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My Lords,

The Microchipping of Dogs (England) Amendment Regulations 2022

I am grateful to noble Lords for their contribution in the House of Lords debate on 25 January on the above regulations. I said that I would write to follow up to provide further information on a few points which came up during the debate.

Requirements for database operators

Baroness McIntosh of Pickering asked whether the department proposes to introduce additional requirements for database operators, to ensure they have processes in place to check information systemically and enhance record accuracy.

Database operators are required to record certain details set out in the legislation relating to a dog and its keeper. Keepers are required to provide the database operator with information. Separately, the UK GDPR requires the database operator to ensure that personal data is correct and, where necessary, kept up to date. We will put forward a proposal in our forthcoming consultation for a new requirement on database operators to issue regular reminders to dog keepers asking them to review their records.

Lord Trees asked whether the department is confident that adequate checks are being made to ensure databases are compliant, and also asked how many times the Secretary of State has served a notice on a database operator.

At present, there are 17 databases that hold themselves out as compliant with the 2015 Regulations. Where there are concerns, we initially try to resolve them by working with the database operators and agreeing an approach that is supported by all parties. The Secretary of State has the power to issue notices to databases where he is satisfied that they do not meet the conditions set out in the Regulations. I can confirm that two notices have been issued since the Regulations came into force.

In our forthcoming consultation we will seek views on proposals to streamline the interactions between databases, for instance during the transfer of records between databases or when a dog moves to a new keeper. We will also include a question on the proposal to introduce a statutory code of practice for microchipping databases that hold themselves out as compliant with the regulations.

Baroness Jones of Whitchurch asked whether there are constraints on how much database operators can charge.

Database operators are commercial enterprises which offer a range of services and provide choice for pet owners. The 2015 Regulations do not set criteria for how much a database can charge for holding a microchip record.

Requirements for breeders and implanters

Baroness Jones of Whitchurch and Baroness McIntosh of Pickering both raised questions in relation to breeders, including whether requirements for breeders to microchip will be made more emphatic in the new regulations and whether there will be legal obligation for the breeder to update the database with the new keeper's details when the keeper changes.

It is a requirement for dogs in England to be microchipped by the age of eight weeks and to be registered on one of the compliant databases. Local authorities and police have powers to enforce breaches of the Regulation. We have taken note of the findings in research carried out by Nottingham University, which suggests that a number of breeders do not microchip and register puppies before placing them in new homes and we are considering further how this can be addressed.

Baroness McIntosh of Pickering also asked whether we would consider making it a legal requirement for implanters to register details of the microchips they have implanted.

Some implanters, including some veterinarians, register a dog's microchip details on a compliant database as part of the implantation service. However, the responsibility to record details relating to their dog lies with the keeper. There are currently no plans to review this policy.

Enforcement Powers

Baroness McIntosh of Pickering and Lord Trees both raised questions regarding enforcement of the Regulations, including whether local authorities would have adequate resources and a legal duty to enforce breaches of the Regulations; whether guidance for local authorities will be issued; and whether local authorities will have the powers to issue Fixed Penalty Notices (FPNs).

Local authorities and police have powers to enforce breaches of the Regulation. They decide how they prioritise their resources, but we will consider issuing guidance for enforcement to Local Authorities.

We do not currently have powers to introduce Fixed Penalty Notices in secondary legislation. However, Andrew Rosindell MP has introduced the Animals (Penalty Notices) Bill as a Private Member's Bill in the current Parliamentary session which, if enacted, is likely to provide powers to enable Fixed Penalty Notices to be introduced in future. If this Bill is enacted, we would consider granting enforcement bodies the power to issue such notices.

Baroness Bakewell of Hardington Mandeville asked whether there will be a requirement for veterinary staff to enforce the revised regulations.

The Microchipping of Dogs (England) Regulations 2015 do not give enforcement powers to veterinary surgeons and we do not propose to change this. The main aim of the 2015 Regulations is to help reunite stray dogs with their keepers and to reduce the number of dogs that need to be kennelled, re-homed or put down because their keepers could not be traced. This has been successful, with an increased reunification rate for stray dogs since the introduction of the measures. Microchip implanting and the scanning of strays by vets and other authorities is central to meet that aim, and vets are well placed to advise clients of their legal obligation to microchip dogs. There is a strong imperative to do this on animal welfare grounds which underpins any vet's actions.

I hope noble Lords find this information helpful. I am copying this letter to all noble Lords who took part in the debate and I shall be placing copies in the Libraries of both Houses.

Yours sincerely,



THE RT HON LORD BENYON