

Response to the Defra consultation on cat and dog microchipping in England

Who we are

1. BVA is the national representative body for the veterinary profession in the United Kingdom and has over 19,000 members. Our primary aim is to represent, support and champion the interests of the veterinary profession in this country, and we therefore take a keen interest in all issues affecting the profession, including animal health and welfare, public health, regulatory issues and employment matters.
2. The British Veterinary Nursing Association (BVNA) is the largest membership body of veterinary nurses in the UK with over 6,000 members. It is also the official representative body for veterinary nursing in the UK. In addition to support for its Membership, key activities of the BVNA include an Annual Congress in October and a wide range of accredited CPD courses, including online seminars. The BVNA also publishes the VNJ (Veterinary Nursing Journal).
3. The British Small Animal Veterinary Association (BSAVA) exists to promote excellence in small animal practice through education and science and is the largest specialist division of BVA representing nearly 10,000 members.
4. The Society of Practising Veterinary Surgeons (SPVS) is the division of the BVA with a primary focus on matters concerning vets in practice and the practices where they work. SPVS is a not-for-profit organisation for professionals within the veterinary industry. SPVS promotes responsible leadership by providing tools and resources that enable members to develop and expand their business and leadership skills.
5. We welcome the opportunity to respond to this consultation on cat and dog microchipping legislation in England.

Summary of our position

6. Making it easier for approved users to access database records (Questions 1-4)
We recognise the benefits that microchipping of dogs and cats can bring for animal welfare, public safety and to generally promote responsible pet ownership. We therefore support the microchipping of both species as a safe, effective, and permanent way to identify individual animals, as well as facilitate the quick identification of lost pets and reunite lost pets with their owners.
7. However, we are also aware that the significant increase in the number of databases offering microchip registrations has increased the administrative burden for veterinary practice and the potential for errors and duplication of records. We therefore warmly welcome the proposal to introduce a single point of access which we hope will lead to a reduction in the need for manual search of multiple databases. It is however important, that the information available through the single point of access mechanism is updated in real time.
8. Vets and veterinary practices should not bear the cost associated with establishing a single point of contact. The main purpose of compulsory microchipping for both dogs and cats, is to reduce the number of lost pets that cannot be reunited with their owners. Vets and veterinary practices have

an important role to play in providing this service to the community, but by doing so they already incur both direct and indirect costs and should therefore not have to cover additional costs.

9. Maintaining the accuracy of records (Questions 5-8)

It is important that the records held on microchipping databases are kept up to date to simplify and speed up the process of reuniting lost and stolen pets with their owners. We therefore support the introduction of measures to facilitate the accuracy of the information held on the databases. Owners should be encouraged to keep their contact details up to date and we support a requirement for database providers to regularly prompt users to do so.

10. We do not support the introduction of penalties for pet owners who fail to keep their pets' records updated due to a number of concerns regarding the ease of the process of updating the records, and the cost and viability of an enforcement regime for such a requirement. The introduction of penalties should therefore only be considered once those issues have been appropriately addressed.

11. Strengthening processes around the transfer of keepership records and preventing duplicate registrations (Questions 9-13)

We welcome proposals to eliminate duplicate registrations and to require consent before an ownership record can be changed. However, based on feedback from our members we are aware that some breeders do not respond to requests for transfer of ownership. Ideally, there would therefore be a document completed by both parties which is exchanged at the physical handover of the animal and can be submitted as proof of ownership.

Ideally each animal would only be registered on one database and hopefully having a single database will make this easier. However, if the new owner is unable to determine which database the animal is registered on or there are problems with transfer they may have little alternative but to register on a new database. There will also be a need for databases to transfer records on request and there should be regulation setting out the transfer process of records when a database operator goes out of business

12. Breeder traceability (Questions 15-18)

Proposals to improve breeder traceability for dogs are welcome, provided that the information gathered can be used to improve animal welfare and public safety outcomes. We could see benefits in introducing the same requirement for cats bought from breeders but see a number of additional obstacles. We also have serious concerns about making microchipping for cats compulsory by the age of 8 weeks.

13. Additional details to be included on database records. (Questions 19-23)

Microchip databases should include information on whether an animal has been reported lost or stolen. We can also see the benefits of including a field for back-up contacts if the back-up is an animal rescue charity. However, this must not result in a legal requirement for vets to scan prior to euthanasia which is something we do not support. We already recommend that veterinary practitioners should scan for a microchip prior to euthanasia, if considered appropriate, as part of good clinical practice and where there exists any doubt so as to make sure that the patient is matched to clinical record. However, as each case will be different, it is essential that vets are allowed to exercise their professional judgement in these situations, in order to safeguard animal welfare and public safety.

14. Ensuring effective processes and compliance with database conditions (Questions 24-29)

We agree that there should be a statutory code of practice for microchip database operators. However, across all these proposals, it will be paramount that there is sufficient resourcing in place for enforcement and monitoring to ensure the system is fit for purpose.

15. We would also like to highlight that the current proposals do not make any provisions for animals moving between the different regions of the UK - whether by straying, sale, or their owners moving house or holidaying. Defra should look at the potential issues that could arise to ensure future proofing of the regulations.

Making it easier for approved users to access database records

Question 1: To what extent do you agree that, subject to further technical work, a single point of access should be introduced that provides approved users with access to key information linked to the microchip number?

Answer: Strongly agree

16. We have previously set out our concerns that the lack of a central database and data-sharing between the existing databases results in significant administrative burden for veterinary practice, caused by the need to cross-check with such a large number of databases. This challenges already stretched vets and vet nurses and receptionists, whose limited contact time with their clients and patients is better spent providing preventative healthcare advice. In addition, practices may not be aware of new databases that are established or ones that cease trading. We therefore warmly welcome the proposal to introduce a single point of access which minimises the need for manual search and increases efficiency.
- A single point of access would also reduce the number of passwords needed to be kept by authorised users and which are frequently made accessible to a number of different users and could therefore have the potential to improve data security.
17. However, it is important that authorised persons, including veterinary staff can rely on the accuracy of the information. It is therefore of great importance that the information available through the single point of access mechanism is updated regularly and ideally in real time. This is particularly relevant where an animal has been reported as lost or stolen.
18. Our members regularly see pets with foreign microchips that are still registered to foreign databases. Any new regulation should set out a clear and easy to follow process for pet owners to have their pet's details transferred to a UK database, so they can be compliant with UK requirements. It should also set out how the details will be accessed through the single point of access.

Question 2: If you agree or strongly agree: who should be included in the definition of approved users that can access microchip records? (Note: this is in addition to local authorities and police constables or community support officers, who are already defined as authorised persons in current legislation).

Answer:

- **Veterinary practice employees**
- **Rescue, rehoming or pet reunification organisations that are registered charities**

19. Veterinary surgeons and nurses and other relevant staff of veterinary practices require access to the database in order to be able to fulfil some of their professional duties. We also support the inclusion of rescue, rehoming or pet reunification organisations that are registered charities due to the role they play in reuniting owners with lost pets. However, we are aware that there are existing regulatory loopholes that allow individuals to set up rehoming charities without adequate checks in place. There should therefore be an adequate registration and inspection process for rescue organisations that are given access to the database.

20. We also have concerns about including organisations involved with pet rescue that are not registered charities. This has the potential to allow individuals who pose as a rescue organisation to access the private data of the users of micro-chipping databases.
21. We would ask that the proposed identification process or mechanism for 'approved users' is a simple, online process that ensures efficient use of time and resources for practice staff and others that may need to access it.

Question 3: What microchip record details should approved users be able to retrieve? (Tick all that apply)

22. We strongly agree that the following information should be included:

- Defining characteristics of the dog/cat including species, name, date of birth, breed, colour and sex
- Full name, address and contact details for current keeper
- Whether the cat or dog is recorded as 'stolen or missing'
- In the case that a back-up field is introduced on the database it should also be included, otherwise the need to double-check the actual database holding the record may still arise.

However, the key focus on the single point of access needs to be viability.

Question 4: How should the additional costs associated with establishing a new single point of contact be recovered? (Tick all that apply)

- Charge applied to approved users
- Charge applied to the databases, and in effect then passed to people registering microchips on them
- Other
- If other, please specify:

Answer:

- **Charge applied to databases**

23. We are of the view that the microchipping database providers would be the most appropriate source of funding. However, we have set out our concerns regarding the funding models of existing microchip databases in our answer to question 24. This also raises the question of ongoing viability of at least some database providers if a charge is introduced. We therefore are aware that other sources of funding will likely be looked at, including authorised users. In our view, there is no justification to make vets and veterinary practices bear the cost associated with establishing a single point of contact. The main purpose of compulsory microchipping for both dogs and cats, is to reduce the number of lost pets that cannot be reunited with their owners. Vets and veterinary practices have an important role to play in providing this service to the community but by doing so they already incur both direct and indirect costs in terms of time and resources and should therefore not have to cover additional costs.

Maintaining the accuracy of records

Question 5: To what extent do you agree that database operators should be required to send customers regular reminders, prompting them to review their registered details?

Answer:

- **Strongly agree**

24. The accuracy of the information held on the database is of great importance to facilitate the reunion of lost and stolen animals with their owners. We therefore support the proposal to require database providers to prompt customers to review their details. The proliferation of databases in recent years has also increased the likelihood that pet owners will have forgotten with which database their animal is registered. It is therefore important that the review of the entry on the database does not only rely on owners taking a proactive approach to updating their details.

Question 6: If you agree or strongly agree with the proposal, how often should these reminders be sent to customers, as a minimum?

Answer:

- **Once a year**

25. We support annual reminders which also highlight the benefits of keeping your record updated. The annual reminder should be sent as a standalone email, letter or text message that does not contain any marketing material. Two methods of contact should be used in case the contact details of the owner have changed.
26. Additionally, the correspondence mentioned above could also require the owner/keeper to respond to either confirm all details are correct and if they are not, that they amend them to update them. If a response is not received within a specific period, a follow-up reminder e-mail or letter could be issued by the database operator.

Question 7: Do you have any additional comments regarding how to make the process easier for customers to update their details recorded on the microchip database?

27. The proliferation of databases has made it more difficult for customers to remember the name of the database that their pet is registered with and in addition, databases may be taken over by other operators. Ideally, databases should be required to provide customers with a standardised registration email including a standardised subject title e.g “dog/cat microchip registration detail” or something similar so that owners can easily search their emails for the registration details.
28. For those customers with no e-mail/online access or who have opted out of receiving emails, we would suggest alternative contact details are required such as an address or telephone number and that database operators are required to have resources in place to support servicing them.

Question 8: Do you think that obligations and penalties should be introduced to ensure pet keepers update their records?

Answer: No

29. Any obligations and penalties for pet keepers would have to be backed up by an enforcement regime which would likely be disproportionately costly. We would also stress that, should such a regime be introduced, vets should not be given any enforcement responsibilities as part of it. Such responsibilities would have the potential to seriously undermine the vet-owner relationship. This crucial relationship is based on trust and confidentiality and if compromised, could act as a disincentive to accessing veterinary advice and care, ultimately impeding the profession’s primary responsibility to protect animal health and welfare.
30. The proliferation of databases has also made it more challenging for owners to keep track of the database their pet is registered with. Additionally, some of the databases have also very similar names sounding names e.g. Animal Microchips and Microchip Central, or Pet Scanner and Pet Identity UK. We therefore do not believe that the necessary supervisory and enforcement regime

for databases is currently in place to introduce a legal requirement for pet owners to keep their records updated.

31. The BVA would support a requirement for databases to highlight the benefits of keeping your details updated on their websites. Posters for display in veterinary practices and other relevant locations like pet shops, could also be produced to highlight the benefits.

Strengthening processes around the transfer of keepership records

Question 9: To what extent do you agree that database operators should be required to take reasonable steps to seek approval from the previous registered keeper, before the record is transferred to the new keeper?

Answer: Agree

32. We support this proposal as it would add protections in cases where stolen animals are sold on to unsuspecting buyers who believe that they are acquiring the animal on a legal basis. The pandemic has led to an increased demand for pets so that the monetary value even of non-pedigree dogs and cats can be considerable.

Question 10: If you agree or strongly agree, how long do you think the previous keeper should be given to respond, before the record is transferred to the new keeper?

Answer:

- **4 weeks**

33. We acknowledge that there has to be a time limit, but it should be set so that it takes account of circumstances where the pet owner is not in a position to respond immediately e.g. during a hospital stay, other serious illness or foreign travel. We are aware that some animal rescue charities start the rehoming process after 28 days and we therefore support a 4-week limit.

Strengthening processes around the transfer of records between databases and prevent duplicate registration

Question 11: To what extent do you agree that provisions should be made to prevent the microchip of a cat or dog being registered on more than one compliant database at the same time?

Answer:

- **Strongly agree**

34. We agree that this is a key measure to deal with the issues this consultation is trying to address. Allowing registrations on multiple databases complicates the process of reuniting a lost or stolen pet with its owner. It also opens up the potential for confrontation between the person presenting the animal and the authorised person checking the registration details. This is particularly relevant in the case of vets and other veterinary staff who do not have the powers to seize or hold a dog or cat suspected as stolen, nor can they share confidential ownership information as this would breach data protection laws and, in some circumstances, could put the animal, its owner, or its finder, at risk. Where there is an ownership dispute or an animal is suspected stolen, vets should follow the RCVS client confidentiality and microchipped animals flowchart [RCVS 'Client confidentiality and microchipped animals flowchart'](#).

35. In addition, the requirement to register a dog or cat on only one database ensures clarity for all users in that if an animal is registered on one, there should be no expectation that it will appear on another thereby ensuring efficient use of time and resources for those undertaking database searches.

Question 12: To what extent do you agree that databases should be required to transfer a microchip record to another database within a specific timeframe following a request, subject to data retention requirements?

Answer:

- **Strongly agree**

36. Defra has highlighted the benefit of the existence of multiple databases to offer choice for pet owners. However, this will only be effective if it is possible for owners to switch from one database to another and we therefore agree with the proposal.

Question 13: If you agree or strongly agree with the above proposal, what should the required timeframe be?

Answer

- **1 week**

37. In our opinion 5 working days is an adequate amount of time. It should be a very straight forward process and, as an example, banks are required to switch current accounts, which is a more complex process, within 7 working days.

Data retention requirements

Question 14: To what extent do you agree that database operators should be required to retain data for a minimum period of 30 years from the date of birth of the dog or cat?

38. We do not have a particular view but would point out that very few dogs and cats will live to 30. The average life expectancy of dogs and cats in the UK is 14 years, although cats especially can live into their 20s¹. There is currently no legal requirement for vets to hold clinical records for a specific time although we are aware that vet practices will keep their clinical records beyond the lifetime of an animal in line with their insurers' requirements and we know of at least one national chain of practices that keeps clinical records for at least 5 years after an animal's death².

39. Such a requirement would also need to make provision for the storage of the data of deceased animals when a database ceases to trade before the end of the 30-year period.

Improving Breeder traceability

Question 15: To what extent do you agree that provisions should be made to ensure that any information recorded by a breeder is a permanent part of the database record, if the species of the pet is a dog? (Note: If it is the case that the breeder is licensed, this will include the licence number and the name of the local authority that issued the licence)

¹ <https://www.pdsa.org.uk/what-we-do/blog/how-long-do-pets-live#:~:text=Dogs%3A%20The%20average%20dog%20lifespan,living%20between%208%2D13%20years>

² <https://www.vets4pets.com/services/clinical-records/>

Answer:

- **Agree**

40. The inclusion of licensed breeder details, as per the proposal in the consultation document, in the permanent record could potentially allow for the collection of data for animal welfare purposes as long as provisions are made for such data to be extracted in compliance with data protection guidelines. This should be taken into account when setting up the single access to the database.
41. However, this provision does not address those breeders who are not licensed and may only be required to be registered. In effect, breeders who produce less than three litters per year can still perpetuate poor breeding practices and in some way should be captured by the proposed provisions. Defra should consider whether registration of all breeders (in addition to current licensing) could give every breeder a unique identifier which could be included in the database and may avoid various GDPR issues
42. A similar provision should be made for cats given some breeds are subject to the same poor breeding practices and compromised welfare outcomes as dogs. Whilst not on the same scale as dogs, the welfare of cats is equally as important.

Question 16: To what extent do you agree that a field for the microchip number of the puppy's mother should be a permanent part of the database record, if the species of pet is a dog?

Answer:

- **Agree (if issues set out below are addressed)**

43. We support measures that have the potential to improve animal welfare standards and improving the traceability of puppies with health problems has the potential to lead to such improvements. However, the data is only of benefit if it can be collected and collated for analysis and is ultimately used to take action against irresponsible breeders. We assume that the details required to be included in the database would be similar to those required as per Question 3.

Question 17: To what extent do you agree that these requirements should also apply to cats (which have an identified breeder)?

Answer:

- **Agree (if issues set out below are addressed)**

44. Cats have been traditionally less likely to be purchased from breeders, with the exception of pedigree cats. Research published in 2019, based on data collected in 2017, estimated that between 8-11% of pet cats in the UK are pedigrees³. However, Cats Protection's 2021 research report on cats and cat ownership in the UK shows that there has been a significant shift towards pedigree cats in the last couple of years and they constituted 36% of cats purchased in the previous year⁴. They are now estimated to constitute 23% of the overall cat population in the UK⁵. Based on those figures it would therefore seem appropriate to include them into the provisions proposed in this consultation

³ Plitman, L., Černá, P., Farnworth, M.J., Packer, R.M.A., Gunn-Moore, D.A., 2019. Motivation of Owners to purchase pedigree cats, with specific focus on the acquisition of brachycephalic cats. *Animals (Basel)* 2019 Jul ; 9 (7) : 394.
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6680495/#:~:text=Pedigree%20cats%20now%20account%20for,8%2C11%2C12%5D>.

⁴ March 2020-21

⁵ Cats Protection: Cats UK report 2021 <https://www.cats.org.uk/media/10005/cats-2021-full-report.pdf>

45. We do not support the introduction of an 8-week deadline for the micro-chipping of cats but would rather like to see the introduction of a range of 8 weeks onwards and no later than 20 weeks unless there is an animal health reason certified by a vet. This would allow for age of implementation to be determined by a veterinary surgeon's professional judgement, based on the individual kitten's size, temperament, response to handling, and opportunities to implant alongside other healthcare interventions eg neutering, and any other factors deemed relevant. Notably many of these interventions are likely to occur following the first transfer of ownership of most kittens. However, kittens are frequently chipped at their second vaccination appointment and many pedigree breeders of cats only rehome their kittens after those appointments. It would therefore seem to be feasible to enshrine in legislation relating to breeding or its guidance, that the details of breeders who transfer an animal to a new owner or keeper may be made available to other individuals or entities where required of the new owner or keeper.
46. We still have concerns about making microchipping for cats compulsory which we have set out in our previous [consultation response](#). We do not support the compulsory microchipping of stray and feral cats as it would be impossible to regulate.

Question 18: Do you have further comments in relation to improving breeder traceability?

47. Whilst we support the proposals made at Q16 in an effort to tackle poor breeding practises, given the genetics of the sire also has a part to play in hereditary traits, we would suggest that including the sire's details as a permanent part of the records also be given consideration. We suggest that any details required to be included in the database would be similar to those required as per Question 3. This is also relevant because sires may father a much larger number of offspring and have therefore the potential to have a greater impact on the gene pool.

Additional details to be included on database records

Question 19: To what extent do you agree that database records must include a field for 'back up support'?

Question 20: To what extent do you agree or disagree that the 'back-up support' field should be a permanent part of the database record?

Question 21: Do you foresee any issues with introducing this requirement?

Answer:

- **Somewhat disagree**

48. We support the introduction of such a field if the back-up is an animal rescue charity but it should not result in a legal requirement for vets to scan prior to euthanasia which is something we do not support. We already recommend that veterinary practitioners should scan for a microchip prior to euthanasia, if considered appropriate, as part of good clinical practice and where there exists any doubt so as to make sure that the patient is matched to clinical record. However, as each case will be different, it is essential that vets are allowed to exercise their professional judgement in these situations in order to safeguard animal welfare, protect public safety dependent on the behaviour of the dog and in addition, maintain the relationship between themselves and their clients.
49. A veterinary surgeon's primary consideration is the health and welfare of the animal under their care. If vets were required to scan, verify and resolve owner disputes prior to euthanasia, this has the strong potential to delay the provision of euthanasia, which may ultimately negatively impact an animal's welfare where euthanasia is considered necessary to prevent ongoing pain or suffering. There are also scenarios where delaying euthanasia to resolve an ownership dispute may put public safety at risk.

50. Vets also need to retain clinical judgement in cases where the animal presented for euthanasia is a perfectly healthy animal. [Read our position on microchip scanning \(dogs\) and databases in full](#)

Question 22: To what extent do you agree that database records must include a field to record whether a pet is 'missing or stolen'?

Answer:

- **Strongly agree**

51. Two of the main purposes of microchipping and keeping a register of the owner's details are to reunite lost pets with their owners, and to tackle the increase in animal theft. The inclusion of the 'missing or stolen' field is therefore a vital tool to achieve this aim.

Question 23: Do you have any further comments regarding additional details to be recorded on databases?

52. Owners or keepers on registering animals on the database, should be asked to make a declaration that they are not subject to any animal welfare breaches either currently or in the past.
53. It would also seem to be beneficial to explore including the animal's country of origin as it could be useful for understanding disease risks in rehomed animals

Ensuring effective processes and compliance with database conditions

Question 24: To what extent do you agree that there should be a statutory code of practice for microchip database operators?

Answer:

- **Strongly agree**

54. We agree that there should be a statutory code of practice for microchip database operators. However, across all of these proposals, it will be paramount that there is sufficient resourcing in place for enforcement and monitoring to ensure the system is fit for purpose.
55. The Government should also assess whether the increase in the number of databases has actually resulted in a reduction of the cost of microchipping for pet owners and whether service standards are in line with the smooth running of the service provided. Attention should also be paid to models that have a lower upfront charge but charge a fee for updating the record as this disincentivises owners to keep their animals records updated. We have noticed a number of reviews on internet review websites like Trusted Reviews, that have pointed out serious service issues with some of the current providers.
56. We also found that a couple of the databases listed on the Defra website are listed under SIC 99999 (dormant company) on Companies House. According to the information presented on the GOV.UK website, a company is classed dormant according to Companies House if it has had no significant transaction in the financial year⁶.
57. According to the Companies Act 2006, "significant accounting transaction" means a transaction that is required by section 386 of the Act to be entered in the company's accounting records.

⁶ <https://www.gov.uk/dormant-company/dormant-for-companies-house>

According to Section 386 of the Companies Act 2006, accounting records must, in particular, contain—

(a) entries from day to day of all sums of money received and expended by the company and the matters in respect of which the receipt and expenditure takes place.

58. This requirement leads us to deduce that the dormant companies have not received any income during this period which in turn leads us to question how the company is financially able to provide a service that allows existing records on its database to be kept up-to-date and accessed in a timely fashion if required.
59. Given the above, we would suggest that there needs to be an obligation on database operators whose databases have become dormant to transfer microchip numbers onto active databases and at no cost to the owner/keeper.
60. The Code of Practice should include information on the services that database operators are allowed to charge for and that they should be reasonable.
61. Given there is mention of auditing databases and their operators in the background to the consultation, the CoP should include a requirement for operators to agree to an annual audit to ensure compliance.

Question 25: To what extent do you agree that the current powers of the Secretary of State are sufficient?

Answer

- **Disagree**

62. We refer to our answers to questions 24 highlighting our concerns that the regulatory regime must be sufficiently equipped to enforce compliance with it.

Question 26: If you think this is not sufficient, please provide further comments on how this can be strengthened.

63. We refer to our answer to question 25.

Question 27: To what extent do you agree that the requirements for implanter training courses should be strengthened?

64. Given poor implanter practises can compromise animal welfare, any opportunities to strengthen training and also put in place a provision to audit ongoing practises, would be welcome. This is particularly relevant if more implanters microchip kittens which are often smaller in size and can display more challenging behaviour.

Question 28: If relevant, please explain how these requirements should change and please provide any additional comments in relation to implanter training requirements.

65. No comment.

Question 29: Do you have any additional comments on the proposals included in this consultation?

66. No comment.