



## **Analysis of the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021**

### **Focus: Rabbit Breeding and Welfare Enforcement (2023–2025)**

#### **Executive summary**

Freedom of Information (FOI) responses from Scottish councils reveal that only **11 rabbit breeding licences** were issued between 2023 and 2025, with **no recorded enforcement actions** over that period. This stark gap between statutory intent and operational practice exposes systemic weaknesses in implementation, transparency, and welfare protection.

Crucially, the absence of enforcement does not indicate sector-wide compliance. Instead, it reflects limitations in monitoring and data capture: **most councils were unable to confirm whether proactive inspections or investigations had been conducted**, suggesting that the regulatory framework is not being applied with sufficient rigour to safeguard rabbit welfare.

The **Animal Welfare Act 2006, sections 13–14**, provides the Secretary of State with explicit powers to make or amend licensing regulations and to issue statutory Codes. This means that licensing or Codes for rabbits can be introduced via **secondary legislation (Statutory Instrument)** without requiring a new Act of Parliament.

Scotland's **Schedule 8** under the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 demonstrates that secondary regulation can function in principle; however, **implementation design (licensing thresholds, inspection rules, and reporting duties)** is critical to achieving meaningful welfare outcomes.

To address the shortcomings identified in the FOI analysis, this report recommends targeted statutory, operational, and data reforms, including:

- **Lowering the licensing threshold** so that typical rabbit-breeding activity is captured;
- **Requiring pre-licence assessments and annual inspections**, with veterinary input where appropriate;
- **Mandating standardised data recording and public reporting** by local authorities;
- **Introducing mandatory record-keeping and traceability** for all rabbit sales, including online transactions; and



- **Recognising and licensing rescues** as legitimate welfare providers with defined minimum operating standards.

These measures would strengthen enforcement capacity, close identified gaps in oversight, and ensure the licensing framework fulfils its preventive purpose in protecting one of the UK’s most vulnerable companion species.

## 1. Introduction

This report analyses the implementation and impact of the *Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021* (“the 2021 Regulations”) in respect of rabbit breeding activities.

The Regulations, which came into force on **1 September 2021**, were designed to ensure high welfare standards through a licensing regime overseen by local authorities. This review evaluates whether the legislation is achieving that aim in practice.

**Legislation Source:** The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 (SSI 2021/84)

[legislation.gov.uk/ssi/2021/84/contents](https://legislation.gov.uk/ssi/2021/84/contents)

## 2. Methodology and Summary of Findings

Between **May and October 2025**, Freedom of Information (FOI) requests were submitted to all 32 Scottish local authorities to gather data covering the period from: **January 2023 and November 2025** – see **Appendix**. The aim was to determine:

- the number of rabbit-breeding licences issued,
- the frequency of inspections, and
- the nature of any enforcement or welfare actions taken.

Thirty-one councils provided data; South Ayrshire Council’s response was pending at the time of publication.

Category	Finding	Commentary
Councils reporting no licences	28	Suggests either no breeding activity meeting the threshold or a widespread failure to

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Category	Finding	Commentary
		identify or enforce against unlicensed breeders.
Councils with active licences	3 (North Lanarkshire, Perth & Kinross, South Lanarkshire)	Only 10% of councils reported any licensed activity.
Total licences issued (2023–2025)	11 known	A critically low number, indicating that the legislation is not capturing the majority of breeding activity.
Councils recording welfare/enforcement actions	0	No suspensions, revocations, or warnings issued during the three-year period.

### 3. Legal Dissection and Analysis of Regulatory Weakness

The data expose two principal deficiencies within the rabbit breeding licensing system:

1. **An excessively high licensing threshold**, and
2. **Inadequate enforcement by local authorities.**

#### 3.1 The Flawed Licensing Threshold

Regulatory Area	Key Provision (2021 Regs)	Analysis of Impact
<b>Rabbit threshold</b>	Schedule 1, Part 6, Paragraph 20 – A licence is required for breeding <b>six or more litters</b> in any 12-month period.	This threshold permits individuals to breed up to five litters annually <b>without inspection or licensing</b> . The bar is <b>twice as high</b> as for dogs and cats, despite rabbits' <b>higher reproductive rate</b> and comparable welfare needs.
<b>Comparison to cats/dogs</b>	Schedule 1, Parts 4 & 5 – A licence is required for <b>three or more litters</b> .	The inconsistency creates a <b>regulatory loophole</b> , allowing small-to-medium-scale rabbit breeders to operate <b>without oversight</b> , even if they produce <b>dozens of kits annually</b> .

**The current threshold undermines the preventive purpose (ratio legis) of the Regulations.** By allowing up to five litters annually without requiring a licence, the law renders most rabbit breeding

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activity invisible to regulatory oversight. This likely explains the near-total absence of licensing data across Scottish councils—**28 out of 32 reported zero rabbit breeding licences issued between 2023 and 2025**, with only **11** licences recorded in total.

### 3.2 Failure of Local Authority Enforcement and Welfare Oversight

The finding of **zero enforcement actions** among the eleven licensed premises, coupled with the very low number of licences overall, points to a systemic failure in local authority oversight. The following table highlights the gap between the robust welfare standards provided for in law and the minimal enforcement achieved in practice.

Regulatory Area	Key Legal Provision (2021 Regs)	Implication of FOI Findings
<b>(i) Sale and Age</b>	Schedule 8, para 2(1): No kit under 8 weeks of age may be sold or permanently separated from its mother.	Failure to monitor breeding and sale practices allows early weaning, leading to gut stasis, poor socialisation, and behavioural issues.
<b>(ii) Breeding Limits</b>	Schedule 8, para 7(3): No female rabbit may (a) be mated if under 5 months old; (b) produce more than 4 litters in 12 months; (c) produce more than 16 litters in her lifetime; or (d) be mated if 6 years or older.	Protection of the doe’s welfare depends on councils auditing detailed breeding records—something not evidenced in any FOI response.
<b>(iii) Health and Genetics</b>	Schedule 8, para 7(4): Rabbits must not be bred if doing so could have a detrimental effect on their own health or that of their offspring.	Effective enforcement would require veterinary input to identify hereditary disorders such as dental malocclusion; the absence of any recorded enforcement indicates this scrutiny is lacking.
<b>(iv) Housing and Environment</b>	Schedule 8, para 4: Rabbits must have separate areas for sleeping and exercise, with room to lie fully stretched, hop, and turn; continuous access to suitable forage and water is mandatory.	Weak inspection practice risks rabbits being kept in environments that fail to meet their complex behavioural and physiological needs (digging, hiding, social interaction).
<b>(v) Enforcement Powers</b>	Regulation 17: Authorises councils to suspend or revoke licences for welfare breaches or non-compliance.	The total absence of suspensions or revocations suggests either a lack of investigative capacity or a failure to exercise statutory powers.



Regulatory Area	Key Legal Provision (2021 Regs)	Implication of FOI Findings
(vi) Advertising Requirements	Schedule 8, para 2(3): Advertisements must display the licence number and the licensing authority.	Councils are required to monitor advertising to identify unlicensed breeding, yet the very small number of licences implies this oversight is not occurring.

### Interpretive summary

Where councils possess the *potestas* (legal power) to inspect but seldom apply it, animal welfare becomes dependent on voluntary honesty rather than statutory oversight—a situation inconsistent with the preventive purpose of the Regulations.

#### 3.2.1 Legal Coherence: Threshold vs Limits

An additional complexity arises from the interaction between **Schedule 1, Part 6, para 20** and **Schedule 8, para 7(3)**.

Concept	Legal Source	Function
Licensing Threshold	<i>Schedule 1, Part 6, para 20</i> : A licence is required for breeding six or more litters in any 12-month period.	Determines <b>who</b> must obtain a licence.
Breeding Limits	<i>Schedule 8, para 7(3)</i> : A licensed breeder must not allow any doe to produce more than four litters in 12 months.	Determines <b>what</b> a licence-holder may lawfully do.

Although not legally contradictory, these provisions form what can be termed a **compliance trap**:

- A breeder producing up to **five** litters a year operates legally **without** a licence.
- Upon producing a **sixth** litter, the activity **triggers** the need for a licence.
- Yet the act of producing that sixth litter **immediately breaches** the welfare condition limiting licensed does to four litters per year.

Thus, by the time a breeder becomes licensable, they may already be in breach of the very standards they would be required to uphold.



This circular structure renders enforcement impracticable: it relies on local authorities first identifying an unlicensed breeder, then retrospectively applying licence conditions to conduct that has already exceeded the lawful welfare limit.

In effect, the threshold defeats the preventive intent of the Regulations (*ratio legis*) and reduces the framework to reactive rather than proactive welfare control.

#### 4. Welfare Implications

##### 4.1 Impact of the Threshold

The threshold of six litters per year allows many active breeders to operate outside regulation. In practice, a rabbit can become pregnant again within days of giving birth. Without intervention, a single pair may produce over 30 offspring per year. Even limiting to four litters annually is taxing on the doe's health, risking exhaustion, uterine pathology, and reduced lifespan.

Hence, while a breeding frequency may be *lawful*, it is not necessarily *humane*. Lawful conduct and ethical welfare are not always congruent (*de jure vs de facto*).

##### 4.2 Hereditary and Behavioural Concerns

Unregulated breeding contributes to congenital disorders such as dental malocclusion, splay leg, and neurological deformities. Early separation and poor socialisation often produce fearful, aggressive, or withdrawn rabbits, increasing abandonment rates and rehoming difficulty.

##### 4.3 Burden on Rescues

Rescues report consistent overcapacity, with rabbits surrendered due to illness, behaviour, or unwanted litters.

Licensed rescues must meet the standards under Schedule 8 and pay recurring fees, whereas unlicensed breeders face little scrutiny. This inequity effectively penalises welfare organisations while leaving the root cause of overbreeding untouched.

#### 5. Enforcement and Inspection Gaps

- **Frequency of Inspections:** FOI responses confirm that inspections typically occur only at initial application or renewal, often every 1–3 years.

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- **Expertise Deficit:** Many councils lack inspectors with rabbit-specific knowledge; veterinary input is discretionary, not mandatory.
- **Reactive Approach:** Councils act mainly upon complaint rather than through proactive investigation, contrary to the preventive purpose of the Regulations.

Consequently, the practical protection for rabbits is minimal. The welfare safety net functions post-factum, once harm has occurred.

## 6. Fairness and Proportionality

Administrative fairness requires that regulatory burdens correspond to actual risk. Yet the inverse applies here: rescues (low risk) carry heavier administrative obligations, while unlicensed breeders (high risk) remain unregulated.

Local authorities set their own licence fees, and although discretionary reductions for rescues are permitted, few organisations appear to have been informed.

This asymmetry compromises both **equity** and **public confidence**. It transforms a protective framework into a procedural façade — a system lawful on paper but ineffective in substance.

## 7. Recommendations

### Recommendation 1: Amend the Licensing Threshold

- **Action:** Amend Schedule 1, Part 6, Paragraph 20 to reduce the threshold from six to **three litters** in any 12-month period.
- **Rationale:** Aligns with cat and dog regulations and captures the majority of small-scale commercial breeders.
- **Expected Outcome:** Expands oversight to include the bulk of Scotland's active breeding operations.

### Recommendation 2: Mandate and Resource Proactive Enforcement

- **Action:** Require councils to allocate a portion of licensing income to enforcement.
- **Measure:** Active monitoring of online and print advertisements for licence numbers, as required by Schedule 8(2)(3).
- **Outcome:** Improved detection of unlicensed breeders and deterrence of non-compliance.

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### **Recommendation 3: Standardise and Strengthen Inspections**

- **Action:** Require annual, documented inspections for all licensed breeders.
- **Measure:** Mandate veterinary participation in inspections, ensuring accurate assessment of breeding frequency, housing, and health.
- **Outcome:** Greater consistency, rigour, and credibility across local authorities.

### **Recommendation 4: Balance the System for Rescues**

- **Action:** Introduce reduced or waived fees for charitable Animal Welfare Establishments (AWEs) meeting defined welfare criteria.
- **Outcome:** Removes financial disincentives for compliance and acknowledges rescues' public service role.

### **Recommendation 5: Publish a Centralised Register and Annual Report**

- **Action:** Establish a national, publicly accessible register of licences and inspection outcomes.
- **Outcome:** Enhances transparency, accountability, and policy evaluation.

## **8. Conclusion**

The 2021 Regulations represent a significant legal commitment to animal welfare. Yet FOI evidence reveals that, in practice, the framework remains largely dormant. The combination of a high licensing threshold and minimal enforcement renders the system ineffective at preventing poor welfare, excessive breeding, and the proliferation of unwanted rabbits.

For rescues, the imbalance is stark: while compliance costs rise, preventable welfare cases continue unabated. Scotland's regulatory regime, though progressive *de jure* ("in law"), remains weak *de facto* ("in reality"). Bridging this gap requires not new principles, but the faithful application of existing ones: clarity, consistency, and compassion.

Only through such reform can the Regulations fulfil their intended purpose—protecting rabbits before suffering occurs, not merely recording it after the fact. This failure to act proactively is inconsistent with the preventive duty enshrined in Section 9 of the Animal Welfare Act 2006, which mandates the protection of animals from suffering before it arises.



## Implications for England

The Scottish FOI dataset provides a practical, evidence-based foundation for shaping any future **Statutory Instrument** introducing rabbit licensing and statutory Codes under the **Animal Welfare Act 2006**.

It demonstrates that licensing rabbits under an excessively high threshold—without active enforcement or mandatory veterinary oversight—fails to deliver meaningful welfare improvement. The absence of inspections, enforcement actions, and compliance data suggests that the current framework does not protect rabbits in practice.

To avoid replicating these shortcomings, any English reform should:

- **Lower the licensing threshold** to capture small-scale commercial breeding
- **Mandate annual inspections**, with veterinary participation
- **Require public reporting** of licensing and enforcement outcomes

These measures would align rabbit welfare protections with those already afforded to dogs and cats, and ensure that licensing functions as a proactive safeguard—not a procedural formality.



### **Appendix – Results of 32 councils surveyed**

Council / Organisation	2023 Licences	2024 Licences	2025 Licences	Comments
Aberdeen City Council	0	0	0	No rabbit breeding licences issued for any period.
Aberdeenshire Council	0	0	0	No rabbit breeding licences issued for any period.
Angus Council	0	0	0	No rabbit breeding licences issued for any period.
Argyll & Bute Council	0	0	0	No rabbit breeding licences issued for any period.
Clackmannanshire Council	0	0	0	No rabbit breeding licences issued for any period.
Comhairle nan Eilean Siar (Western Isles)	0	0	0	No rabbit breeding licences issued for any period.
Dumfries & Galloway Council	0	0	0	No rabbit breeding licences issued for any period.
Dundee City Council	0	0	0	No rabbit breeding licences issued for any period.
East Ayrshire Council	0	0	0	No rabbit breeding licences issued for any period.
East Dunbartonshire Council	0	0	0	No rabbit breeding licences issued for any period.
East Lothian Council	0	0	0	No rabbit breeding licences issued for any



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				period.
East Renfrewshire Council	0	0	0	No rabbit breeding licences issued for any period.
City of Edinburgh Council	0	0	0	No rabbit breeding licences issued for any period.
Falkirk Council	0	0	0	No rabbit breeding licences issued for any period.
Fife Council	0	0	0	No rabbit breeding licences issued for any period.
Glasgow City Council	0	0	0	No rabbit breeding licences issued for any period.
Highland Council	0	0	0	No rabbit breeding licences issued for any period.
Inverclyde Council	0	0	0	No rabbit breeding licences issued for any period.
Midlothian Council	0	0	0	No rabbit breeding licences issued for any period.
Moray Council	0	0	0	No rabbit breeding licences issued for any period.
North Ayrshire Council	0	0	0	No rabbit breeding licences issued for any period.
North Lanarkshire Council	2	2	1	A licensing visit took place on 5/12/2024 no concerns raised.
Orkney Islands Council	0	0	0	No rabbit breeding licences issued for any period.

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Perth & Kinross Council	2	1	0	Three (3) routine licence renewal inspections have taken place from 2023 - 06052025
Renfrewshire Council	0	0	0	No rabbit breeding licences issued for any period.
Scottish Borders Council	0	0	0	No rabbit breeding licences issued for any period.
Shetland Islands Council	0	0	0	No rabbit breeding licences issued for any period.
South Ayrshire Council	0	0	0	DATA PENDING
South Lanarkshire Council	1	2	0	Licence issued following inspection in respective year. No subsequent enforcement or welfare actions recorded. Individual licensed in 2023, continues to hold licence in 2024
Stirling Council	0	0	0	No rabbit breeding licences issued for any period.
West Dunbartonshire Council	0	0	0	No rabbit breeding licences issued for any period.
West Lothian Council	0	0	0	No rabbit breeding licences issued for any period