

## Frequently Asked Questions – Companion Animals

These FAQ's have been compiled by members of the National Animal Health and Welfare Panel to assist local authorities in answering any questions raised. This is based on the opinion of the authors and is not a definitive interpretation of the law which only a court can give.

**At all times, consideration MUST be given to the public health advice released by Government and guidance relating to business closures issued by OPSS.**

[Gov.uk - Full guidance on staying at home and away from others](#)

[Gov.uk - Coronavirus Guidance - Closing certain businesses and venues](#)

### **Can an animal breeder continue with their business?**

The Health Protection (Coronavirus Restrictions) (England) Regulations 2020 (SI 2020 No. 350) details the prescribed restrictions in place as part of the Governments response to tackle Coronavirus.

Regulation 5 (1) requires that a person responsible for carrying on a business offering goods for sale or for hire in a shop (if not listed in Part 3 of Schedule 2), must cease trade.

Most Breeders will not be offering for sale via a shop, as such, it is considered that they can continue in business at this time.

The Animal Welfare (Licensing of Activities Involving Animals) (England) (Amendment) Regulations 2019 (SI 2019 No 1093), commonly known as Lucy's Law, prohibits the sale of kittens and puppies from third party sellers and pet shops from the 1st April 2020, as such, all puppies and kittens must be sold directly from the breeder and the mother must be seen with the offspring prior to sale.

With consideration to Regulation 6 of the legislation, and the restrictions on movement, a journey, whose primary purpose is to collect an animal from a breeder is not permitted during the emergency period.

It is recognised that this may create animal welfare matters where there is a surplus of animals that cannot be homed during this time.

It is advised that all breeders should consider the necessity to continue with their breeding programme over the next 6 months, where they have limited opportunity to sell animals. The owners of the animals will always have a duty of care and legal responsibility under the provisions of the Animal Welfare Act 2006 for the welfare of their animals, which would include any offspring, and they should take appropriate

steps to cease trade if it is they cannot maintain the welfare needs of any animal under their control during this time.

With regards the sale of animals at present, the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (SI 2018:486) makes it a requirement that the mother must be seen with a kitten or a puppy at the point of sale, as such it is considered that to avoid potential welfare problems with the sale of these animals from breeders during the emergency response and the need for social distancing, video footage is shared by the breeder of the offspring with their mother prior to the sale.

With regards the movement restrictions, it is considered that as breeders are not listed as a business referred to in Part 3 of Schedule 2 of the Health Protection (Coronavirus Restrictions) (England) Regulations 2020, they should deliver any puppies or kittens that they are selling to the buyers directly as they are permitted to travel for the purposes of work (Regulation 6 (2) (f) ) and this is in spirit of the principals of Regulation 5 (1) (a).

Where a breeder does undertake delivery, it is considered that they will be caught by the rules relating to the Welfare of Animals in Transport EU Regulation 1/2005 and it is advised that they seek authorisation with the APHA Welfare of Animals in Transport Team (WIT). [Application for a United Kingdom Animal Transporter Authorisation](#)

Pet shops are listed at Paragraph 38 of Part 3 of Schedule 2 of the Health Protection (Coronavirus Restrictions) (England) Regulations 2020, as such they may continue to be open to the public and operate for the sale of other small animals such as rabbits, guinea pigs etc, however it is considered that any journey whose primary purpose is solely for the purchase of a pet animal would be a breach of the movements restrictions in place during the emergency response as it is not essential travel.

### **Can Puppies be collected from a breeder?**

No, with consideration to Regulation 6 of the Health Protection (Coronavirus Restrictions) (England) Regulations 2020, there is no permitted movement allowed for the collection of any animal from a seller during the emergency period.

It is advised that where a puppy is being purchased from a breeder, video footage is shared by the breeder of the offspring with their mother prior to the sale and that the breeder should deliver any puppies or kittens that they are selling to the buyers directly as they are permitted to travel for the purposes of work (Regulation 6 (2) (f) ) and this is in the spirit of the principals of Regulation 5 (1) (a).

Where a breeder does undertake delivery, it is considered that they will be caught by the rules relating to the Welfare of Animals in Transport EU Regulation 1/2005 and it is advised that they seek authorisation with the APHA Welfare of Animals in Transport Team (WIT). [Application for a United Kingdom Animal Transporter Authorisation](#)

### **Can pet -animals be collected from a pet shop?**

Pet shops are permitted to remain open at present, however it is considered that the journey being solely for the purchase of a pet animal would be a breach of the movements on restrictions as it is not essential travel. If the primary purpose for attending the pet shop is to buy food for pet animals, then this would be deemed as acceptable.

### **Can a person attend to their horse?**

Yes, it is considered that as the owner or keeper of an animal, there is a statutory duty of care with regards Section 9 of the Animal Welfare Act 2006, as such, taking into consideration this legal obligation, this is permitted in accordance with Regulation 6 (2) (h) of the Health Protection (Coronavirus Restrictions) (England) Regulations 2020.

### **Can a person ride their horse?**

Yes, it is considered that subject to this being part of the daily exercise referred to in Regulation 6 (2) (b) of the Health Protection (Coronavirus Restrictions) (England) Regulations 2020, this is permitted.

### **Can home boarders exceed their licence to care for animals of key workers?**

It is considered that this is a matter to be determined at a local level based upon prior history of the business and their level of previous compliance. There is a need to be mindful of the welfare implications to the animals under the charge of the home boarder and home boarders should prioritise the care of those animals who belong to key workers should this become an issue. Where a home boarder is not able to sufficiently protect the interest of the animals under their charge, alternative care arrangements must be sourced.

### **Can a rescue centre still rehome animals?**

It is considered that a rescue centre, regardless of if it is a registered charity, is still operating as a business, albeit in the rehoming of animals.

With regards the movement restrictions, it is considered that as a rescue centre is not listed as a business referred to in Part 3 of Schedule 2 of the Health Protection (Coronavirus Restrictions) (England) Regulations 2020, they should deliver any animals that they are being rehomed as they are permitted to travel for the purposes of work (Regulation 6 (2) (f) ) and this is in the spirit of the principals of Regulation 5 (1) (a).

Where a rehoming centre does undertake delivery, they will be caught by the rules relating to the Welfare of Animals in Transport EU Regulation 1/2005 and it is advised that they seek authorisation with the APHA Welfare of Animals in Transport Team (WIT). [Application for a United Kingdom Animal Transporter Authorisation](#)

It is advised that any required home inspection is evidenced through video footage provided to the rescue centre rather than a home visit and no person should be visiting a rescue centre to choose a new pet for re-homing as it is considered that this movement would be in breach of regulation 6 and the restrictions on movement.

**Can licences required as part of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (SI 2018:486) be extended for where they are due for renewal within the next 3 months?**

The NAHWP are awaiting a response from Defra regarding this and will update the FAQ on receipt of official guidance.

**Can dog groomers still operate?**

Yes, the business is not subject to the closure restrictions as detailed in the Health Protection (Coronavirus Restrictions) (England) Regulations 2020, as such they can continue operating.

With regards the movement restrictions, it is considered that as a dog groomer is not listed as a business referred to in Part 3 of Schedule 2 of, they should collect and deliver any animals that they are being taken to a salon for grooming as they are permitted to travel for the purposes of work (Regulation 6 (2) (f) ) and this is in the spirit of the principals of Regulation 5 (1) (a).

Where a dog groomer does undertake transportation, it is considered that they will be caught by the rules relating to the Welfare of Animals in Transport EU Regulation 1/2005 and it is advised that they seek authorisation with the APHA Welfare of Animals in Transport Team (WIT). [Application for a United Kingdom Animal Transporter Authorisation](#)

It is not permitted for a person to take their dog to a groomers by vehicle as this is classed as a non-essential journey, unless the owner can walk to the business as part of their daily exercise.