



STATUTORY INSTRUMENTS.

**S.I. No. 681 of 2019**



ANIMAL HEALTH AND WELFARE (SALE OR SUPPLY OF PET  
ANIMALS) REGULATIONS 2019

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I, Michael Creed, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 36 of the Animal Health and Welfare Act 2013 (No. 15 of 2013), hereby make the following regulations:

**Citation and commencement**

1. (1) These Regulations may be cited as the Animal Health and Welfare (Sale or Supply of Pet Animals) Regulations 2019.

(2) These regulations shall come into operation on the 1st of February 2020.

**Interpretation**

2. In these Regulations—

“Act” means Animal Health and Welfare Act 2013;

“pet animal” means an animal kept, or intended to be kept, by a person—

- (a) as a pastime or hobby,
- (b) for companionship,
- (c) for ornamental purposes, or
- (d) any combination of (a) to (c),

but does not include a farm animal;

“premises” means a premises used in connection with the sale or supply of a pet animal, but does not include a premises already registered under the Dog Breeding Establishments Act 2010.

**Minimum age for sale of certain animals**

3. A person shall not sell or supply an unweaned pet animal or—

- (a) a dog or cat that has not attained the age of 8 weeks,
- (b) a rabbit that has not attained the age of 6 weeks,
- (c) a guinea pig, gerbil or hamster that has not attained the age of 4 weeks,
- (d) a ferret that has not attained the age of 8 weeks, or
- (e) a mouse or rat that has not attained the age of 4 weeks.

### **Register of sellers and suppliers of pet animals**

4. (1) The Minister shall establish and maintain a register (to be known as "the Register of Sellers and Suppliers of Pet Animals") of persons who sell or supply pet animals.

(2) The Minister may enter a person's name, address and other contact details in the Register of Sellers and Suppliers of Pet Animals, attach conditions to registration, revoke or vary a condition, attach a new condition, refuse an application, or revoke registration.

(3) Subject to paragraph (4), a person shall not sell or supply a pet animal unless—

- (a) he or she is entered in the Register of Sellers and Suppliers of Pet Animals, and
- (b) the premises he or she uses in connection with the sale or supply of a pet animal is entered in the Register of Premises in accordance with Regulation 5.

(4) Paragraph (3) does not apply to —

- (a) a person who sells or supplies not more than 5 pet animals within 1 calendar year,
- (b) a person to whom the Dog Breeding Establishments Act 2010 applies, or
- (c) a local authority or a facility run by or on behalf of a local authority.

(5) The requirement under paragraph (3) for a person to be entered on the Register of Sellers and Suppliers of Pet Animals is in addition to and not in substitution for a duty or obligation imposed on a person under any other enactment or rule of law with respect to a particular species or to animals generally.

### **Register of Premises**

5. (1) The Minister shall establish and maintain a register of premises (to be known as "the Register of Premises") that are used by sellers or suppliers of pet animals (to which Regulation 4 (3) applies) in connection with the sale or supply of such animals.

(2) The Minister may enter a person's name and address, and the address of a premises in the Register of Premises, attach conditions to registration, revoke or vary a condition, attach a new condition, refuse an application or revoke registration.

(3) Without prejudice to the generality of paragraph (2), a condition to entry in the Register of Premises may—

- (a) restrict the species, type, number or age of pet animals either generally or pet animals of a particular class or description that may be kept, sold or supplied on the premises;

- (b) require a minimum level of training appropriate to the species or type of pet animal kept, sold or supplied on the premises to be undertaken by any person responsible for the care of the animal.

(4) A person registered on the Register of Sellers and Suppliers of Pet Animals shall not sell or supply a pet animal from a premises unless that premises is entered in the Register of Premises.

### **Conditions of registration**

6. (1) An application for entry in the Register of Sellers and Suppliers of Pet Animals or in the Register of Premises (“the Registers”) shall be made in a form, be accompanied by any material and contain any particulars that the Minister specifies.

(2) The Minister shall not consider an application for registration in the Registers if the application does not contain all the material and particulars sought by the Minister or is not accompanied by the fee (if any) set in accordance with section 73 of the Act.

(3) The Minister may refuse an application or revoke registration if—

- (a) he or she is satisfied that the Act or these Regulations have not been or will not be complied with,
- (b) the applicant or registered person has committed an offence under an enactment relating to animals, animal health and welfare,
- (c) the operation of a premises poses a danger to the health or welfare of animals,
- (d) a premises is not in a fit condition for the purposes of these Regulations,
- (e) the applicant or registered person has failed to comply with a condition of registration,
- (f) a premises is not equipped with adequate equipment to provide for the proper disposal of waste products and material, including used bedding,
- (g) the applicant or registered person is not, in the opinion of the Minister, a fit person to be registered,
- (h) in relation to the application, information required has not been furnished or information that is, in the opinion of the Minister, false or misleading in a material particular has been furnished, or
- (i) it is, in the opinion of the Minister—
  - (i) necessary to prevent the risk or spread of disease,
  - (ii) necessary to control or eradicate disease, or

- (iii) necessary, incidental or supplementary for the purpose of giving effect to an act of the institutions of the European Union.

(4) Other than in the case of refusal or revocation for the purposes of paragraph (3) (i), if the Minister proposes to revoke a registration, or to refuse an application, he or she shall —

- (a) notify the person concerned in writing of the proposal and of the reasons for the proposal, and that he or she may make representations to the Minister in relation to the proposal within 14 days of the notification,
- (b) consider a representation made before deciding whether to proceed with, modify or annul the proposal, and
- (c) notify the person concerned of the decision and the reasons for the decision.

(5) The Minister may, for the purposes of paragraph (3) (i), refuse an application or revoke a registration in accordance with paragraph (6).

(6) If the Minister refuses an application or revokes a registration for the purposes of paragraph (3) (i), he or she shall—

- (a) notify the person concerned in writing of the decision and the reasons for the decision, and that he or she may make representations to the Minister in relation to the decision within 14 days of the date of the notification,
- (b) consider a representation made, and
- (c) confirm, modify or annul the decision and notify the person concerned of the decision and the reasons for the decision.

(7) In considering an application for, or refusal or revocation of, registration under these Regulations, where it is shown that an act or omission of the applicant or person to whom registration relates is material to the matter under consideration, and the act or omission is a failure to observe a code of practice or is in compliance with that code of practice, the failure or compliance may be considered in determining the application or whether or not to revoke registration.

(8) A person who, before the commencement of these Regulations, sold or supplied pet animals, and who, within 3 months of the commencement of these Regulations, applies to be entered in the Registers, may continue to operate, until the applications are determined.

(9) The Minister shall issue a certificate and a unique registration number to a person entered in the Register of Sellers and Suppliers of Pet Animals under these Regulations, and the seller or supplier of a pet animal shall display a copy of the certificate and unique registration number in a prominent place on the premises entered in the Register of Premises in respect of that seller or supplier.

## **Records**

7. (1) A person who sells or supplies a pet animal shall maintain the following records regarding each animal kept—

- (a) name and address of the person from whom an animal is obtained,
- (b) date an animal is obtained,
- (c) date of sale or supply of an animal,
- (d) description of animal, including species, breed, sex, colour and distinctive markings, physical condition and health where practicable, age and animal identification, if applicable,
- (e) name and address of the person to whom each animal is sold or supplied and date of sale or supply,
- (f) details of disposal of each animal not sold or supplied, including cause of death, method of, and reason for, euthanasia, circumstances of escape, and date of the death or escape,
- (g) for each animal receiving medical care, clinical signs, diagnosis, the type of service rendered, date and veterinary practitioner's name.

(2) A record maintained under paragraph (1) shall be kept for a period of no less than 3 years and made available on request to an authorised officer.

## **Advertising of a pet animal for sale or supply**

8. (1) A person shall not, without reasonable excuse, publish or display, or cause to be published or displayed, an advertisement of a pet animal for sale or supply, without including in the advertisement—

- (a) the registration number of the person selling or supplying the pet animal, if Regulation 4 (3) applies to that person,
- (b) the age of the animal,
- (c) in the case of a dog, the unique code of the microchip implanted into the animal,
- (d) the country of origin of the pet animal, and
- (e) in the case the seller or supplier is a Dog Breeding Establishment to which the Dog Breeding Establishments Act 2010 (No. 29 of 2010) is applicable—
  - (i) the registration number issued by the relevant local authority to the Dog Breeding Establishment under that Act, or
  - (ii) in the case of a registered charitable organisation within the meaning of the Charities Act 2009 (No. 6 of 2009), the registration number within the meaning of that Act issued to that organisation.

(2) A person shall not make a statement which the person knows to be false with a view to securing a publication or display of an advertisement of a pet animal for sale or supply, that results in the publication or display being made.

(3) In paragraphs (1) and (2), “advertisement” includes every form of advertisement, whether to the public or not and whether in a newspaper or other publication, on television or radio or by display of a notice or by electronic means or by any other means.

### **Publication of Registers**

9. The Minister may publish the Register of Sellers and Suppliers of Pet Animals or the Register of Premises in a manner that he or she considers appropriate.

### **Penal provisions**

10. Regulations 3, 4(3), 5(4), 6(9), 7(1) and (2), 8(1) and (2) are penal provisions to which section 36 (4) (b) of the Act applies.



GIVEN under my Official Seal,  
18 December, 2019.

MICHAEL CREED,  
Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations provide for registration of sellers and suppliers of pet animals, registration of premises used in connection with the sale or supply of pet animals, the advertisement of pet animals for sale or supply, and the maintenance of records relating to the sale or supply of pet animals.



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