



Department
for Environment
Food & Rural Affairs

Consultation on cat and dog microchipping legislation in England

Date: 22 March 2022

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We work closely with our 33 agencies and arm's length bodies on our ambition to make our air purer, our water cleaner, our land greener and our food more sustainable. Our mission is to restore and enhance the environment for the next generation, and to leave the environment in a better state than we found it.



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caws.consultations@defra.gov.uk

Contents

Part 1 – Introduction	4
Introduction.....	4
Context	4
Purpose and scope.....	4
Background.....	6
Post-implementation review outcomes	6
Pet Theft Taskforce recommendations	7
Cat Microchipping.....	8
How to respond	9
What will we do after the consultation?	9
Part 2 – Consultation	11
About you	13
Consultation Questions	15
Further Comments.....	32

Part 1 – Introduction

Introduction

This consultation is seeking views on proposals for changes to provisions in the Microchipping of Dogs (England) Regulations 2015.

Context

Under the Microchipping of Dogs (England) Regulations 2015¹ (“the 2015 Regulations”), it is compulsory for all dogs in England over the age of eight weeks to be implanted with microchips unless they are certified as exempt by a veterinarian. In December 2021, Defra published a post-implementation review of the 2015 Regulations² which assessed the effectiveness of the current legislation.

Additionally, the UK government’s Pet Theft Taskforce published a report in September 2021 recommending various measures to help tackle pet theft, which included improvements to the microchipping regime. The UK government also has a manifesto commitment to introduce compulsory cat microchipping, which was subject to consultation in 2021³.

The intention is to introduce new secondary legislation when parliamentary time allows, combining requirements for both mandatory cat and dog microchipping into one new set of regulations. The new legislation will retain the purpose and provisions of the 2015 Regulations and will incorporate improvements and make them applicable to both dogs and cats.

Purpose and scope

This consultation is seeking views on potential changes which could be included in new secondary legislation that will combine a new cat microchipping requirement with the existing requirements for compulsory dog microchipping. These proposed changes aim to improve the operation of the microchipping database system, making it easier to identify pet

¹ [The Microchipping of Dogs \(England\) Regulations 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

² [Post-implementation Review of The Microchipping of Dogs \(England\) Regulations 2015](#)

³ [Summary of Responses and Government Response](#)

keepers and to reunite pets with their keepers, thereby reducing costs to local authorities, vets and animal shelters.

The intention is that the proposed changes will improve the overall effectiveness of the microchipping regime, leading to benefits for animal welfare and deterring pet theft. The proposals will apply to both cat and dog microchipping, unless otherwise specified.

This consultation is seeking views on our proposed solutions, which will help us to understand the impacts of the suggested regulatory changes on stakeholders so that we can mitigate risks and unintended consequences. We also want to ensure that solutions can be effectively implemented.

The post-implementation review of the 2015 Regulations highlighted potential improvements to the current microchipping regime to help it achieve its full potential, particularly in relation to the operation of the database system and how the 2015 Regulations are enforced. This consultation predominantly focuses on proposals to improve the operation of the database system.

The review identified variation in the levels of enforcement between local authorities. This is being considered separately and is out of the scope of this consultation.

Both the targeted stakeholder consultation for the review and the public consultation on compulsory cat microchipping in 2021 demonstrated considerable support for the introduction of Fixed Penalty Notices (FPNs) which may make it easier for local authorities to enforce the regulations and reduce administrative burden.

The Animals (Penalty Notices) Bill has recently been introduced by Andrew Rosindell MP as a Private Member's Bill in the current Parliamentary session. If this is enacted, it is likely to provide powers to enable penalty notices to be introduced through secondary legislation. The decision to use powers will be subject to further engagement should the Bill be enacted. Defra will also consider developing best practice guidance to support local authorities to enforce the regulations effectively.

We plan to publish on GOV.UK a summary of the responses received to this consultation. The findings of the consultation will help us determine which new measures to take forward.

Microchipping of animals for animal welfare purposes is a devolved issue, and the measures in this consultation will apply to England only. The Devolved Administrations have their own equivalent regulations in respect of microchipping of dogs. We are working with the Devolved Administrations on this policy issue as the microchip databases also operate within their territories.

Background

Post-implementation review outcomes

The main objective of the 2015 Regulations is to increase the re-unification rates of lost and stray dogs, benefiting dog welfare. It was anticipated that the 2015 Regulations would also save local authorities and charities kennelling costs, as more dogs would be reunited with their keepers quickly. Other intended effects included making it easier to identify breeders and keepers who are not caring properly for the dogs they keep.

The statutory post-implementation review of the 2015 Regulations, which was published in December 2021, concluded that the regulations appeared to have met their main objective of increasing traceability of dogs, leading to a reduction in stray dogs and an increase in reunification rates. The 2015 Regulations appear to have largely met the objective of reduced costs to local authorities, animal charities and kennels.

Since mandatory microchipping for dogs was introduced in 2016, 89% of keepers have now ensured their pet is chipped and details registered on a compliant database. The 66% reduction in the number of stray dogs dealt with by Local Authorities in 2021 compared with 2016 is also evidence of the impact of microchipping.

The review did not obtain clear evidence to indicate whether the 2015 Regulations have decreased poor dog breeding conditions and have led to longer-term positive outcomes for dog health and welfare due to enhanced breeder and keeper traceability.

In addition to the positive outcomes associated with the introduction of compulsory dog microchipping, the review identified a number of areas in which the 2015 Regulations would benefit from improvement.

In particular, there was substantial evidence to indicate that issues with the operation of the microchipping database system could be improved in order to help the policy to achieve its full potential in relation to reuniting dogs with their keepers and reducing burden on local authorities and animal welfare charities.

The 2015 Regulations require all keepers to ensure that their dog is microchipped and that their details are kept up to date on a compliant database. Microchip databases are commercial businesses that operate independently of government.

In April 2016 there were four compliant databases. Since then, the number of database operators in the UK has grown and by March 2022, seventeen microchip databases hold themselves out as compliant with the 2015 Regulations.

Many stakeholders, including vets and local authorities, highlighted that out-of-date records and challenges accessing records quickly were major barriers to identifying the keepers of dogs.

Making improvements to the database system could help to reunite more pets with their owners more efficiently, benefitting animal welfare. Such improvements could also reduce the time and resource costs to local authorities and vets, who reported that navigating the current system can be difficult.

Some stakeholders noted that there appeared to be variation in how database companies apply certain requirements in the 2015 Regulations and suggested that more should be done to establish consistent standards and processes, for instance relating to the transfer of records.

It was also suggested that requiring certain additional details on the databases would improve breeder traceability and could be a useful tool to tackle pet theft. Such improvements would provide potential benefits for animal welfare.

Key stakeholders including database operators, animal welfare charities, local authorities and veterinary bodies put forward a number of potential solutions to address these issues. These suggestions formed the starting point for the consideration of new proposals put forward in this consultation and include:

- Increased publicity to ensure owners are aware of their legal responsibilities to microchip their dog, register on a compliant database and keep records up to date.
- Introducing a central database or a single point of entry to all databases, to increase ease of access to database records.
- Introducing a regular independent audit and/or improved enforcement, to ensure that database companies are meeting the conditions set out in the legislation.
- Making it compulsory for database companies to send regular reminders to customers, asking them to check and update their contact details.
- Addressing situations where database operators accept registrations (as opposed to transfers) relating to microchips already registered elsewhere, as duplicate records can make it difficult to identify the current keeper of the animal.
- Introducing additional compulsory fields on databases, such as indelible fields for breeder, microchip implanter, 'rescue back up' and also a 'missing or stolen' field.

Pet Theft Taskforce recommendations

The UK government's Pet Theft Taskforce was set up to gather evidence to understand the factors that may contribute to a perceived or real rise in pet thefts and to recommend measures to tackle the problem.

A number of recommendations were put forward by the Pet Theft Taskforce Report in relation to the microchipping regime⁴. These included:

- Ensuring there is an effective and consistent transfer of keepership process to safeguard against unauthorised changes of keepership;
- Introducing a single point of access to databases
- Preventing duplicate registrations (such as registration of a microchip on more than one database).

Cat Microchipping

The UK government's response to the consultation on compulsory cat microchipping was published in December 2021 and consultation responses demonstrated strong support for compulsory cat microchipping. We have already announced specific aspects of the policy, including that the cat microchipping requirements will be based on the existing microchipping regime already in use for dogs.

Given the similarity in objectives to the 2015 Dog Regulations, we will introduce new legislation combining measures for both dogs and cats into a single set of regulations. There will be some differences in the requirements for cats (for example, the age limit for microchipping) and these will be specified in the new legislation.

Any changes that are considered as part of this consultation which relate to the database regime will therefore also apply to cats, unless otherwise specified.

⁴ <https://www.gov.uk/government/publications/pet-theft-taskforce-report/pet-theft-taskforce-report>

How to respond

Please submit your consultation response using the online survey provided on Citizen Space (Citizen Space is an online consultation tool).

Alternatively, you can email your response to caws.consultations@defra.gov.uk or you can send responses in writing to the following address:

Consultation Coordinator, Defra, 2nd Floor
Foss House, Kings Pool,
1 to 2 Peasholme Green
York
YO1 7PX.

Responses should be submitted by 17 May 2022. The consultation will run for 8 weeks.

What will we do after the consultation?

Responses to this consultation will be used to inform decisions on changes to microchipping legislation in England. We will not introduce new secondary legislation applying to cat and dog microchipping until we have considered responses to this consultation.

A summary of responses to this consultation will be published on the government website at: <https://www.gov.uk/defra>. An annex to the consultation summary will list all organisations that responded but will not include personal names, addresses or other contact details.

Defra may publish the content of your response to this consultation to make it available to the public without your personal name and private contact details (for example, home address, email address).

If you click on 'Yes' in response to the question asking if you would like anything in your response to be kept confidential, you are asked to state clearly what information you would like to be kept confidential and explain your reasons for confidentiality. The reason for this is that information in responses to this consultation may be subject to release to the public and other parties in accordance with the access to information law (these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA)).

We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances. In view of this, your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance these obligations for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

There may be occasions when Defra will share the information you provide in response to the consultation, including any personal data, with external analysts. This is for the purposes of consultation response analysis and provision of a report of the summary of responses only.

Part 2 – Consultation

Would you like your response to be treated as confidential?

Yes

No

If you answered yes, state clearly below what information you would like to be kept as confidential and explain your reasons for confidentiality:

Confidentiality and data protection information

1. A summary of responses to this consultation will be published on the Government website at: www.gov.uk/defra. An annex to the consultation summary will list all organisations that responded but will not include personal names, addresses or other contact details.

1.1 Defra may publish the content of your response to this consultation to make it available to the public without your personal name and private contact details (e.g. home address, email address, etc).

1.2 If you click on 'Yes' in response to the question asking if you would like anything in your response to be kept confidential, you are asked to state clearly what information you would like to be kept as confidential and explain your reasons for confidentiality. The reason for this is that information in responses to this consultation may be subject to release to the public or other parties in accordance with the access to information law (these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA)). We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances. In view of this, your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance these obligations for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

1.3 If you click on 'No' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to

the public, but we won't make your personal name and private contact details publicly available.

1.4 There may be occasions when Defra will share the information you provide in response to the consultation, including any personal data with external analysts. This is for the purposes of consultation response analysis and provision of a report of the summary of responses only.

1.5 This consultation is being conducted in line with the Cabinet Office "Consultation Principles" and be found at: <https://www.gov.uk/government/publications/consultation-principles-guidance>.

1.6 Please find our latest privacy notice uploaded as a related document alongside our consultation document.

1.7 If you have any comments or complaints about the consultation process, please address them to:

[Consultation Title]

Consultation Coordinator, Defra

2nd Floor, Foss House, Kings Pool,

1-2 Peasholme Green, York, YO1 7PX

Or email: consultation.coordinator@defra.gov.uk

About you

Please provide with the following details:

Full name:

Email address:

Are you responding as an individual, employee or company owner on behalf of an organisation?

Individual

Employee

Owner of company

If you are responding on behalf of an organisation, which of the following best describes your organisation?

Organisations

Government organisation or police

Microchip database operator

Commercial organisation, such as microchip manufacturer

Rescue, rehoming or reunification organisation

Veterinary organisation

Academic organisation

Other not-for-profit animal welfare organisation

Membership organisation

Other

If other, please specify:

**If you are responding as an individual, which of the following best describes you?
(Tick all that apply)**

Individuals

Veterinary surgeon

Dog or cat owner

Licensed dog breeder

Unlicensed breeder

Member of the public

Other

If other, please specify:

Where do you live?

England

Wales

Scotland

Northern Ireland

Isle of Man

Jersey

Guernsey

Other

Consultation Questions

Making it easier for approved users to access database records

We are seeking your views on the introduction of a Single Point of Access to view certain information on microchip records for a to-be-defined group of approved users. This will make it easier and quicker for such people (such as local authorities, vets and the police) to access key information held on the database record, especially to identify a pet's keeper. Microchips have a unique serial number that can be read by a microchipping scanner. In cases where the keeper's details need to be identified (for instance if the animal is found straying) the microchip is scanned and this reveals the microchip number which is associated with a unique record, held on one of several remotely accessible databases. Currently, to find out which database holds this microchip record, all databases that self-assess as compliant with the 2015 Regulations have a 'microchip search' section available on their website. Anyone can enter a microchip number and receive an instant result displaying which database the microchip is registered on. This will allow the searcher to contact the relevant database directly to access the details associated with that microchip number. Databases will only disclose this information to certain authorised users.

Many vets, local authorities and other key stakeholders have suggested improvements to the current system. Retrieving the information can be time-consuming and requires the user to be recognised as such with each individual database. There are now 17 databases (compared to four when the 2015 Regulations came into force), and each database has their own procedure for these users to access the information. Making improvements to the system was also a recommendation in the Pet Theft Taskforce report. If it is easier for approved users (such as local authorities, the police and veterinary professionals) to access key information on a microchip, they will be more easily able to identify if a pet is stolen.

Whilst some stakeholders have suggested consolidating all microchip records into a single database, database operators are commercial enterprises which offer a range of services and provide choice for pet owners. This offers benefits to dog and cat keepers that we want to retain.

At present, 'authorised persons' are already defined in the 2015 Regulations as any person who is authorised by the Secretary of State to act for the purpose of enforcing the legislation, which includes the police and local authorities. We therefore propose, subject to views expressed through this consultation and further work to establish technical viability, to establish a single search portal for a to-be defined group of 'approved users'. This would be in addition to the police and local authorities, who are already considered to be 'authorised persons'. The term 'authorised person' may continue to be used for the purpose of defining those with enforcement functions in relation to the microchipping legislation.

The single point of access would allow approved users access to key information on a microchip record in a single search, without having to contact the database directly in most cases. At the same time, this would allow database operators to continue to offer a range of services directly to dog and cat keepers, such as their customers.

Approved users would be able to access key details in a single step via an ‘approved user search function’ from a webpage that links directly to all databases. Such a search could display which database holds the record (and how to contact that database) and key details such as species, breed and sex, current keeper contact details and whether the pet is marked as ‘missing/ or stolen’. There will be a clear process for approving these users. A simple process to access information had been envisaged when the 2015 Regulations were introduced. With the larger number of databases at present, a modification to the current model should enable us to achieve this.

In cases where more information is needed, approved users would still be able to contact the database operators directly. However, it is anticipated that in the vast majority of cases, the information accessed via a single point of access portal would be sufficient to enable approved users to identify the current keeper’s details quickly, for the purpose of reuniting the pet with the registered keeper. If, on the other hand, anyone who is not an approved user wishes to retrieve information on a microchip, they will continue to need to identify the correct database via the current ‘microchip search’ function and can only access the information, where allowed, by contacting databases directly.

We welcome views on this approach, who should be considered ‘approved users’ besides those already defined in article 11 of the 2015 Regulations; and what information should be displayed in a search.

Question 1: To what extent do you agree that, subject to further technical work, a single point of access should be introduced that provides approved users with access to key information linked to the microchip number?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Question 2: If you agree or strongly agree: who should be included in the definition of approved users that can access microchip records? (Note: this is in addition to local authorities and police constables or community support officers, who are already defined as authorised persons in current legislation) Tick all that apply.

Veterinary practice employees

Rescue, rehoming or pet reunification organisations that are registered charities

All rescue, rehoming or pet reunification organisations

Other

If other, please specify:

Question 3: What microchip record details should approved users be able to retrieve? (Tick all that apply)

Defining characteristics of the dog/cat including species, name, date of birth, breed, colour and sex

Full name, address and contact details for current keeper

Whether the cat or dog is recorded as 'stolen or missing'

Other

If other, please specify:

Question 4: How should the additional costs associated with establishing a new single point of contact be recovered? (Tick all that apply)

Charge applied to approved users

Charge applied to the databases, and in effect then passed to people registering microchips on them

Other

If other, please specify:

Requirements for database operators

The 2015 Regulations set out requirements database operators must adhere to. Database operators must:

- Have sufficient database capacity to store and retrieve all details provided by the keeper.

- Back up the data at a secure off-site facility every day.
- Provide information to an authorised person such as Defra, a local authority or the police.
- Provide information to a registered keeper about their dog.
- Have a system for identifying authorised people.
- Have a system for identifying keepers about dogs whose details are registered on their database.
- Maintain records to demonstrate that they are complying with the 2015 Regulations.
- Have a system for answering telephone and online requests.
- Be able to redirect online and telephone requests relating to dogs whose details are recorded on other databases.
- Make available to other database operators the necessary information that allows other databases to determine which microchip numbers are recorded on their database.

We are considering additional requirements for database operators to help reduce records being out of date and to improve the effectiveness of the database system. We are seeking your views on these proposed new requirements.

Maintaining the accuracy of records

Out of date records are one of the major barriers to reuniting pets with their owners. Although data from the PDSA⁵ suggests that approximately 10% of all keepers' records are out of date, such records appear to be more common for dogs that were found straying. According to a report by Battersea Dogs and Cats Home (2021)⁶, 63% of microchipped stray dogs collected by local authorities had an inaccurate database record. This report also found that dogs that are microchipped and have up-to-date microchip records are more than twice as likely to be reunited with their keepers than dogs without a microchip. Many key stakeholders have highlighted the need for increased publicity to ensure that keepers maintain their records and we are considering how this can be achieved.

Many database companies already send reminders to dog keepers asking them to check that their registered details are up to date. We are considering making it a requirement for all databases to send regular reminders to their customers to review their record, to help to reduce the number of out-of-date records. This would also satisfy the recommendation of the Pet Theft Taskforce to improve keeper education about the existing legal obligations in relation to notifying a database of changes to keepership details.

⁵ [PDSA Animal Wellbeing Report 2021](#)

⁶ [Battersea \(2021\): Compulsory dog microchipping. Five years on.](#)

We are also seeking your views about what penalties might apply to keepers to help ensure they keep their pet's records up to date.

The 2015 Regulations state that a dog must be microchipped by eight weeks old, unless the keeper has a certificate from a vet outlining valid reasons for exemption. This regulation involves ensuring that the dog is implanted with a microchip which is compliant with the 2015 Regulations and registering the microchip on a complaint database. A new keeper must record their full name, address and contact telephone number with the database (unless the previous keeper has already recorded the change).

An authorised person may issue a notice to the keeper of a dog that is not microchipped, requiring the keeper to have the dog microchipped within 21 days. If the keeper does not comply within 21 days, the authorised person can arrange for the dog to be microchipped and recover the cost. It is an offence not to comply with a notice and a fine up to level 2 on the standard scale (currently £500) can be imposed on summary conviction.

Question 5: To what extent do you agree that database operators should be required to send customers regular reminders, prompting them to review their registered details?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly Disagree

Question 6: If you agree or strongly agree with the proposal, how often should these reminders be sent to customers, as a minimum?

Once a year

Once every 2 years

Less often than once every 2 years

Other

If other, please specify:

Question 7: Do you have any additional comments regarding how to make the process easier for customers to update their details recorded on the microchip database?

Question 8: Do you think that obligations and penalties should be introduced to ensure pet keepers update their records?

Yes, introduce obligations and penalties

No

If yes, please specify:

Strengthening processes around the transfer of keepership records

When a dog moves to a new keeper, it is the responsibility of the new keeper to update the contact details recorded on the microchip database, unless the previous keeper has already done so. Whilst we want to make it straightforward for such changes to be made, we also want to include safeguards against unwarranted changes of keepership, for instance if an animal is stolen.

During the review of the 2015 Regulations, sector organisations noted the need for improved processes around transfer of keepership for database operators. Additionally, the Pet Theft Taskforce also considered there to be a need for more robust rules for notifying transfers of dogs to new keepers. They stated that this could include:

- Processes around notification of keepership changes and whether these should apply to both old and new keepers.
- Rules on timeliness for notifying such changes.

We are seeking your views on whether database operators should be required to seek approval from the previous registered keeper and allow them a timeframe to respond before keepership details are updated to the new keeper.

Question 9: To what extent do you agree that database operators should be required to take reasonable steps to seek approval from the previous registered keeper, before the record is transferred to the new keeper?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Question 10: If you agree or strongly agree, how long do you think the previous keeper should be given to respond, before the record is transferred to the new keeper?

1 week

2 weeks

3 weeks

4 weeks

Other

If other, please specify:

Strengthening processes around the transfer of records between databases and preventing duplicate registrations

A duplicate registration is defined as a single microchip being recorded on more than one database at the same time. Duplicate registrations create a risk for a single microchip to be associated with different keepership details, leading to difficulties for authorised users to find the person the animal normally resides with. In addition, duplicate registrations could provide an opportunity for a stolen animal to be registered by a keeper who obtained the animal without the current keeper's knowledge or consent.

Many key stakeholders have proposed that once a microchip number is registered on a compliant database, it should not be accepted as a new, duplicate registration on an alternative database. Instead, the microchip record should be transferred.

For this to function well, there must be a clear process for transferring records between databases which can be applied regardless of whether the transfer between databases is associated with a change in keepership too.

We are seeking your views on this. We are therefore also seeking your views on requirements in relation to transfers between databases and propose that compliant databases are required to transfer records within a defined timeframe.

Question 11: To what extent do you agree that provisions should be made to prevent the microchip of a cat or dog being registered on more than one compliant database at the same time?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Question 12: To what extent do you agree that databases should be required to transfer a microchip record to another database within a specific timeframe following a request, subject to data retention requirements?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Question 13: If you agree or strongly agree with the above proposal, what should the required timeframe be?

1 week

2 weeks

3 weeks

Other

If other, please specify:

Data retention requirements

At present, there is no provision in the 2015 Regulations that requires for databases to retain historical data relating to a microchip held on their database for any specified period of time.

Historical data may be needed by enforcement bodies for the purpose of investigating organised theft or illegal breeding. The Data Protection Act 2018 requires that personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes. For the purposes of the prevention or detection of crime relating to the welfare of dogs and cats, a minimum retention time of historical records is appropriate to ensure access to such data is available to authorised users from all database operators.

We are aware that some databases already retain historical data in practice. In addition, microchipping legislation in Scotland requires that database operators retain data for a minimum period of 30 years from the date of birth of the dog or cat.

For these reasons, specifying data retention requirements for database operators in the new legislation could help to ensure that they are consistent in their approach to data retention and in enabling access to such data to the right users. We propose that database operators are required to retain data for a minimum period of 30 years from the date of birth of the dog or cat.

Question 14: To what extent do you agree that database operators should be required to retain data for a minimum period of 30 years from the date of birth of the dog or cat?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Improving Breeder Traceability

It was anticipated that the 2015 Regulations would deliver animal health and welfare benefits by improving the traceability of breeders. The rationale behind this was that increased traceability of breeders could lead to longer-term positive outcomes for dog health and welfare by reducing poor breeding conditions. The review of the 2015 Regulations did not find clear evidence that this had been achieved. We are considering changes to the microchipping regime that will enhance traceability of breeders. This has the potential to improve animal welfare by making it easier to tackle poor breeding practices.

The 2015 Regulations require details to indicate whether the current keeper is also the breeder. If the breeder is licensed, the licence number and details of the local authority that issued the licence must be recorded. However, the 2015 Regulations do not currently require the breeder's details to remain on the microchip record when the dog changes to a new keeper, or where a keeper transfers the record to a new database.

Breeders must not sell puppies until they are at least eight weeks old, and the dog must be microchipped and registered on a database by the age of eight weeks. Therefore, the first keeper recorded on the microchip record should be the breeder in most cases. However, responses to a survey of pet owners in Defra-commissioned research undertaken by the University of Nottingham⁷, found that 30% of dogs purchased from a licensed breeder after the 2015 Regulations came into force were not microchipped. This provides some

⁷ [A review of the effectiveness of dog microchipping legislation](#)

evidence that some breeders are not microchipping and/or registering puppies in line with the 2015 Regulations before sale.

Several key organisations have suggested that changes to the microchipping requirements might help to address this – for example, by making it compulsory for the breeder’s details to remain on the database when the dog changes keeper or when the microchip record is transferred to another database.

Introducing data retention requirements for databases to retain data for a minimum of 30 years may help with this. If retained data can be accessed by those with enforcement powers for the purpose of detecting or preventing crime related to animal welfare, retained data containing breeder information will be accessible for the purpose of investigations into illegal breeding. However, even if there is a requirement for databases to retain this information, currently there is no requirement for this data to be carried over when records are transferred between databases.

We are seeking your views on whether provisions should be made to ensure that information recorded by a breeder is permanent part of the record that can be accessed for the lifetime of the dog. We are also seeking your views on whether a field recording the microchip details of the puppy’s mother should become a mandatory and permanent part of the record, and for that to remain on the record for the duration of the dog’s life. This could potentially allow authorised persons (such as police or local authorities) to check how many litters of pups a female dog has given birth to, helping to tackle low welfare breeding practices. There may be exemptions in cases where details of the mother are not known (for example, stray dogs that are not microchipped).

Dog breeding by breeders who produce 3 or more litters per year, or who otherwise operate on a commercial basis, is regulated under the The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. Dog breeders who do not meet these criteria, and cat breeders, are currently not regulated under these Regulations.

Question 15: To what extent do you agree that provisions should be made to ensure that any information recorded by a breeder is a permanent part of the database record, if the species of the pet is a dog? (Note: If it is the case that the breeder is licensed, this will include the licence number and the name of the local authority that issued the licence)

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Question 16: To what extent do you agree that a field for the microchip number of the puppy's mother should be a permanent part of the database record, if the species of pet is a dog?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Question 17: To what extent do you agree that these requirements should also apply to cats (which have an identified breeder)?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Question 18: Do you have further comments in relation to improving breeder traceability?

Additional details to be included on database records

Regulation 5 of the 2015 Regulations sets out the details relating to a microchip that need to be recorded on a compliant database. This includes information to identify the dog (name, breed, colour, sex and date of birth), the microchip number and details of the keeper (name, address and phone number). If the keeper is also the breeder and is licensed under the

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, the breeder's licence number and the local authority that issued the licence must also be included.

We are considering expanding this list. We are seeking your views on whether the following details should be a compulsory requirement on databases:

- A 'back-up support' field, to record the contact details of a person who may offer the animal an alternative to euthanasia in certain circumstances. According to updated guidance⁸ which underpins the RCVS (Royal College of Veterinary Surgeons) Code of Professional Conduct and which all UK-practising veterinary professionals must follow, veterinary surgeons must scan for a microchip in dogs prior to euthanasia where, in their professional judgement, destruction of the dog is not necessary on animal health or welfare grounds. Introducing a compulsory field for 'back-up support' details may support vets in applying this guidance. The 'back-up support' field could include details of an individual, a rescue charity or a breeder who has agreed to re-home the dog and/or provide other support such as paying for vet fees in certain circumstances.
- A 'missing or stolen' field, to assist enforcement authorities and highlight cases where transfer requests should be reviewed.

Question 19: To what extent do you agree that database records must include a field for 'back up support'?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Question 20: To what extent do you agree or disagree that the 'back-up support' field should be a permanent part of the database record?

Strongly agree

Somewhat agree

⁸ [RCVS code of conduct for the euthanasia of animals](#)

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Question 21: Do you foresee any issues with introducing this requirement?

Question 22: To what extent do you agree that database records must include a field to record whether a pet is 'missing or stolen'?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Question 23: Do you have any further comments regarding additional details to be recorded on databases?

Ensuring effective processes and compliance with database conditions

A statutory code of practice for databases

We are seeking your views on the introduction of a statutory code of practice for microchipping databases. The code of practice in itself will not introduce new requirements but is intended to provide recommendations to assist databases with understanding and complying with the provisions in the regulations in a unified way, including assisting database operators in understanding their obligations under data protection legislation.

Whether a database operator has met the requirements in the code, or not, can be used to help establish or disprove their liability with regard to offences under the regulations.

The code may include guidance on:

- the transfer of keepership processes.
- the transfer of records between databases.
- sending reminders to customers to update records and advice on how to make this process more user-friendly.
- data retention requirements.
- approving authorised users.
- evidence that needs to be provided to demonstrate compliance with the Regulations.
- how to advertise that a database operator is in compliance with the legislation.
- limiting the impact of an insolvency of a database operator on the records stored and the requirement for keepers to record microchip-details on a database that is compliant with the 2015 Regulations

Question 24: To what extent do you agree that there should be a statutory code of practice for microchip database operators?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Powers of the Secretary of State

Under the 2015 Regulations, database operators must provide the Secretary of State with information held on their databases upon request and must meet requests for information that demonstrates their compliance with the conditions. Where the Secretary of State is satisfied that a database operator fails to comply with the conditions in the 2015 Regulations, they can serve a notice on the database operator requiring it to cease holding itself out as compliant. A notice may also state that the database operator must also provide the Secretary of State or another database with a copy of the data that they hold under the 2015 Regulations. It is an offence, punishable on summary conviction by a fine

not exceeding level 4 on the standard scale (maximum £2500) if a database fails to comply with a notice.

Some key stakeholders have suggested that increased enforcement is needed to ensure that databases are compliant with the regulations and that more should be done to address non-compliant databases. The introduction of a code of practice may help to improve compliance as it will include detailed guidance to assist databases to comply with the legislation. This could include guidance regarding what evidence database operators need to provide, and at what interval, to demonstrate they are in compliance with the Regulations.

We are seeking your views on whether the current powers of the Secretary of State in the 2015 Regulations are sufficient. If you do not think they are sufficient, we are asking for your comments on how these can be strengthened.

Question 25: To what extent to you agree that the current powers of the Secretary of State are sufficient?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Question 26: If you think this is not sufficient, please provide further comments on how this can be strengthened.

Microchipping implanter requirements

Regulation 9 of the 2015 Regulations states that the implanting of microchips must only be carried out by a veterinary surgeon, veterinary nurses under guidance of a veterinary surgeon, student veterinary surgeons or nurses under guidance of a veterinary surgeon, an implanter who has been satisfactorily assessed on completion of a government-approved training course, or a person who received training on implantation before 6 April 2016. Training courses must provide practical experience of implanting microchips.

There are currently 21 approved implanter training courses. To be able to offer an approved training course, providers must apply for approval to the Animal and Plant Health Agency (APHA) and supply evidence of their training materials, assessment materials, the qualifications of assessors and the programme they deliver to trainees⁹. This is then reviewed, and a training provider will receive a letter of approval from APHA if they meet the required standards. Implanter training courses are not monitored or routinely audited.

We are considering the current criteria for implanter training courses and whether this can be updated and strengthened.

Question 27: To what extent do you agree that the requirements for implanter training courses should be strengthened?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Question 28: If relevant, please explain how these requirements should change and please provide any additional comments in relation to implanter training requirements.

⁹ [Guidance: Implantation of dog microchips. How to apply to run a microchip implantation course.](#)

Further Comments

Question 29: Do you have any additional comments on the proposals included in this consultation?