

Research Briefing

Number 9399

By Elena Ares

9 December 2021

Regulation of online pet sales

1	Summary	1
2	Pet ownership and sales in the UK	2
3	Existing rules on the sales of pets	3
4	Concerns about online advertising	5
5	Regulation of online sales	6
6	Government position	7

1

Summary

There are no official statistics on online sales of pets in the UK. However, surveys report both an increase in pet ownership in the UK since the Coronavirus pandemic started; and increased reports from vets of the number of pets acquired online.

Animal welfare is a devolved matter: this brief covers the position in England only. There is no legislation that is specific to acquiring a pet online in England, although regulations do cover some of the issues that arise regularly with online sales.

In addition, the [Pet Advertising Advisory Group \(PAAG\)](#) has set minimum voluntary standards for both private and commercial advertisers, and advertising websites, to comply with. These aim to address some of the concerns about online sales of pets, including poor welfare standards and commercial breeders masquerading as private sellers.

There have been calls for increased regulation of online pet sales. This includes a Parliamentary [e-petition 587654 #reggies law – regulate online animal sales](#) from the Justice for Reggie campaign, which received 109,003 signatures and closed on 7 December 2021. A debate on the petition is scheduled in Westminster Hall on 13 December 2021.

The Government response to the petition set out the work of PAAG, and its own [Petfishing campaign](#). It also highlighted existing regulations on selling animals, the ban on third party sales of puppies and kittens under six months and proposed legislation on the import of pets.

The Government also announced an Online Advertising Programme which will look at the regulation of online advertising and whether there is a case for strengthening the regulatory framework. A [consultation is expected](#) before the end of 2021.

2 Pet ownership and sales in the UK

2.1 Pet ownership

There are no official statistics on pet owning households, or how many pets there are in the UK, but some survey-based figures are available.

The [Pet Food Manufacturers Association \(PFMA\) estimates](#) that 17 million UK households contained pets in 2021, representing around 59% of all UK households. This is based on a representative sample of 5,093 UK adults interviewed via an online survey.¹

In addition, PFMA estimates that 3.2 million (or 11% of) UK households had acquired a new pet during the pandemic. This is based on a subset of the sample size consisting of 2,558 pet owners.²

¹ [PFMA, Annual Report, 2021](#)

² [PFMA, Annual Report, 2021](#)

2.2

Pet sales

Data is not available on the volume of online pet sales, but some recent research by the pet charity, PDSA, has examined the most common places to acquire pets in the UK.³

The PDSA, [PAW Animal Wellbeing Report 2021](#) found that the most common places to get dogs, cats, and rabbits have remained largely the same as they were pre-pandemic:

- For dogs, 31% were acquired from a UK breeder of one specific breed, 22% from a private seller and 17% from a UK rescue centre or rehoming centre for UK pets.
- For cats, 37% were acquired from a UK rescue centre or rehoming centre for UK pets, 16% were rehomed from a family member, friend or neighbour and 15% from a private seller.
- For rabbits, 34% were acquired from a pet shop or garden centre, 19% from a UK rescue centre or rehoming centre for UK pets and 13% were rehomed from a family member, friend or neighbour.

The same report stated that 89% of veterinary professionals had seen an increase in pets sourced from internet adverts. This was based on a pre-lockdown survey of 623 veterinary professionals in January and February 2020.⁴

PDSA also noted an increase in internet searches around puppy purchasing associated with the Coronavirus pandemic. From March to December 2020, there was a 222% increase in average monthly internet searches around the topic of getting a dog compared with the preceding 12-month period.⁵

3

Existing rules on the sales of pets

Regulations on licencing of a number of activities involving animals were updated in October 2018. The [Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#) sets out activities that are covered by licencing rules:

- Dog boarding and day care
- Dog breeding
- Cat breeding

³ The PDSA research carried out in conjunction with YouGov used a large, demographically representative sample of dog, cat and rabbit owners. It also included owners of some other types of pets.

⁴ [PDSA, PAW Animal Wellbeing Report 2021](#)

⁵ [PDSA, PAW Animal Wellbeing Report 2021](#)

- Selling animals as pets
- Hiring out horses
- Keeping or training animals for exhibition.

These activities are licenced by local authorities. Defra has published [detailed guidance](#) on the rules, including the [selling of animals as pets](#). The guidance and requirement for a licence from a local authority apply to anyone who is breeding dogs or selling animals as a business. This is defined as follows in the regulations:

- Dog breeding - breeding 3 or more litters in 12 months, or if deemed to be a business by the Local Authority.
- Selling animals as pets, or to be sold on as pets, whether bred by the seller or not.

The regulations also set out a business test for use by local authorities to determine if a licence is required. This includes reference to [HMRC's nine badges of trade](#), and the following examples:

- (a) making any sale by, or otherwise carrying on, the activity with a view to making a profit,
- (b) earning any commission or fee from the activity,⁶

The rules, under the regulations, require businesses advertising animals for sale, online or otherwise, to comply with the following:

Any advertisement for the sale of an animal must—

- (a) include the number of the licence holder's licence,
 - (b) specify the local authority that issued the licence,
 - (c) include a recognisable photograph of the animal being advertised,
 - (d) (except in the case of fish) display the age of the animal being advertised,
 - (e) state the country of residence of the animal from which it is being sold,
- and
- (f) state the country of origin of the animal.⁷

The regulations also prohibited the sale of puppies, kittens, rabbits or ferrets under 8 weeks other than by the breeder. In April 2020, under [Lucy's Law](#), the

⁶ [The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018 Guidance notes for conditions for selling animals as pets, April 2020](#)

⁷ [The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018 Guidance notes for conditions for selling animals as pets, April 2020](#)

regulations were amended to prohibit the commercial sale of dogs or cats under 6 months other than by the breeder.

In the case of dogs, any sale must be completed in the presence of the purchaser on the premises where the dog has been kept. The regulations also require any animal sold to be in good health.

The rules above do not apply to anyone selling an animal, including any pet, privately. This has led to concerns about irresponsible breeders and puppy farms (including those importing farmed dogs from abroad) masquerading as private sellers online in order to avoid complying with the legislation. See section 4 below for further information.

4 Concerns about online advertising

The [Pet Advertising Advisory Group \(PAAG\)](#) was set up in 2001 to “combat growing concerns regarding the irresponsible advertising of pets for sale, rehoming, and exchange”. The group is made up of animal welfare organisations, trade associations and veterinary bodies and is endorsed by Defra and the devolved administrations. It highlights the following concerns raised by online pet advertisements:

- poor standards of welfare
- lack of information on a pet’s history
- the offloading of sick or potentially sick pets
- dealers masquerading as private sellers
- pets being swapped or ending up in the hands of unsuitable owners such as dog fighters.⁸

The PAAG has set out [voluntary minimum standards](#) that advertisers should adhere to, which lists a range of actions for advertisers aimed at identifying and removing rogue advertisers.

The [Dog Trust, which chairs PAAG, has called](#) for its voluntary minimum standards to become a legal requirement for all adverts offering pets for sale, together with a centralised, publicly accessible list of registered sellers (commercial and private) and licensed breeders. The Dog Trust states:

We believe an improved and robust registration and licensing system is required to tackle unscrupulous breeders and sellers.

We believe that anyone breeding, selling or transferring the ownership of a puppy (a dog up to 6 months old), regardless of any financial transaction or gain, should be required to be registered. In addition to this, anyone breeding, selling or transferring the ownership, regardless of any

⁸ [PAAG, FAQ: why have a minimum standard \[website visited 8 December 2021\]](#)

financial transaction or gain, of more than one litter of puppies should require a licence. It should then be a mandatory requirement for any advert to include the individual's unique registration or licence number.⁹

A parliamentary e-petition from the [Justice for Reggie](#) campaign, [#reggies law – regulate online animal sales](#) closed on 7 December 2021 with 109,003 signatures. The petition called for the following:

- Websites should be required to verify the identity of all sellers
- A requirement for young animals offered for sale to be pictured with their parents.

5 Regulation of online sales

In the UK, the content and placement of online advertising is regulated by the [Advertising Standards Authority \(ASA\)](#). It does this by enforcing the [Code of Non-Broadcast Advertising, Sales Promotion and Direct Marketing](#) (known as the 'CAP Code'): this is a self-regulatory system. Online advertising includes marketing communications on companies' own websites and in other third-party space under their control, such as social networking sites like Twitter and Facebook. All adverts are expected to be "legal, decent, honest and truthful".

The [Consumer Protection from Unfair Trading Regulations 2008](#) include a general prohibition against unfair commercial practices - all traders are expected to deal fairly with consumers. Under the Regulations, it is illegal for a business to give consumers misleading information. It is also illegal to make a misleading omission, including hiding or omitting material information that the average consumer needs to make an informed choice. Breach of the Regulations may result in the commission of a criminal offence. The Regulations apply to both online and offline commercial activity.

For non-broadcast adverts (including online ads), the ASA works within this legal framework, to make sure that advertising in the UK is not misleading or unfair. The ASA can refer advertisers who persistently break the CAP code to Trading Standards for enforcement action under the 2008 Regulations. In effect, Trading Standards acts as the ASA's legal 'backstop'.

The [Competition and Markets Authority \(CMA\)](#) may also address misleading advertising in appropriate cases, for example, where it points to systematic failures in a market.

⁹ [Dog Trust, Public Affairs \[website visited 8 December 2021\]](#)

5.1 Consumer protection legislation and animal sales

The ASA does not cover contractual disputes, this is covered by consumer protection legislation. Animals, including pets (the sale of puppies, kittens etc) are considered “goods” under the [Consumer Rights Act 2015](#) (CRA 2015). When purchasing from a business, the Act stipulates that goods must be of satisfactory quality, be fit for purpose, and be as described. If these consumer rights are breached, the buyer may be entitled to reject the goods and receive a refund or to request a replacement. Obviously, the difficulty is proving whether an animal is of satisfactory quality and fit for purpose, and disputes tend to focus on what it would have been “reasonable” for the seller to have known. Further details can be found in the [Commons Briefing on the Consumer Rights Act 2015](#).

When purchasing an animal from a private individual (i.e., someone not operating in the course of a business), key provisions of the CRA 2015 do not apply. The consumer’s only right would be for the goods to match their description. In other words, if the animal is advertised as being a certain breed and a certain age, then this must be true. Any representations that the animal is in “good health” must have been true when the contract was made.

The [Misrepresentation Act 1967](#) may also be relevant in respect of any representations made by the seller that persuaded the consumer to enter the contract. For example, representations about what vaccines/boosters the animal has received, its age and history (including the health of its parents and where it was bred). If the animal has been knowingly misdescribed the buyer may be able to take action against the seller for misrepresentation or breach of contract.

6 Government position

The [Government response in July 2021 to the e-petition](#) calling for the regulation of online sales of animals set out the measures that have been introduced on the sales of pets, as set out in section 3 above.

In addition, in the response it set out its support for PAAG’s minimum standards:

Defra has also backed a set of Minimum Standards that PAAG developed which several of the UK’s largest classified websites have agreed to meet. We have been encouraged to see certain online marketplaces adopting initiatives to strengthen personal verification of sellers as a means for improving authenticity and traceability of pet sales online. If anyone has

concerns about the welfare of an animal that is sold online they should report the matter to the relevant local authority.¹⁰

The response also referred to [Defra's Petfished campaign](#). The campaign provides advice on buying a dog or a cat, and advice when buying from breeders; and also recommends that anyone concerned about a seller should report them to the [RSPCA Cruelty Hotline](#).

The response also set out further proposed legislation set out in the May 2021 [Animal Action Plan](#), covering the commercial imports of pets for sale in the UK aimed at tackling the problem of puppy smuggling:

One key reform in the plan is to end the abhorrent, cruel practices of puppy smuggling and low-welfare pet imports. As part of the Action Plan, we are now making some significant changes to domestic law through the recently introduced [Animal Welfare \(Kept Animals\) Bill](#). The Bill was introduced in Parliament on 8 June. The Animal Welfare (Kept Animals) Bill will deliver our ambitious manifesto commitment to put an end to illegal puppy smuggling. The Bill includes powers to introduce new restrictions on pet travel and the commercial import of pets on welfare grounds, via secondary legislation.¹¹

A similar position on online sales was set out by the Government more recently in a [written response](#) on 18 November 2021.

Online advertising programme to be launched

In February 2019, the Department for Digital, Culture, Media and Sport (DCMS) announced a [Call for Evidence](#) on online advertising, which closed on 4 May 2020. One of the stated aims of the call for evidence was to “ensure standards about the placement and content of advertising can be effectively applied and enforced online so that consumers have limited exposure to harmful or misleading advertising.”¹²

In its [response](#) to the e-petition, the Government made clear that the responsibility for changing the rules for online advertising lies with the Advertising Standards Agency, which is the UK's independent advertising regulator:

Beyond the remit of trading standards when it comes to acting as a statutory backstop for misleading advertising where cases are referred to it by the Advertising Standards Authority (ASA), the Government does not have a direct role to play in creating new rules relating to online advertising - this would be a matter for the ASA.¹³

¹⁰ [E-petition 587654 #Reggieslaw - Regulate online animal sales 7 December 2021](#)

¹¹ [E-petition 587654 #Reggieslaw - Regulate online animal sales 7 December 2021](#)

¹² [DCCMS, Online advertising - call for evidence, 18 March 2020](#)

¹³ [E-petition 587654 #Reggieslaw - Regulate online animal sales 7 December 2021](#)

However, the response also said the Government intended to launch an Online Advertising Programme later in the year. This will consider the regulation of online advertising and “whether there is a case for strengthening the regulatory framework around the content and placement of online advertising”. A [consultation is expected](#) before the end of 2021.

Further details of the role of the ASA can be found in the [Commons Briefing on Regulation of advertising by the ASA](#).

Disclaimer

The Commons Library does not intend the information in our research publications and briefings to address the specific circumstances of any particular individual. We have published it to support the work of MPs. You should not rely upon it as legal or professional advice, or as a substitute for it. We do not accept any liability whatsoever for any errors, omissions or misstatements contained herein. You should consult a suitably qualified professional if you require specific advice or information. Read our briefing [‘Legal help: where to go and how to pay’](#) for further information about sources of legal advice and help. This information is provided subject to the conditions of the Open Parliament Licence.

Feedback

Every effort is made to ensure that the information contained in these publicly available briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Please note that authors are not always able to engage in discussions with members of the public who express opinions about the content of our research, although we will carefully consider and correct any factual errors.

You can read our feedback and complaints policy and our editorial policy at commonslibrary.parliament.uk. If you have general questions about the work of the House of Commons email hcenquiries@parliament.uk.

The House of Commons Library is a research and information service based in the UK Parliament. Our impartial analysis, statistical research and resources help MPs and their staff scrutinise legislation, develop policy, and support constituents.

Our published material is available to everyone on commonslibrary.parliament.uk.

Get our latest research delivered straight to your inbox. Subscribe at commonslibrary.parliament.uk/subscribe or scan the code below:



 commonslibrary.parliament.uk

 [@commonslibrary](https://twitter.com/commonslibrary)