

The Microchipping of Dogs (England) Regulations 2015

Lead department	Department for Environment, Food and Rural Affairs
Summary of measure	A requirement for all dogs, over the age of eight weeks in England, to be implanted with microchips unless they are certified as exempt.
Submission type	Post-implementation review
Implementation date	April 2016
Department recommendation	Replace
RPC reference	RPC-DEFRA-5111(1)
Opinion type	Formal
Date of issue	15 November 2021

RPC opinion

Rating¹	RPC opinion
Fit for purpose	The evidence and analysis provided are more than the RPC would be normally expect for a low value impact measure and the Department is commended for this. The PIR has combined external research with a good range of stakeholder consultation to understand the effectiveness and impact of the regulations. The conclusions reached, as a result of the evaluation, are well supported by the evidence gathered.

¹ The RPC opinion rating is based on whether the evidence in the PIR is sufficiently robust to support the departmental recommendation, as set out in the [better regulation framework](#). The RPC rating will be fit for purpose or not fit for purpose.

RPC summary

Category	Quality	RPC comments
Recommendation	Green	The evidence that the Department has considered is relevant to the measure and is sufficient in supporting the decision to replace the regulations.
Monitoring and implementation	Good	The PIR makes good use of research and evidence that has been gathered on this policy. The PIR outlines the external research that has been commissioned and the stakeholder engagement.
Evaluation	Good	The PIR provides a clear assessment of the success of the policy, highlighting where it has achieved its objectives and where it has not. The unintended effects and barriers to the policy being fully realised have been included. The Department has included a retrospective assessment of the impacts of the policy, which could have benefited from more narrative on the inclusion of the benefits to local authorities (LAs) and civil society organisations (CSOs).

Summary of proposal

The Microchipping of Dogs (England) Regulations 2015 made it compulsory for all dogs over the age of eight weeks in England to be implanted with microchips unless they are certified as exempt. The legislation covered a series of regulations that were to be introduced, covering the aspects of:

- The obligation to microchip dogs;
- The form of microchip;
- What details to be recorded on a database;
- Database conditions;
- Powers given to the Secretary of State;
- Change of keeper;
- The implanting of microchips in dogs;
- Adverse reactions;
- The powers of an Authorised Person (with respect to enforcement); and
- Offences.

The policy set out to achieve three primary objectives: to increase the reunification rate of stray dogs with their owners; to reduce the costs to LAs, animal charities and kennels; and to improve the health and welfare of dogs. The PIR sets out to assess the effectiveness of the policy in achieving these objectives, consider the overall impact that it has had and suggest any refinements that may be necessary.

Recommendation

The recommendation of the PIR is to 'replace' the measure. This is supported by a proportionate range of evidence and feedback gathered, as discussed below.

Monitoring and implementation

Proportionate

The Department has undertaken a substantial PIR for a measure which was previously identified as being *de minimis*. The PIR sets out that, despite the perceived low impact of the policy, due to the high level of stakeholder and public interest a more thorough review was undertaken. The RPC commends the Department for the level of evaluation that has been carried out for this measure.

While not required, the Department has voluntarily submitted this PIR to the RPC for scrutiny. The RPC welcomes this submission from the Department.

Range of evidence

The PIR draws upon several sources of evidence to inform the review of the measure with a focus on two main evidence sources. The first being an external piece of research that has been undertaken by the University of Nottingham to assess the effectiveness of the policy and identify the impact that it had. The second took the form of a targeted consultation with the key impacted stakeholders. This

provides a proportionate evidence base for the review with identification of where improvements can be made.

The PIR briefly addresses international comparisons, in particular noting how Australia and the USA are seeking to address similar database-related issues. The Department could have discussed this further and whether any lessons from similar policies in other countries have been included in the decision to replace the regulations.

Gaps in evidence justified

The Department has been open and transparent regarding the gaps and limitations of the evidence that they have gathered. For example, it establishes that there is no clear evidence to substantiate the achievement of their third objective (to improve the health and welfare of dogs). In their assessment of the costs and benefits of the policy, it is clearly set out which costs they were able to assess retroactively and those which they were not.

Evaluation

Policy objectives considered

The PIR clearly sets out the objectives of the policy and addresses each in turn. Here the Department includes the evidence which has been considered alongside the determination of whether it has been successful in achieving each objective. Discussion of the merits and suitability of the evidence gathered is included, alongside the determination of how successful the regulations have been.

The PIR identifies that the policy has been successful in increasing the reunification rate of strays, while also reducing the costs to LAs, charities and kennels. The evidence gathered suggests that these objectives being met could be driven by the increased and sustained rate of dogs being microchipped, since the introduction of the requirement in 2015. However, the Department does note, that there is no clear evidence to suggest that it has been successful in achieving the third objective of improving the health and welfare of dogs.

Unintended effects

The Department has identified additional barriers to the reunification of stray dogs with their owners that had not been previously considered. These barriers centred primarily around the database systems that were introduced and that microchips were to be registered on. The identification of these unintended consequences and discussion of how these are limiting the policy from fulfilling its full potential have been used as one of the key rationales to support the proposed replacement of the regulations.

The PIR includes discussion of the potential impact that the COVID-19 pandemic has had on the sale/ownership of dogs and how this may have affected the rate of

success of the policy. The PIR could have been improved by including discussion of whether the impact of COVID-19 will be expected to have longer term or temporary effects.

Original assumptions

The PIR has sufficiently addressed the original assumptions and costings. The Department helpfully provides comparisons between the estimated costs from the original IA and, where possible, what these costs were once the regulations had been introduced. These retrospective cost estimates are supported by engagement with stakeholders who were directly impacted. The PIR would benefit from, if possible, including more qualitative evidence for the areas where the Department has not attempted to quantify the impact of the regulations.

Small and micro businesses (SMBs)

The PIR notes that, as a full assessment of the costs has not been carried out as part of this review, the Department is unable to say whether the impact on SMBs has diverged from original estimate (of £0.4 million). However, the PIR does state that the findings of the research undertaken by the University of Nottingham did not suggest that there has been a disproportionate impact on SMBs.

Improvements or alternatives considered

Through the evaluation of the evidence gathered, the Department has identified that issues relating to the database are limiting the policy from fulfilling its full potential (in particular with respect to cost savings). For example, the presence of multiple database providers, the failure to register dogs once microchipped and the requirements to ensure that the information held is accurate are all cited as limiting the potential of the policy.

As a result, improvements to the database arrangements, such as introducing a single national database, are identified as needing to be considered. The widening of the policy to include the microchipping of cats has also been proposed. Therefore, this has led to the need for the regulations in their current form to be replaced.

Future impacts considered

The Department provides a clear description of the expected costs and benefits going forward, while also addressing the unintended future impacts. The PIR also discusses the next steps for the policy, including the microchipping of cats. This will cover not only the amendment to the database system, but also the changes to enforcement practices to ensure compliance. This area of the PIR also covers the potential reforms the Department intend to consult on.

As noted under unintended impacts, the PIR notes the effect on dog ownership due to the pandemic. The PIR could have benefited from including, in the consideration

of future impacts, the potential for a lasting effect of any changes seen through the COVID-19 pandemic.

Regulatory Policy Committee

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