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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2016 No.**

**The Microchipping of Dogs (Scotland) Regulations 2016**

**Powers of an authorised person**

**12.—**(1) From 6th April 2016, on producing (if required to do so) the written authorisation mentioned in regulation 11(1)(a) or (b) or other official identity document in the case of a constable, an authorised person may—

- (a) take possession of a dog for as long as reasonably required without the consent of the keeper of the dog for any of the following purposes—
  - (i) to check if a compliant microchip has been implanted in the dog; and
  - (ii) to check if a compliant microchip transmits the number encoded in it when scanned by an appropriate transceiver;
- (b) serve on the keeper of a dog a notice requiring the keeper to—
  - (i) where the dog has not been microchipped, have the dog microchipped;
  - (ii) where there has been a failure of a compliant microchip implanted in the dog to transmit the number encoded in it when scanned by an appropriate transceiver, have the dog implanted with a compliant microchip; or
  - (iii) where there has been a failure to comply with regulation 6(7), comply with regulation 6(7),within 21 days beginning with the day on which the notice is served; and
- (c) where the keeper of a dog has failed to comply with a notice served under sub-paragraph (b), without the consent of the keeper—
  - (i) take possession of a dog for as long as reasonably required and arrange for the dog to be microchipped;
  - (ii) notify the database operator of the database on which the dog's details are recorded by virtue of regulation 6(5)(b) the correct details set out in regulation 7; or
  - (iii) recover from the keeper the cost of doing so.

(2) An authorised person may enter any premises except domestic premises at all reasonable times, on producing (if required to do so) evidence of that person's authority, for the purpose of ascertaining whether these Regulations are being, or have been, complied with.

(3) If a sheriff or justice of the peace is satisfied by evidence on oath laid by any authorised person that there are reasonable grounds for suspecting that an offence against these Regulations has been or is being committed at any premises, the sheriff or justice may issue a warrant authorising any authorised person to enter those premises, by reasonable force if need be, and inspect them and any animals or any thing found there.

- (4) An authorised person entering any premises by virtue of paragraph (2) or (3) may—
- (a) inspect and copy any records (in whatever form they are held) kept under these Regulations, or remove such records to enable them to be copied;
  - (b) inspect and check the operation of any computer and any associated apparatus or material which is or has been in use in connection with the records;

- (c) for that purpose, require any person having charge of, or otherwise concerned with, the operation of the computer, apparatus or material to afford the authorised person such assistance as the authorised person may reasonably require (including providing the authorised person with any necessary passwords);
  - (d) where a record is kept by means of a computer, require the record to be produced in a form in which it may be taken away;
  - (e) examine, or require the examination of, any dog or any other animal kept on the premises; and
  - (f) take on to the premises such persons to give the authorised person such assistance and such equipment as the authorised person considers necessary.
- (5) A warrant issued under paragraph (3)—
- (a) may authorise persons to accompany the person who is executing the warrant; and
  - (b) continues in force for the period of one month commencing with the date of issue.
- (6) The power of entry conferred by a warrant issued under paragraph (3) may be exercised at all reasonable times and any person entering the premises in exercise of that power must—
- (a) produce the warrant if so required; and
  - (b) comply with such precautions (if any) as the sheriff or justice of the peace may specify to prevent the spread among animals of infectious or contagious diseases.
- (7) If an authorised person enters any unoccupied premises, the authorised person must leave them as effectively secured against entry as the authorised person found them.