

Penalties for breeding dogs in breach of licensing requirements in England¹

Legal Advisory Group on Extreme Conformation in Dogs (LAGECDogs)
<https://www.alaw.org.uk/companion-animals/extreme-dog-conformation/>

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Everyone who breeds dogs in England, regardless of the number of litters produced, is under a legal duty to ensure the welfare of both parent dogs and their puppies.² However, those who breed puppies commercially are required to meet significantly more stringent and specific requirements.

Commercial breeding of dogs is regulated by law

Anyone breeding dogs commercially in England must comply with the Animal Welfare (Licensing of Animal Activities) (England) Regulations 2018.³ Substantial penalties are in place for those found to be in breach of their requirement to:

- obtain a licence to breed dogs (dog breeding licence), or
- meet all the conditions specified in their licence.

Who needs to obtain a dog breeding licence?

Anyone who breeds 3 or more litters of puppies in a 12-month period – that is to say, more than two litters during the relevant period - *or* who breeds and advertises even one litter of puppies in the course of running a business, must obtain a licence from their local authority.⁴

Whether a person will be regarded as running a ‘business’ is assessed by reference to a range of factors.⁵ For example, a high volume of sales, or a low number of puppies sold at a high price, or repeated use of advertising sites, may all be indicative of a business.⁶

When must the dog breeding licence be obtained?

A licence must be acquired *before* you meet either of these criteria. Breeding is a process which culminates with the birth of puppies, but that event is preceded by pregnancy, mating, and – initially – the decision to breed. In circumstances where the breeder does not have a licence but will require one in relation to an intended forthcoming litter, the appropriate time for the application to be submitted by the breeder and determined by the licensing authority is after the decision to breed has been made and prior to the mating of the dogs.

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² [Animal Welfare Act 2006, s.9.](#)

³ Available at: <https://www.legislation.gov.uk/ukxi/2018/486/contents/made>.

⁴ [Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018, Sch. 1, para. 8.](#)

⁵ See: [Dog breeding licensing: statutory guidance for local authorities - GOV.UK \(www.gov.uk\)](#).

⁶ For further information, see: [Naturewatch Foundation, LIAIR Business test and dog breeding in England.](#)

What penalties would you face for failing to obtain a licence?

Anyone who meets the criteria for being required to obtain a dog breeding licence but fails to obtain a licence is committing an offence. This may result in:

- an unlimited fine⁷; and/or
- a custodial sentence of up to 51 weeks;⁸ and/or
- a Confiscation Order under the Proceeds of Crime Act 2002 to recoup financial benefits derived from the illegal breeding activities. The combined financial penalties have been known to incur the payment of hundreds of thousands of pounds.⁹

Alternatively, if the licensing authority deems that, in the particular circumstances, failure to obtain a licence does not merit the institution of criminal proceedings, it may issue a penalty notice incurring an on-the-spot fine of up to £5,000.¹⁰

What are the conditions of a dog breeding licence?

- Any person with a licence to breed dogs must meet ALL the minimum animal welfare standards specified in the Regulations regarding food, health, housing, behaviour, training and exercise.
- No puppy under 8 weeks of age may be sold or permanently separated from their biological mother.
- Prospective buyers must be shown the mother and puppy together.¹¹

The Regulations expressly state that '*...no dog may be kept for breeding if it can reasonably be expected, on the basis of its genotype, phenotype or state of health that breeding from it could have a detrimental effect on its health or welfare or the health or welfare of its offspring.*'¹² To this end, licence holders 'must take all reasonable steps' to check that the dogs kept for breeding - male and female - have good physical and genetic health, good temperament, can see, breathe normally, are physically fit, can exercise freely, and 'must be aware of any health risks that may be specific' to the particular type or breed of dog.¹³

Any person who fails to meet these criteria will be in breach of their licence. Such steps to ensure suitability for breeding may include an evaluation of the physical characteristics of these dogs with particular reference to any extreme conformation that may reasonably be expected to have a detrimental effect on the health or welfare of the dogs used for breeding or their offspring. To ensure compliance with the Regulations, dogs with extreme conformations should not be kept for breeding.

⁷ [Animal Welfare Act 2006, s.32\(2\)\(b\).](#)

⁸ [Animal Welfare Act 2006, s.32\(2\)\(a\).](#)

⁹ By way of example, see: <https://www.bbc.co.uk/news/uk-wales-59956781>;
<https://www.theguardian.com/world/2022/jan/11/dog-breeders-ordered-to-pay-400000-for-animal-welfare-offences>;
<https://www.instituteoflicensing.org/news/600-000-fine-for-illegal-dog-breeders/>.

¹⁰ [Animals \(Penalty Notices\) Act 2022, ss.1,3](#). For further information and guidance on when use of penalty notices would be appropriate see: [Defra, Statutory guidance on the use of penalty notices for animal health and welfare offences](#).

¹¹ [Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018, Sch. 6, para.1\(5\) and \(6\).](#)

¹² [Animal Welfare \(Activities Involving Animals\) \(England\) Regulations 2018, Sch. 6, para.6\(5\).](#)

¹³ [DEFRA, Dog Breeding Licensing: Statutory Guidance for Local Authorities, Part B, para. 6.5](#) (Updated October 2023).

What penalties might a breeder face for breaching a condition of their licence?

Breaching any licence condition is an offence. This could result in:

- a penalty notice imposing an on-the-spot fine of up to £5000;¹⁴
- revocation of the licence;¹⁵ or
- in the case of a serious breach, court proceedings¹⁶ potentially resulting in an unlimited fine and a criminal record.¹⁷

What are the penalties for failing to obtain a licence and breaching licence conditions?

Anyone breeding dogs commercially who both fails to obtain a licence *and* breaches any of the conditions specified in the Regulations will be liable for offences under the Animal Welfare Act 2006¹⁸ and the Regulations.¹⁹

¹⁴ [Animals \(Penalty Notices\) Act 2022, ss.1,3](#). For further information and guidance on when use of penalty notices would be appropriate see: [Defra, Statutory guidance on the use of penalty notices for animal health and welfare offences](#).

¹⁵ [Animal Welfare \(Activities Involving Animals\) \(England\) Regulations 2018, Regulation 15\(a\)](#).

¹⁶ [Animal Welfare \(Activities Involving Animals\) \(England\) Regulations 2018, Regulation 20\(1\)\(a\)](#).

¹⁷ [Animal Welfare \(Activities Involving Animals\) \(England\) Regulations 2018, Regulation 20\(2\)](#). The fine is unlimited, see: [UK Government, Guidance: Dog breeding licence \(England\)](#).

¹⁸ [Animal Welfare Act 2006, s 13\(6\)](#).

¹⁹ [Animal Welfare \(Activities Involving Animals\) \(England\) Regulations 2018, Regulation 20\(1\)\(a\)](#).