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

DRAFT STATUTORY INSTRUMENTS

2014 No. XXXX

ANIMALS

ANIMAL WELFARE

The Microchipping of Dogs (England) Regulations 2014

Made - - - - *********

Coming into force in accordance with regulation 1(b)

The Secretary of State, in exercise of the powers conferred by section 12 of the Animal Welfare Act 2006(**1**), makes the following Regulations.

In accordance with section 12(6) of that Act, the Secretary of State has consulted those persons appearing to the Secretary of State to represent concerned interests.

In accordance with section 61(2) of that Act, a draft of these Regulations has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement, cessation and application

1. These Regulations—

(a) may be cited as the Microchipping of Dogs (England) Regulations 2014;

(b) come into force on the day after the day on which they are made;

(c) cease to have effect at the end of the period of seven years beginning with the day on which they come into force; and

(d) apply in England.

Interpretation

2. In these Regulations—

(a) "authorised person" has the meaning given by regulation 11;

(b) "local authority" means—

(**1**) 2006 c.45.

where there is a unitary authority, within the meaning of the Local Government Changes for England Regulations 1994(**2**), that authority;

where there is not a unitary authority—

(i) in a metropolitan district, the council of that district;

(ii) in a non-metropolitan county, the council of that county or the council of a district within the county area;

(iii) in each London borough, the council of that borough;

(iv) in the City of London, the Common Council; or

(v) the Council of the Isles of Scilly;

(c) "microchipped" means microchipped in accordance with regulation 3.

(d) "Keeper" means—

in relation to an assistance dog (within the meaning of section 173(1) of the Equality Act 2010(**3**))—

(i) until the dog ceases working as an assistance dog, the body responsible for its training and allocation;

(ii) after the dog has ceased working as an assistance dog, the person with whom it normally resides;

in relation to a new-born puppy the owner of the bitch which gave birth to it; and

in relation to any other dog the person with whom it normally resides.

Obligation to microchip dogs

3.—(1) Subject to paragraphs (2) and (4), from 6 April 2016 every keeper of a dog which has not been implanted with a microchip by that date—

(a) which is older than 8 weeks; and

(b) which is not a certified working dog for the purposes of section 6(3) of the Animal Welfare Act 2006(**4**),

must ensure that it is microchipped.

(2) Paragraph (1) does not apply for as long as a veterinary surgeon certifies, on a form approved by the Secretary of State, that a dog should not be microchipped for reasons of the animal's health.

(3) Subject to paragraph (4), from 6 April 2016 a keeper who imports a dog must ensure that the dog is microchipped in accordance with paragraph (5) within 30 days of importing the dog unless a veterinary surgeon certifies, on a form approved by the Secretary of State, that the dog should not be microchipped for reasons of the animal's health.

(4) A certificate issued under paragraph (2) or (3) must state the period for which the dog will be unfit to be microchipped.

(5) A dog is microchipped where—

(a) a microchip which complies with regulation 4 has been implanted in the dog; and

(b) the details set out in regulation 5 are recorded on a database by a database operator meeting the conditions set out in regulation 6.

(**2**) S.I. 1994/867, to which there are amendments not relevant to these Regulations.
(**3**) 2010 c.15.
(**4**) 2006 c.45.

Form of microchip

4. From the date these regulations come into force any microchip implanted in a dog must meet the following requirements—

(a) it must have a unique number which includes the manufacturer's code;

(b) it must be compliant with ISO standard 11784:1996 of the International Standards Organisation's standards for microchips(**5**);

(c) it must be compliant with ISO standard 11785:1996 of the International Standards Organisation's standards for microchips apart from Annex A; and

(d) it must respond to a transponder which operates at 134.2 kilohertz and conforms with the FDXB protocol set out in ISO standards 11784:1996 and 11785:1996.

Details to be recorded on databases

5.—(1) The details to be recorded on a database are—

(a) the full name and address of the keeper;

(b) where applicable, the fact that the keeper is also the breeder;

(c) if the keeper is the breeder and is licensed by the local authority under the Breeding of Dogs Act 1973(**6**)—

(i) the breeder's licence number; and

(ii) the name of the local authority by which they are licensed;

(d) the original name or identification number given to the dog;

(e) the contact telephone number (if any) for the keeper;

(f) the name given to the dog by the keeper, if that is different to the details recorded pursuant to sub-paragraph (d);

(g) the sex of the dog;

(h) the breed of the dog, or a description if it is a cross-breed;

(i) the colour of the dog;

(j) the most accurate estimate of the dog's date of birth which the keeper is capable of giving; and

(k) the unique number of the microchip implanted in the dog.

(2) In this regulation "breeder" means any keeper of a bitch which whelps, whether or not they carry on a business as a breeder of dogs.

Conditions to be met by a database operator

6.—(1) From 1 March 2015 a database operator must—

(a) have sufficient database capacity to store electronically, and retrieve, all the details provided to it by keepers in accordance with regulation 3;

(b) back up all this data at a secure, off-site facility every day;

(c) provide any information in regulation 5 requested by an authorised person;

(d) provide any information in regulation 5 requested by a keeper of a dog in relation to that dog;

(**5**) ISO Central Secretariat, International Organization for Standardization (ISO), 1 rue de Varembé, Case postale 56, CH-1211, Geneva 20, Switzerland.
(**6**) 1973 c. 60.

(e) have a system for identifying people authorised for the purposes of these Regulations when they make inquiries about dogs whose details are recorded on their database;

(f) have a system for identifying keepers of dogs when they make inquiries about dogs whose details are recorded on their database;

(g) maintain records to demonstrate that the database operator is complying with the requirements of this regulation;

(h) have a system for answering telephone and on-line requests for details stored on their database at all times;

(i) have a system for redirecting telephone queries relating to dogs whose details are recorded on other databases which comply with paragraph (2)(a) to the operators of those databases; and

(j) be able to automatically redirect on-line requests relating to dogs whose details are recorded on other databases which comply with paragraph (2)(a) to those databases.

(2) A database operator must—

(a) make available to other relevant database operators operating in accordance with this regulation the information necessary to allow those other database operators to determine which microchip numbers relate to dogs whose details are recorded on that database; and

(b) have a system for responding directly to the inquirer to any query received in accordance with paragraph (1)(i) or (1)(j).

(3) In this regulation "relevant database operator" means a database operator—

(a) which holds itself out as complying with this regulation; and

(b) on which the Secretary of State has not served a notice under regulation 7(2)(a).

(4) In this regulation "on-line request" means a request submitted to a database operator in the manner provided for by the database operator's website.

Powers of the Secretary of State

7.—(1) From 1 March 2015 the Secretary of State may serve a notice on a database operator requiring it to provide—

(a) any information recorded on the database;

(b) any information relating to the functioning of the regulatory regime established by these regulations;

(c) any information necessary to demonstrate that it is meeting the conditions in regulation 6.

(2) Where the Secretary of State is satisfied that a database operator does not meet the conditions in regulation 6, the Secretary of State may serve a notice requiring the operator—

(a) to cease holding itself out as meeting the conditions in regulation 6;

(b) to provide the Secretary of State or another database operator with an electronic copy of all the data recorded on its database pursuant to regulation 3(5)(b).

Change of keeper

8.—(1) From 6 April 2016, where a dog is transferred to a new keeper, the new keeper must, unless the previous keeper has already done so, record their full name, address and contact telephone number (if any) and any change in the dog's name with the database on which the dog's details are recorded pursuant to regulation 3(5)(b).