

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

D R A F T S T A T U T O R Y I N S T R U M E N T S

2023 No. []

ANIMALS, ENGLAND

ANIMAL WELFARE

**The Microchipping of Cats and Dogs (England) Regulations
2023**

Made - - - - *****

Coming into force in accordance with regulation 1(2) and (3)

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

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

In accordance with section 61(2)(b) 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, extent and application

1.—(1) These Regulations may be cited as the Microchipping of Cats and Dogs (England) Regulations 2023.

(2) Subject to paragraph (3), these Regulations come into force on the twenty-first day after the day on which they are made.

(3) The provisions referred to in this paragraph come into force on 10th June 2024 for the purposes specified in-

- (a) regulation 3, in so far as it requires a person to ensure that a cat is microchipped; and
- (b) regulations 4, 9, 13, 14(2)(a), (e) and (f) and 15(2) in so far as those provisions apply in relation to the obligation to ensure that a cat is microchipped.

(4) These Regulations extend to England and Wales, and apply in relation to England only.

Interpretation

2. In these Regulations—

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- (a) 2006 c. 45. Section 62(1) defines the “appropriate national authority” in relation to England as the Secretary of State.
 - (b) Section 61(2) was amended by section 1(3) of the Animal Welfare (Service Animals) Act 2019 (c. 15).

“authorised person” has the meaning given by regulation 12;

“keeper” means—

- (a) in relation to an assistance dog (within the meaning of section 173 of the Equality Act 2010)(a)—
 - (i) while the dog is training to work, or is working, as an assistance dog, the body responsible for the dog’s training and allocation;
 - (ii) after the dog has ceased working as an assistance dog, the person with whom it normally resides;
- (b) in relation to a puppy which has not yet left its mother, the owner of the puppy’s mother; and
- (c) in relation to a cat or a dog not specified in paragraph (a) or (b), the person with whom the animal normally resides.

“local authority” means—

- (a) where there is a unitary authority, within the meaning of regulation 2(3) of the Local Government Changes for England Regulations 1994(b), that authority;
- (b) where there is not a unitary authority—
 - (i) in a non-metropolitan county, the council of that county or the council of a district within the county area;
 - (ii) in each London Borough, the council of that Borough;
 - (iii) in the City of London, the Common Council; or
 - (iv) in the Isles of Scilly, the Council of the Isle of Scilly;

“microchipped” means microchipped in accordance with regulation 3(4).

Obligation to microchip

3.—(1) This regulation is subject to regulation 4.

(2) A keeper of—

- (a) a cat which is older than 20 weeks;
- (b) a dog which is—
 - (i) older than 8 weeks; and
 - (ii) not a certified working dog for the purposes of section 6(3) of the Animal Welfare Act 2006,

must ensure that it is microchipped.

(3) Where a keeper imports a cat or a dog, the keeper must ensure that it is microchipped within thirty days of its entry into England, whether or not it is a cat or a dog of a description in paragraph (2)(a) or (b).

(4) A cat or a dog is microchipped where—

- (a) a microchip which complies with regulation 5 has been implanted in the cat or the dog; and
- (b) the details set out in regulation 6 are recorded on a database by a database operator meeting the conditions in regulation 7.

(a) 2010 c. 15. There are amendments to section 173 of the Equality Act 2010 but none is relevant to these Regulations.
(b) S.I. 1994/867. Regulation 2 of the Local Government Changes for England Regulations 1994 was amended by S.I. 1995/1055, S.I. 1995/1748 and S.I. 1996/330.

Exception to the obligation to microchip

4.—(1) Regulation 3 does not apply for as long as a veterinary surgeon certifies, on a form approved by the Secretary of State, that a cat or a dog should not be microchipped for reasons relating to the health of the animal.

(2) A certificate issued under paragraph (1) must state the period for which the cat or the dog will be unfit to be microchipped.

Form of a microchip

5. Any microchip implanted in a cat or 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^(a);
- (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

6.—(1) Where a keeper is under an obligation to ensure that a cat or a dog is microchipped, the details to be recorded on a database as referred to in regulation 3(4)(b) are—

- (a) the full name and address of the keeper;
- (b) if the keeper is also the breeder of that dog, that fact;
- (c) if the keeper is the breeder of that dog and is licensed by a local authority under regulation 4 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018^(b)—
 - (i) the breeder's licence number; and
 - (ii) the name of the local authority which issued the licence;
- (d) the original name or identification number given to the cat or the dog;
- (e) the contact telephone number (if any) for the keeper;
- (f) any other name given to the cat or the dog by the keeper if that name is different to the cat or dog's original name;
- (g) the sex of the cat or dog;
- (h) the breed of the cat or dog, or a description if it is a cross-breed;
- (i) the colour of the cat or the dog;
- (j) the date of birth of the cat or dog to the best of the keeper's knowledge;
- (k) the unique number of the microchip implanted in the cat or 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

7.—(1) A database operator must—

- (a) have sufficient database capacity to store electronically and retrieve all the details provided by keepers in accordance with regulation 3(4)(b);

(a) ISO Central Secretariat, International Organization for Standardization (ISO), 1 rue Varembe, Case postale, CH-1211, Geneva 20, Switzerland. A copy of the relevant standard is available from <https://www.iso.org/standards.html>

(b) S.I. 2018/486.

- (b) back up all this data at a secure, off-site facility every day;
- (c) provide any information in regulation 6 requested by an authorised person;
- (d) provide any information in regulation 6 requested by the keeper of a cat or a dog in relation to that cat or dog;
- (e) have a system for identifying people authorised for the purposes of these Regulations when they make enquiries about cats or dogs whose details are recorded on their database;
- (f) have a system for identifying keepers of cats or dogs when they make enquiries about cats or 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 which is available at all times for answering telephone and on-line requests for details stored on their database;
- (i) have a system for redirecting telephone queries relating to cats or 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 cats or dogs whose details are recorded on other databases which comply with paragraph (2)(a) to operators of 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 cats or dogs whose details are recorded on the database that it operates; and
- (b) have a system for responding directly to the enquirer 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 8(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

8.—(1) The Secretary of State may serve a notice on a database operator requiring it to provide any information—

- (a) recorded on a database which it operates;
- (b) relating to the functioning of the regulatory regime established by these Regulations;
- (c) necessary to demonstrate that it is meeting the conditions in regulation 7.

(2) Where the Secretary of State is satisfied that a database operator does not meet the conditions in regulation 7, the Secretary of State may serve a notice requiring that database operator to—

- (a) cease holding itself out as meeting the conditions in regulation 7; and
- (b) 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(4)(b).

Change of keeper

9.—(1) A keeper must not transfer a cat or a dog to a new keeper unless—

- (a) it has been microchipped in accordance with regulation 3; or

- (b) a certificate issued under regulation 4 states that it should not be microchipped for reasons relating to its health.

(2) Where a cat or 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 changes in the cat's or dog's name with the database on which the details of the cat or the dog are recorded pursuant to regulation 3(4)(b).

Implanting of microchips

10.—(1) No person may implant a microchip in a cat or a dog unless one of the following paragraphs applies—

- (a) they are a veterinary surgeon or a veterinary nurse acting under the direction of a veterinary surgeon;
- (b) they are acting under the direction of a veterinary surgeon and are a student of veterinary surgery or a student veterinary nurse;
- (c) in the case of a dog, they have—
 - (i) been satisfactorily assessed on a training course approved by the Secretary of State on or after 24th February 2015 for the purpose of implanting a microchip in a dog; or
 - (ii) received training in implantation which included practical experience of implanting a microchip in a dog before 24th February 2015; or
- (d) in the case of a cat, they have—
 - (i) been satisfactorily assessed on a training course approved by the Secretary of State on or after the commencement date for the purpose of implanting a microchip in a cat; or
 - (ii) received training in implantation which included practical experience of implanting a microchip in a cat before the commencement date.

(2) Where it appears to the Secretary of State, on the basis of information provided pursuant to regulation 11 and of any other information, that a person to whom paragraph (1)(c) or (1)(d) applies is unable to implant microchips to a satisfactory standard, the Secretary of State may serve a notice on that person—

- (a) prohibiting them from implanting microchips in cats or dogs, or
- (b) prohibiting them from implanting microchips in cats or dogs, until they have received further training on a course approved by the Secretary of State.

(3) In this regulation—

“commencement date” means the date on which this regulation comes into force;

“student veterinary nurse” and “veterinary nurse” have the meanings given by Schedule 3 to the Veterinary Surgeons Act 1966(a) (“the 1966 Act”);

“student of veterinary surgery” has the meaning given by regulation 3 of the Schedule to the Veterinary Surgeons (Practice by Students) Regulations Order of Council 1981(b);

“veterinary surgeon” means a person registered in the register of veterinary surgeons kept under section 2 of the 1966 Act, or the supplementary veterinary register kept under section 8 of that Act(c).

(a) 1966 c. 36. Schedule 3 to the Veterinary Surgeons Act 1966 was substituted by S.I. 1988/526. Paragraph 6 of that Schedule was inserted by S.I. 1991/1412 and substituted by S.I. 2002/1479. Paragraph 7 of that Schedule was inserted by S.I. 2002/1479 and amended by S.I. 2008/1824. There are other amendments to Schedule 3 which are not relevant to these Regulations.

(b) S.I. 1982/988. The Regulations were made by the Council of the Royal College of Veterinary Surgeons and have effect as contained in the Schedule to this Order of the Privy Council. Regulation 3 was substituted by S.I. 1995/2357.

(c) Section 2 of the Veterinary Surgeons Act 1966 was amended by S.I. 2003/2919, S.I. 2008/1824, S.I. 2019/454 and S.I. 2020/1038.

Adverse reaction and failure of microchip

11.—(1) Anyone who identifies an adverse reaction to a microchip or the failure of a microchip implanted in a cat or a dog must report that reaction or failure to the Secretary of State.

(2) In this regulation “adverse reaction” means—

- (a) any unnecessary pain or suffering or any pathology which is caused, or appears to be caused, by the implanting of a microchip in a cat or a dog; or
- (b) the migration of a microchip from the site of implanting.

(3) In this regulation “failure of a microchip” means failure to transmit the number encoded in the microchip when scanned by an appropriate transceiver.

Authorised person

12.—(1) The Secretary of State may, in writing, authorise any person (“an authorised person”) to act for the purposes of enforcing these Regulations.

(2) A local authority in whose area a cat or a dog is kept may, in writing, authorise any person to act as an authorised person for the purposes of enforcing these Regulations in that area.

(3) A police constable or a community support officer is also an authorised person for the purposes of these Regulations.

(4) In this regulation, a “community support officer” means anyone so designated under section 38(1)(a) of the Police Reform Act 2002^(a)

Powers of an authorised person

13.—(1) An authorised person may, on producing the relevant written authorisation mentioned in regulation 12(1) or another official identity document, take possession of a cat or a dog without the consent of its keeper for the purpose of checking whether the cat or the dog is microchipped.

(2) Where a cat or dog has not been microchipped and regulation 4 does not apply, the authorised person may—

- (a) serve on the keeper of the cat or the dog which has not been microchipped a notice requiring the keeper to have the cat or dog microchipped within 21 days;
- (b) where the keeper of the cat or the dog has failed to comply with a notice served under this paragraph—
 - (i) take all necessary steps to arrange for the cat or the dog to be microchipped without the consent of the keeper; and
 - (ii) recover from the keeper any costs associated with doing so.

Offences

14.—(1) It is an offence, punishable on summary conviction by a fine not exceeding level 4 on the standard scale, to fail to comply with a notice served under regulation 8.

(2) It is an offence, punishable on summary conviction by a fine not exceeding level 2 on the standard scale, to—

- (a) fail to comply with regulation 9(1);
- (b) implant a microchip into a cat or dog without complying with the requirements of regulation 10(1);
- (c) fail to comply with a notice served under regulation 10(2);

(a) 2002 c. 20. Section 38(1) and (9) of the Policing and Crime Act 2017 (c. 3) substituted section 38(1) of the Police Reform Act 2002.

- (d) fail to report an adverse reaction or the failure of a microchip in accordance with regulation 11(1);
- (e) fail to comply with a notice served under regulation 13(2);
- (f) obstruct an authorised person exercising a power under regulation 13.

Appeals

15.—(1) A database operator may appeal to the First-tier Tribunal against a notice served under regulation 8.

(2) A person to whom regulation 10(1)(c) or 10(1)(d) applies may appeal to the First-tier Tribunal against a notice served under regulation 10(2).

(3) A keeper may appeal to the First-tier Tribunal against a notice served under regulation 13(2)(a).

(4) An appeal under this regulation suspends the effect of the notice appealed against until the appeal is determined or withdrawn.

(5) On appeal the First-tier Tribunal may cancel, confirm or vary the notice appealed against.

Corporate bodies, partnerships and unincorporated associations

16.—(1) Where—

- (a) an offence under these Regulations has been committed by a body corporate, partnership, Scottish partnership or other unincorporated association, and
- (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, an individual (including an individual purporting to act in the capacity of a relevant individual),

the relevant individual as well as the body corporate, partnership, Scottish partnership or other unincorporated association, is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), “relevant individual” means—

- (a) in relation to a body corporate—
 - (i) a director, manager, secretary or other similar officer of the body;
 - (ii) where the affairs of the body are managed by its members, a member;
- (b) in relation to a partnership or a Scottish partnership, a partner;
- (c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.

(3) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or an unincorporated association may be brought against the partnership or association in the name of the partnership or association.

(4) For the purposes of proceedings pursuant to paragraph (3) the following provisions apply as if the partnership or unincorporated association were a body corporate—

- (a) rules of court relating to the service of documents;
- (b) section 33 of the Criminal Justice Act 1925(a); and

(a) 1925 c. 86. Subsections (1), (2) and (5) of section 33 of the Criminal Justice Act 1925 were repealed by section 132 of, and Schedule 6 to, the Magistrates’ Courts Act 1952 (c. 55), subsection (3) was amended by section 56(1) of, and Part 2, paragraph 19 of Schedule 8 to, the Courts Act 1971 (c. 23) and subsection (4) was partially repealed by section 109(1) and (3) of, and paragraph 71 of Schedule 8 and Schedule 10 to, the Courts Act 2003 (c. 39).

(c) Schedule 3 to the Magistrates' Courts Act 1980(a).

(5) A fine imposed on a partnership or an unincorporated association on conviction for an offence under these Regulations is to be paid out of the funds of the partnership or association.

Review

17.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.

(3) The first report under these Regulations must be published before the end of the period of five years beginning with the day on which this regulation comes into force.

Revocation

18. The Microchipping of Dogs (England) Regulations 2015(b) are revoked.

	<i>Name</i>
	Parliamentary Under Secretary of State
Date	Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the compulsory microchipping of cats and dogs and the recording of each cat's or dog's identity and its keeper's contact details on a database.

The compulsory microchipping of dogs was introduced by the Microchipping of Dogs (England) Regulations 2015 (S.I. 2015/108). Regulation 18 of these Regulations revokes those Regulations. These Regulations also make equivalent provision in respect of the microchipping of cats as well as dogs, making minor and technical drafting changes to clarify the policy intention. These Regulations come into force on the twenty first day after they are made except regulations 3, 4, 9, 13, 14(2)(a), (e) and (f) and 15(2), in relation to the compulsory microchipping of cats, which come into force on 10th June 2024.

Regulation 3 imposes a duty on every keeper of a cat or dog to have their cat or dog microchipped in accordance with these Regulations. Regulation 4 sets out an exception to the requirement to microchip.

(a) 1980 c. 43. Paragraph 2(a) of Schedule 3 to the Magistrates' Court Act 1980 was amended by section 47 of, and paragraph 13 of Schedule 1 to, the Criminal Procedure and Investigations Act 1996 (c. 25), paragraph 5 of Schedule 3 to that Act was repealed by sections 25(2) and 101(2) of, and Schedule 13 to, the Criminal Justice Act 1991 (c. 53) and paragraph 6 was amended by section 41 of, and paragraphs 51(1) and (13)(b) of Schedule 3 to, the Criminal Justice Act 2003 (c. 44).

(b) S.I. 2015/108. The Microchipping of Dogs (England) Regulations 2015 were amended by the Microchipping of Dogs (England) (Amendment) Regulations 2022 (S.I. 2022/121) so as to extend the period of their application from 7 to 9 years from the date of their coming into force.

Regulation 5 sets out the standards applying to microchips. Regulation 6 sets out the information to be recorded on a database. Regulation 7 sets out the conditions to be met by database operators.

Regulation 8 gives the Secretary of State power to require information from database operators. It also, in circumstances where database operators are failing to meet the requirements in regulation 7, gives the Secretary of State the power to serve a notice requiring database operators to cease holding themselves out as meeting the requirements of the Regulations. The notice may also require the operator to provide an electronic copy of the data recorded in accordance with these Regulations to the Secretary of State or to another database operator.

Regulation 9 requires a new keeper to update the information on the database and prevents a cat or dog from being transferred to a new keeper until it has been microchipped.

Regulation 10 sets training standards for people who implant microchips. Regulation 11 provides for reporting of adverse reactions to, and migration of, microchips and reporting of microchip failures.

Regulation 12 provides for the appointment of authorised persons to enforce the obligation to microchip. Regulation 13 gives an authorised person powers to serve a notice on a keeper to microchip their cat or dog, and in the event of failure to do so, to take possession of the animal for the purpose of microchipping it and recover the cost of doing so from the keeper.

Regulation 14 contains offences. Regulation 15 provides for appeals to the First-tier tribunal against notices served under these Regulations. Regulation 16 provides for offences committed by bodies corporate, partnerships and unincorporated associations.

Regulation 17 provides for a periodic review of these Regulations, the first such review to take place within five years of their coming into force.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

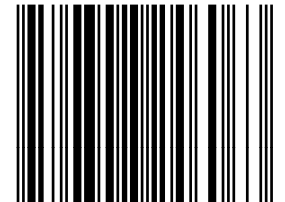
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