

## EXPLANATORY MEMORANDUM TO

### THE MICROCHIPPING OF CATS AND DOGS (ENGLAND) REGULATIONS 2023

No. [XXXX]

#### 1. Introduction

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

#### 2. Purpose of the instrument

- 2.1 This instrument extends the compulsory microchipping requirements for dogs to cats and combines them in a single instrument. It also revokes the Microchipping of Dogs (England) Regulations 2015 (S.I. 2015/108) (“the 2015 Regulations”).

#### 3. Matters of special interest to Parliament

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

#### 4. Extent and Territorial Application

- 4.1 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.
- 4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

#### 5. European Convention on Human Rights

- 5.1 The Rt Hon Lord Benyon has made the following statement regarding Human Rights:
- “In my view the provisions of the Microchipping of Cats and Dogs (England) Regulations 2023 are compatible with the Convention rights.”

#### 6. Legislative Context

- 6.1 The 2015 Regulations came into force on 24 February 2015 and introduced the compulsory microchipping of dogs. Since 6th April 2016, in England, all keepers of dogs that are older than eight weeks have been required to have their dog implanted with a microchip. The details of the dog and the keeper’s contact details are to be recorded on a database that complies with specified legislative requirements. Breaches of the requirements in respect of microchipping are enforced in accordance with the regulatory regime set out in the 2015 Regulations.
- 6.2 This instrument revokes the 2015 Regulations. It replicates its provisions and extends the obligation in respect of microchipping to cats over 20 weeks of age, resulting in equivalent provisions in respect of the microchipping of cats and dogs. The obligation to microchip a cat comes into force on 10th June 2024. The instrument also makes minor and technical drafting changes where provisions replicated in it did not adequately set out the policy intent.

## 7. Policy background

- 7.1 Microchipping has been compulsory for dogs since 6th April 2016, when the relevant provisions in the 2015 Regulations came into force. Regulation 18 of the 2015 Regulations requires the Secretary of State to review their operation of the Regulations periodically and the first Post Implementation Review<sup>1</sup> report ('PIR') was published in December 2021. The findings demonstrated that the policy has had a positive effect on the number of stray dogs being reunited with their keeper and that microchipping was identified as a leading means of this reunification. The PIR also concluded that the objectives of the 2015 Regulations remain relevant and that stakeholders support the policy to remain in effect.
- 7.2 The Microchipping of Cats and Dogs (England) Regulations 2023 fulfil a manifesto commitment and an undertaking given in the Action Plan for Animal Welfare<sup>2</sup> to extend compulsory microchipping to cats. Projections are that the introduction of compulsory microchipping for cats will lead to similar benefits to the cat population, thus having positive impacts on rescue centres and cat keepers.
- 7.3 There are around 9 million dogs and 9 million cats in England. The number of dogs that are microchipped increased from around 75% when the compulsory dog microchipping policy was announced to around 90% in 2022. Currently around 75% of cats are voluntarily microchipped and, without intervention, we are unlikely to see a significant increase to the same levels as for dogs. There was overwhelming public support for the introduction of compulsory cat microchipping following public consultation in 2021<sup>3</sup>.
- 7.4 The policy objectives of this instrument are to maintain the objectives and positive impacts of higher reunification rates and lower costs for local authorities and shelters realised by the 2015 Regulations; and to extend similar benefits to the cat population. Specifically, the aims are to reunite more cats that have strayed with their keepers; reduce costs to animal rescues and shelters by making it easier to reunite strays with their keepers; reduce the stray cat population; and help to identify stolen cats and reunite them with their keeper, which will act as a deterrent against cat theft. The objective of improving breeder traceability does not apply to cats, as cat breeding is not regulated. These objectives are all beneficial for dog and cat welfare.
- 7.5 In 2021, the Government convened a task force to tackle the issue of pet theft. Both the PIR for the 2015 Regulations and the Pet Theft Task Force report<sup>4</sup> highlighted areas where improvements to the microchipping regime would be beneficial, notably by improving the ease of navigation of the database system and processes around revising keepership records. Proposals arising from these reviews were subject to consultation in 2022<sup>5</sup> and, where appropriate, will be enacted through an amendment to the Microchipping of Cats and Dogs (England) Regulations 2023.

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<sup>1</sup> [https://www.legislation.gov.uk/ukxi/2015/108/pdfs/ukxi0d\\_20150108\\_en.pdf](https://www.legislation.gov.uk/ukxi/2015/108/pdfs/ukxi0d_20150108_en.pdf)

<sup>2</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/985332/Action\\_Plan\\_for\\_Animal\\_Welfare.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/985332/Action_Plan_for_Animal_Welfare.pdf)

<sup>3</sup> <https://www.gov.uk/government/consultations/cat-and-dog-microchipping-and-scanning-in-england/outcome/summary-of-responses-and-government-response>

<sup>4</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1014947/Pet\\_Theft\\_Taskforce\\_Report\\_GOV.UK\\_PDF.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1014947/Pet_Theft_Taskforce_Report_GOV.UK_PDF.pdf)

<sup>5</sup> [Consultation on cat and dog microchipping legislation in England - Defra - Citizen Space](#)

## **8. European Union Withdrawal and Future Relationship**

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

## **9. Consolidation**

9.1 None.

## **10. Consultation outcome**

10.1 The policy relating to microchipping of dogs is unchanged compared to original policy in the 2015 Regulations and was therefore not subject to consultation.

10.2 A Call for Evidence about ‘Cat microchipping in England’<sup>6</sup> ran for 12 weeks from 12 October 2019 to 4 January 2020. It requested evidence of the consequences of introducing cat microchipping and received 3,140 responses, citing the main benefit as increased reunification, benefitting both cats and owners. The response was published 23 December 2020<sup>7</sup>. The evidence informed legislative proposals for cat microchipping, which were subject to a public consultation on ‘Cat and Dog Microchipping and Scanning in England’<sup>8</sup>. This consultation lasted for eight weeks and ran from 23 December 2020 to 17 February 2021.

10.3 There was strong support for the proposals<sup>9</sup>: 99% of respondents supported the introduction of cat microchipping, and 92% supported for this not to apply to feral cats. 91% agreed that the enforcement approach should mirror that in the 2015 Regulations.

10.4 In the light of responses to the consultation from the veterinary profession, the Government decided to raise the age at which a cat should be microchipped from 16 to 20 weeks. This is to allow the procedure to be carried out alongside neutering which may routinely be carried out up to 20 weeks.

## **11. Guidance**

11.1 The statutory Code of Practice for the Welfare of Cats will be updated to include the new requirement for compulsory microchipping of cats over 20 weeks of age and to clarify that this applies to owned cats only.

## **12. Impact**

12.1 There is no new impact on business, charities or voluntary bodies from the continuation of the provisions governing microchipping of dogs. A full impact assessment was prepared when the 2015 Regulations were introduced<sup>10</sup>.

12.2 There is also no significant impact on business, charities or voluntary bodies from the introduction of compulsory cat microchipping. The primary cost associated with the proposed policy is the cost of microchip implantation and initial registration (£25) and change of details on a database (estimated at £10) totalling £0.14m per year on average over the 10-year period. However, this is offset by a greater benefit for rescue and

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<sup>6</sup> <https://www.gov.uk/government/consultations/microchipping-cats-in-england-call-for-evidence/cat-microchipping-in-england-call-for-evidence-document>

<sup>7</sup> <https://www.gov.uk/government/consultations/microchipping-cats-in-england-call-for-evidence>

<sup>8</sup> <https://consult.defra.gov.uk/companion-animals-team/cat-and-dog-microchipping-and-scanning-in-england/>

<sup>9</sup> <https://www.gov.uk/government/consultations/cat-and-dog-microchipping-and-scanning-in-england/outcome/summary-of-responses-and-government-response>

<sup>10</sup> <https://www.legislation.gov.uk/ukxi/2015/108/impacts>

rehoming centres as a result of increased reunifications. There is therefore an estimated net benefit of £0.76m over ten years.

- 12.3 There is no, or no significant, impact on the public sector. Local authorities will continue to benefit from the positive impacts of continued dog microchipping requirements.
- 12.4 A full Impact Assessment has not been prepared for this instrument because these Regulations (i) relate to the continuation of existing regulatory provisions in relation to dogs, which incurs no new impacts and (ii) the introduction of microchipping requirements for cats is classed as a measure with very low business burdens, which does not need an Impact Assessment.

### **13. Regulating small business**

- 13.1 The legislation applies to activities that are undertaken by small businesses.
- 13.2 There are no new impacts on small businesses undertaking dog microchipping. However, the cat microchipping policy is expected to have a disproportionate impact on small rescue and rehoming centres. Larger organisations already microchip cats in their care and so will not be affected by the change in policy. On the other hand, the positive impact of microchipped cats spending less time in rescue centres, is also likely to have a greater effect on small and medium rescue centres, which have less spare capacity in boarding facilities.
- 13.3 Data limitations make it difficult to accurately quantify the differences in marginal benefits across medium, small and micro businesses. The Government is not exempting any medium, small or micro businesses from this regulation, since it would be detrimental to the effectiveness of the policy.

### **14. Monitoring & review**

- 14.1 The approach to monitoring of this legislation is to review these Regulations from time to time, with the first report required to be published by February 2028.
- 14.2 Information on microchipping rates and reunifications in the dog and cat populations is already published by independent organisations, such as the People's Dispensary for Sick Animals (PDSA), Battersea Dogs and Cats Home and Cats Protection. Other indicators we intend to monitor through ongoing engagement with database operators and other key stakeholders, including veterinary bodies and animal welfare organisations.
- 14.3 A statutory review clause is included in the instrument.

### **15. Contact**

- 15.1 Katja Stoddart at the Department for Environment, Food & Rural Affairs. Telephone: 020-8026 9959 or email: [microchipping@defra.gov.uk](mailto:microchipping@defra.gov.uk) can be contacted with any queries regarding the instrument.
- 15.2 Marc Casale, Deputy Director for Animal Welfare Policy, at the Department for Environment, Food & Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 The Rt Hon Lord Benyon, Minister of State at the Department for Environment, Food & Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.