



Isle of Man

Ellan Vannin

AT 27 of 1981

BREEDING OF DOGS AND CATS ACT 1981



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**Isle of Man***Ellan Vannin*

BREEDING OF DOGS AND CATS ACT 1981

Received Royal Assent: 24 November 1981

Passed: 15 December 1981

Commenced: 1 January 1982¹

AN ACT to regulate the commercial breeding of dogs and cats; to provide for inspection of premises at which dogs and cats are bred and for control over the transportation of puppies and kittens; and for purposes connected with those matters.

GENERAL NOTE: The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993 s 1*.

1 Licensing of breeding establishments

[P1973/60/1]

- (1) No person shall keep a breeding establishment for animals except under the authority of a licence granted in accordance with the provisions of this Act.
- (2) The Department of Environment, Food and Agriculture may, on application being made to them for that purpose by a person who is not for the time being disqualified —
 - (a) under this Act, from keeping a breeding establishment for animals; or
 - (b) under the Animal Boarding Establishments (Isle of Man) Act 1973 from the boarding of animals; or
 - (c) under the *Cruelty to Animals Act 1955*, from having the custody of any animal; or
 - (d) under the Pet Animals Act 1951 (an Act of Parliament), from keeping a pet shop; or
 - (e) under the Protection of Animals (Cruelty to Dogs) Act 1933 (an Act of Parliament), from keeping a dog; or
 - (f) under the Protection of Animals (Cruelty to Dogs) (Scotland) Act 1934 (an Act of Parliament), from keeping a dog; or

- (g) under the Protection of Animals (Amendment) Act 1954 (an Act of Parliament), from having the custody of animals; or
- (h) under the Animal Boarding Establishments Act 1963 (an Act of Parliament) from the boarding of animals; or
- (i) under any enactment of any of the Legislatures of the British Islands or of the Republic of Ireland, from keeping or having the custody of an animal,

and on payment of such fee as may be prescribed under Part 5, Division 4 (general fee power) of the *Interpretation Act 2015* grant a licence to that person to keep a breeding establishment for animals at such premises in the Island as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.²

- (3) In determining whether to grant a licence for the keeping of a breeding establishment for animals by any person at any premises, the Department shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing —

- (a) that the animals will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;
- (b) that the animals will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and (so far as necessary) visited at suitable intervals;
- (c) that all reasonable precautions will be taken to prevent and control the spread among animals of infectious or contagious diseases;
- (d) that appropriate steps will be taken for the protection of the animals in case of fire or other emergency;
- (e) that all appropriate steps will be taken to secure that the animals will be provided with suitable food, drink and bedding material and adequately exercised when being transported to or from the breeding establishment;
- (f) that the licensee or another person responsible for the supervision of the premises resides in proximity to the premises;

and shall specify such conditions in the licence, if granted by it as appear to the Department necessary or expedient in the particular case for securing all the objects specified in paragraphs (a) to (e) of this subsection.³

- (4) Any person aggrieved by the refusal of the Department to grant such a licence, or by any condition subject to which such a licence is proposed to be granted, may appeal to a court of summary jurisdiction; and the court

may on such an appeal give such directions with respect to the issue of a licence or, as the case may be, with respect to the conditions subject to which a licence is to be granted as it thinks proper.⁴

- (5) Any such licence shall (according to the applicant's requirements) relate to the year in which it is granted or to the next following year. In the former case, the licence shall come into force at the beginning of the day on which it is granted, and in the latter case it shall come into force at the beginning of the next following year.
- (6) Subject to the provisions hereinafter contained with respect to cancellation, any such licence shall remain in force until the 31st December of the year to which it relates and shall then expire.
- (7) Subject to subsection (8), in the event of the death of a person who is keeping a breeding establishment for animals at any premises under the authority of a licence granted under this Act, that licence shall be deemed to have been granted to his personal representatives in respect of those premises and shall, notwithstanding subsection (6) (but subject to the provisions hereinafter contained with respect to cancellation), remain in force until the end of the period of three months beginning with the death and shall then expire.
- (8) The Department may from time to time, on the application of those representatives, extend or further extend the said period of three months if the Department is satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.⁵
- (9) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence; and if any condition subject to which a licence is granted in accordance with the provisions of this Act is contravened, the person to whom the licence was granted shall be guilty of an offence.

2 Inspection of breeding establishments

[P1973/60/2]

- (1) A veterinary officer of the Department may inspect (subject to compliance with such precautions as the Department may specify to prevent the spread among animals of infectious or contagious diseases or to any other directions of the Department) any premises in the Island as respects which an application for a licence under this Act has been made, or, a licence granted in accordance with the provisions of this Act is for the time being in force, and any such veterinary officer 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 any thing therein, for the purpose of ascertaining whether the application is a suitable application or an offence has been or is being committed against this Act.⁶

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

3 Offences and disqualifications

[P1973/60/3]

- (1) Any person guilty of an offence under any provision of this Act other than section 2 shall be liable on summary conviction to a fine not exceeding £5,000.
- (2) Any person guilty of an offence under section 2 shall be liable on summary conviction to a fine not exceeding £2,500.
- (3) Where a person is convicted of any offence under this Act or of any offence under the *Cruelty to Animals Act 1925* or of any offence under the Acts mentioned at section 1(2)(b) or (c), the court by which he is convicted may cancel any licence held by him under this Act, and may, whether or not he is the holder of such a licence, disqualify him from keeping a breeding establishment for animals for such period as the court thinks fit.
- (4) Where a person is convicted of any offence under any Act mentioned in section 1(2), at paragraphs (d) to (h), or under any corresponding enactment of any of the Legislatures of the British Islands or of the Republic of Ireland, a court of summary jurisdiction may, on the petition of the Department, take the same action in respect of such person as it could have taken under subsection (3) had that person been convicted before it of an offence against an enactment mentioned in that subsection. For the purposes of this subsection a certificate purporting to be signed by or on behalf of the Clerk of the Court before whom the person was convicted shall be prima facie evidence of such conviction.⁷
- (5) A court which has ordered the cancellation of a person's licence, or his disqualification, in pursuance of subsections (3) or (4) may, if it thinks fit, suspend the operation of the order pending an appeal.

4 Interpretation

[P1973/60/5]

- (1) Subject to subsection (2), references in this Act to the keeping by any person of a breeding establishment for animals shall be construed as references to the carrying on by that person at premises of any nature (including a private dwelling) of a business of breeding animals with a view to their being sold in the course of such business whether by the keeper thereof or by any other person.
- (2) Nothing in this Act shall apply to the keeping of an animal at any premises in pursuance of a requirement imposed under, or having effect by virtue of, the *Isle of Man Diseases of Animals (Prevention) Act 1948*.

(3) In this Act —

“**animal**” means a cat or dog;

“**the Board**” [Repealed]⁸

“**breeding establishment**” means any premises (including a private dwelling) where more than two female animals are kept for the purpose of breeding for sale;

“**the Department**” has the meaning given by section 1(2);⁹

“**veterinary officer of the Department**” means a veterinary surgeon in the service of the Department;¹⁰

“**veterinary practitioner**” [Repealed]¹¹

“**veterinary surgeon**” has the meaning given by section 1(1) of the *Veterinary Surgeons Act 2005*;¹²

5 [Repealed]¹³

6 Transitional provision

[P1973/60/6]

Notwithstanding anything in this Act, a person who, immediately before the date of the commencement of this Act, was keeping a breeding establishment for animals at any premises, and who is not disqualified as mentioned in section 1(2), shall be entitled to keep such an establishment at those premises without a licence under this Act —

- (a) for the period of ninety days beginning with that date; and
- (b) if before the expiration of that period he applies for a licence under this Act in respect of those premises, until the licence is granted or finally refused or the application is withdrawn.

7 Short title and commencement

(1) This Act may be cited as the Breeding of Dogs and Cats Act 1981.

(2) This Act shall come into operation on 1st January 1982.

SCHEDULE¹⁴

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ See section 7(2).

² Subs (2) amended by Interpretation Act 2015 s 106.

Ed. note: The fee payable on the grant of a licence under subs (2) is £60 effective 1/5/2011 see SD153/11 art 4(a).

Subs (2) amended by GC 121/86, by Agriculture (Miscellaneous Provisions) Act 2000 s 3 and by SD155/10 Sch 3.

³ Subs (3) amended by GC121/86.

⁴ Subs (4) amended by GC121/86.

⁵ Subs (8) amended by GC121/86.

⁶ Subs (1) amended by GC121/86.

⁷ Subs (4) amended by GC121/86.

⁸ Definition of “the Board” repealed by GC121/86.

⁹ Definition of “the Department” inserted by GC121/86.

¹⁰ Definition of “veterinary officer of the Department” (previously “veterinary officer of the Board”) amended by GC121/86 and by Veterinary Surgeons Act 2005 Schs 2 and 3.

¹¹ Definition of “veterinary practitioner” repealed by Veterinary Surgeons Act 2005 Schs 2 and 3.

¹² Definition of “veterinary surgeon” substituted by Veterinary Surgeons Act 2005 Sch 2.

¹³ S 5 repealed by Agriculture (Miscellaneous Provisions) Act 2000 s 3.

¹⁴ Sch repealed by Agriculture (Miscellaneous Provisions) Act 2000 s 3.