

18 June 2018

JOINT BVA SCOTTISH BRANCH, BSAVA AND BVZS CONSULTATION RESPONSE TO PROPOSED PET SHOP (LICENSING) (SCOTLAND) BILL

- 1) BVA is the national representative body for the veterinary profession in the United Kingdom and has over 17,000 members. Our primary aim is to represent, support and champion the interests of the veterinary profession in this country, and we therefore take a keen interest in all issues affecting the profession, including animal health and welfare, public health, regulatory issues and employment matters.
- 2) BVA's Scottish Branch brings together representatives of the BVA's territorial and specialist divisions, government, academic institutions and research organisations in Scotland. The Branch advises BVA on the consensus view of Scottish members on Scottish and United Kingdom issues.
- 3) The British Small Animal Veterinary Association (BSAVA) exists to promote excellence in small animal practice through education and science and is the largest specialist division of BVA representing over 11,000 members. The BSAVA's Scottish Region has 450 members and advises BSAVA on the consensus view of Scottish members on Scottish and United Kingdom issues.
- 4) The British Veterinary Zoological Society (BVZS) is the specialist division of the British Veterinary Association (BVA) and has over 400 active members. The membership includes registered veterinary surgeons and veterinary nurses working with exotic species at all levels, from those in general practice providing a service for herpetologists, aviculturists, aquarists and the owners of exotic pets including primates, to those working in animal sanctuaries, wildlife parks, bird gardens, zoos and aquaria, and with free living wild animals.
- 5) We welcome the opportunity to comment on the proposals for inclusion in a Pet Shop (Licensing) (Scotland) Bill. We agree that much of current animal licensing legislation is out of date (eg. Pet Animals Act 1951) and should be modernised to take account modern practices of pet supply and demand.
- 6) With this in mind, we welcome the proposals to create a robust, self-funding, licensing framework with consistent and transparent enforcement to safeguard animal health and welfare and encourage responsible pet vending and ownership. With expertise in animal health and welfare, and public health, the veterinary profession is well-placed to provide advice and guidance to support the regulation and licencing process.
- 7) However, whilst we strongly support the overarching principles of these proposals, pet shop licensing should not be considered in isolation. Any proposed regulation should be aligned with the incoming Animal Welfare (Licensing of Activities Involving Animals) (England) (2018) Regulations, considered in the wider context of opportunities to

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strengthen regulation of other animal establishments and activities involving animals in Scotland and cover all pet sales and vending (as opposed to only that which occurs in pet shops) to avoid the unintended consequence of driving pet sales online.

Part 2 of Consultation Questions: BVA, BSAVA & BVZS views on the proposal

8) Question 1: Which of the following best describes your view of the proposal to strengthen the licensing regime for pet shops in Scotland

We partially support the principle of strengthening the licensing regime for pet shops in Scotland. Given the wide range of species now kept as pets and the potential supply of pets to pet shops from unscrupulous pet dealers and breeders, a strengthened regulatory regime is necessary to safeguard animal health and welfare and enable local authorities to effectively enforce legislation through cost-recovery and appropriate animal health and welfare expertise.

When considering opportunities to strengthen the licensing regime for pet shops, it will be important to align or build upon regulatory proposals set out in the incoming Animal Welfare (Licensing of Activities Involving Animals) (England) (2018) Regulations. Regulatory alignment will allow for a consolidated understanding of regulatory requirements for local authorities and veterinary surgeons, cross-border coordination and prevent certain activities being moved to regions with less rigorous legislation.

With this in mind, consideration should be given to ensuring that any proposed legislation covers all retail businesses that participate in pet vending (including those that keep and sell animals that are not a conventional retail premises eg. online sales), to ensure that by increasing licensing requirements these proposals do not result in the unintended consequence of driving pet sales online. Therefore, we believe amending proposals so that legislation covers 'Pet sales' or 'Pet vending' would work to further safeguard animal welfare and future proof the proposals as they currently stand.

Further, strengthened regulation of pet shops in Scotland should not be considered in isolation, and consideration should be given to potential opportunities to strengthen wider regulation of animal establishments and activities involving animals in Scotland.

For example, it is not uncommon for pet shops to also have Dangerous Wild Animal licences for display animals, or potentially to be selling DWA species, so it would be logical for these activities to be integrated.

At present we believe there is a loophole in current DWA legislation, which enables pet shops to keep unlicensed DWA animals on show with the ostensible explanation that they are for sale, but the reality that the animals are to entice visitors and resemble an unlicensed zoo (sometimes charging an admission fee). We would support the removal of this exemption. At a minimum, it should be a requirement for the animal in question to be kept in a DWA compliant enclosure, in line with the incoming requirements as part of the Animal Welfare (Licensing of Activities Involving Animals) (England) (2018) Regulations. In addition, there should be a requirement to hold a DWA vendor licence or a legal requirement to obtain a DWA licence for each DWA-listed animal if it is not sold after a reasonable period of time (to be defined in the regulations). This issue would also

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be addressed by a tiered system of pet shop licencing as discussed in our response to question 3.

9) Question 2: Could the aims of the Bill be better delivered in another way (rather than by the means of a Bill in the Scottish Parliament)?

Consideration could be given to amending current primary and secondary legislation however, given existing legislation is fragmented this could prove more onerous in terms of time and resource and may not deliver cohesive results.

Consideration could also be given to developing a single animal establishment licence under the Animal Health and Welfare Act (Scotland) as secondary legislation- as has been done in the Animal Welfare (Licensing of Activities Involving Animals) (England) (2018) Regulations. This would ensure that the wider regulation of pet sales, animal establishments and activities involving animals in Scotland is strengthened, ensuring cross-border coordination and a holistic approach preventing certain activities being moved to regions with less rigorous legislation.

10) Question 3: Under the proposals, pet shop licence fees would be based on a recovery of costs incurred by local authorities in processing applications and inspecting premises to ensure animal welfare standards are maintained. In your view, which of the following should local authorities do?

Overall, we would support differentiating licence fees for pet shops according to other criteria, depending on the number of animals kept, the type of species kept and vendor experience, as this may impact on the number of inspections or enforcement visits required.

We strongly support the principle of fee structures being based on cost-recovery to cover the costs of administering and enforcing licenses ie. processing applications, inspection, training and paying for vet inspections or enforcement visits. It may be appropriate to engage with stakeholders in the pet vending industry to explore the possibility of regulatory costs, in time, being absorbed into the routine cost of buying a pet, to make the system self-funding.

Fees and charges should be set by local authorities, supported by guidance from the Scottish Government for local authorities on setting reasonable charges and fees in order to ensure consistency and transparency. Income from fees should be ring-fenced, in particular if any excess fees are generated, and used to improve the service or enforcement resources.

Consideration should be given to a tiered licensing fee structure for pet shops with respect to species sold, depending on complexity of welfare needs and the vendor's experience, qualifications and any previous history relating to animal or human abuse. With this in mind, we would support risk-based inspection depending on the number of animals kept, the type of species kept and vendor experience, as this may impact on the number of inspections or enforcement visits required.

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- 11) Question 4: Which of the following best expresses your views of developing statutory licensing conditions, building on the current model conditions for pet vending, that would apply to all pet shops in Scotland?

We are fully supportive of this proposal and would welcome the development of statutory licensing conditions, which are developed with relevant input from the veterinary profession and other experts in animal health and welfare. In order to ensure that these are effective in driving high standards of animal health and welfare, the provision of adequate enforcement resources will be required to appropriately enforce any statutory licensing conditions.

We would support that vendors should be members of a relevant recognised trade association. For example, for the vending of ornamental fish, we would support that vendors are members of a recognised trade association, such as the [Ornamental Aquatic Trade Association \(OATA\)](#). [Consideration could also be given to guidelines developed by OATA forming part of statutory conditions for any pet shop selling fish.](#)

- 12) Question 5: Which of the following best describes your view of banning the sales of puppies and kittens in pet shops?

We are partially supportive of the proposal to ban the sale of puppies and kittens in pet shops.

From the background information provided in the consultation document there are 200 licensed pet shops in Scotland. To ban pet shops selling puppies and kittens in Scotland would likely make it more difficult to identify sellers, potentially driving buyers to less regulated sources and compounding existing challenges, in particular, those presented by the illegal puppy trade. However, one element to consider as part of this is that it is unclear from the information provided how many pet shops sell puppies in Scotland and what proportion of puppy sales this represents therefore without robust facts it is difficult to assess the potential impact of any ban.

If Scotland were to ban third party sales in pet shops, such an approach would require careful consideration. In particular, a ban on third party sales must not be considered in isolation. but would need to be part of a holistic approach which considers a suite of measures that would address the complexity of the issues relating to sales of puppies and kittens.

This should cover legislation encompassing all sources of supply and demand, including advertising, sales conducted online, on social media, illegal imports and ideally, should be supported by an understanding of customer demand and pet purchasing behaviours. In addition, we would recommend that anyone breeding from a dog or cat is required to register with their local authority and ensure appropriate animal identification eg. microchipping. Such an approach would reduce the risk of any unintended consequences and ensure that significant numbers of puppy and kitten sales are not driven underground.

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Specific health and welfare concerns that arise in the context of commercial third-party sales that could be addressed through a ban on the third-party sales of puppies and kittens. These include early separation of puppies and kittens from their mothers, preventing young animals from expressing their behaviours in a natural environment and disrupting appropriate socialisation which influences long term behaviour, as well as potential stress incurred during travel from place of birth to place of sale and possible exposure to disease. Further, from a consumer perspective, commercial third-party sales perpetuate a 'click and collect' pet-buying experience, which may encourage impulse purchases.

A ban on third party sales would also allow for more informed choice amongst prospective owners (in line with Government advice to see puppies and kittens with their mother and to foster a better understanding of the provenance of animals), as well as opportunities for breeders to demonstrate how they have met the welfare requirements of the puppies/kittens in their care. We hope that in turn this would have a positive impact and drive welfare standards overall.

Areas for further consideration

It is, however, important to recognise that a ban on commercial third-party sales would not represent a welfare panacea in pet breeding, sales and activity as many third-party sales are now carried out online under the guise of sales from individual breeders. It is uncertain how these online sales would be monitored and how consumers would identify animals that are not being sold through a third party. Indeed, a ban on third party sales in Scotland may drive sales and purchasing towards illegal sources. Therefore, further consideration must be given to a holistic approach that tackles the complex issues surrounding all sources of supply and demand for pets eg. internet sales and advertising, social media, illegal imports (see paragraph 10) and purchasing behaviours. In particular, ensuring the legislation captures enforcement of online sources would seem essential.

Despite the relatively high number of existing licensed pet shops in Scotland, it is unclear if this provides for identifying all those who require licencing. We would also recommend that anyone selling or breeding from a dog should be required to register with their local authority (with the data treated in line with the Data Protection Act 1998). A simple online registration system which automatically generates a registration number on submission of details and alerts a Local Authority to the registration, would support identification and monitoring of breeders and sellers with minimal impact on Local Authority resources. This would mean that the local authority had a list of contact details for all dog breeders and sellers in their area, ensuring that dog breeders and sellers were aware of the legal requirements. There should be a publicly available national list of dog breeders and sellers, to provide intelligence for enforcers and allow the public to check the list. For breeders, should the threshold of three or more litters per year be met, this would trigger a dog breeding licensing inspection. If there were other concerns or complaints in the meantime, then a visit could be carried out under the Animal Welfare Act 2006 or other relevant legislation

In terms of internet sales and advertising, as a member of the [Pet Advertising Advisory Group \(PAAG\)](#) we would support further engaging with online marketplaces (including

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social media sites) to ensure that [PAAG's minimum standards for responsible](#) advertising are adopted and raise public awareness of the need to act responsibly when looking to buy pets advertised on websites.

In addition, we would welcome enhanced research to better understand the influences that drive demand for pets in order to develop targeted strategies that will influence purchasing behaviours. In terms of understanding what drives demand for puppies and kittens from different sources, research, for example that led by [Dr. Rowena Packer assessing what influences the public to buy the popular flat-faced \(brachycephalic\) dogs and their purchasing behaviours may be of interest.](#)

Unintended consequences

We acknowledge the potential unintended consequences of banning third party sales as it may drive supply underground and result in suboptimal welfare practices.

At present, however, we note that there seems a paucity of robust statistics in order to accurately gauge how the absence of third party seller will affect supply. We would welcome further clarity on the relevant statistics so that a gap analysis can be undertaken and any proposed measures are proportionate and effective.

In addition, if the demand for puppies and kittens is not being met by UK breeding, there is a lack of clarity as to the extent to which imported puppies are being used to satisfy this public demand. Therefore, it would also be helpful to have sight of more robust statistics and segmentation of the commercial and non-commercial market to make more accurate assumptions and more fully understand the potential impact of proposed measures.

To mitigate for potential illegal, imported or unregulated supply, measures should be taken to manage and redirect the demand for puppies and kittens to responsibly sourced and bred pets.

Therefore, in order to maximise the impact of a ban on commercial third-party sales, a holistic approach that considers all sources of supply and demand for pets should be taken. This should include:

- Requiring that anyone breeding from a dog should be required to register (preferably online) with their local authority
- educating prospective owners to encourage responsible ownership through communications campaigns
- encourage prospective buyers to use the [BVA/AWF/RSPCA Puppy Contract](#) and the CFSG Kitten Check List (currently in its final stages of development)
- conducting enhanced research to better understand purchasing behaviours and developing targeted strategies to influence purchasing behaviours
- encouraging online retailers and marketplaces (including social media platforms) to sign up to [PAAG minimum standards](#)
- Mitigating the risk of illegal imports through extending the waiting time post-rabies vaccination to 8-12 weeks under the Pet Travel Scheme (at present the wait time stands at 21 days) to reduce the misuse of non-commercial routes for the illegal

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imports of puppies for sale (8-12 weeks wait time covers the potentially extended incubation period for Rabies and the puppies will be older and past their most saleable age).

[Read the joint BVA and BSAVA response to the Defra consultation on a proposed ban on commercial third-party sales for puppies and kittens in full](#)

13) Question 6: Which of the following best describes your view of pet shop licence application listing all animal categories they intend to sell, with owners under an obligation to inform the local authority before stocking new categories.

We are fully supportive of the requirement for pet shops to list all animal categories that they intend to sell on a licence application, as well as the requirement for pet shops to adhere to an appropriate list of all animal categories that they are permitted to sell. For example, we would consider 'fish' to be too broad a category given the very different health and welfare requirements of fish species even within the broad categories of cold water, tropical and marine.

Further, we strongly recommend that licence holders should be required to inform local authorities of major changes to their business, such as changes to the premises or to the numbers, types, or source of animals being kept. A similar model exists for DWA licensing. What is considered to be a 'major change' would need to be agreed and set out clearly. It will be important to make it clear which changes need to be notified and consider what criteria would trigger a new inspection. At a minimum we would suggest that the following should trigger re-inspection in order to safeguard animal welfare:

- i. change of species kept
- ii. change of activity
- iii. change of number of animals by 10% in a specified time period

In addition, we would support a national list of licensed pet shops and the animals they sell, premises could be required to submit their data annually in electronic format and this could be collated centrally to form a national list. The recording of licensed premises and activities should be considered good administrative practice for local authorities and would improve transparency regarding licensed pet shops for the wider public.

The list would need to be amended regularly to ensure it remains up-to-date. The owners of licensed premises must be required to provide details regarding any related changes.

14) Question 7: Which of the following best describes your view of mandatory inspections for all pet shops before an initial licence is granted

We are fully supportive of mandatory inspections for all pet shops before an initial licence is granted. Given that the consultation document outlines that there are just under 200 licensed pet shops in Scotland, we believe it would be reasonable that vets perform initial pet shop inspections. However, we would stress that any initial inspection should be carried out according to a standardised protocol to enhance consistency, alongside appropriate species knowledge and experience and where vets are not performing the

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inspection, veterinary expertise should be obtained as required. For normal, as well as extended licence durations (see response to question 9), we would also support the incorporation of spot checks and for inspections / revocation/ suspension of the licence (without the need to go to court) should there be a complaint or any evidence that the conditions of the licence are not being met. Where needed advice should be sought from veterinary surgeons with appropriate species knowledge and experience.

With expertise in animal health and welfare, and public health, the veterinary profession is well placed to provide advice and guidance to support the licensing and inspection process. The Scottish Government may wish to consider developing a similar system to that of the current system of zoo inspections, where vets pay to train and register with the government and recuperate their costs in inspection fees. The government holds a list of veterinary surgeons who conduct zoo inspections which could be developed further by putting together lists of veterinary surgeons with the appropriate species knowledge or transferable expertise in other species (eg. population medicine), including relevant post-graduate qualifications and experience to undertake the animal sanctuary and rehoming centre inspections in partnership with local authorities. This would make it easier for local authorities to identify and contact relevant vets with the appropriate knowledge and experience to support their inspections. Controls would need to be put in place to ensure vets remain completely independent and do not inspect premises where they are providing general veterinary care or have any commercial or financial link, in particular, given that an increasing number of veterinary practices are part of large pet shops.

It would assist local authority inspectors to have access to a national list of recognised experts that could be consulted or used as part of the inspection process. For example, BVZS currently maintains [a list of veterinary surgeons with relevant zoological qualifications](#) and this could be expanded and publicised across species areas. Veterinary associations are well placed to provide training for both veterinary surgeons and local authority inspectors and develop guidance to support inspections. For example, BVZS has provided training for DWA inspections and created [a template for DWA inspections](#) in an attempt to achieve consistency. It may also be worthwhile approaching organisations such as SSPCA to ascertain if they could support any enforcement regime.

15) Question 8: Which of the following best describes your view of all local authorities using a standardised approach to conducting and reporting on inspections of pet shops?

We are fully supportive of local authorities conducting and reporting on inspections of pet shops by using a standardised protocol developed with animal health and welfare experts, as well as undertaking inspections with appropriately trained licensing officers and veterinary surgeons with relevant animal welfare expertise. It may also be worthwhile approaching organisations such as Scottish SPCA to ascertain if they could support any enforcement regime.

16) Question 9: Which of the following best describes your view of local authorities using a risk-based assessment and issuing longer term licences to pet shops that demonstrate a low risk to animal welfare?

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We are fully supportive of the proposal to use welfare risk assessments to determine licensing duration and inspection regimes, as has been adopted in the incoming Animal Welfare (Licensing of Activities Involving Animals) (England) (2018) Regulations. We acknowledge the potential theoretical benefits of increasing the length of licences in terms of reducing the burden of animal establishment inspections, with the onus on the proprietor to report changes that might warrant earlier re-inspection. With this in mind, it is important to have the opportunity to regularly assess factors such as animal welfare, the species kept and their facilities.

We support the National Companion Animal Focus Group's draft risk assessment framework (which has formed the basis for Defra's risk assessment in their incoming regulatory regime) as the basis for a standard national risk assessment scoring system. The proposed draft framework would help local authorities to identify high or low risk establishments (as well as informing the public and driving up standards), and help to determine those animal sanctuaries or rehoming centres that should receive more frequent inspections. The National Companion Animal Focus Group is currently working with Defra to develop this template which, upon completion, could be adopted by the Scottish Government.

Each premises type could have a risk scoring matrix to ensure it is effective for the particular activity in question. The criteria for risk assessment would need to be clearly defined and an initial inspection, to include relevant local authority and veterinary expertise, would be a requirement of any licensing regime. Any risk based assessment which allows for longer periods between inspections should incorporate both the facility for spot checks and for inspections / revocation/suspension of the licence (without the need to go to court) should there be a complaint or any evidence that the conditions of the licence are not being met. Where needed advice should be sought from veterinary surgeons with appropriate species knowledge and experience. Any premises subject to a licence or registration period of three years would be subject to unannounced spot checks/inspections.

A final version of the proposed framework would need to be agreed in consultation with relevant stakeholders (including the veterinary profession).

This approach reflects that already used by local authorities to enforce [food standards](#) or farm animal health (p18 of the [Framework document](#)).

17) Question 10: Which of the following best describes your view of enabling local authorities to contract other qualified professionals to carry out and report on pet shop inspections, including qualified officers from other local authorities?

Given that the consultation document outlines that there are just under 200 licensed pet shops in Scotland, we believe it would be reasonable for vets perform pet shop inspections. However, we would also support the undertaking of inspections from expert independent bodies such as the SSPCA. We recognise the needs to optimise enforcement resources given the increasing lack of resource and animal welfare expertise available to local authorities. We would stress that all inspections should be carried out according to a standardised protocol to enhance consistency, alongside with appropriate species knowledge and experience and thereafter veterinary expertise is obtained as required.

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As outlined above, with expertise in animal health and welfare, and public health, the veterinary profession is well placed to provide advice and guidance to support the licensing process.

We would support local authorities extending their model of contracting animal licensing and animal welfare services to another local authority. This contracting model works well for London boroughs and given the ongoing reductions to local authority resource and expertise, it would be sensible share knowledge and expertise, whilst reducing costs.

In addition to the above, we would suggest that an audit regime similar to that in place for some types of food premises is put in place. Auditors with relevant training and expertise would undertake audits on an annual basis with the intention of providing an overview in terms of consistency across premises and regions.

- 18)** Question 11: Which of the following best describes your view of enabling local authorities to take steps to address non-compliance with licence conditions, giving licensees the opportunity to make improvements before any further actions is taken, with the power to revoke a licence as a last resort?

We are fully supportive of enabling local authorities to take steps to address non-compliance with licence conditions, giving licensees the opportunity to make improvements before any further actions is taken, with the power to revoke a licence as a last resort.

As outlined above, any risk based assessment which allows for longer periods between inspections should incorporate both the facility for spot checks and for inspections/issuing of improvement notices/ revocation/suspension of the licence (without the need to go to court) should there be a complaint or any evidence that the conditions of the licence are not being met.

It should be emphasised that under the UK Animal Welfare Acts, serious cases of non-compliance and conditions that have breached the Animal Welfare Act could also lead to prosecution, as well as a revocation of the pet vending licence.

- 19)** Question 13: Which of the following best describes your view of placing an obligation on pet vendors to provide advice to people buying pets?

We are fully supportive of the proposal to legally require those selling animals to provide the new owner with written information detailing their responsibilities as an animal owner and how to meet the five welfare needs of the animal. We believe that education and access to good quality information is a key to improving the welfare of companion animals.

This proposal would also reflect the current Model Licensing Conditions for pet shops. The MLCs for pet shops include a condition that the 'licensee must ensure that the purchaser is informed of the correct care of the animal covering feeding, housing, handling, husbandry, accessories and veterinary care'. This usually involves providing

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free leaflets or written instructions, as well as relevant Codes of Practice, books, manuals or websites.

The MLCs also advise that 'staff members must be able to provide suitable advice to purchasers and answer questions as required by them. No animal should be stocked or sold unless the staff or at least one member of staff on call is familiar with the care and welfare of the animals stocked and has a recognised qualification'.

The requirement for owners to consider how they will meet the welfare needs of the animal is reflected BSAVA position statement on [Responsible Pet Ownership](#) and in our [joint BVA, BSAVA, BVZS and FVS position statement](#) on non-traditional companion animals

We are aware that many owners carry out no research before taking on a pet ([PDSA Animal Wellbeing \(PAW\) report 2018](#)) and would therefore recommend that in addition to providing written information those selling pets also require a period of reflection to prevent impulse purchases. We understand that Pets at Home asks customers questions to ascertain their husbandry knowledge, using iPads, before they allow customers to purchase an animal. In parts of Switzerland and Germany, dog owners are required to undertake compulsory training courses before they may purchase or adopt a dog. CAWC cites PDSA research (PAW 2012) that 65 per cent of veterinary professionals, 65 per cent of children and 47 per cent of the public felt that prospective owners should pass a test before taking on a pet. (The CAWC website it currently unavailable but we have a copy of this research 'Opinion on Communicating the Duty of Care 2013' which we would be happy to share).

Potential resources and approaches

Further consideration should be given as to how to ensure that the information provided by vendors is from an evidence-based and up-to-date reliable source.

BSAVA [PetSavers leaflets provide advice to potential pet owners](#). PetSavers is a BSAVA charity dedicated to improving the health of pets. [These leaflets are currently available free to the public online.](#)

The Companion Animal Sector Council (CASC) is currently in the process of developing suitable educational material that is intended to be freely and publicly available online, representing an expert, proportionate and economically sustainable resource.

The CASC website could be a centralised source of reliable approved information on husbandry requirements for specific species, for both vendors and prospective purchasers. Links could also be provided to the [RCVS Find a Vet](#) page, as well as more advanced pet care information.

For sales over the internet there could be a requirement to complete a short online questionnaire to demonstrate that the owner understands the responsibilities of pet ownership and how to meet the welfare needs of the animal they are taking on. If well designed these could be educational and help the purchaser to make a good decision in terms of pet selection. As an example, see the questionnaire developed by the Advisory

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Council on the welfare aspects of dog breeding on [Buying a Puppy](#).

This concept could be developed further and made a requirement to demonstrate that a prospective owner would be able to meet the welfare needs of the animal. We feel that it should be practical for the pet industry to develop a system that could be undertaken online and be self-sustaining at reasonable cost, at a price that would be realistic for prospective keepers. We believe that there is an opportunity for stakeholder engagement across the industry on this issue, and that it ought to be possible to develop a system that is self-sustaining and affordable with the positive involvement of pet vendors and the pet-owning public. This would also reflect the important consideration that the purchase of a companion animal is a privilege, not a right, and therefore it should be expected that the owner can afford to prepare appropriately for the acquisition, which is often not the case currently ([PDSA Animal Wellbeing \(PAW\) report 2015](#)).

Online testing could potentially be incentivised by trade, with the online charge being deducted from the cost of the animal by the trader at the point of sale. Proof of completion of the online test could be required before the purchaser was allowed to take an animal home. We acknowledge that there could be some hurdles in terms of enforcement and other practicalities to cross before such a system could be put in place.

In addition to internet and pet shop sales, many reptiles and birds are sold/exchanged at pet fairs and breeder markets. A similar approach could potentially operate in these scenarios, with potential keepers required to have demonstrated that they have completed a relevant questionnaire before a transaction can take place. More generally, consideration should be given to whether there is a need for these events to be brought under the umbrella of pet vending legislation and regulated more effectively, whilst continuing to permit this route for hobbyists to exchange animals. Overall, proportionate and pragmatic legislation is required to provide assurances that uphold satisfactory animal welfare standards for the more non-traditional pets. However, in doing so careful consideration needs to be given to the definitions of 'sale', 'exchange', 'loan' and 'donation' in relation to the different segments of the exotic pet and zoo sectors.

Aligning with incoming Animal Welfare (Licensing of Activities Involving Animals) (England) (2018) Regulations

At a minimum, we believe any regulations should incorporate the specific conditions on pet care and advice for prospective owners that is set out on incoming Animal Welfare (Licensing of Activities Involving Animals) (England) (2018) Regulations, as outlined below:

Prospective sales: pet care and advice

3. (1) *The licence holder and all staff must ensure that any equipment and accessories being sold with an animal are suitable for the animal.*

(2) *The licence holder and all staff must ensure that the prospective owner is provided with information on the appropriate care of the animal including in relation to—*

- (a) feeding,*
- (b) housing,*
- (c) handling,*
- (d) husbandry,*

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- (e) the life expectancy of its species,*
- (f) the provision of suitable accessories, and*
- (g) veterinary care.*

(3) Appropriate reference materials on the care of all animals for sale must be on display and provided to the prospective owner.

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

(5) The licence holder and all staff must ensure that the purchaser is informed of the country of origin of the animal and the species, and where known, the age, sex and veterinary record of the animal being sold.

20) Concluding remarks

We support the overarching principle of strengthened regulation of pet shops in Scotland in order to safeguard animal health and welfare and ensure a robust and transparent licensing framework. Fundamentally, any proposed regulation should be aligned with the incoming Animal Welfare (Licensing of Activities Involving Animals) (England) (2018) Regulations, considered in the wider context of opportunities to strengthen regulation of other animal establishments and activities involving animals in Scotland and cover all pet sales and vending (as opposed to only that which occurs in pet shops) to avoid the unintended consequence of driving pet sales online.