

**PET ANIMALS (SALES) ACT 2005**

**Principal Act**

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| <b>Act. No. 2005-17</b> | <i>Commencement (LN. 2006/003)</i> | 12.1.2006 |
|                         | <i>Assent</i>                      | 9.2.2005  |

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AN ACT TO REGULATE THE SALE OF PET ANIMALS.

**Title and commencement.**

1.(1) This Act may be cited as the Pet Animals (Sales) Act 2005.

(2) This Act comes into operation on the day the Minister appoints by notice in the Gazette.

**Interpretation.**

2.(1) In this Act, unless the context otherwise provides—

“animal” includes any description of vertebrate animal;

“licensing officer” means the Chief Environmental Health Officer or such other person as the Minister appoints by notice in the Gazette;

“Minister” means the Minister with responsibility for environmental matters;

“vertebrate animal” includes mammals, birds, reptiles, amphibians and fishes.

(2) Subject to subsection (3), references in this Act to the keeping of a pet shop shall, subject to the following provisions of this section, be construed as references to the carrying on at premises of any nature (including a private dwelling) of a business of selling animals as pets, and as including references to the keeping of animals in any such premises as aforesaid with a view to their being sold in the course of such a business, whether by the keeper or by any other person.

(3) A person shall not be deemed to keep a pet shop by reason only of his keeping or selling pedigree animals bred by him, or the offspring of an animal kept by him as a pet.

(4) References in this Act to the selling or keeping of animals as pets shall be construed as—

- (a) as respects cats and dogs, including references to selling or keeping, as the case may be, wholly or mainly for domestic purposes; and
- (b) as respects any other animal, including references to selling or keeping, as the case may be, for ornamental purposes.

## Licensing of pet shops.

3.(1) No person shall keep a pet shop except under the authority of a licence granted in accordance with this Act.

(2) The licensing officer may, on application being made to him by a person who is not for the time being disqualified from keeping a pet shop, and on payment of such fee as may be prescribed by notice by the Minister published in the Gazette, grant a licence to that person—

- (a) to keep a pet shop at the premises as specified in the application;
- (b) to sell the animals specified in the licence as pets; and
- (c) subject to any conditions specified in the licence.

(3) In determining whether to grant a licence for the keeping of a pet shop by any person at any premises, the licensing officer shall in particular (but without prejudice to his discretion to withhold a licence on other grounds) have regard to the need for ensuring that—

- (a) animals will at all times be kept in accommodation which is suitable as respects size, temperature, lighting, ventilation and cleanliness;
- (b) animals will be adequately supplied with suitable food and drink and (so far as necessary) visited at appropriate intervals;
- (c) animals, which are mammals, will not be sold at too early an age;
- (d) all reasonable precautions will be taken to prevent the spread among animals of infectious diseases;
- (e) appropriate steps will be taken in case of fire or other emergency;
- (f) persons buying animals from the pet shop will be properly instructed on the care of the animals they purchase;
- (g) only animals that have been born in captivity will be sold;

and shall specify such conditions in the licence, if granted by him, as appear to the licensing officer necessary or expedient in the particular case for ensuring all or any of the objects specified in paragraphs (a) to (g) above.

(4) Any person aggrieved by the refusal of the licensing officer to grant a licence or by any condition subject to which a licence has been granted, may appeal to the Magistrates' Court and the court may on 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 the licence is granted, as it thinks proper.

(5) A licence shall be valid for one calendar year and shall expire on the 31<sup>st</sup> day of December; every new licence issued during the currency of a year shall be for the remaining period of that calendar year, and the licence fee payable shall bear the same proportion to the annual licence fee as the remaining period of the year bears to the whole year.

(6) Any person who contravenes the provisions of subsection (1) is guilty of an offence; and if any condition subject to which a licence is granted in accordance with this Act is contravened or not complied with, the person to whom the licence was granted is guilty of an offence.

#### **Restrictions on sale of pets.**

4.(1) A person licensed to keep a pet shop shall not import, sell, hold or offer for sale any animal other than an animal he is licensed to sell.

(2) A person who contravenes the provisions of subsection (1) is guilty of an offence.

#### **Pets not to be sold in streets etc.**

5. Any person carrying on a business of selling animals as pets in any part of a street or public place or at a stall or barrow in a market is guilty of an offence.

#### **Pets not to be sold to children under twelve years of age.**

6. Any person who sells an animal as a pet to a person under the age of twelve years is guilty of an offence.

#### **Inspection of pet shops.**

7.(1) The licensing officer or any other person authorised by him in writing may inspect any premises holding a licence granted under this Act, 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 animal or thing found there for the purpose of ascertaining whether an offence has been or is being committed.

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

## **Display of licences.**

8. A person licensed under this Act to keep a pet shop shall cause his licence to be displayed prominently, so as to be visible to the public, in the shop.

## **Power to inspect premises not covered by licence.**

9.(1) If the Stipendiary Magistrate is satisfied by information on oath laid by the licensing officer that there are reasonable grounds for suspecting that an offence against section 3(1) has been or is being committed at any premises, the Magistrate may issue a warrant authorising the officer to enter those premises, by reasonable force if need be, and inspect them and any animals or any thing found there.

(2) No warrant shall be issued under subsection (1) authorising entry to any premises for the time being used as a private dwelling.

(3) The reference in subsection (2) to premises for the time being used as a private dwelling does not include a reference to any garage, outhouse or other structure (whether or not forming part of the same building as the premises) which belongs to or is usually enjoyed with the premises.

(4) A warrant issued under subsection (1) above—

- (a) may authorise persons to accompany the licensing officer in the execution of the warrant; and
- (b) shall continue in force for the period of one month commencing with the date of issue.

(5) The power of entry conferred by the warrant may be exercised at all reasonable times and any person entering the premises in exercise of that power shall produce the warrant if so required.

(6) Any person who wilfully obstructs or delays the licensing officer and any authorised person accompanying him in the execution of the warrant in the exercise of the powers of entry or inspection under this section is guilty of an offence.

## **Offences and disqualifications.**

10.(1) A person guilty of an offence under this Act other than sections 7 and 9 is liable on summary conviction to a fine up to level 3 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(2) A person guilty of an offence under section 7 or 9 is liable on summary conviction to a fine up to level 3 on the standard scale.

(3) Where a person is convicted of any offence under this Act, 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 pet shop for such period as the court thinks fit.

(4) A court which has ordered the cancellation of a person's licence, or his disqualification under subsection (3), may, if it thinks fit, suspend the operation of the order pending an appeal.

### **Regulations.**

11. The Minister may make regulations—

- (a) prohibiting or controlling the sale of any animal, or any specified kind of animal and for the control, seizure, detention, disposal and slaughter of any animal within any premises;
- (b) defining the duties of the licensing officer in relation to the licensing and inspection of premises and the issue of licences under this Act and any matters concerned therewith;
- (c) prescribing the particulars to be furnished in relation to applications for a licence under this Act;
- (d) generally for carrying the provisions of this Act into effect.

### **Savings.**

12. Notwithstanding section 3(1), a person who, at the commencement of this Act, was lawfully keeping a pet shop may continue to keep the pet shop—

- (a) for six months from the commencement of this Act; or
- (b) pending the determination of an application for a licence under this Act made within that period; whichever is the shorter; or
- (c) where the person has appealed under section 3(4) above until the determination of the appeal.

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