

Subsidiary Legislation made under s.11.

Pet Shop Licence Conditions Regulations 2019

LN.2019/146

Commencement **26.7.2019**

ARRANGEMENT OF REGULATIONS.

Regulation

1. Title.
2. Commencement.
3. Interpretation.
4. Conditions to be imposed in pet shop licences.

SCHEDULE

2005-17

Pet Animals (Sales)

2019/146

Pet Shop Licence Conditions Regulations 2019

In exercise of the powers conferred upon him under section 11 of the Pet Animals (Sales) Act 2005, and all other enabling powers, the Minister with responsibility for the environment has made the following Regulations–

Title.

1. These Regulations may be cited as the Pet Shop Licence Conditions Regulations 2019.

Commencement.

2. These Regulations come into operation on the day of publication

Interpretation.

3. In these Regulations and unless the context otherwise requires–

“Act” means the Pet Animals (Sales) Act 2005;

“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 the Environment.

Conditions to be imposed in pet shop licences.

4. Subject to the provisions of the Act, the licensing officer may impose in any pet shop licence, without limitation, any of the conditions contained in the Schedule to these Regulations.

SCHEDULE

Regulation 4

A. General Requirements

1. Ensure that the operation and running of the pet shop are managed and operated by sufficient persons who are suitably qualified, experienced, trained, instructed and supervised in respect of the duties to be undertaken in connection with the carrying on of the activities authorised by this Licence.
2. Ensure that at least one of their employees shall have a qualification or be registered with a body recognised by the Environmental Agency. They must have enrolled in said course within three months of employment or date of this licence. The business must be able to demonstrate appropriate staff training of other employees is carried out and that all staff are competent in pet shop management and animal handling.
3. Ensure that this licence does not obviate the business from the need to obtain any other permits, licences or authorisations etc. which may be required by other legislation or authorities.
4. At all times comply with all relevant legislation which may be applicable to such an undertaking.
5. Ensure that records shall specify the quantity and species of all such pets purchased, held and sold.
6. Ensure that records—
 - (a) be legible;
 - (b) be made as soon as reasonably practicable after the animals is received or sold;
 - (c) if amended, be amended in such a way as to permit, where practicable, retrieval of the original record;
 - (d) be retained, in the case of specified records for a period of four years from the date when the records were made.
7. All import, export, keeping, purchasing and sale of species listed in the –

- (a) Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- (b) Annex IV(a) to the Habitats Directive (Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora);
- (c) Endangered Species Act, 1990;
- (d) Other international conventions, EU legislation or Gibraltar legislation as may be included,

is prohibited unless it has been specifically and separately authorised.

- 8. Supply on demand and without charge any copies of the records that may be required by the Environmental Agency.
- 9. Supply every six months a summary of the animals purchased, held and sold.
- 10. Display the licence (or a copy of) in a prominent position.
- 11. Keep all pets in accommodation designed to prevent escape and in an environment suitable to their species and condition with respect to behavioural needs, situation, size, temperature, ventilation, and cleanliness.
- 12. Inform immediately and without delay, both by telephone and in writing, the Environmental Agency of any pet which may be found dead or that has escaped.
- 13. At the request of the Environmental Agency, take an animal for veterinary treatment at a clinic approved by the Environmental Agency. All samples and analysis shall be at the business' expense.
- 14. Ensure that suitable and sufficient fire-fighting equipment shall be provided at the site in accordance with the requirements of the Gibraltar Fire and Rescue Service.
- 15. Ensure that all electrical installations and appliances are maintained in a safe condition.
- 16. Ensure that activities shall be free from odour or noise at levels likely to cause a nuisance outside the premises as perceived by an authorised officer of the Environmental Agency.

17. Acknowledge that licence conditions may be amended or replaced and the licence may be revoked if the conditions specified herein or any directions imposed by the Environmental Agency, in respect of any activity in connection with this licence are not met.
18. Ensure that records kept in the course of carrying on the business shall be available for inspection at any reasonable time by the Environmental Agency.
19. Keep a purchase register and importation documents for all animals detailing their source and identification where appropriate, and ensure these are available for inspection at the pet shop. A sales register must also be maintained for—
 - (a) dogs;
 - (b) cats;
 - (c) psittacines; and
 - (d) reptiles.
20. Provide ventilation to all interior areas without the creation of excessive, localised draughts.
21. Ensure that all surfaces of cages, pens, containers, hatches etc be constructed of non-porous and easily cleansable materials or be appropriately sealed and treated. Junctions between all sections need to be fully cleanable.
22. Ensure that all entrances and exits are clear of obstructions at all times and maintain a good level of housekeeping and general tidiness.
23. Ensure that animals are kept in housing which minimises stresses from other animals or the public. Signage must be in place to deter public interference.
24. Ensure that all accommodation must be cleaned as often as necessary to maintain good hygiene standards.
25. Where accommodation is on a tiered system, water, food or droppings must not be allowed to drop into the lower level housings.
26. Ensure that all accessories provided for environmental enrichment in the accommodation must be appropriate for the species.
27. Not keep animals other than those specified in the licence.

28. Ensure that animals under veterinary treatment must be identifiable and their enclosure labelled as such.
29. Ensure provisions are made for the isolation of sick/injured/infectious animals and those that might reasonably expected to be carrying serious infectious diseases.
30. Ensure that all animals for sale are in good health.
31. Take all reasonable precautions to prevent the outbreak and spread of disease. No animal which is suffering from, or could reasonably be suspected of having come into contact with any other animal suffering from any infectious or contagious disease, or which is infested with parasites, shall be brought into or kept on the premises unless effectively isolated.
32. Take all necessary precautions to prevent the introduction to the premises or the harbourage of rodents, insects and other pests.
33. Ensure that animals must be supplied with adequate amounts of food and drink, appropriate to their needs at suitable intervals, All food must be suitable for the species concerned.
34. Ensure that all food, excluding live foods intended for feeding to animals on the premises, must be stored in impervious closed containers.
35. Ensure that the containers and equipment used for feeding must be kept in a clean and sound condition.
36. Attend all animals at regular intervals, at least once daily, and appropriate to the individual animal.
37. Collect and dispose of all excreta and soiled bedding in a hygienic manner. Refuse bins shall be impervious containers with close fitting lids, kept clean and away from direct sunlight.
38. Ensure when receiving animals, that reasonable efforts have been made to transport them in a suitable manner
39. Supply pets to the customer in suitably sized containers, of a material appropriate for each animal so as to prevent its escape and provide protection during its transport.

40. Not sell a mammal un-weaned or, if weaned, at an age at which it should not have been weaned.
41. Not sell a non-mammal unless they are capable of feeding themselves.
42. Inform the purchaser of a pet, verbally or in writing, of the correct care of the animal and covering its feeding, housing, handling, husbandry, accessories and veterinary care.
43. Ensure that appropriate reference materials on the care of each species is always available for use by staff.
44. At all times have a designated key holder within reasonable travelling distance of the premises and available to attend in case of emergency. Such details shall be provided to the Environmental Agency and revised if they are changed.
45. Take steps when the pet shop is sited within other premises, that the licensee or key holders have access at all times to the premises containing the animals. Such details shall be provided to the Environmental Agency and revised if they are changed.
46. The licence holder and all staff must ensure that any equipment and accessories being sold with an animal are suitable for the animal.
47. The licence holder and all staff must ensure that the prospective owner is provided with information on the appropriate care of the animal including in relation to
 - (a) feeding;
 - (b) housing;
 - (c) handling;
 - (d) husbandry;
 - (e) the life expectancy of its species;
 - (f) the provision of suitable accessories; and
 - (g) veterinary care.

48. Appropriate reference materials on the care of all animals for sale must be on display and provided to the prospective owner.
49. The licence holder and all staff must have been suitably trained to advise prospective owners about the animals being sold.
50. The licence holder and all staff must ensure that the purchaser is informed of the country of origin of the animal and the species, and where known, the age, sex and veterinary record of the animal being sold.

B. Requirements for Keeping of Dogs

1. Not accept or sell any puppies unless they have been weaned before leaving the mother and are at least 8 weeks old.
2. Not purchase, import, or otherwise acquire any puppy under 6 months old unless—
 - (a) it has been bred by the licence holder on premises owned or controlled by the licence holder; or
 - (b) the licence holder has obtained the prior written consent of the licensing officer.
3. Not sell any dog except in the presence of the purchaser on the premises of the licence holder.
4. Maintain a minimum size of dog kennel of 1.5 square meters for small breed puppies and a maximum number of six pups kept.
5. Maintain a minimum size of dog kennel of 2 square meters for medium breed puppies and a maximum number of four pups kept.
6. Maintain a minimum size of dog kennel of 2 square meters for large breed puppies and a maximum number of two pups kept.
7. Make available suitable and sufficient exercise facilities accessible where appropriate.
8. Avoid extreme temperatures in the premises. Temperatures should not go below 12°C or exceed 26°C.
9. Ensure that the bedding used includes an adequate amount of absorbent material.

10. Remove any soiled material at least four times a day or as required to ensure that a puppy does not have to lie in a soiled area.
11. Provide a specific lying place for puppies with soft material.
12. Ensure that puppies are fed at least four times daily, at appropriate intervals, every day.
13. Puppies are not to be kept at the shop overnight during days that the premises are closed eg Sundays and public holidays. On such days they must be taken by staff to an alternative premises previously approved by the Environmental Agency. Details of the alternative premises must be submitted to the Environmental Agency within 7 days of the date of this licence and the Environmental Agency informed of any changes.
14. Provide any puppies with frequent, quality contact time with staff. This shall be a minimum of four times per day with 20 minutes of interaction per batch of animals. For visits carried out during weekends and other such days when the shop is closed to the public, a record shall be kept. This shall be recorded with details of the date, time, staff member name and details of the attention given. Such records must be kept and shown to the Environmental Agency when requested.
15. Ensure that batches of puppies are not mixed until they have been on the premises for seven days or have shown no sign of infectious disease for seven days.
16. Ensure that single puppies are not left alone in a kennel, but where they are, special attention should be paid to specific human interaction. When they are mixed they should be of similar size, age and temperament and there should be good supervision of the mixing.

C. Requirements for Keeping of Cats

1. Not accept or sell any kittens unless they have been weaned before leaving the mother and are at least 8 weeks old.
2. Not purchase, import, or otherwise acquire any kitten under 6 months old unless—
 - (a) it has been bred by the licence holder on premises owned or controlled by the licence holder; or

- (b) the licence holder has obtained the prior written consent of the licensing officer.
3. Not sell any cat except in the presence of the purchaser on the premises of the licence holder.
 4. Maintain a minimum size of cat pen floor area of 1 square meter. A maximum number of four kittens can be kept. Each additional kitten must have 0.25 square meters of additional floor space. Kittens must be provided with adequate space to play together and to have space for a litter tray and bed. Varying heights to enable climbing should be provided. There should be adequate space for feeding, drinking and sleeping. The litter tray to be kept separate.
 5. Ensure that disposable or washable bedding is provided and kept clean. Sufficient absorbent material to allow urine and faeces to be contained and reduce contamination of the kittens must be provided.
 6. Ensure that extreme temperatures are avoided. Temperatures should not go below 15°C or exceed 26°C.
 7. Provide a litter tray and appropriate litter which must be available at all times and cleaned and disinfected at least once daily with an appropriate disinfectant which is safe for use with cats and cleaned as appropriate. The disinfectant should be anti-viral and used in accordance with manufacturers' instructions.
 8. Feed kittens at least four times daily, at appropriate intervals. The diet should be appropriate for kittens. For visits carried out during weekends and other such days when the shop is closed to the public, a record shall be kept. This shall be recorded with details of the date, time, staff member name and details of the food given. Such records must be kept and shown to the Environmental Agency when requested.
 9. Provide kittens frequent, quality contact time with staff. This should be a minimum of 4 times per day with 20 minutes of specific interaction per batch. For visits carried out during weekends and other such days when the shop is closed to the public, a record shall be kept. This shall be recorded with details of the date, time, staff member name and details of the attention given. Such records must be kept and shown to the Environmental Agency when requested.
 10. Ensure kittens are protected from over-handling by staff or the public as they require time to rest.

11. Provide environmental enrichment in all cages such as toys, climbing frames and platforms.

D. Requirements for Keeping of Rabbits

1. Not accept or sell any rabbits unless they have been weaned before leaving the mother and are at least 8 weeks old.
2. Maintain a minimum enclosure size of 0.4 square meters and 0.4 meters height. A maximum number of four standard juvenile rabbits can be kept. 0.5m² for up to two giant breed juvenile rabbits and with a height of enclosure of 0.5m minimum.
3. Provide environmental enrichment in all enclosures. A hiding place must be provided.
4. Ensure that extreme temperatures are avoided.
5. Ensure that rabbits are provided with a suitable substrate and bedding material in sufficient amounts.
6. Remove daily visibly soiled substrate and bedding. The pen should be thoroughly cleaned and disinfected before introducing a new animal.
7. Ensure that if batches are mixed that all animals are free from obvious parasitic infection.
8. Provide a constant supply of fresh hay and water and offer an appropriate amount of dry food for the breed and age. Feed dishes should be suitable to ensure feed does not get contaminated by urine or faeces.

E. Requirements for Keeping of Other Mammals

1. Not accept or sell any mammals under they are fully weaned.
2. Not accept or sell any ferrets rabbits unless they have been weaned before leaving the mother and are at least 8 weeks old.
3. Ensure that all small mammals are correctly sexed and housed in single sex groups unless a solitary species (or sold as a breeding pair).
4. Ensure animals are at all times kept in suitably sized accommodation.

5. Provide all animals with suitable substrate and bedding in sufficient amounts.
6. Provided animals with places to hide. Accessories and enrichment should be provided, suitable to the species.
7. Ensure that suitable food and drink receptacles are provided and positioned to avoid faecal contamination.
8. Ensure that all rodents are fully weaned on admission.

F. Requirements for Keeping of Birds

1. Ensure that there is adequate perching space for all birds at the same time. Cage size must be adequate to allow birds to open their wings fully in all directions. Cages must include appropriate environmental enrichment.
2. Ensure that perches are positioned so that birds do not defecate on each other and must be of appropriate size and shape for each species
3. Provide an ambient temperature appropriate for the species. Extremes of temperatures must be avoided.
4. Provide adequate drinkers/feeders commensurate with the number of birds and these must be cleaned regularly. Bowls etc. must be positioned so that birds do not defecate in food/water. Birds should not have to compete for drinkers/feeders and risk exclusion. Passerines should have food available at all times. Enrichment and feeding devices need to be provided for larger psittacids.
5. Ensure that cages are constructed from materials suitable to the type and size of birds. Materials must be safe to birds and in good repair.
6. Ensure that the flooring is drop-through or easily washed/hosed. If ground living birds are kept with perching birds then attention should be paid to flooring such that bumblefoot issues are prevented - i.e. no concrete/rough stone. Birds should be checked on a regular basis every few weeks for parasites.

Stocking Densities for Birds in Cages

Type	Length of Bird (cm)	Floor Area (m ²) housing up to 4 birds	Linear cms per additional bird on either cage length or depth
Budgerigar		0.15	5
Canary		0.15	5
Cockatiel		0.48	7.5
Finches	Less than 12.5	0.113	5
	12.5 – 17.5	0.15	5
	More than 17.5	0.225	7.5
Parakeets and Lovebirds	Less than 25	0.42	7.5
	25 – 30	0.48	7.5
	More than 30	0.675	7.5
Parrots	Less than 30	0.225	10
	30 – 35	0.4050	15
	More than 35	0.4725	20
Chickens		1.6	
Bantams		1.6	
Quail		1.6	

NB. The extra linear centimetres per additional bird is intended to refer to an increase in either width or length or a combination of the two ie, a 20cm increase could refer to 20cm width, 20cm length or say 10cm width combined with 10cm length.

Stocking Densities for Birds in Aviaries and Flights

Type	Length of Bird (cm)	Number of Birds per 'Standard' Aviary (1.8 x 0.9 x 1.8 m)
Budgerigar		18
Canary		18
Cockatiel		8
Finches	Less than 12.5	24
	12.5 – 17.5	18
	More than 17.5	12
Parakeets and Lovebirds	Less than 25	10
	25 – 35	6
	More than 35	4
Parrots	Less than 30	10
	30-35	6

	More than 35	4
Chickens		4 (min height 0.9m)
Bantams		6 (min height 0.9m)
Quail		8 (min

G. Requirements for Keeping of Reptiles

1. Ensure that the stocking and density is appropriate to the species. Most reptiles and amphibians are not social and may, therefore, be kept individually. Communal enclosures should not be stocked as to appear overcrowded. Mixing of species, although possible, should be undertaken with caution. Some species may require or seek seclusion or privacy either sporadically or permanently and provision for this should be made.
2. **Snakes:** may be housed individually or in small groups, of the same species. Snakes known to be cannibalistic, e.g. king snakes (*Lampropeltis* sp), should be housed individually.
3. **Lizards:** only species of similar size and from similar habitat and geographical areas should be kept communally. Lizards known to be cannibalistic, e.g. *Gambelia* sp, should be housed individually. Generally adult male lizards in breeding condition should not be housed together and groups of lizards housed communally should be regularly observed for signs of aggression.
4. **Tortoises and Terrapins:** only terrapins of similar size and habit and from the similar geographical area should be kept communally. Tortoises of different species should be housed individually. Adult males in breeding condition should be housed individually.
5. **Frogs and Toads:** only species of similar size, and from similar habitats and geographical areas, should be kept communally. Mixing of taxa (e.g. frog & toad) is not generally recommended. Cannibalistic species, such as horned frogs (*Ceratophrys* sp.) and African bull frogs (*Pyxicephalus* sp.) should be housed individually.
6. **Newts and Salamanders:** only species of similar size and from similar geographical areas should be kept together. Generally mixed taxa [e.g. lizards and tortoises] are not recommended, although paludaria which combine fish with small reptiles and/or amphibians of appropriate species are acceptable.
7. Ensure that the enclosure size is appropriate to the species and adjusted according to its size.

8. **Snakes:** the length of the enclosure should be no less than two-thirds the overall length of the snake.
9. **Lizards:** the length of the enclosure should be three times the full length of the lizard, or larger.
10. **Tortoises and Terrapins:** the length of the enclosure should be a minimum of 90cms, or four times the length of the animal, or larger. For aquatic species (turtles, terrapins) the enclosure should allow the animal to swim adequately, i.e. have water depth at least 4 times that of the animal, although some terrapins (e.g. Cuora sp., Terrapene sp. and Glyptemys sp.) do not require such deep water. Terrapins must also have an adequate land basking area.
11. **Frogs and Toads:** the length of the enclosure should be minimum 30cm x 30 cm x 30cm, or at least three times the length of the animal, or larger. For sedentary species, such as horned frogs (*Ceratophrys* sp.) and African bull frogs (*Pyxicephalus* sp.) the enclosure can be smaller. Fully aquatic species should be able to swim adequately, i.e. water depth should be at least 4 times the depth of the animal.
12. **Newts and Salamanders:** the length of the enclosure should be minimum 30cm x 30 cm x 30cm, or at least three times the full length of the amphibian, or larger. Aquatic species should be able to swim adequately, i.e. water depth should be at least 4 times the depth of the animal.
13. **Height and Width:** of the enclosure should be appropriate to the species, with arboreal species requiring more height than terrestrial species.
14. Provide conditions of temperature, humidity, lighting and ventilation appropriate to the species. Ambient and basking temperatures should be appropriate to the species concerned, with the following guidance for commonly kept species. Basking spots may be provided by convection or radiant heat sources (e.g. light bulb, or heat mat), as appropriate to the species. Ventilation should be appropriate to the species and should allow sufficient change of air without jeopardising the temperature or humidity in the enclosure. An appropriate light period should be observed. Species requiring UVB lighting, e.g. diurnal lizards and tortoises, should have appropriate UVB emitting lamps. These should be replaced according to manufacturer's recommendations. Mercury Vapour or Metal Halide UVB emitting lamps may also be used to provide a daytime heat source. UV light sources must not be screened by non UV transmitting glass or plastic. Animals should have areas of shade so that they can escape from the light if desired.

15. Ensure that a substrate appropriate to the species is used. Substrate should be appropriate to the species concerned and may include, but not be limited to: newspaper, paper towel, bark chip, wood chip, terrarium humus, moss, gravel, calcium carbonate, terrarium sand etc.
16. Provide enrichment appropriate to the species. Décor should be appropriate to the species and should not be harmful, e.g. sharp rocks, toxic or injurious plants. Décor should be secure and not able to fall and cause injury. Enclosure should be furnished in such a fashion as to allow inhabitants to exhibit natural behaviour, e.g. climb or hide where appropriate.
17. Provide food and water in the appropriate manner for the species. Food should be presented in a form or pattern that is acceptable to the species concerned. Food supplements [vitamin and minerals] should be provided as appropriate to the species concerned. Live food intended for use should be housed in suitable escape proof containers, and fed appropriately. Fresh foods [salads] should be kept refrigerated where appropriate. Frozen foods intended for use must be stored in an appropriate deep freeze and defrosted thoroughly before use. Feeding records for hatchling snakes should be kept and made available to purchasers. Fresh water should be available at all times, with the exception of certain desert species, such as *Uromastyx* sp. which should be offered water periodically. Certain species, such as chameleons, do not drink from standing water and should be offered water appropriately, e.g. by a dripper system or sprayer.
18. Ensure that spoiled food stuffs is removed at appropriate time periods, at least daily. Substrates should be replaced as appropriate, and spot cleaned daily. Décor should be sanitised as appropriate. Enclosures should be disinfected with appropriate disinfectant as necessary and always between different batches of animals. Disinfectant should be appropriate for the contaminants likely to be encountered. Disinfectant hand gels should be available for staff to use between animals, to prevent the external environment being contaminated. Water bowls should be cleaned as appropriate and disinfected at least weekly. Slough (shed skins) should be removed daily.
19. Ensure that handling is kept to a minimum at all times. Staff and customers should wash hands after handling specimens, and any equipment used should also be disinfected. Customers handling animals prior to purchase should be supervised and offered facilities to wash their hands afterwards.

H. Requirements for Keeping of Fish

1. Provide water of a quality optimum for the fishes welfare. To assess it, levels of ammonia and nitrite must be checked. Only if such measurements exceed the

recommended standards below, or there is an unexplained problem, is there any need to proceed further. Minimum water standards must be–

a) **Cold Water Species**

Free Ammonia max 0.02mg/l

Nitrite max 0.2mg/l

Dissolved Oxygen min 6mg/l

Nitrate max 50mg/l above ambient tap water

b) **Tropical Freshwater Species**

Free Ammonia max 0.02mg/l

Nitrite max 0.2mg/l

Dissolved Oxygen min 6mg/l

Nitrate max 50mg/l above ambient tap water

c) **Tropical Marine Species**

Free Ammonia max 0.01mg/l

Nitrite max 0.125mg/l

Nitrate max 100mg/l

pH min 8.1

Dissolved Oxygen min 4.0 mg/l

2. The maintenance of water quality standards can be used to determine working stocking densities. The water quality standards should not be met at the expense of a correct feeding regime. Exceptions to these standards might occur e.g. when aquatic organisms are diseased, after transport or other stress. However in these cases appropriate remedial actions e.g. treatment, acclimatisation or isolation should be undertaken.
3. Carry out water quality tests regularly and keep records of all tests. Make such records available to Environmental Agency as requested. Centralised systems must be tested weekly. 10% of individually filtered tanks must be tested weekly. On aquaria in which visual inspection indicates unusual behaviour or deaths, water quality inspections should be undertaken. The Environmental Agency may alternatively take a sample of water for analysis at the business' expense.
4. Ensure that aquaria is checked daily and cleaned as often as is necessary to maintain good hygiene standards, consistent with the rate of stock turnover and consequent stocking densities.
5. Ensure that no aquatic organisms is exposed to excessive light or heat, or lack of adequate warmth. No fish or other aquatic organism should be subject to rapid fluctuation in light, temperature and chemical composition of their water.