

ANIMAL WELFARE REGULATIONS (SCOTLAND)

Response from the Governing Council of the Cat Fancy (GCCF) to the stakeholder consultation on the draft Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021.

The GCCF thanks the Scottish Government for the opportunity to comment on the draft regulations. We are the primary registration and show licensing body for pedigree cat breeders in the UK; we offer information, advice and expertise to help breeders and cat owners make the right choice of cat for their circumstances and life style. At all times we encourage people to follow responsible breeding practices to ensure the health and welfare of cats.

We have consulted with as many of our breeders living in Scotland as possible, given the short timescale, in order to frame this response. Their views and concerns are reflected below.

The GCCF offers the following comments and suggestions:

As an introductory statement, GCCF would say that these regulations are not easy to understand on one or even several readings. They are written in legal language rather than in “plain English” and would in our view need well written guidance notes to help a member of the public, who happens to also be a hobby cat breeder, to understand how the regulations might apply to them and their circumstances.

1. Business Test

The definition of a commercial business is unclear. In Schedule 1, Part 1 the following definition of a business is given:

1. The circumstances which a local authority must take into account in determining whether an activity is being carried on in the course of a business for the purposes of this schedule, for example, whether the operator -

- *makes any sale by, or otherwise carries on, the activity with a view to making a profit, or*
- *earns any commission or fee from the activity.*

However, under Part 6, it states that:

- *Either or both of the following—*
 - *breeding three or more litters of kittens in any 12-month period,*
 - *breeding cats and advertising a business of selling cats.*
- *If any cat bred or used in the course of the activity described in paragraph 6 is sold or otherwise supplied to another person by the person carrying out the activity, such supply is considered to form part of that activity for the purposes of these Regulations.*

The majority of cat breeders in Scotland are hobby breeders who breed pedigree cats from their domestic home. By hobby breeder we mean people who breed cats with the prime objective of producing kittens that best meet the Standard of Points (SOP) for that breed and can compete for prizes and titles at GCCF licenced cat shows.

These hobby breeders sell as pets the surplus kittens that do not meet the SOP closely enough to be successful at shows, or occasionally sell a show quality kitten to another breeder for breeding. Hobby breeders will on occasion want to buy in a new cat for breeding in order to ensure genetic diversity within their own group of breeding cats.

The majority of hobby breeders do not breed to make a profit and the income from selling kittens is used to offset the high costs of keeping a breeding group of pedigree cats. These costs include: food, litter, equipment, heating, veterinary costs, show costs, etc. Such hobby breeders can demonstrate through accounting for income and expenditure that they do not make a profit and would appear not to be in scope using the definition given in Schedule 1, Part 1.

However, they may in any 12 month period breed more than three litters of kittens. It is unclear which criteria will be applied in these cases: that they breed more than three litters per year, or that they can demonstrate that they do not intend to make a profit and in fact do not make a profit.

Since the regulations have defined a "licensable activity" as an activity described in para 16 of Schedule 1, it could certainly be read to include hobby breeders who do not make a profit and in addition in Schedule 1 under "Business Test, it states (b) earns any commission or fee from the activity. Maybe a commission or fee only becomes that if it represents a profit on the activity?

2. Limit of number of litters

As stated above, Schedule 1, Part 6 appears to bring in scope of licensing anyone who breeds more than three litters of kitten in a 12 month period. The GCCF believes that this three litter limit is impractical and not in the best interest of the welfare of cats.

Cats are not small dog and have a completely different reproductive cycle.

The three litter limit is impractical and not in the best interest of the welfare of cats. There seems to be an ignorance of the biological differences between dogs and cats. A hobby breeder might typically have three or four breeding queens (females) of breeding age and the three litter limit would mean they would have to severely restrict the frequency they could mate these queens, which would be detrimental to the health and welfare of these cats.

Cats can come in season as frequently as every 3 weeks, especially in spring and summer, when light levels are good, but even in autumn and winter cats may call every month or six weeks. Dogs come into season twice a year. A brief look at the more authoritative papers on the internet indicate a cat left to its own devices will have 3-5 litters a year but generally 3 or 4 compared to 2 for a dog and 3 – 7 in the rabbit. Thus restricting each breeding queen to one or two litters a year and leaving the cat repeatedly calling is likely to adversely affect the

cat's health and welfare. Similarly not mating a queen until 12 months of age when she has been calling since 6 or 7 months old (common in Siamese/oriental breeds for example) is not in her interest. Some cats are also extremely noisy when on call and this will cause stress and disturbance to the other cats in the area especially if another cat has kittens and to nearby stud cats.

There are pharmaceutical methods of preventing cats coming on call, but these are extremely limited in the UK now that Ovarid is no longer prescribed by vets, and none of the other UK licenced drugs are entirely risk free.

If there is a firm intention to retain the annual limit on the number of litters, the GCCF would suggest that the three litter limit be lifted to five to allow hobby breeders to continue to enjoy their hobby and ensure the long-term health of their cats by respecting their natural oestrous cycle. However, the GCCF feels it would be better to apply the business test stated in Schedule 1, Part 1 to all breeders so that those that could demonstrate they were not making a profit would then be out of scope, irrespective of the fact they may breed more than three litters in 12 months. We would add that breeders producing a total of five litters (some of which may contain small numbers of kittens) in many cases will still be able to demonstrate that they are not making a profit and thus not operating a commercial business under Part 1 of the regulations.

3. Value of kitten rearing in a domestic setting

Some of the regulations seem not to understand or take account of the domestic situation most pedigree cats are bred.

Cats are very different temperamentally to dogs. While most dogs will voluntarily approach a human looking for attention cats are not normally so forthcoming and tend to hide or move away when an unknown human appears. The same applies to strange noises, sounds and activities. This means that ideally young kittens should be reared in a domestic setting. This legislation, as worded, will make this difficult to achieve if it is to apply to hobby breeders. Thus buyers looking for a pedigree kitten will either have to go outside Scotland or purchase an unsuitable, poorly socialised kitten.

4. Powers of Entry

As already stated, the majority of hobby breeders operate from their domestic home, raising kittens in the house from birth onwards. The draft regulations state under Part 4, Powers of Entry, that:

(1) Any inspector may, on producing evidence of that inspector's authority, if so required, enter any premises except domestic premises at all reasonable times and inspect such premises and any animals found there for the purposes of preparing an inspector's report.

It also states:

(3) If a sheriff or justice of the peace is satisfied by evidence on oath laid by any inspector that there are reasonable grounds for suspecting that an offence against these Regulations

has been or is being committed at any domestic premises in the area of the local authority, the sheriff or justice may issue a warrant authorising any inspector to enter those premises, by reasonable force if need be, and inspect them and any animals or anything found there.

Does this mean that local authority inspectors will be empowered to apply to a sheriff or JP for authority to enter domestic premises if they believe someone is possibly breeding cats and may be in scope of the licensing regulations? This seem rather excessive and could cause considerable distress. Also, should such a circumstance arise how is a cat breeder to prove that they are not breeding more litters of kittens than the set limit? What degree of evidence would the inspector need to provide to gain an order for such entry to a domestic property?

Further on in Schedule 1 it states:

Power to take samples from animals

An inspector may, for the purposes of ensuring these Regulations and the licence conditions are being complied with, take samples for laboratory testing from any animals on premises occupied by an operator.

Duty to assist in the taking of samples from animals

An operator must comply with any reasonable request of an inspector to facilitate the identification and examination of an animal and the taking of samples in accordance with regulation 0 and, in particular, must arrange the suitable restraint of an animal if so requested by an inspector.

It is difficult to conceive of what samples a LA inspector might want to take in the case of cat breeding. Is this aimed at checking for the outbreak of disease? Might these test be DNA tests and why would such a test be required?

5. Timescale

Timescale for introduction of these regulations (August 2021) is very short and does not allow time for the proper training of LA officials to administer and monitor licensing appropriately and in the best interests of cats, dogs and rabbits. This is a lesson that was not learned in England when licensing regulations were introduced, the government was advised by GCCF and others (through the Canine & Feline Sector Group to which we all belong) to delay introduction for a year to enable training to be rolled out for LA inspectors. The request was not acceded to and as a result there were a number of instances where local authorities applied the criteria incorrectly or inappropriately.

6. Training

Training of LA inspectors takes longer than perhaps is first thought – based on experience of introducing licensing in England where we still do not have properly trained staff in every LA area two years after licensing regulations were introduced.

Also, what is meant by training of breeders and their staff? Domestic cat breeders do not employ staff. Hobby breeders are offered information, advice and guidance by GCCF, they are invited to join the GCCF Breeder Scheme and to link up with an experienced breeder to act as a mentor. There is no formal training available – this is a hobby.

7. Schedule 2, General Conditions

Many of the conditions set out in this schedule are fully adhered to by hobby breeders, however, there are some specific conditions that are impractical in a domestic household situation. For example:

- Staffing – hobby breeders have no employed staff, their cats are cared for by the breeder and any family members. There is no “manager” nor “written procedures” nor “written training policy”.

8. Schedule 7, Specific Conditions: Breeding Cats

- The physical environment in many cases will be that of a regular domestic premises as regards, light, heat, services, surfaces, entrances and exits, although within the premises the breeder often will have a designated room, or rooms within which a queen will kitten and raise her litter. Breeders are very well aware of the need for keeping the environment clean and disease free, and of providing enrichment for their animals such as scratching posts, toys, means of regular exercise, etc. They would also pay close attention to diet, grooming, physical interaction, and proper socialisation of all kittens. Every breeder would be registered with a veterinary surgery and take advice and guidance from a vet at all times.
- Some breeders do have cat houses and runs outside and GCCF would expect these to meet the suitable environmental conditions within this Schedule. However, Schedule 7 makes no specification of the size of the exercise area, the need for a scratching post or the provision of suitable “toys” such as toy mice for an animal that is by nature a hunter.
- GCCF requires that all kittens sold by our registered breeders should not be leave home until fully vaccinated, which in practice means they must be at least 12 weeks of age. We regard 8 weeks (see 1(5)) as too young for a kitten to leave its mother and litter mates.
- 7 (3) states:
 - *The licence holder must ensure that no female cat—*
 - *is mated or artificially inseminated if aged less than 12 months,*
 - *gives birth to more than two litters of kittens within 12 months,*
 - *gives birth to more than 8 litters of kittens in total,*
 - *is mated or artificially inseminated if aged 8 or more years,*
 - *is mated or artificially inseminated after she has delivered two litters of kittens by caesarean section.*

- *No cat may be kept for breeding if it can reasonably be expected, on the basis of its genotype, phenotype or state of health that breeding from it could have a detrimental effect on its health or welfare or the health or welfare of its offspring.*
- *The health, safety and welfare of each cat must be checked at the start and end of every day and at least every four hours during the daytime.*

As already stated above the GCCF does not consider prohibition of mating before 12 months of age is in the best interests of a cat in all cases. If a queen is calling very often from the age of six months she will lose condition and may lose weight and become distressed, a prolonged delay in mating her can be highly detrimental to her health, it increases her chances of pyometra and breast cancer, both of which are potentially fatal diseases. It is better in such a circumstance to mate her at ten or eleven months than to have to wait until she is 12 months old. Although we acknowledge that, where possible, it is good practice to wait until a female is 12 months old before her first mating. This link explains more: <https://vcahospitals.com/know-your-pet/pyometra-in-cats#:~:text=female%27s%20reproductive%20tract.%22-.Pyometra%20is%20a%20secondary%20infection%20that%20occurs%20because%20of%20hormonal,thicken%20in%20preparation%20for%20pregnancy>

It is not clear what is meant by the second bullet point or how this will be applied. The GCCF encourages healthy responsible breeding of all pedigree cat breeds and we have refused recognition to cat breeds that are based on a detrimental genetic anomaly, such as the Scottish Fold, for example. That being said, what definition is being placed by these regulations on genotype or phenotype that is considered to have a detrimental effect on health or welfare? Are there specific breeds of cat or specific phenotypes that can be cited as examples? Otherwise, how are LA staff expected to judge this aspect of the regulations?

With regard to the third bullet point, we would agree that each cat in a household should be checked at the start and end of every day, but that a check every four hours in between is unrealistic and unnecessary. Every 8 hours would be a more reasonable length of time.

7 (12) states that where any other activity involving animals is undertaken on the premises on which the licensable activity of breeding cats is carried on, it must be kept entirely separate from the area where that licensable activity is carried on. How does this apply if a breeder of cats also breeds a litter of puppies or rabbits in the same domestic premises?

In addition, some of the regulations are particularly bizarre if this legislation is meant to apply to cats kept and bred in a domestic setting, for example Schedule 3. 4 (suitable accommodation, page 23) do the regulations mean people must put up suitable signage in their homes in case someone comes into their house or garden?

A final general point that occurs concerns non-pedigree cats (domestic moggies) that breed on farms and similar situations (not feral colonies, but owned cats kept to keep vermin under control in barns, etc. for example). How are these licensing regulations going to apply to such situations where the cats mate and kitten regularly and fairly indiscriminately, and

where the kittens may be sold for lower prices than pedigree kittens, but still generate an income?

In Conclusion

In consulting with cat breeders in Scotland over the past week or so, GCCF has noted a number of concerns. All those spoken to were unaware of the draft regulations until informed by GCCF and feel that if applied in their current form to hobby breeders, it would destroy this sector along with the various cat clubs and cat shows that operate in Scotland.

There is a market for pedigree kittens in Scotland as elsewhere in the UK, there is a concern that significantly reducing the number of responsible, high quality hobby breeders who sell healthy, well-socialised pedigree kittens to pet owners will provide a golden opportunity for unscrupulous “back yard breeders” and kitten farmers to plug the gap. These breeders operate below the radar and do not adhere to good breeding and welfare practices, they often sell under-age, unvaccinated or sick kittens for high prices through advertisements on the internet. We would ask the Scottish Government to consider carefully the impact of the draft regulations as they appear to apply to hobby breeders, to avoid unintended consequences expressed in a significant rise in unscrupulous breeders and vendors of pedigree kittens.

Compiled by Steve Crow (Director) on behalf of the GCCF

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