

Draft Regulations laid before Parliament under section 61(2) of the Animal Welfare Act 2006, for approval by resolution of each House of Parliament.

STATUTORY INSTRUMENTS

2010 No.

ANIMAL WELFARE, ENGLAND

The Welfare of Racing Greyhounds Regulations 2010

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

The Secretary of State is, in relation to England, the appropriate national authority for the purpose of exercising the powers conferred by sections 13(2), (7), (10) and Parts 1 and 3 of Schedule 1 of 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 those 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.

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

“licensing conditions” means those conditions set out in Schedule 1;

“operator” means a person responsible for managing a track;

“owner” means an individual who owns a greyhound, or a representative of a consortium 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; 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) No person may operate a track except under the authority of a licence issued in accordance with Part 2.

(2) But a person may operate a track without a licence if they are regulated by a body which—

- (a) is accredited by the United Kingdom Accreditation Service, or other signatory of the EA multi-lateral agreement^(a) of the European co-operation for Accreditation^(b), as demonstrating compliance with the ISO/IEC standard Guide 65:1996^(c) 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.

PART 2

Issuing of licences

Granting and renewing of licence

4. A local authority—

- (a) must grant a licence to an operator, or renew a licence, if it is satisfied that the licensing conditions are met and the 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 met before granting or renewing a licence; and
- (c) may grant or renew a licence for any period of up to 3 years.

Operators who may not be issued with a licence

5. A local authority may not issue a licence to an operator who has been disqualified under—

- (a) section 34 of the Animal Welfare Act 2006; or
- (b) section 3(3) of the Animal Boarding Establishments Act 1963^(d) from keeping a boarding establishment for animals; or

(a) 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>.

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

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

(d) 1963 c. 43; section 3(3) was amended by Schedule 3, paragraph 5(2) of the Animal Welfare Act 2006.

- (c) section 3(3) of the Breeding of Dogs Act 1973(a) from keeping a breeding establishment, or
- (d) section 5(3) of the Pet Animals Act 1951(b) from keeping a pet shop; or
- (e) section 4(3) of the Riding Establishments Act 1964 (c) from keeping a riding establishment.

Death of a licence holder

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

Fees for licence

7. A local authority may charge such fees as it considers necessary to enable it to meet any reasonable expenses incurred in performing its functions in relation to—

- (a) the initial inspection made under regulation 4(b);
- (b) the granting of the licence under regulation 4(a); and
- (c) any inspection made under section 26(1) of the Animal Welfare Act 2006.

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 immediately, 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.—(1) A notice of suspension must—

- (a) state the inspector's grounds for believing that the licensing conditions are not being met;
- (b) specify the measures that, in the inspector's opinion, the person 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.

(a) 1973 c. 60; section 3(3) was amended by section 5(1) of the Breeding and Sale of Dogs (Welfare) Act 1999.
(b) 1951 c. 35; section 5(3) was amended by Schedule 3, paragraph 3(2) of the Animal Welfare Act 2006.
(c) 1964 c. 70; section 4(3) was amended by Schedule 3, paragraph 6(2) of the Animal Welfare Act 2006.

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 met.

(2) A licence reinstated under paragraph (1) may be issued for a shorter period than the period remaining for the original licence granted to that operator.

Revocation of licence

12. The local authority may revoke a licence—

- (a) 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; or
- (b) if the licence operator is disqualified under the Acts set out in regulation 5(a) to (e).

Appeals against the refusal to grant, the suspension or the revocation of a licence

13.—(1) Any person who is aggrieved by the refusal to grant, the suspension or the revocation of 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 applies to the proceedings.

(3) The period within which an appeal may be brought is 28 days.

(4) A court may on application suspend a notice of suspension or a revocation pending an appeal.

Date _____

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

SCHEDULE 1

Regulation 2

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 or a trial and before a race or trial in order to undertake the checks required under sub-paragraph (2).

(2) Before any race or trial—

- (a) an attending veterinary surgeon must examine every greyhound running; and
- (b) the operator must remove from a race or 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 trial or race; and

- (b) the name, Royal College of Veterinary Surgeons membership number and signature of the attending veterinary surgeon.
- (4) The information referred to in sub-paragraph (3) must be kept for at least 3 years.

Condition 2: Facilities for the attending veterinary surgeon

- 2. 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;
 - (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 is being undertaken to allow quick access in the case of an emergency;
 - (b) a freezer suitable for the storage of a greyhound carcass; and
 - (c) a kennel, which complies with the operator's requirements in relation to kennels which is within reasonable proximity to the room or mobile facility, for use for emergency veterinary cases.
 - (d) The facilities described in paragraphs (a), (b) and (c) must be for the sole use of the attending veterinary surgeon—
 - (i) at all times, in the case of a room; or
 - (ii) whenever their attendance is required under paragraph 1, in the case of a mobile facility, freezer and kennel.

Condition 3: Kennels

- 3.—(1) 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 a trial.
- (2) Each kennel must—
 - (a) be at a minimum 136cm long, 87cm wide and 110cm high;
 - (b) be occupied by no more than one greyhound;
 - (c) have walls and floors with a cleanable surface;
 - (d) be cleaned and dried between use;
 - (e) have a comfortable area for greyhounds to lie;
 - (f) be adequately lit to allow the safe examination and handling of greyhounds;
 - (g) allow the greyhound to be observed when inside;
 - (h) be constructed so as to minimise any risk of injury to the greyhound;
 - (i) have a regular flow of clean air, whether by natural or artificial means, to allow sufficient ventilation for the greyhound; and
 - (j) have an ambient temperature between 10° and 26 °C when occupied by a greyhound.
- (3) This paragraph does not apply until 6th April 2011.

Condition 4: Identification of greyhounds

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) 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 meeting 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 meeting the requirements set out in Part 2 of this Schedule.

Condition 5: record of greyhounds racing

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 and microchip.
- (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
 - (b) proof that they are registered as owner of that greyhound on a database meeting the requirements set out in Part 2 of this Schedule.
- (3) The operator 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.
- (4) The details referred to in sub-paragraph (1) must be kept for at least 5 years.

Condition 6: Injury records

6.—(1) When a greyhound is injured when participating in a race or a 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) the microchip number of the greyhound;
 - (c) details of any treatment administered to the greyhound; and
 - (d) the distance of the race or trial in which the injury occurred.
- (2) The information referred to in sub-paragraph (1) must be kept for at least 10 years.

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

PART 2

Databases

Contents of database

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

- (a) name and address of the owner, or owners where there is joint ownership;
- (b) a contact telephone number for each owner;
- (c) name of the greyhound;
- (d) microchip or tattoo number;
- (e) record that breed of dog is greyhound;
- (f) sex of the greyhound;
- (g) 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—

- (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; and
- (c) charge a reasonable rate for the telephone 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 police constable;
- (b) any representative of the Secretary of State; or
- (c) any representative of the local authority.

Provisions of information for owners registered on database

10. The following must be provided 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.

(a) 1971 c. 80.

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 requires all operators of greyhound racing tracks to obtain a licence from their local authority before allowing greyhounds to race or trial on their track. It 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 Schedule 1.

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

Part 3 provides for the suspension and revocation of the licence if the conditions in Schedule 1 are breached and for appeals.

Schedule 1 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 tattoo and a microchip which are registered with a database which complies with the provisions set out in Part 2 of the Schedule. Condition 5 requires records to be kept of the current owner and trainer of any greyhound racing or trialling at the track. Condition 6 requires a record to be kept for 10 years of details of injuries sustained by greyhounds during a race or a trial.

A person who operates a greyhound racing track without a licence commits an offence under section 13(6) of the Animal Welfare Act 2006.

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