

EXPLANATORY MEMORANDUM TO
THE MICROCHIPPING OF DOGS (ENGLAND) REGULATIONS 2014

2014 No. [XXXX]

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 The Microchipping of Dogs (England) Regulations 2014 require that, from April 2016, all keepers of dogs in England must have their dog microchipped with their and their dog's details registered on a reunification database. The Regulations set standards for the microchips and databases that will need to be used in order to be compliant with the Regulations. The requirement will reduce the number of dogs that need to be kennelled, rehomed or put down because their keepers cannot be traced.

3. Matters of special interest to the [Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments]

3.1 None

4. Legislative Context

4.1 The Microchipping of Dogs (England) Regulations fulfil undertakings given by the Government to Parliament to introduce secondary legislation under the Animal Welfare Act 2006 to require that dogs be microchipped (*Hansard*: The Minister of State, Department for Environment, Food and Rural Affairs 23 Apr 2012 : Column 30WS, and Secretary of State for Environment, Food and Rural Affairs 6 Feb 2013 : Column 15WS).

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

Lord de Mauley, Parliamentary Under Secretary of State, has made the following statement regarding Human Rights:

In my view the provisions of the Microchipping of Dogs (England) Regulations are compatible with the Convention rights.

7. Policy background

7.1 The Animal Welfare Act 2006 provides powers to the Secretary of State to introduce secondary legislation to promote the welfare of vertebrate animals in England. The policy objective of this instrument is to promote the welfare of dogs. A key component in promoting dog welfare is to achieve better traceability of all dogs and their keepers. Traceability allows lost dogs to be quickly re-united with their owners and avoids dogs having to spend unnecessary time in kennels with possible attendant welfare problems or having to be re-homed. It also allows abandoned dogs and nuisance dogs to be traced to their owners who may then be held to account. It may also lead back to irresponsible breeders or identify stolen dogs and help bring those responsible to account.

7.2 It is estimated that there are approximately 7.3 million dogs in England, with that number projected to increase in line with the number of households by 1.4% each year. Currently there are approximately 4.8m (66% of all dogs) dogs registered on a microchip database in England. This leaves an estimated 2.5 million dogs (34%) un-microchipped in England.

7.3 Over the last three years, an average of 102,000 stray dogs per year were passed on to English local authorities. Approximately 56,000 dogs were reunited with their owner identified through a collar; the owner enquiring after the dog; or, in around 23,000 cases, through a microchip. Of the remaining 46,000 dogs, 8,000 were put to sleep, 28,500 stray dogs were passed to welfare organisations for re-homing and 9,000 were re-homed by local authorities. The annual cost incurred both by local authorities and welfare organisations in dealing with stray dogs is approximately £32.5m.

7.4 Public interest in this area is high. Reports in the media of dangerous dogs or irresponsible dog ownership are routine. A Defra consultation on this subject in 2012 received some 27,000 responses. Since May 2010 Defra has received over 3500 pieces of correspondence on the issue of dog welfare and irresponsible dog ownership. During this Parliament there have been eleven debates covering dog related issues, four Early Day Motions tabled including reference to microchipping and over 100 parliamentary questions raised on dog welfare and irresponsible dog ownership.

7.5 The voluntary approach to increasing the number of dogs microchipped has been followed since microchipping was introduced twenty years ago. Whilst the numbers of dogs microchipped has risen slowly year on year from twenty years ago it is likely that this growth rate will decrease over time as a higher proportion of dogs become microchipped. It is likely there is a ceiling, well below what the Government would consider an acceptable level, on the number of dogs that would be microchipped maintaining the current voluntary approach.

7.6 Regulations 16 and 17 amend the Docking of Working Dogs' Tails (England) Regulations 2007 and the Welfare of Racing Greyhounds Regulations 2010 respectively, to align the microchip standards required in those Regulations to the standards required in this instrument.

8. Consultation outcome

8.1 Defra consulted on dangerous dogs policy both in 2010 and 2012. The 2012 consultation, held between 23 April to 15 June, focused on measures to promote responsible dog ownership, including seeking views on the way in which compulsory microchipping should be introduced in England. The consultation only ran for 8 weeks, reflecting the previous 12 week consultation on this issue in 2010. The 2010 consultation did not seek views on the method of introducing compulsory microchipping though key stakeholders have been extensively consulted since. Of the 27,000 responses to the 2012 consultation 96% supported compulsory microchipping (up from 84% of 1875 responses to the 2010 public consultation). Some 76% of the responses favoured requiring all dogs to be microchipped within a year of legislation coming into force.

8.2 Most of the stakeholders such as the Police, RSPCA, Blue Cross, Dogs Trust and Kennel Club expressed a wish for compulsory microchipping of all dogs by a set date. The British Veterinary Association and Battersea Dogs and Cats Home also favoured the set date approach, although they could have accepted a fully phased approach if that route was followed. The Advisory Council on Welfare Issues of Dog Breeding supported a fully phased approach. The Government response to the 2012 consultation was published on 6 February 2013 on the Defra website at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/120750/dogs-summary-responses-130206.pdf

9. Guidance

9.1 Microchipping is a relatively simple process that can be undertaken by all veterinary surgeons or anyone trained to carry out the procedure. A number of animal welfare groups and local authorities have been offering free microchipping for many years. Blue Cross and Battersea Dogs and Cats Home have been offering free microchipping at their respective centres and continue to do so and the Dogs Trust have made an offer to meet the cost of all microchips and have set aside £6 million for the provision of free microchips to veterinarians, local authorities and housing associations ahead of April 2016. A Dogs Trust campaign to encourage owners of unchipped dogs to get their dogs microchipped ahead of any legislation coming force is already underway. Defra also plan to undertake significant communications activity ahead of April 2016 to ensure dog breeders and keepers are aware of this new obligation. The Government will seek to publish articles in appropriate veterinarian, trade and commercial publications, arrange for posters and leaflets to be available in veterinary surgeries, provide information to all licensed breeders and publicise the changes outside of the United Kingdom.

10. Impact

10.1 The impact on business, charities and voluntary bodies is fully discussed in the Impact Assessment.

10.2 The impact on the public sector is likely to be beneficial, helping to reduce the burden on local authorities of the kennelling and care costs incurred from handling stray dogs, initially generating savings to local authorities of some £4.5m in 2017.

10.3 An Impact Assessment is attached to this memorandum and will be published alongside the Explanatory Memorandum on www.legislation.gov.uk.

11. Regulating small business

11.1 The legislation applies to small business. Most commercial breeders or dog traders are unlikely to employ more than 10 full-time employees.

11.2 To minimise the impact of the requirements on firms employing up to 20 people, the approach taken is provide a long lead in time, up to April 2016, to allow business and keepers to comply with the microchipping requirement. Further, it is likely that breeders will be able to pass the cost of the microchip onto the customer and this is unlikely to result in lower sales. The costs being passed on to keepers effectively mean that the burden will not be on micro-businesses but on the keepers to whom microchipping is providing the benefit of having their dogs returned if lost.

11.3 The basis for the final decision on what action to take to assist small business was developed after contact with stakeholders. Fifty-two percent of respondents to the 2012 consultation believed that the requirement to microchip would be beneficial to breeders. Any impact was felt to be negligible as the majority of responsible dog breeders already microchip their puppies prior to sale and many breeders may choose to be trained in microchipping to further reduce the impact.

12. Monitoring & review

12.1 The Regulations should improve animal welfare by increasing traceability of dogs through microchipping and encourage more responsible dog ownership. The Regulations will be subject to a full review by the Secretary of State no later than 5 years after they have come into force and the legislation amended as necessary.

13. Contact

Andy Patnelli at the Department for Environment, Food and Rural Affairs Tel: 0207 238 5899 or email: andy.patnelli@defra.gsi.gov.uk can answer any queries regarding the instrument.