unless the mother dies or there is a health risk to the offspring from remaining with her. Where necessary, a veterinarian and/or certified clinical animal behaviourist may certify that it is in the best interests of the animal to be removed earlier. No other mammal can be sold until it is fully weaned or, in cases where it has had to be separated from its mother, until it is capable of feeding itself. The local authority should be satisfied that licence holders retain records that are sufficient to demonstrate compliance with these conditions.

No puppy, kitten or kits (baby ferrets and rabbits) can be sold if less than 8 weeks old. Where a licence holder sells such animals as pets they must, if requested to do so, be able to satisfy the local authority that no such animal has been sold.

Puppies and kittens can only be sold by the person responsible for breeding them. The breeder must be the same named individual as the licence holder on the pet vending licence. If the holder of a pet selling licence is also a regular breeder of dogs and cats (3 or more litters in any 12-month period) then they must be licenced as a breeder and comply with the conditions of that licence.

In order to demonstrate that they are the breeder of the puppies or kittens being offered for sale, the licence holder must be able to provide evidence to the local authority, when requested to do so, that they had control over the decisions made for the complete reproductive process from dam/sire selection, conception and gestation to birth. Local authorities must be shown records of the mating(s), including the location of mating/fertilisation, the identity of the sire (where known), as well as being shown where the animals are or will be born, reared and kept until sale. Where the holder of a pet selling licence is also a licenced breeder of dogs or cats, they must comply with the conditions on that licence regarding record keeping.

Licence holders selling puppies or kittens that they have bred themselves (but who are not licenced as breeders due to not meeting the criteria for licensing) should be encouraged by the local authority to retain other supporting evidence such as photographs, microchip and

veterinary records to show that they housed and cared for the young and their mother for the first 8 weeks of its life.

Condition: The sale of a dog or a cat must be completed in the presence of the purchaser on the premises.

Guidance:

Where the holder of a pet sellers licence sells dogs or cats (including puppies and kittens) that sale must take place on the premises used by the licence holder for the licensable activity and the purchaser must be on the premises. Where a prospective purchaser of a puppy or kitten wishes to see the animals for sale, but the animals are under 8 weeks old and therefore not able to be sold, they must only be shown to the prospective purchaser if they are with their biological mother and the viewing should be supervised.

Condition: No animals or types of animal other than those animals and types of animal specified in the licence may be sold.

Guidance:

Local authorities must ensure that any licence issued specifies the type of animals that may be sold by the holder of the licence. Where a licence holder wishes to sell other animal types not specified on the licence they must make a request to the issuing authority to have the licence varied. Before any variation is granted the local authority must be satisfied that the holder of the licence has the required facilities, staff ratio and knowledge to both keep and care for the animal in question.

Condition: No animal may be sold in any part of a road or public place or at a point of sale at a market (unless the point of sale at the market forms part of the premises).

Guidance:

The local authority should ensure that the licence holder understands that the sale of animals from these locations is prohibited under the terms of the licence granted.

6. Protection from suffering, injury and disease

Condition: All animals for sale must be in good health.

Guidance:

Licence holders must not knowingly sell any animal that is not fit, healthy or, where applicable, socialised. Where it is clear that an animal that is for sale is not in good physical or mental health it must be removed from sale and provided with appropriate care, including veterinary care where necessary, until it is considered fit for sale. In order to meet this licence obligation the licence holder and any staff employed must be adequately trained and experienced enough to identify when an animal is unsuitable for sale due to ill-health, injury or another form of suffering. Local authorities should therefore be satisfied that the licence holder has sufficient experience and knowledge to identify such animals and the action that should be taken. Procedures should be in place to deal with ill and injured animals.

Condition: Any animal with a condition which is likely to affect its quality of life must not be moved, transferred or offered for sale but may be moved to an isolation facility or veterinary care facility if required until the animal has recovered.

Guidance:

Local authorities should be satisfied that the licence holder has provision on the licenced premises or at another nearby suitable facility to isolate any animal with a condition that is likely to be affecting its quality of life, either short-term or long-term. If the animal is to remain on the licensed premises it should be located in a suitably quiet and safe part of the premises which is readily accessible to allow for regular monitoring of its condition. Veterinary opinion should be sought where necessary, and must be sought, except in the case of fish, where it is clear that the animals condition is long-term or unlikely to improve. If the animal requires to be transported to a veterinary facility then it should be done in a manner that minimises the stress on the animal.

Conditions: When arranging for the receipt of animals, the licence holder must make reasonable efforts to ensure that they will be transported in a suitable manner.

When an animal is to be transported or handed to a purchaser in a container, the container must be suitable for the species and expected duration of the journey.

Guidance:

In a suitable manner means, in a manner that ensures the animal is safe from harm, unable to escape and has both space and ventilation commensurate with the animal type and distance to be travelled. The licence holder should be able to demonstrate that containers used meet these requirements. All reasonable steps should be taken to minimise the stress on the animal during transportation.

Where fish are being sold or transported any containers used must contain a sufficient oxygen supply for the duration of the journey plus some contingency. They must contain appropriate quantities of water and be suitably insulated to protect against large fluctuations in temperature. Species of fish that may be aggressive to one another must be packed separately.