



Briefing for the Public Petitions Committee

Petition Number: [PE1561](#)

Main Petitioner: Karen Gray on behalf of Rabbits Require Rights (Scotland)

Subject: Standards for the sale of pet rabbits

Calls on the Parliament to urge the Scottish Government to:

1. Introduce a licensing regime for sellers of young rabbits similar to that for young cats and dogs.
2. Initiate a ban on pet shop sales via the implementation of Ordinances Protecting Rabbits as is operational in numerous States & Cities in Northern USA & Canada.
3. Create minimum standards for rabbit related products, such as housing and feed.
4. Make one body responsible for overseeing and enforcing pet shop licensing regulations, e.g. the SSPCA.

Introduction

This briefing sets out the main current piece of animal welfare legislation, the Animal Health and Welfare (Scotland) Act 2006 which is relevant to rabbits and other animals. It then addresses each of the four points of the petition (as set out in the box above) in turn.

Current Animal Welfare Legislation

The current legislation which aims to protect the welfare of all animals is the [Animal Health and Welfare \(Scotland\) Act 2006](#). This places a duty of care on pet owners and others responsible for animals to ensure that the welfare needs of an animal are met. All pets (including rabbits) are protected by the Act.

Section 24 is about the promotion of welfare. It states -

- (1) A person commits an offence if the person does not take such steps as are reasonable in the circumstances to ensure that the needs of an

animal for which the person is responsible are met to the extent required by good practice.

(2) The circumstances to which, for the purposes of subsection (1), regard is to be had include—

- (a) any lawful purpose for which the animal is kept,
- (b) any lawful activity undertaken in relation to the animal.

(3) For the purposes of subsection (1), an animal's needs include—

- (a) its need for a suitable environment,
- (b) its need for a suitable diet,
- (c) its need to be able to exhibit normal behaviour patterns,
- (d) any need it has to be housed with, or apart from, other animals,
- (e) its need to be protected from suffering, injury and disease.

(4) This section does not apply to the destruction of an animal in an appropriate and humane manner.

Section 25 of the Act is about care notices. The Scottish Government [guidance on the animal welfare provisions \(part 2\) of the Animal Health and Welfare \(Scotland\) Act 2006](#) states –

“Inspectors appointed or authorised under the Act, such as local authority animal health and welfare inspectors, the State Veterinary Service and inspectors from the Scottish SPCA, have the discretion to serve care notices. The notices can be served on a person if it appears to the inspector that a person responsible for an animal is failing to secure its welfare in such a way that may constitute an offence.”

The Act does not make specific provisions related to rabbits (or any other animal) and does not set out what a suitable environment and suitable diet etc. is for a rabbit.

However, the Scottish Government has issued various codes of recommendation and practice related to the Animal Health and Welfare (Scotland) Act 2006. These set out guidance for the welfare of specific animals. [Codes of practice](#) for the following animals have been issued: cattle; equidae (horses, ponies, donkeys and hybrids); laying hens; meat and breeding chickens; pigs; sheep; gamebirds; cats; and dogs.

1. Introducing a licensing regime for sellers of young rabbits similar to that for young cats and dogs

The petitioner suggests that rabbit sellers and breeders need to have their activities controlled in order to tackle the widespread availability of these domestic pets thus reducing not just the high numbers in rescues but their neglect.

The petitioner suggests that this can be done by introducing regulations for the licensing of dealers for rabbits similar to the Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009.

Section 3 of the [Licensing of Animal Dealers \(Young Cats and Young Dogs\) \(Scotland\) Regulations 2009 regulations](#) is about the need to hold a licence for animal dealing. Section 3 states -

(1) It is prohibited for a person to carry on, without the authority of an animal dealing licence, an activity which—

- (a) involves a young cat or young dog for which the person is responsible; and
- (b) involves— (i) acquiring and keeping with a view to sale; or .
(ii) selling,
any such young cat or young dog.

Section 6 sets out what the licensing authority must have regard to when considering a licence. These are:

6 (a) a young cat or young dog is at all times kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness; .

(b) a young cat or young dog is at all times adequately supplied with suitable food, drink and bedding material, adequately exercised and visited at suitable intervals; .

(c) all reasonable precautions are taken to prevent and control the spread among such young cats and young dogs of infectious or contagious diseases; and .

(d) appropriate steps are taken for the protection of a young cat or young dog in the case of fire or other emergency.

This Act does not apply in certain circumstances, such as if a person already holds a breeding licence granted under the Breeding of Dogs Act 1973(1); or if a person holds a pet shop licence granted under the Pet Animals Act 1951(2); or if it relates to the sale of the progeny of a cat or dog kept by that person as a pet.

2. Initiate a ban on pet shop sales via the implementation of Ordinances Protecting Rabbits

The petitioner seeks to initiate a ban on pet shop sales of rabbits via the implementation of “Ordinances Protecting Rabbits”. These are operational in some states and cities in Northern USA and Canada. The House Rabbit Society discuss such ordinances. The House Rabbit Society is an organisation in the United States which rescues rabbits and provides education about rabbits. It [summarises](#) some of the ordinances in operation in

the United States, many of which appear to ban the sale of rabbits under a certain age.

The [Best Friends Animal Society website](#) also lists local jurisdictions that restrict the sale of pets. Whilst most refer to the sale of cats and dogs, some relate to rabbits, such as the one from the [City of Los Angeles](#) which prohibits the sale of commercially bred dogs, cats and rabbits in pet stores, retail businesses or other commercial establishments.

The [Pet Animals Act 1951](#) applies to the sale of companion animals in Scotland. It includes sections on:

- Licensing of pet shops
- Pets not to be sold in streets
- Pets not to be sold to children under twelve years of age
- Inspection of pet shops
- Offences and disqualifications
- Power of local authority to prosecute

3. Create minimum standards for rabbit related products

The petitioner seeks to create minimum standards for rabbit related products, such as housing and feed. There are no specific minimum standards for rabbit related products in Scotland. However, the Animal Health and Welfare (Scotland) Act 2006 applies, and requires (as set out above) that the -

“needs of an animal for which the person is responsible are met to the extent required by good practice.”

Where an animal’s needs include -

- (a) its need for a suitable environment
- (b) its need for a suitable diet
- (c) its need to be able to exhibit normal behaviour patterns
- (d) any need it has to be housed with, or apart from, other animals
- (e) its need to be protected from suffering, injury and disease.

4. Make one body responsible for overseeing and enforcing pet shop licensing regulations, e.g. the SSPCA

Section 4 of the [Pet Animals Act 1951](#) relates to the inspection of pet shops. It states -

“(1) A local authority may authorise in writing any of its officers or any veterinary surgeon or veterinary practitioner to inspect (subject to compliance with such precautions as the authority may specify to prevent the spread among animals of infectious diseases) any premises in their area as respects which a licence granted in accordance with the provisions of this Act is for the time being in force,

and any person authorised under this section may, on producing his authority if so required, enter any such premises at all reasonable times and inspect them and any animals found thereon or anything therein, for the purpose of ascertaining whether an offence has been or is being committed against this Act.

(2) Any person who wilfully obstructs or delays any person in the exercise of his powers of entry or inspection under this section shall be guilty of an offence.”

The [SSPCA](#) (Scottish Society for the Prevention of Cruelty to Animals) is Scotland's animal welfare charity. It encourages kindness to animals, aims to prevent cruelty through education, investigate abuse, rescue animals in distress and find animals new homes. The SSPCA states that its inspectors and animal rescue officers save thousands of domestic, farm and wild animals from harm and danger every year, and its vets and staff look after, rehabilitate and rehome thousands more.

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5 May 2015

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