

ELIZABETH II



1963 CHAPTER 43

An Act to regulate the keeping of boarding establishments for animals; and for purposes connected therewith.

[31st July 1963]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) No person shall keep a boarding establishment for animals except under the authority of a licence granted in accordance with the provisions of this Act. Licensing of boarding establishments for animals.

(2) Every local authority may, on application being made to them for that purpose by a person who is not for the time being disqualified—

- (a) under this Act, from keeping a boarding establishment for animals; or
- (b) under the Pet Animals Act 1951, from keeping a pet shop; or
- (c) under the Protection of Animals (Cruelty to Dogs) Act 1933, from keeping a dog; or
- (d) under the Protection of Animals (Cruelty to Dogs) (Scotland) Act 1934, from keeping a dog; or
- (e) under the Protection of Animals (Amendment) Act 1954, from having the custody of animals,

and on payment of such fee not exceeding ten shillings as may be determined by the local authority, grant a licence to that person to keep a boarding establishment for animals at such

premises in their area as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.

(3) In determining whether to grant a licence for the keeping of a boarding establishment for animals by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing—

- (a) that animals will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;
- (b) that animals will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and (so far as necessary) visited at suitable intervals;
- (c) that all reasonable precautions will be taken to prevent and control the spread among animals of infectious or contagious diseases, including the provision of adequate isolation facilities;
- (d) that appropriate steps will be taken for the protection of the animals in case of fire or other emergency;
- (e) that a register be kept containing a description of any animals received into the establishment, date of arrival and departure, and the name and address of the owner, such register to be available for inspection at all times by an officer of the local authority, veterinary surgeon or veterinary practitioner authorised under section 2 (1) of this Act;

and shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case for securing all the objects specified in paragraphs (a) to (e) of this subsection.

(4) Any person aggrieved by the refusal of a local authority to grant such a licence, or by any condition subject to which such a licence is proposed to be granted, may appeal to a magistrates' court; and the court may on such 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 a licence is to be granted as it thinks proper.

(5) Any such licence shall (according to the applicant's requirements) relate to the year in which it is granted or to the next following year. In the former case, the licence shall come into force at the beginning of the day on which it is granted, and in the latter case it shall come into force at the beginning of the next following year.

(6) Subject to the provisions hereinafter contained with respect to cancellation, any such licence shall remain in force until the end of the year to which it relates and shall then expire.

(7) In the event of the death of a person who is keeping a boarding establishment for animals at any premises under the authority of a licence granted under this Act, that licence shall be deemed to have been granted to his personal representatives in respect of those premises and shall, notwithstanding subsection (6) of this section (but subject to the provisions hereinafter contained with respect to cancellation), remain in force until the end of the period of three months beginning with the death and shall then expire:

Provided that the local authority by whom the licence was granted may from time to time, on the application of those representatives, extend or further extend the said period of three months if the authority are satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.

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

(9) In the application of this section to Scotland, in subsection (4) for any reference to a magistrates' court there shall be substituted a reference to the sheriff.

2.—(1) A local authority may authorise in writing any of its officers or any veterinary surgeon or veterinary practitioner to inspect (subject to compliance with such precautions as the authority may specify to prevent the spread among animals of infectious or contagious diseases) any premises in their area as respects which a licence granted in accordance with the provisions of this Act is for the time being in force, 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 animals found thereon or any thing therein, for the purpose of ascertaining whether an offence has been or is being committed against this Act.

Inspection of boarding establishments for animals.

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

3.—(1) Any person guilty of an offence under any provision of this Act other than the last foregoing section shall be liable on summary conviction to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Offences and disqualifications.

(2) Any person guilty of an offence under the last foregoing section shall be liable on summary conviction to a fine not exceeding twenty-five pounds.

(3) Where a person is convicted of any offence under this Act or of any offence under the Protection of Animals Act 1911 or the Protection of Animals (Scotland) Act 1912 or the Pet Animals Act 1951, 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 boarding establishment for animals for such period as the court thinks fit.

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

Power of local authorities to prosecute.

4. A local authority in England or Wales may prosecute proceedings for any offence under this Act committed in the area of the authority.

Interpretation.

5.—(1) References in this Act to the keeping by any person of a boarding establishment for animals shall, subject to the following provisions of this section, be construed as references to the carrying on by him at premises of any nature (including a private dwelling) of a business of providing accommodation for other people's animals:

Provided that—

- (a) a person shall not be deemed to keep a boarding establishment for animals by reason only of his providing accommodation for other people's animals in connection with a business of which the provision of such accommodation is not the main activity; and
- (b) nothing in this Act shall apply to the keeping of an animal at any premises in pursuance of a requirement imposed under, or having effect by virtue of, the Diseases of Animals Act 1950.

(2) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“animal” means any dog or cat;

“local authority” means the council of any county borough or county district, the council of a metropolitan borough or the Common Council of the City of London, and in Scotland means the council of any county or burgh;

“veterinary practitioner” means a person who is for the time being registered in the Supplementary Veterinary Register;

“veterinary surgeon” means a person who is for the time being registered in the Register of Veterinary Surgeons.

6. Notwithstanding anything in this Act, a person who, immediately before the date of the commencement of this Act, was keeping a boarding establishment for animals at any premises, and who is not disqualified as mentioned in section 1 (2) of this Act, shall be entitled to keep such an establishment at those premises without a licence under this Act—

Transitional provision.

- (a) for the period of one month beginning with that date; and
- (b) if before the expiration of that period he applies for a licence under this Act in respect of those premises, until the licence is granted or finally refused or the application is withdrawn.

7.—(1) This Act may be cited as the Animal Boarding Establishments Act 1963.

Short title, repeal, extent and commencement.

(2) Section 36 of the Huddersfield Corporation Act 1956 (which provides that a person shall not, within the borough of Huddersfield, provide for gain accommodation for pet animals unless he and the premises at which the accommodation is provided are registered in accordance with that section) is hereby repealed.

(3) This Act shall not extend to Northern Ireland.

(4) This Act shall come into operation on 1st January 1964.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Protection of Animals Act 1911	1 & 2 Geo. 5. c. 27.
Protection of Animals (Scotland) Act 1912 ...	2 & 3 Geo. 5. c. 14.
Protection of Animals (Cruelty to Dogs) Act 1933	23 & 24 Geo. 5. c. 17.
Protection of Animals (Cruelty to Dogs) (Scotland) Act 1934	24 & 25 Geo. 5. c. 25.
Diseases of Animals Act 1950	14 Geo. 6. c. 36.
Pet Animals Act 1951	14 & 15 Geo. 6. c. 35.
Protection of Animals (Amendment) Act 1954 ...	2 & 3 Eliz. 2. c. 40.
Huddersfield Corporation Act 1956	4 & 5 Eliz. 2. c. lxxiii.

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