businesscompanion
trading standards law explained

Licensing of animal activities

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In this guide, the words 'must' or 'must not' are used where there is a legal requirement to do (or not do) something. The word 'should' is used where there is established legal guidance or best practice that is likely to help you avoid breaking the law.

This guidance is for Scotland

The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 require persons to be licensed in order to carry out certain activities. The Regulations set out the duties of local authorities to license activities involving animals and the relevant animal welfare establishments (animal sanctuaries and rehoming centres) and other pet rehoming activities related to this.

There is one exception, which relates to the licensing of rehoming animals as pets in Scotland by an applicant that has no residence or place of business in Scotland. The decision for any such applications rests with the Scottish Government.

The licensing of activities involving animals

Under the Regulations, a licensable activity is any of the following:

- selling animals as pets (or keeping them to sell) in the course of a business. This includes selling them with the expectation that they will later be resold as pets
- breeding of dogs (three or more litters in a 12-month period)
- breeding of cats (three or more litters in a 12-month period)
- breeding of rabbits (six or more litters in a 12-month period)

- rehoming activities
- animal welfare establishments (AWEs)

The licensing authority will determine whether a person sells or keeps animals in the course of a business.

The Regulations apply general and activity-specific conditions that businesses must meet in order to obtain an animal activity licence.

Unexpired licences granted under the Licensing of Animal Dealers (Young Cats and Dogs) (Scotland) Regulations 2009, the Breeding of Dogs Act 1973 or the Pet Animals Act 1951 continue in force for the remainder of their term, but will then need to be renewed under the new Regulations.

Animal welfare establishments

An animal welfare establishment (AWE) is a place that keeps animals for their care if they have been abandoned or separated from their keeper (for any reason), or if they are sick, injured or captured and were previously living wild.

This will mean persons who are licensed AWEs will carry on activities such as running animal sanctuaries and rehoming centres.

The Scottish Government has produced guidance for animal welfare establishments on the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021.

How to make an application

If you are uncertain as to whether an activity falls under the Regulations, please contact your local council for clarification and for detail on any fees payable.

The council will undertake an inspection of the premises where the activity will be carried out. The inspection will cover the following:

- the applicant and their relevant experience
- the suitability of the premises, including overall condition, security, availability of any necessary equipment / facilities, ventilation, cleanliness, etc
- staffing ratio and staff experience / qualifications, where applicable
- the quality of record keeping
- the wellbeing and condition of any animals on site at the time of inspection

If required, a further inspection (conducted by a SSPCA inspector or veterinarian) may be instructed, with the cost of this payable by the applicant.

Please see the Scottish Government guidance on dog cage sizes.

The Regulations allow licensing authorities to issue licences for one, two or three years' duration.

AWEs are required to keep a register of the animals within their care, including any medical treatment. Details of, and reasons for, medical treatment must be given to prospective owners before any sale. Similarly, any advert for rehoming the animal must contain a recognisable photograph of the cat, dog or horse and (except for fish) display the animal's age, where known. This advert should be supplemented with the licence holder's number and specify which local authority has issued the licence.
Local authorities publish and maintain a register of operators that hold a licence under these Regulations.

A local authority may at any time suspend, vary or revoke a licence. Applicants and licence holders have the right of appeal to the sheriff within 28 days of receiving any relevant notice concerning an animal licence.

Your responsibilities

You have legal responsibilities under the Digital Markets, Competition and Consumers Act 2024 (for business-to-consumer contracts) and the Business Protection from Misleading Marketing Regulations 2008 (for business-to-business contracts).

If you are selling animals, it is your responsibility to ensure that any form of representation (including advertising) made in connection with the sale, in order to promote the supply or transfer of ownership, is true.

Representation includes such things as the identity of the animal, its identification records, date of birth, pedigree certificate, breeding records, health status, history and any description you apply to it.

All information given by you or in any document must be true. It is a criminal offence to mislead.

It is an offence for a business to mislead by pretending to be a private seller to avoid their legal obligations. If you are in business and selling animals, you must declare (for example, in advertisements or when negotiating a sale) that you are a business or connected to a business.

For more information, please see 'Buying and selling livestock'.

Trading Standards

For more information on the work of Trading Standards services - and the possible consequences of not abiding by the law - please see 'Trading Standards: powers, enforcement and penalties'.

In this update

Changes made to reflect the coming into force of the Digital Markets, Competition and Consumers Act 2024 (Part 4, Chapter 1: 'Protection from unfair trading').

Last reviewed / updated: April 2025

Key legislation

- Business Protection from Misleading Marketing Regulations 2008
- Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021
- Digital Markets, Competition and Consumers Act 2024

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links go to the legislation.gov.uk website. The site usually updates the legislation to include any amendments made to it. However, this is not always the case. Information on all changes made to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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