

## **EXPLANATORY MEMORANDUM TO**

### **The Dogs (Licensing and Identification) Regulations (Northern Ireland) 2012**

**S.R. 2012 No. 132**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the above-named Statutory Rule (“the Regulations”) which is laid under the negative resolution process before the Northern Ireland Assembly.
- 1.2. The Regulations is made under powers contained within the Dogs (Amendment) Act (Northern Ireland) 2011 (“the 2011 Act”) and will come into operation on 9th April 2012.

#### **2. Purpose**

- 2.1. The Dogs (Licensing and Identification) Regulations (NI) 2012 sets out the new technical requirements for microchipping, introduces the requirement for the microchipping of dogs held under a block licence and specify the record keeping requirements for block licence holders. The Regulations also carry forward all the provisions in the current Dogs (Licensing and Identification) Regulations 2011 (“the 2011 Regulations”).

#### **3. Background**

- 3.1. The primary legislation on dog control is contained within the Dogs (NI) Order 1983 and it was amended by the 2011 Act to include new primary provisions on a number of issues, including microchipping of dogs, fees, attacks on persons, livestock and certain other animals, destruction of dogs by a court, and control conditions.
- 3.2. During the passage of the 2011 Act through the Assembly, it was agreed that all dogs should be microchipped, subject to certain limited exemptions. A commitment was given that the requirement for microchipping would not be introduced until a year after the 2011 Act became law to allow everyone affected by the introduction of compulsory microchipping time to prepare.
- 3.3. These Regulations honour that pledge and carry forward all the provisions in the current 2011 Regulations and :

- require dogs owned under a block licence to be microchipped,
- specify the technical details for microchipping, and
- set out the microchipping records which block licence holders will have to keep in respect of dogs kept on the premises under a block licence.

*A Block Licence can be obtained where a person has not less than three unsterilised bitches any of which is used for breeding purposes or not less than three dogs registered with the Kennel Club, the Irish Coursing Club, the Masters of Foxhounds Association, the Masters of Harriers and Beagles Association, the Northern Ireland Masters of Hounds Association, the International Sheep Dog Society or for registered guard dog premises which has not less than 3 dogs which are used as guard dogs elsewhere.*

#### **4. Consultation**

- 4.1. A 12 week consultation was undertaken for these Regulations from 16 November 2011 to 7 February 2012.
- 4.2. Over 1,700 stakeholders and interested parties were consulted on the provisions within the Regulations.
- 4.3. There were 39 responses to the consultation. Overall the Regulations were welcomed by all stakeholders and there was significant support for the majority of the proposals. A summary of the consultation responses has been placed on the DARD website at:  
<http://www.dardni.gov.uk/index/publications/pubs-dard-animal-health/consultation-dogs-licensing-responses.htm>.
- 4.4. Consultation responses led to a number of amendments to the Regulations in respect of the following:
  - providing some initial flexibility on the age at which pups have to be microchipped. The Regulations have been amended to require block licence holders including dog breeding establishments to have pups microchipped by 12 weeks of age up to the end of December 2012 and to require microchipping by 8 weeks of age from 1 January 2013. This will provide a consistent approach on the island of Ireland, as similar legislation is in place in the ROI under their Dog Breeding Establishments Act 2010.
  - to include a deferment in the introduction of microchipping for greyhounds until 1 January 2013. This will provide a lead in period for

the Irish Greyhound industry and the Irish Coursing Club to prepare for microchipping of thoroughbred greyhounds.

## **5. Equality Impact**

- 5.1. Under Section 75 of the Northern Ireland Act 1998 DARD has considered and assessed the Regulations for any equality implications. An Equality Impact Assessment has not been carried out as the policy has been screened out. No equality differentials are foreseen on Section 75 groups. A copy of the Equality Screening Out Template has been placed on the DARD website at: <http://www.dardni.gov.uk/index/publications/pubs-dard-animal-health/consultation-dogs-licensing-responses.htm>

## **6. Regulatory Impact**

- 6.1. A Regulatory Impact Assessment (RIA) has been prepared for the Regulations.
- 6.2. DARD has considered how the Regulations meet with the requirement for Better Regulation and has concluded that they will not impose any significant additional burden on owners or keepers of animals.
- 6.3. The benefit of these Regulations are that they will give effect to the policy of compulsory microchipping by defining the technical requirements of the microchip and the requirements for microchipping in respect of individual dog licences and block licences.

## **7. Financial Implications**

- 7.1. The holder of a block licence will incur a small cost to microchip their dogs. However, there is no requirement for a veterinary surgeon to undertake the microchipping process, so where the breeder has received instruction or is otherwise experienced in microchipping they can legally undertake this procedure. Thus the costs will be limited to the purchase of the actual chip and this is likely to be in the region of £2-£5 depending on the volume purchased. The Dogs Trust is currently running a campaign offering free microchipping to all dog owners including block licence holders in Northern Ireland until March 2013. If dog owners avail of this offer there would be no cost to microchip dogs currently held under a block licence and from April 2013 only to new dogs or pups to the premises. The record keeping requirement may also generate a small impact on block licence holders. Where block licence holders already keep comprehensive records on their dogs, the impact will be negligible.

- 7.2. The other provisions, including the technical specification for microchips will not have cost implications. Overall the Regulations will not have significant financial implications.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. The Regulations, subject to short term exemptions on the timing of microchipping for block licence holders and greyhounds, give effect to the policy of compulsory microchipping by April 2012 and define the technical requirements of the microchip and the requirements for microchipping in respect of individual dog licences and block licences. As outlined previously these Regulations will have a small impact on block licence holders to maintain comprehensive records for their dogs. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

## **9. EU Implications**

- 9.1. Not applicable.

## **10. Parity or Replicatory Measure**

- 10.1. This is stand alone legislation for Northern Ireland and there is no impact on GB devolved administrations.
- 10.2. England are considering compulsory microchipping of dogs and a consultation is expected to issue within the next few months.
- 10.3. Wales is currently undertaking a second consultation on proposals to change their dog breeding legislation and licensing regime contained within "The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2011. The new proposals include a requirement for pups to be microchipped by 8 weeks of age.
- 10.4. In Ireland the Control of Dogs Act 1986 has been amended by the Dog Breeding Establishments Act 2010 to include a requirement for all dogs and pups to be microchipped in breeding establishments. In addition the Welfare of Greyhounds Act 2011 regulates the welfare of greyhounds. Both Acts were commenced on 1 January 2012.

## **11. Additional Information**

- 11.1. Not applicable.

## **12. Contact**

- 12.1. Kate Davey at the Department of Agriculture and Rural Development.  
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