



Department
for Environment
Food & Rural Affairs

Consultation on Cat and Dog Microchipping and Scanning in England

December 2020



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Introduction

1. It is not currently a legal requirement in England for owners to microchip their cats unless the cats are travelling under the EU Pet Travel Scheme, or have been commercially imported. Defra has received strong representations that cat microchipping should be made a compulsory requirement of cat ownership.
2. Campaigners argue that compulsory microchipping should be introduced to enable quick reunification of lost cats with their owners. It is estimated that just over 70% of owned cats are currently microchipped in this country. Campaigners argue that making cat microchipping compulsory would increase that proportion to nearer 90%.
3. A Call for Evidence on compulsory cat microchipping in England ran for 12 weeks from 12 October 2019 to 4 January 2020. A document providing a summary of the responses can be found here: www.gov.uk/government/consultations/microchipping-cats-in-england-call-for-evidence. A short overview of the summary of the responses to the Call for Evidence is at paragraphs 25-29.
4. The Government has decided that given the overwhelming support for compulsory cat microchipping, with some 99% of respondents supporting the policy, it will proceed with a full public consultation on the issue.
5. This consultation explores in more detail some of the questions raised in the Call for Evidence including how to address stray cats, and enforcement and penalties for non-compliance. The consultation also considers the issue of compulsory scanning of pets (dogs and cats) for microchips. This follows calls from recent campaigns to make scanning a legal requirement for vets, local authorities and rescue and rehoming centres in certain circumstances.
6. Animal welfare is a devolved matter so any compulsory requirement to microchip cats or reforms to scanning obligations introduced by Defra would only apply to England.
7. In parallel with the consultation, Defra is already undertaking a Post Implementation Review (PIR) of the Microchipping of Dogs (England) Regulations 2015¹ (“the 2015 Regulations”) which provide the legislative regime for compulsory dog microchipping in England. This PIR may inform potential changes to the way compulsory dog microchipping is currently regulated in England and is due to report next year.

¹ <http://www.legislation.gov.uk/uksi/2015/108/contents>

Cat Ownership

8. Through the Call for Evidence, Defra sought information on how any requirement for microchipping might apply to cats who have no identifiable owner, or where ownership is not clear cut. Many cats have an owner but roam more freely than dogs and therefore may be cared for by more than one household. Some cats may also live wild as part of a free-roaming population of cats.
9. For the purposes of this consultation, we may refer to the following terms:
 - a. **Owned cats** as cats who have an identifiable keeper i.e. a person with whom they normally reside and who are under direct control or restriction by a person at a particular time;
 - b. **Stray cats** as cats that have an owner and remain the property of that owner, but who have strayed from their usual place of keeping or who have been abandoned by their owner (becoming lost/displaced). Under the Animal Welfare Act 2006, it is an offence to abandon an animal;
 - c. **Feral cats** as ownerless cats that have most likely been born in the wild from stray or other feral cats and have reverted to a wild state.
10. Any obligation to microchip a cat would fall with the owner of the cat. Ownership of a cat will be a question of fact and dependent on the case. Whilst the owner would be responsible for ensuring a cat is microchipped, as with dog microchipping, we would expect the keeper and their details (if different from the owner) to be registered on the database.

What is Microchipping?

11. In the case of cats and dogs, microchipping involves the implantation of a microchip, generally about the size of a grain of rice, under the skin of an animal. The microchip has a unique serial number which can be read by a microchip scanner. The serial number is held by a commercial database provider and when cross referenced, it provides details of the animal, the name and address and contact details of its keeper, and other information. When an animal strays or is lost, scanning the microchip can enable the registered keeper to be identified so that the animal can be reunited with them.
12. A pet owner is a person or organisation that legally owns the pet, although that pet does not necessarily have to reside at the owner's address. A pet keeper is a person or organisation who keeps the pet, which ordinarily resides at their address. In most circumstances, the pet's owner and keeper are the same. However, this is not always the case. For example, a rescue charity may rehome an animal to a person who becomes its keeper but maintains ownership of the animal.

Dog Microchipping – A Potential Model?

13. A potential model for compulsory cat microchipping would be based on the existing model for compulsory dog microchipping. Compulsory dog microchipping was introduced in England in April 2016 by the 2015 Regulations. Compulsory dog microchipping aims to improve the welfare of dogs by helping lost and stray dogs to be reunited quickly with their keepers, and to improve public safety and reduce nuisance caused by stray dogs. Before microchipping of dogs became a legal requirement, it was estimated that less than 70% of dogs were microchipped². It is now estimated that over 90% of dogs are microchipped and their details recorded on a database³.
14. Under the 2015 Regulations, all dogs need to be microchipped by their keepers by the time they are eight weeks of age and their details recorded on a database. Exemptions apply to dogs that are in England for less than 30 days or a certified working dog or where a veterinary surgeon certifies that a dog should not be implanted with a microchip for particular health reasons.
15. All adverse reactions to microchips, including failed and migrated microchips (those that move within the animal) must be reported to the Secretary of State via the Veterinary Medicines Directorate⁴. The latest data on adverse reactions in dogs from 2019 shows that there were a total of 354 reactions reported out of 540,000 dogs microchipped that year. 98% of reported cases were instances where the microchip had failed or migrated, rather than where implantation had caused health issues.
16. In order that dogs are microchipped in a satisfactory way, minimum standards are set for microchips, and for the databases in which the keeper's details are recorded (see paragraph 18). There are also minimum qualifications for those people who implant microchips. The 2015 Regulations require keepers to register their own details, including name, address, telephone number, and their dog's details, including name, age and description of dog, and microchip number, on a compliant database. Failure by a keeper to register the dog on a compliant database or to keep their details up to date is an offence under the 2015 Regulations.
17. The cost of microchipping a dog varies but it is generally between £15 to £30. Database operators offer different packages but may charge keepers to update a record.
18. The 2015 Regulations also set requirements for the databases who register the dogs and their keepers. Databases must:
 - have sufficient electronic capacity to store the keepers' details;

² PDSA's PAW Report 2011

³ Defra's quarterly statistics July 2020

⁴ <https://www.gov.uk/report-veterinary-medicine-problem>

- back up the data to a secure off-site facility every day;
- provide information to an authorised person (e.g. Defra, local authority, police);
- provide information to a registered keeper about their dog;
- have a system for identifying authorised persons;
- have a system for identifying keepers of registered dogs;
- maintain records to demonstrate that they are complying with the 2015 Regulations;
- have a system for answering the telephone and responding to online requests;
- be able to redirect online and telephone requests relating to dogs whose details are recorded on other databases; and
- make available to other database operators the necessary information that allows other databases to determine which microchip numbers are recorded on their database.

19. There are currently 15 compliant databases that register dogs in England. Anyone enquiring about the registration of a microchip number can simply type the microchip number into any one of the compliant databases' internet-based search facilities, or 'lookup tools', and the result will display the name of the database to which the number is registered.

20. Under the 2015 Regulations, local authorities and the police both have the power to issue enforcement notices to keepers of dogs that are not microchipped requiring them to microchip their dog within 21 days. Failure to comply with a notice is a criminal offence and punishable by a fine of up to £500.

21. The Secretary of State has powers to issue enforcement notices to any database operator that they do not consider to be compliant with the 2015 Regulations. Any database operator found not to be compliant with the 2015 Regulations could face a fine of up to £2,500 and have their name removed from the list of "compliant databases" maintained by Defra. The database operator will also be required to provide all of the data to the Secretary of State or another database operator so that these microchips and their records can be administrated by a compliant database.

22. Appeals against enforcement notices are heard by the First-tier tribunal while any criminal prosecutions which result from failure to comply with a notice will be heard by a magistrate

23. It is also a requirement of the 2015 regulations for microchips to be implanted by certain qualified or appropriately trained persons. Anyone receiving training to implant a microchip must do so from a Government approved trainer. Failure to meet the legal standard of training may result in a person no longer being allowed to implant microchips.

24. The 2015 Regulations contain a review clause which puts an obligation on the Secretary of State to review the regulations from time to time, including a specific requirement, to review them before the end of the period of five years from when they came into force. This Post Implementation Review is due to report next year.

Call for Evidence

25. Between 12 October 2019 and 4 January 2020, Defra ran a Call for Evidence on compulsory cat microchipping. The Call for Evidence attracted over 3,000 responses from individuals, cat welfare organisations, rescue and rehoming centres, veterinary bodies, and organisations or businesses associated with the microchipping sector. 3,004 (96%) responses were part of an online campaign organised by Cats Protection.

26. There were 3,140 responses to the call for evidence. Of these 3,118 (99%) supported compulsory microchipping of cats and 22 (1%) were opposed.

27. Advantages of compulsory microchipping mentioned included:

- Increases chance of successful reunification of pet and owner;
- Peace of mind for owner and closure for owners whose cats are found injured/dead;
- Quicker reunification means less time spent by rehoming centres trying to trace keepers.

28. Disadvantages of microchipping mentioned:

- Elderly or people with disabilities may be disadvantaged in terms of accessing information about compulsory microchipping of cats and the requirements;
- Local authorities will not have resources to enforce requirements.

29. Comments relating to databases included:

- To reduce duplication of records, databases should be required to check whether a microchip was already registered on another database before registering it on their own;
- To help tackle theft, databases should contact any existing owner before registering a cat with a new owner;
- To reduce duplicate records and tackle problem of people accidentally registering with non-compliant databases, there should be only one database;
- Costs associated with keeping records on database up to date.

[The full summary of responses document can be found at www.gov.uk/government/consultations/microchipping-cats-in-england-call-for-evidence]

Compulsory cat microchipping

30. Given the overwhelming support from the Call for Evidence, the Government is recommending that compulsory cat microchipping is introduced.

Question 1: Would you like to see compulsory cat microchipping introduced in England?

Yes

No

Feral cats

31. One of the aims of compulsory dog microchipping is to reduce the public nuisance caused by stray dogs, and to ensure public safety. Stray dogs are generally picked up by local authorities, scanned for a microchip and where possible returned to their owners. In contrast, cats by their nature roam more freely, and it can be difficult to determine whether a cat is owned or stray. Some cats also live in feral colonies and do not have an identifiable or clear owner.

32. Most public respondents to the Call for Evidence felt that the requirements for microchipping should be restricted to owned cats only, and not to feral cats. Cats Protection, the UK's largest feline welfare charity, also did not recommend requiring microchipping of unowned, free-roaming populations of cats. We are therefore proposing that any requirement for cat microchipping be focused on owned cats that are pets to ensure they are microchipped with their keeper's details.

Question 2: Do you agree that a requirement for compulsory cat microchipping should be limited to owned cats?

Yes

No

Age limit by which cats should be microchipped

33. Dogs are required to be microchipped by their owners by the time they reach eight weeks of age. Responses to the Call for Evidence indicated that this should be different for cats. In their evidence, the joint response from the veterinary bodies (British Veterinary Association, British Veterinary Nursing Association, British Small Animal Veterinary Association and Society of Practising Veterinary Surgeons) said:

“We are aware that even with mini chips, the size of the needle for implantation can still damage soft tissue of smaller kittens. We would therefore welcome further clarity as to what the proposed age for microchipping kittens would be in any legislation. Anecdotal evidence from our members suggests that kittens are usually microchipped at second vaccination (12 weeks, when they are bigger and easier to handle), or at the time of neutering at 14-18 weeks.”

In their response to the Call for Evidence, Cats Protection said:

“Owned cats should all be microchipped no later than 16 weeks of age unless there is a medical reason not to do so which must be certified by a vet. This allows the kittens to be sufficiently well grown for the procedure to be carried out easily and possibly at the time of neutering.”

34. Given this evidence, Defra is minded to require that cats be chipped by 16 weeks of age unless there is an animal health reason not to do so, which should be certified by a vet.

Question 3: Do you support the proposal that cats should be microchipped by 16 weeks of age unless there is an animal health reason certified by a vet?

Yes

No [Please suggest an age and justification here free comment box]

Lead in period for compliance

35. When the dog microchipping regulations were introduced, dog owners had over 12 months to comply. This provided time to ensure that the public were aware of the new requirements, for the microchip databases to prepare for any necessary changes to their systems, and local authorities, welfare charities and vets to prepare as necessary. The Government considers that a lead in period before the requirements came into force would be helpful for owners and those affected by the requirements.

Question 4: If compulsory cat microchipping was introduced, how long a lead-in period do you suggest for the public, database operators, local authorities, veterinary practices and animal welfare charities to comply?

6 months

1 year

2 years

Other [Please suggest time period in free text]

Enforcement

36. Under 2015 Regulations, local authorities and the police have powers to ensure that dogs are microchipped by issuing enforcement notices to dog keepers who have not microchipped their dogs requiring them to do so within 21 days or face prosecution, and a possible fine of up to £500. When a person fails to comply with an enforcement notice, local authorities may also seize and microchip the dog and pass the costs back to the dog's keeper.
37. Responses to the Call for Evidence indicated concern that local authorities would not have adequate resources to enforce cat microchipping requirements. One option could be for local authorities to have powers to issue fixed monetary penalties. This civil sanction monetary penalty can be imposed by a local authority and enforced through the courts in the usual way.

Question 5: Which form of enforcement powers do you support for cat microchipping, and for what reason(s)?

Same as currently for dog microchipping – enforcement notice with 21 day notice requirement to chip your cat. Subject to prosecution and a fine only after a failure to comply with the notice (£500)

Fixed monetary penalty. If so, at what level should this be set? [please indicate appropriate level in free comment box]

Potential scanning reform

38. Respondents to the Call for Evidence suggested that local authorities need to be better equipped and prepared to scan for microchips when dealing with stray or deceased cats. This was supported by additional calls for routine scanning of dogs and cats found by dog wardens, highways departments and vets. The absence of a legal requirement for vets to scan cats that come into their surgery as strays or at their first appointment, was cited as a potentially having an impact on the success of compulsory cat microchipping.
39. In addition to information shared in the Call for Evidence, several campaign groups have called on the Government to make the scanning of dogs and cats for microchips compulsory in certain circumstances in order to check ownership/keepership against database records. This includes proposals for the compulsory scanning of dogs before euthanasia by vets to confirm the person presenting the animal is the registered keeper

on the microchip database and to check additional contact details for rescue or rehoming organisation that may maintain a legal interest in the animal;

- i. “Tuk’s Law” campaign is calling for vets to be required to scan microchips for rescue back up contact details prior to euthanising healthy animals and check keeper and owner details on the relevant database. The rationale behind this is to check that the “rightful” owner has given permission for euthanasia to take place;
- ii. “Fern’s Law” campaign seeks a requirement for vets to scan cats and dogs that are brought into the practice for the first time or at yearly check-ups to check that the animal is not recorded as stolen or missing;
- iii. “Gizmo’s Legacy” campaign relates primarily to a requirement for local authorities (council workers/contractors/street cleaners) to scan dead cats and check microchip details where the animal is found by the roadside. The rationale is that this would provide owners with peace of mind to know what had happened to their pet, and prevent carcasses being disposed of to landfill or by cremation without their knowledge or consent.

40. The Royal College of Veterinary Surgeons and the British Veterinary Association indicate that it is already best practice for vets to scan for a microchip in a number of circumstances including prior to microchip implantation; on presentation of a lost, stray or apparently unowned animal; on first presentation at the practice; before travelling abroad; before rabies vaccination or official certification; annually as routine; on admission for treatment or hospitalisation where appropriate and prior to euthanasia.

41. It is established good practice for local authorities and the Highways Agency to scan domestic pets found on streets so that the owner can be informed. In cases of road traffic accidents, Government encourages local authorities to identify the owners, where possible.

42. We are, therefore, also seeking views in this consultation exercise on whether the scanning of cats and dogs by vets and other bodies should be made compulsory in certain circumstances, or whether existing guidance and best practice set out by the veterinary profession and other bodies is sufficient.

Question 6: Do you think veterinarians and other bodies who legally euthanise should be required to scan cats and dogs prior to euthanasia?

Yes

No

Question 7: If YES, how should this requirement be enforced?

By strengthening codes of practice

Legal obligation

Other

Question 8: Do you think veterinarians should be required to scan cats and dogs upon first presentation?

Yes

No

Question 9: If YES, how should this requirement be enforced?

By strengthening codes of practice

Legal obligation

Other

Question 10: Do you think local authorities should be required to scan dead cats and dogs that are brought to them?

Yes

No

Question 11: If YES, how should this requirement be enforced?

By strengthening codes of practice

Legal obligation

Other

Question 12: What costs would a requirement to scan for microchips in these circumstances generate to groups of organisations referenced above?

[Free comment box]

Question 13: Are there any impacts of requiring compulsory scanning in circumstances mentioned above that could affect animal health and/or welfare?

Yes– positive impact [PLEASE EXPLAIN THE IMPACT HERE FREE COMMENT BOX]

Yes – negative impact [PLEASE EXPLAIN THE IMPACT HERE FREE COMMENT BOX]

No – no impact

How to Respond

43. To respond to this consultation please email CAWS.Consultations@defra.gov.uk including any supporting documents. Alternatively, you can respond via Citizen Space using the link here: <https://consult.defra.gov.uk/companion-animals-team/cat-and-dog-microchipping-and-scanning-in-england>. The closing date is [5pm on 17 February 2021]. Defra will publish a summary of responses after that date.

44. In order to take the necessary precautions against COVID-19, it has been decided not to accept hard copies of responses.

45. In your response please state whether you are replying on behalf of an organisation or as a member of the public.

If you are replying on behalf of an organisation or organisations:

- which organisation(s)?
- what is your name and position?
- what is your email address?

46. Due to the time constraints of this consultation, if you are a membership organisation it would be of great assistance if responses could be collated on behalf of your members and provided as one submission.

Confidentiality and Data Protection Information

47. A summary of responses to this consultation will be published on the Government website at: www.gov.uk/defra. An annex to the consultation summary will list all organisations that responded but will not include personal names, addresses or other contact details.
48. Defra may publish the content of your response to this consultation to make it available to the public without your personal name and private contact details (e.g. home address, email address, etc).
49. If you click on 'Yes' in response to the question asking if you would like anything in your response to be kept confidential, you are asked to state clearly what information you would like to be kept as confidential and explain your reasons for confidentiality. The reason for this is that information in responses to this consultation may be subject to release to the public or other parties in accordance with the access to information law (these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA)). We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances. In view of this, your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance these obligations for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.
50. If you click on 'No' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we won't make your personal name and private contact details publicly available.
51. There may be occasions when Defra will share the information you provide in response to the consultation, including any personal data with external analysts. This is for the purposes of consultation response analysis and provision of a report of the summary of responses only.
52. This consultation is being conducted in line with the Cabinet Office "Consultation Principles" and be found at: <https://www.gov.uk/government/publications/consultation-principles-guidance>.
53. If you have any comments or complaints about the consultation process, please address them to:

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