

This draft Statutory Instrument supersedes the draft of the same title which was laid on 14th December 2009 and published on 17th December 2009. It is being issued free of charge to all known recipients of that draft Statutory Instrument. Draft Regulations laid before Parliament under section 61(2) of the Animal Welfare Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No.

ANIMAL WELFARE, ENGLAND

The Welfare of Racing Greyhounds Regulations 2010

Made - - - - ***

Coming into force - - ***

The Secretary of State is, in relation to England, the appropriate national authority for the purpose of exercising the powers conferred by section 13(2), (7) and (10) of and Parts 1 and 3 of Schedule 1 to the Animal Welfare Act 2006(a), and makes the following Regulations in exercise of those powers.

In accordance with section 13(9) of that Act, the Secretary of State has consulted such persons appearing to the Secretary of State to represent interests with which these Regulations are concerned as the Secretary of State considered appropriate.

In accordance with section 61(2) of that Act, a draft of this instrument has been laid before Parliament and approved by resolution of each House of Parliament.

PART 1

Introduction

Title, commencement and application

1. These Regulations—

- (a) may be cited as the Welfare of Racing Greyhounds Regulations 2010;
- (b) come into force on 6th April 2010;
- (c) apply in England.

Interpretation

2. In these Regulations—

(a) 2006 c. 45. The appropriate national authority is defined in section 62(1) of the Act.

“attending veterinary surgeon” means a veterinary surgeon attending a track pursuant to Condition 1 of the licensing conditions;

“licence” means a licence to manage a track;

“licensing conditions” means those conditions set out in the Schedule;

“local authority” means—

- (a) where there is, within the meaning of the Local Government Changes for England Regulations 1994(a), a unitary authority for a local government area, that authority;
- (b) where there is not a unitary authority—
 - (i) in a metropolitan district, the council of that district;
 - (ii) in a non-metropolitan county, any council of any district in that county;
 - (iii) in each London borough, the council of that borough; or
 - (iv) in the city of London, the Common Council;

“operator” means, except in Part 2 of the Schedule, a person responsible for managing a track;

“owner” means an individual who owns a greyhound, or a representative of a partnership, unincorporated association or company that has ownership of a greyhound;

“race” means the competing of running greyhounds at premises where facilities for betting are being provided in relation to that activity either at those premises or elsewhere;

“sales trial” means the timing of a greyhound as it runs for the purpose of selling it;

“track” means premises where a race, trial or sales trial occurs; and

“trial” means the timing of a greyhound as it runs for the purpose of determining its position, or race category, in relation to any subsequent race.

Licensing of operators

3.—(1) Managing a track is an activity for the purposes of section 13(1) of the Animal Welfare Act 2006.

(2) But managing a track is not an activity for the purposes of section 13(1) of the Animal Welfare Act 2006 if the operator is regulated in relation to the operation of that track by a body which—

- (a) is accredited by the United Kingdom Accreditation Service, or other signatory of the EA multi-lateral agreement(b) of the European co-operation for Accreditation(c), as demonstrating compliance with the ISO/IEC standard Guide 65:1996(d) of the International Standards Organisation’s standards for bodies operating product certification systems in relation to the service of the regulation of greyhound racing tracks; and
- (b) requires compliance by the operator with the requirements contained in the licensing conditions.

(a) S.I. 1994/867 to which there are amendments not relevant to this Order.

(b) The EA multi-lateral agreement can be found at <http://www.european-accreditation.org/n1/doc/EA-1-06.pdf>. A list of signatories to this Agreement can be found at: <http://www.european-accreditation.org/content/mla/scopes.htm>.

(c) EA Secretariat, 37 rue de Lyon, 75012 Paris, France or secretariat@european-accreditation.org.

(d) ISO Central Secretariat, International Organization for Standardization (ISO), 1 rue de Varembé, Case postale 56, CH-1211, Geneva 20, Switzerland.

PART 2

Issuing of licences

Granting and renewing of licence

4.—(1) A local authority—

- (a) must, on the receipt of an application in writing for a licence giving such information as the local authority may require, grant a licence to an operator, or renew a licence, if it is satisfied that the licensing conditions are or will be met and any appropriate fee has been paid in accordance with regulation 7 and not otherwise;
- (b) must carry out an inspection of a track to satisfy itself that the licensing conditions are or will be met before granting or renewing a licence; and
- (c) may grant or renew a licence for any period of up to 3 years.

(2) In considering whether the licensing conditions will be met, a local authority is entitled to take account of the applicant's conduct as the operator of the track to which the licence relates or in relation to any other track, or any other circumstances that are relevant.

(3) All licences granted under paragraph (1) are subject to the licensing conditions.

People who may not apply for a licence

5. No person may apply for a licence if they are disqualified under—

- (a) section 34 of the Animal Welfare Act 2006;
- (b) section 3(3) of the Animal Boarding Establishments Act 1963^(a) from keeping a boarding establishment for animals;
- (c) section 3(3) of the Breeding of Dogs Act 1973^(b) from keeping a breeding establishment;
- (d) section 5(3) of the Pet Animals Act 1951^(c) from keeping a pet shop;
- (e) section 4(3) of the Riding Establishments Act 1964^(d) from keeping a riding establishment;
- (f) section 1 of the Protection of Animals (Amendment) Act 1954^(e) from having custody of an animal; or
- (g) section 3 of the Protection of Animals Act 1911^(f) from the ownership of an animal;

and any licence issued to a person so disqualified is invalid.

Death of a licence holder

6.—(1) In the event of the death of the operator who has been issued with a licence, that licence is deemed to have been granted to personal representatives of the licensed operator in respect of that track and remains in force for a period of three months beginning with the death, but remains subject to the provisions in Part 3.

(2) The personal representatives must notify the local authority which issued the licence that they are now the operators of the track within 4 weeks of the death of the licensed operator.

(a) 1963 c. 43; section 3(3) was amended by Schedule 3, paragraph 5(2) of the Animal Welfare Act 2006.
(b) 1973 c. 60; section 3(3) was amended by section 5(1) of the Breeding and Sale of Dogs (Welfare) Act 1999.
(c) 1951 c. 35; section 5(3) was amended by Schedule 3, paragraph 3(2) of the Animal Welfare Act 2006.
(d) 1964 c. 70; section 4(3) was amended by Schedule 3, paragraph 6(2) of the Animal Welfare Act 2006.
(e) 1954 c. 40; sections 1,2 and 4(1) were repealed by Schedule 4 of the Animal Welfare Act 2006.
(f) 1911 c. 27 this Act was repealed by Schedule 4 of the Animal Welfare Act 2006.

Fees

7.—(1) A local authority may charge such fees as it considers necessary—

- (a) for the consideration of an application for a licence; and
- (b) for the grant or renewal of a licence.

(2) The fee charged for the consideration of an application for a licence must not exceed the reasonable costs of carrying out that consideration.

(3) The fee charged for granting or renewing a licence must not exceed the sum of the costs of making the grant or renewal and the reasonable anticipated costs of future monitoring of compliance with these Regulations by the operator named in the licence.

PART 3

Suspension and revocation of a licence

Grounds for suspension

8. A local authority may suspend a licence at any time on being satisfied that the licensing conditions have not been complied with.

Procedure for suspension

9. If a licence is suspended the local authority must notify the holder in writing without undue delay, by way of a notice of suspension in accordance with regulation 10 and, unless the local authority directs otherwise, the suspension has immediate effect, and continues in effect unless the licence is reinstated.

Notice of suspension

10. A notice of suspension must—

- (a) state the local authority's grounds for believing that the licensing conditions are not being complied with;
- (b) specify the measures that, in the local authority's opinion, the operator must take in order to secure compliance;
- (c) set out the right of appeal to a magistrates' court; and
- (d) set out the period within which such an appeal may be brought.

Reinstatement of licence

11.—(1) A local authority must reinstate a suspended licence by way of notice once it is satisfied that the licensing conditions have been or will be complied with.

(2) Where a licence is reinstated under paragraph (1) the period for which it is issued may be varied.

Revocation of licence

12.—(1) The local authority may revoke a licence that has been suspended for more than 28 days unless there is an outstanding appeal to the magistrates' court, and may publicise a revocation in such manner as the local authority sees fit.

(2) When a local authority revokes a licence it must notify the holder in writing and revocation takes effect from the time of notification.

(3) Where an operator is disqualified under any of the enactments listed in Regulation 5 their licence is automatically revoked when the time limit for any appeal against that disqualification expires or, if an appeal is made, when that appeal is refused.

Appeals

13.—(1) Any person who is aggrieved by the refusal to grant or renew, or the decision to suspend or revoke a licence may appeal to a magistrates' court.

(2) The procedure on an appeal to a magistrates' court under paragraph (1) is by way of complaint, and the Magistrates' Courts Act 1980(a) applies to the proceedings.

(3) The period within which an appeal may be brought is 28 days beginning with the day following the date on which the decision is notified.

(4) A court may on application suspend a suspension or a revocation or, in the case of a refusal to renew a licence, permit an operator to continue to manage a track subject to the conditions in the Schedule, pending an appeal.

Date _____
Name _____
Secretary of State
Department for Environment, Food and Rural Affairs

SCHEDULE Regulation 4

Licensing conditions

PART 1

Conditions for the licensee

Condition 1: Attendance of a veterinary surgeon

1.—(1) A veterinary surgeon must be in attendance throughout the duration of a race, trial or sales trial and before a race, trial or sales trial in order to undertake the inspections required under sub-paragraph (2).

(2) Before any race, trial or sales trial—

- (a) an attending veterinary surgeon must inspect every greyhound intended to run in that race, trial or sales trial; and
- (b) the operator must remove from a race, trial or sales trial any greyhound which the attending veterinary surgeon has ruled unfit to run.

(3) An operator must ensure that a register of attendance of veterinary surgeons is kept at the track, recording—

- (a) the date of the race, trial, or sales trial; and
- (b) the name, Royal College of Veterinary Surgeons membership number and signature of the attending veterinary surgeon.

(4) The attending veterinary surgeon must attest in the register that, before each race, trial or sales trial, they inspected every greyhound which took part.

(a) 1980 c. 43.

(5) The information referred to in sub-paragraphs (3) and (4) must be kept for at least 3 years from the date of the race, trial or sales trial.

Condition 2: Facilities for the attending veterinary surgeon

2.—(1) The attending veterinary surgeon must have access to—

- (a) either a room or a mobile facility which—
 - (i) is clean and has walls and floors with an impervious and easily cleanable surface;
 - (ii) is lockable;
 - (iii) is well lit;
 - (iv) has heating and ventilation;
 - (v) has hot and cold running water;
 - (vi) has an examination table suitable for examining greyhounds;
 - (vii) has a lockable cupboard suitable for the storage of veterinary medicines;
 - (viii) has a fridge suitable for the storage of veterinary medicines; and
 - (ix) is located close enough to the area where a race or trial or sales trial is being undertaken to allow quick access in the case of an emergency;
- (b) a freezer suitable for the storage of a greyhound carcase; and
- (c) a kennel, which complies with the operator's requirements in relation to kennels and which is within reasonable proximity to the room or mobile facility used for emergency veterinary cases.

(2) The facilities described in sub-paragraph (1) must be for the sole use of the attending veterinary surgeon—

- (a) at all times, in the case of a room; or
- (b) whenever the veterinary surgeon's attendance is required under condition 1, in the case of a mobile facility, freezer and kennel.

Condition 3: Kennels

3.—(1) On and after 6th April 2013 kennels must be provided for at least 20% of the total number of greyhounds which are present at the track at any one time for the purpose of taking part in a race or trial.

(2) Each kennel must—

- (a) if installed after the date on which these Regulations come into force, be at a minimum 136cm long, 87cm wide and 110cm high internally;
- (b) be occupied by no more one than one greyhound;
- (c) have walls and floors with a cleanable surface;
- (d) be cleaned between use by individual dogs;
- (e) have a comfortable area for a greyhound to lie;
- (f) be adequately lit to allow the safe examination and handling of a greyhound;
- (g) allow a greyhound to be observed when inside;
- (h) be constructed so as to minimise any risk of injury to a greyhound;
- (i) have a regular flow of clean air, whether by natural or artificial means, to allow sufficient ventilation for a greyhound;
- (j) have an ambient temperature suitable for dogs just raced; and
- (k) be disinfected and dried between days on which races, trials or sales trials take place.

Condition 4: Identification of greyhounds taking part in races or trials

4.—(1) An operator may only permit a greyhound to enter a race or a trial if it has been checked to ensure that—

- (a) if the greyhound was born on or after the date on which these Regulations come into force, it is identified with an earmark in accordance with this paragraph; and
- (b) it is identified with a microchip in accordance with this paragraph.

(2) The earmark referred to in sub-paragraph (1)(a) must—

- (a) be a tattoo of a unique number located on the inside of the ear pinnae; and
- (b) be registered on a database which the operator reasonably believes meets the requirements set out in Part 2 of this Schedule.

(3) The microchip referred to in sub-paragraph (1)(b) must—

- (a) have a unique number;
- (b) comply with either ISO standard 11784:1996 or Annex A to ISO standard 11785:1996 of the International Standards Organisation's standards for microchips(a); and
- (c) be registered on a database in relation to which the operator reasonably believes the requirements set out in Part 2 of this Schedule are met.

Condition 5: Record of greyhounds taking part in races or trials

5.—(1) An operator must ensure that the following details are recorded in relation to all greyhounds entering a race or a trial at the track—

- (a) the name and address of the owner;
- (b) the name and address of the trainer;
- (c) number on the tattoo if any and microchip; and
- (d) the database on which the greyhound's details are recorded.

(2) Unless the greyhound is entered for a race or trial by a person carrying photographic identity issued to owners or trainers and their employees by a body meeting the conditions set out in regulation 3(2), the operator must require owners to produce—

- (a) a photographic means of identification as proof of their name and address each time a greyhound belonging to them is entered in a race or trial at that track for the first time under their ownership, and a copy of the means of identification for the operator's records, and
- (b) proof that they are registered as owner of that greyhound on a database which the operator reasonably believes meets the requirements set out in Part 2 of this Schedule,

and must require trainers to produce a photographic means of identification as proof of their name and address each time a greyhound which is currently trained by them is entered in a race or trial at that track for the first time, and a copy of the means of identification for the operator's records.

(3) The details referred to in sub-paragraph (1) must be kept by the operator for at least 10 years from the date of the race.

(4) The copies of means of identification referred to in sub-paragraph (2) must be kept for at least the duration of the operator's licence.

(a) ISO Central Secretariat, International Organization for Standardization (ISO), 1 rue de Varembe, Case postale 56, CH-1211, Geneva 20, Switzerland.

Condition 6: Injury records in relation to races, trials and sales trials

6.—(1) When a greyhound is injured when participating in a race, trial or sales trial the attending veterinary surgeon must make a record which the operator must keep at the track, setting out—

- (a) the nature of the injury sustained;
- (b) either the microchip number or tattoo number of the greyhound if the greyhound is microchipped or tattooed;
- (c) details of any treatment administered to the greyhound;
- (d) the distance of the race, trial or sales trial in which the injury occurred; and
- (e) the date of the injury.

(2) The information referred to in sub-paragraph (1) must be kept for at least 10 years from the date of the injury.

PART 2

Databases

Contents of database

7.—(1) The database must contain the following information in relation to each greyhound registered—

- (a) the name and address of the owner, or owners where there is joint ownership;
- (b) a contact telephone number for each owner;
- (c) the name of the greyhound;
- (d) the microchip or tattoo number;
- (e) a record that the breed of dog is greyhound;
- (f) the sex of the greyhound;
- (g) the year of birth of the greyhound; and
- (h) a reference to any other greyhounds registered under the owner's name on the database.

(2) The database operator must record or update this information within 5 working days of receipt of the information.

(3) For the purposes of paragraphs 7 and 9, “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which in England is a bank holiday under the Banking and Financial Dealings Act 1971(a).

Accuracy

8. The database operator must have in place a checking system to ensure that any information inputted is accurate.

Access to information

9.—(1) The database operator must use their best endeavours to ensure that they—

- (a) answer all telephone calls received in normal working hours on all working days;
- (b) provide the information in paragraph 7 free of charge to authorised third parties during all normal working hours where requested; and

(a) 1971 c. 80.

- (c) where the database operator charges for responding to a telephone call, charge a reasonable rate for the call.

(2) For the purposes of sub-paragraph (1)(a) and (b) “normal working hours” means the hours between 9am and 5pm.

(3) For the purposes of sub-paragraph (1)(b), “authorised third parties” means—

- (a) any constable;
- (b) any representative of the Secretary of State; or
- (c) any representative of the local authority.

Provision of information for owners registered on database

10. The following must be provided by a database operator to an owner who has a greyhound registered on the database—

- (a) full and up-to-date telephone, address and e-mail contact details of the database; and
- (b) information on the procedure the owner should follow if their greyhound goes missing.

Contingency provisions

11. The database operator must—

- (a) have adequate computer software and hardware to store the information in the database;
- (b) maintain a secure electronic backup of all of the information stored in the database; and
- (c) make provisions for the transfer of the information contained in the database to another database operator if the database ceases to operate.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provisions for the protection of racing greyhounds in England.

Part 1 of the Regulations designates the management of greyhound tracks for the purposes of section 13(1) of the Animal Welfare Act 2006 (2006 c.45). The consequence of this designation is that all operators of greyhound racing tracks must obtain a licence, in this case from their local authority, before allowing greyhounds to race or trial on their track. However, Part 1 exempts those track operators who are both regulated by a body accredited by United Kingdom Accreditation Service (or EU equivalent) and who meet the conditions set out in the Schedule.

Part 2 of the Regulations makes provisions for the granting and renewing of the licence by local authorities and the charging of fees to cover any reasonable expenses incurred in performing this function and for monitoring compliance with these Regulations.

Part 3 provides for the suspension and revocation of the licence if the conditions in the Schedule are breached and for appeals.

Part 1 of the Schedule sets out the conditions which must be met in order for a local authority to grant or renew a licence. Condition 1 requires the attendance of a veterinary surgeon at every race and trial and the inspection of every greyhound before racing or trialling by the veterinary surgeon in order to assess whether it is fit to run. Condition 2 requires the provision of adequate facilities for the veterinary surgeon. Condition 3 requires the provision of kennels which meet the requirements specified, for at least 20% of the greyhounds which are present at a track at any one time for the purposes of taking part in a race or a trial. Condition 4 requires a greyhound to be identified by both a microchip and, if born after the date the Regulations come into force, a tattoo, each bearing a unique number which must be registered with a database which complies with the provisions set out in Part 2 of the Schedule. Condition 5 requires an operator to keep records for 10 years of the current owner and trainer of any greyhound racing or trialling at the track. Condition 6 requires an operator to keep records for 10 years of details of injuries sustained by greyhounds during a race, trial or sales trial.

Track operators are not permitted to allow greyhounds to race unless details of the greyhounds are entered on a database. Part 2 of the Schedule sets out the information that must be recorded on the database and details how information on the database should be made available and to whom.

A person who operates a greyhound racing track without a licence commits an offence under section 13(6) of the Animal Welfare Act 2006 and is liable to imprisonment for a term of up to 6 months or a fine not exceeding level 5 on the standard scale or both. Under section 30 of the Animal Welfare Act 2006 local authorities may prosecute proceedings for any offence under the Act.

An Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from Peter Hall, Department for Environment, Food and Rural Affairs, 9 Millbank, c/o 17 Smith Square, London SW1P 3JR.

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