

Microchipping

6th April 2016 – was the date by which all of the 8.5 million dogs in England, Scotland and Wales need, by law, to be microchipped their details registered on one of the authorised databases, such as Petlog.

Listening to the news on deadline day it was announced that approx. 1.4 million dogs were still not microchipped. Of the 7.1 million dogs that are already chipped, it is thought that approx. 3 million – just under half - of the UK's dog population do not have the correct owner's information details registered on the microchip databases.

The main objective of compulsory microchipping dogs is to enable lost or stray dogs to be reunited with their owners. The authorities also seem to believe that this will stop puppy farming and enable them to trace the owners of dangerous and disruptive dogs.

Looking on the internet and in the press, there are various interpretations of the law, so let's have a look at the truth.

The Law (from <http://www.legislation.gov.uk/ukdsi/2015/9780111125243>)

From 6th April 2016 every keeper of a dog which has not been implanted with a microchip by that date,

- which is older than 8 weeks; and,
- which is not a certified working dog for the purposes of section 6(3) of the Animal Welfare Act 2006(4),

must ensure that it is microchipped.

There are exemptions for health reasons as long as a veterinary surgeon certifies, on a form approved by the Secretary of State, that a dog should not be microchipped for reasons of the animal's health. However the exemption period is time limited.

A dog is microchipped where—

- a microchip which complies with regulation 4 has been implanted in the dog; and,
- the details set out in are recorded on a database by a database operator

Form of microchip

From the date these regulations come into force any microchip implanted in a dog must meet **the following requirements—**

- it must have a unique number which includes the manufacturer's code;
- it must be compliant with ISO standard 11784:1996 of the International Standards Organisation's standards for microchips;
- it must be compliant with ISO standard 11785:1996 of the International Standards Organisation's standards for microchips, and
- 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

The details to be recorded on a database are—

- the full name and address of the keeper;
- where applicable, the fact that the keeper is also the breeder;
- if the keeper is the breeder and is licensed by the local authority under the Breeding of Dogs Act 1973;
- the breeder's licence number; and
- the name of the local authority by which they are licensed;
- the original name or identification number given to the dog;
- the contact telephone number (if any) for the keeper;
- the name given to the dog by the keeper, if that is different to the original name
- the sex of the dog;
- the breed of the dog, or a description if it is a cross-breed;
- the colour of the dog;

- the most accurate estimate of the dog's date of birth which the keeper is capable of giving; and
- the unique number of the microchip implanted in the dog.

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. The Kennel Club also states, on its website, that it is an offence if the breeder of a litter of puppies does not register themselves as the first keeper on a database, such as Petlog.

Definition of a dog's "keeper"

For Assistance dogs - until the dog ceases working as an assistance dog the keeper is the body responsible for its training and allocation; after the dog has ceased working as an assistance dog, the person with whom it normally resides;
 For Puppies - in relation to a new-born puppy, the owner of the bitch which gave birth to it; In relation to any other dog, the keeper is the person with whom it normally resides.

Change of keeper

- From 6th April 2016, where 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 change in the dog's name with the database on which the dog's details are recorded pursuant to regulation 3(5)(b).
- From 6th April 2016 no keeper may transfer a dog to a new keeper until it has been microchipped unless a certificate issued under regulation 3(2) or 3(3) states that the dog should not be microchipped for reasons of the animal's health.

Death of a Microchipped Dog

Some interpretations of the Law say that Databases should also be informed of the death of a microchipped dog, but I cannot find reference to this in the Act.

Implanting of microchips

People who are qualified to implant chips from 6th April are:

- a veterinary surgeon or a veterinary nurse acting under the direction of a veterinary surgeon;
- a student of veterinary surgery or a student veterinary nurse and in either case acting under the direction of a veterinary surgeon;
- persons who they have been satisfactorily assessed on a training course approved by the Secretary of State for that purpose;
- or persons who, before the day on which these Regulations come into force, received training on implantation which included practical experience of implanting a microchip.

The Act also requires vets and implanters to notify an adverse reaction to a microchip or the failure of a microchip to the Secretary of State. This includes reporting the migration of a microchip from the site of implanting.

Policing the Act

The Kennel Club comments, in its leaflet on Microchipping, that it remains to be seen who will be the eyes and ears of the scheme. Will the onus be on veterinary surgeons and veterinary nurses to confront owners with non-microchipped dogs? Or will RSPCA inspectors or the police be scanning random dogs on the street?

It is commonly believed that puppy farmers, the owners of status dogs, fighting dogs, those who never take their dogs to the vets and casually dump their pets when they develop health problems or when the novelty wears off, will continue as before and be unaffected by the legislation until it develops real teeth.

The Act states that The Secretary of State may authorise in writing any person ("an authorised person") to act for the purpose of enforcing these Regulations.

The Vets Get Scanning campaign states that many agencies (including vets, rescues and council dog pounds) do not, at present, routinely scan dogs.

The veterinary profession recommend microchip scanning on a dog's first visit to a veterinary practice. However, where there is an ownership dispute or an animal is suspected stolen vets are advised to follow guidance given by their professional bodies (BVA, RCVS, BSVa etc.) that they may not breach "client confidentiality". On the 5th April 2016 a new Veterinary Microchip Data service launched which allows clients' contact information to be automatically renewed via their veterinary practice. This new service has been developed by Central Veterinary Services, who run and manage the National Veterinary Database (NVD®). It offers seamless registration on its national database for newly microchipped pets and, once registered, clients need only keep their veterinary practice informed of any changes to their address or telephone numbers. NVD® believe that this is a way forward in addressing the large percentage of microchipped pets with out-of-date microchip contact details.

However kennels and catteries should be aware that

"A local authority in whose area a dog is kept may authorise in writing any person ("an authorised person") to act for the purpose of enforcing these Regulations in its area."

As our businesses require a Local Authority License to operate this may become part of its Terms and Conditions. We are not in the position to cite client confidentiality as we already have to make our "Register", client and pet records, available for inspection on request. One of our members has already been asked to check all their dog boarders for microchips and countered it by saying that if the Local Authority wants them to do this they would have to provide scanners and training – they have not heard back!

Also, even if we are authorised implanters, despite the new information from the Kennel Club/Petlog, we still cannot access the database records to check the chip's details are correct.

Powers of an authorised person

- To serve notice on the keeper of a dog which is not microchipped requiring the keeper to have the dog microchipped within 21 days;
- if the keeper of a dog fails to comply, then the authorised person can, without the consent of the keeper, arrange for the dog to be microchipped; and recover from the keeper the cost of doing so;

Owners can be fined £500 for not having their dog chipped and the regulations also allow an Authorised Person to take possession of a dog without the consent of the keeper for the purpose of checking whether it is microchipped or for the purpose of microchipping it.

Every dog owner, breeder and every dog professional should be aware of the implications of this Act for it will, one way or another affect us all. The tentacles of regulation are creeping further into our lives. There is safety in numbers – it is easier to challenge something when you are a member of a group or organisation and the voices of the members of the Licensed Kennel and Cattery Organisation (LIKCA) are more likely to be listened to than a single voice crying in the wind.

And so we will have to wait and see how this will affect us all, but be prepared and do read all the small print on your Licensing Authority's website and Licence renewal paperwork.

Su Carlin

7th April 2016