



**An Roinn Talmhaíochta,
Bia agus Mara**
Department of Agriculture,
Food and the Marine

6th December 2019

Public consultation on the advertisement and sale of pet animals

Summary of responses

December 2019

1. Introduction

In 2016 the Chair of the National Zoonoses Committee wrote to the Chief Veterinary Officer of the Department of Agriculture, Food and the Marine (DAFM) to request consideration of the introduction of pet shop regulation, including a registration requirement, on foot of concerns about human infections associated with exotic species in Ireland in recent years, reptiles being a particular concern with regard to small children.

It was intended to draft secondary legislation to require pet shops operating in Ireland to register with DAFM, and to introduce a voluntary Code of Practice for Pet Shops which, apart from providing guidelines on the welfare of animals sold through pet shops, would highlight the need for pet shop staff to be trained in the potential infection risk to humans from certain animals and to make visitors to pet shops and potential buyers aware of the risk. Both the HSE National Zoonoses Committee and the Department of Culture, Heritage and the Gaeltacht / National Parks and Wildlife Service contributed to the Code of Practice.

The Code of Practice for Pet Shops contains guidelines on welfare, for example that their environment must allow animals to exhibit normal behaviour patterns, cage size, provision of adequate food and water. The Code also contains guidelines ensuring potential customers are provided with adequate information on the appropriate care of the animal, and that they are informed of the lifespan of the animal and the size it will attain on maturity. The Code of Practice also addresses public health concerns, for example the need for good hygiene when handling animals (hand washing); and the potential risk to the health of children under the age of 5 associated with contact with reptiles.

DAFM is conscious that although animals continue to be sold through “bricks and mortar” pet shops, many more animals are advertised for sale online, including through online advertising platforms. Therefore, DAFM considered it necessary to ask for views on whether further legislation is needed in relation to the online advertising and/or sales of pets.

The Department has a strong and consistent record regarding the enforcement of animal welfare rules. A total of 75 prosecutions have been taken under the Animal

Health and Welfare Act 2013 to date (September 2019), with a further 27 prosecution files currently being processed for welfare abuses. In December 2018 Minister Creed announced record funding of nearly €2,751,000 to 108 animal welfare organisations in Ireland. DAFM is part of a group of EU Member States and animal welfare organisations which examines the issue of improving health and welfare of pets (dogs) in trade, including the online sale of pets among other issues.

In May 2018 the Minister for Agriculture, Food and the Marine, Michael Creed, launched a public consultation on matters relating to the advertisement and sale of pet animals. DAFM asked specifically for the public’s views on:

- 1) a voluntary Code of Practice for pet shops, a draft of which was part of the consultation, and
- 2) whether further legislation is needed with regard to the advertisement and sale of pet animals and if so, what issues need to be considered.

In addition to issuing a press release to announce the public consultation, DAFM wrote to all pet shops listed in the Golden Pages (www.goldenpages.ie), and to a number of industry representative organisations, to inform them of the consultation. DAFM also informed animal welfare organisations about the consultation. In doing so, DAFM hoped to secure as broad of range of replies possible from those interested in the issues.

2. Responses

DAFM received 63 submissions to the consultation. These can be broken down by sector as follows:

Retail pet shops / online advertising platform	5
Local Authority Veterinary Service	2
Members of the Oireachtas	1
Welfare / rehoming organisations	14
Organisation representing veterinary practitioners	1
Individuals	40

3. Views received on the draft voluntary Code of Practice for Pet Shops

There was support among the respondents for the establishment of a Code of Conduct for pet shops – however, many respondents believed that a Code should be mandatory and legally enforceable rather than voluntary. It should be noted that the secondary legislation DAFM will introduce refers to a code of practice – compliance or non-compliance with which may have a bearing on an application for registration as a seller or supplier of animals.

Respondents raised other issues including the need for training for at least one member of staff of a pet shop; the need to provide good quality advice for new pet owners; and including a link to the Code of Practice on online platforms that advertise pets for sale.

One retail outlet stated that the draft Code was overly prescriptive and recommended the issue of two versions of the Code, one for shops with sales and/or breeding of less than one hundred animals per annum, and a second for shops with sales and/or breeding of more than one hundred animals per annum.

4. Views received on the need for further legislation for the advertisement and sale of pet animals

DAFM also asked for views on the need for further legislation for the advertisement and sale of pet animals. There is already legislation in place regarding the welfare of animals during a sale. The 2013 Animal Health and Welfare Act obliges anyone who possesses or controls an animal intended for sale or supply to safeguard the animal's health and welfare. The Act also prohibits the sale of an animal to anyone under 16 years of age. It prohibits giving an animal as a prize to anyone under 16 unless he or she is accompanied by an adult.

The Dog Breeding Establishments Act 2010 obliges operators of dog breeding establishments to provide details to the relevant local authority or person charged with the maintenance of a database of information relating to all dogs in the State, of the sale or transfer of a dog.

The consultation asked for views on the following possible elements of new secondary legislation on the sale/advertising of animals:

1. the definition of a pet shop;
2. a prohibition on the sale and supply of unweaned pet animals;
3. a requirement on pet shops to register with DAFM, and to display a certificate of registration on the premises of the pet shop;
4. a requirement on pet shops to maintain records relating to animals (for example from whom an animal was bought; medical treatment given to an animal; to whom an animal was sold; description of an animal).

The consultation also asked what issues, if any, are there with the online advertisement of pet animals for sale; and whether online ads of pet animals for sale provide enough information about the pet to assist a prospective buyer to make an informed decision on whether to buy.

There was strong support for DAFM's proposal to require pet shops to register with DAFM, although some respondents suggested a licencing system. The display of a registration/licence should be mandatory and there should be ongoing inspections. A number of respondents said that all sellers should be subject to the registration requirement, including both individuals and organisations selling live animals through pet shops, private dwellings, dog breeding establishments or the internet. One respondent said that registration would be useful in the event of an exotic disease outbreak.

Some respondents commented that a registration/licensing requirement would assist traceability, if a seller is required to list his or her registration number in an advertisement. Respondents also said that the register should be made public.

Many respondents suggested banning the sale of dogs and cats in pet shops and online, and of other animals, including exotic animals and invasive species. Puppies

should be viewed with their mother before a sale is made. One respondent called for legislation on a 'positive list' of species allowed to be kept and traded, similar to that introduced in Belgium, Netherlands and Luxembourg. Some respondents expressed concern at welfare issues connected to the sale of exotic animals, including in relation to poor levels of knowledge about how to care for these animals, or the suitability at all of their sale as pets in Ireland. One respondent suggested the implementation of the EMODE (easy, moderate, difficult, extreme) labelling system for exotic animals. One respondent suggested only allowing rescue animals to be sold through pet shops. One respondent called for higher standards to be put in place for packing, importing, transport and delivery of marine life.

Another issue raised was the need for sellers to provide training to their employees on care of animals. Sellers should also provide good quality information to potential buyers of pets, to ensure they are aware of issues such as the adult size of a pet, and the responsibilities and costs of being a pet owner. Children, particularly those under five years of age, should not be allowed to handle animals in pet shops.

Comments on a record keeping requirement were positive, saying there is a need for a robust and comprehensive record keeping system. One retail outlet said that a record keeping requirement should not place an undue increased burden on smaller organisations.

There were many comments on the online advertising and sale of animals. Some respondents called for an outright ban on the online sale of animals, whereas others expressed the view that, however desirable or otherwise, animals will continue to be sold online, and referred to the efforts of the Irish Pet Advertising Advisory Group (IPAAG; www.ipaag.ie), which has encouraged websites that advertise pets for sale to self-regulate and comply with agreed minimum standards.

A number of respondents said that the IPAAG minimum standards should be mandatory. Other respondents said that the sale of a dog should be completed in the presence of the purchaser on the premises where the licensed seller or licensed breeder has been keeping the dog.

There were many further suggestions among the responses, including:

- online platforms should be legally obliged to ensure that all dogs advertised for sale are micro-chipped, and should put in place measures to identify sellers that use multiple online personas.
- advertisements of pets for sale should include
 - the seller's licence/ registration number;
 - whether the seller identifies as private or commercial;
 - age of animal for sale;
 - full description of animal for sale;
 - whether the dog is a restricted breed in the meaning of the Control of Dogs Act 1986;
 - a photo of the pet, its age, country of residence and country of origin.

5. Next steps

The Department of Agriculture, Food and the Marine would like to acknowledge and thank all respondents, who provided thoughtful and informative submissions as part of the public consultation.

The Department will now introduce secondary legislation under the Animal Health and Welfare Act 2013 (No. 15 of 2013), and issue the voluntary Code of Practice for Sellers and Suppliers of Pet Animals. The legislation will require the registration of anyone who wishes to sell or supply a pet animal with the Department.

Enquiries regarding this publication should be sent to:

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Appendix 1 - Replies Received

Barkers, S.	NARA
Bowyer, C.	North West SPCA
Campbell, J.	O'Kinneide, A.
Carroll, E.	O'Connor, K.
Cluskey, D.	Potty Fish Shop
Coonan, M.	Power, L.
CORK Co. Co.	Power, O.
Daly, Clare. (TD)	Price, B.
Daly, L.	Quirke, M.
Davern, N.	Robin, E.
DG	Roche, D.
Distilled SCH	Roche, J.
Dogs Trust	Royal Dog Rescue
Doheny, M.	Rua, M.
Doran, G.	Samways, F.
Doran, S.	Sheerin, G.
Doran, S.	Strauss, M.
Emery, J.	Sunset Appeal
Fagan, P.	The Irish Blue Cross
Finn, G.	The Irish Tropical Fish Society
Flannery, P.	Tiernan, P.
Flynn, G.	Tighe, P.
Gresswell, I.	Timmons, C.
Hairy Horse Project	Vet and Pet Supplies
Harlowe, B.	Veterinary Ireland
Hewitt, G.	Walsh, B.
Hogan, N.	Welfare Consortium (Representing) Dog Rescue
Hogs Prickle	Coolronan; Dungarvan Rescue Kennels; Lily's
ISPCA	Dog Rescue; Limerick Animal Welfare; Re-
Kinsealy Pet Store	homing Cork Pets; West Cork Animal Welfare
Lock, T.	Group
Longford County Council	
Lynch, S.	
MADRA / Marina Fiddler	
Maguire, L.	
Maher, P	
McDermott, T.	
Messitt, T.	
Moloney, J.P.	
Mullen, J.	