WELSH GOVERNMENT MICROCHIPPING CONSULTATION – BVA/WELSH BRANCH RESPONSE

1) The British Veterinary Association (BVA) is the national representative body for the veterinary profession in the United Kingdom and has over 15,000 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 BVA’s Welsh Branch brings together representatives of the BVA’s territorial and specialist divisions, government, academic institutions and research organisations in Wales. The Branch advises BVA on the consensus view of the Welsh members on Welsh and United Kingdom issues.

3) BVA welcomes the opportunity to provide input to this consultation in conjunction with the British Small Animal Veterinary Association (BSAVA), one of our specialist divisions. We support the proposal to compulsorily microchip dogs in Wales and hope that Welsh Regulations will improve upon areas of the Microchipping of Dogs (England) Regulations whilst offering a broadly consistent approach.

Answers to questions

Question 1: It is proposed that to enforce the microchipping regulations, enforcers will need to take possession of a dog for scanning and, if the dog is not microchipped, require the keeper of the dog to take appropriate action. It is proposed that Local Authorities will be the primary enforcers, with the power to authorise persons to enforce the legislation on their behalf. Police and Community Support Officers will be able to enforce the Regulations without written authorisation required, and the Welsh Ministers will have the power to enforce or authorise persons to enforce. Do you agree with this approach?

4) We agree that Local Authorities, and on occasion Police and Community Support Officers, are the most appropriate primary enforcers of this legislation and veterinary surgeons should not be involved with any of the enforcement aspects of the legislation. We understand that Local Authorities have varied provision for their statutory provisions relating to animal health and welfare, and would suggest that sufficient resources (in terms of finances and appropriately trained personnel) are made available to carry out this work.

Question 2: It is proposed that database operators will be required to record the following information as a minimum, to allow for traceability. Do you agree that this is acceptable as a minimum? Is there any other information that should be recorded as a minimum requirement?

(a) the full name, address and contact telephone number of the keeper, and to record if they are also the breeder;
(b) the name, sex, breed, colour and date of birth of the dog;
(c) the unique number of the microchip implanted in the dog.
5) BVA do not agree that this is acceptable as a minimum requirement and would recommend the inclusion of the site of implantation and any distinguishing features of the dog. Without a record of the site of implantation it will be difficult for a vet to confirm and report that a microchip has migrated, which is a requirement in the Microchipping of Dogs (England) Regulations.

Question 3: It is proposed that database operators will be required to meet minimum standards in the following areas to ensure that they are providing a service that is fit for purpose, to allow traceability and the proper reunification of dogs and their keepers. Do you agree?
   a) Sufficient storage and back-up of data;
   b) Provision of information to a keeper of a dog or authorised enforcer;
   c) Record keeping;
   d) Monitoring and handling of telephone and online requests, including transfers;

6) BVA support the proposal that database operators are required to meet minimum standards in the areas listed. We recommend the inclusion of veterinary surgeons, veterinary practices and registered animal charities under area (b) to facilitate the reunification of stray dogs with their owners without forcing them to involve the authorities.

   In addition, we support the recommendations made by the BSAVA with regards a provision for transfer of records upon database closure, seamless transfer from one database to another if a keeper interrogates an incorrect database, and a link to Europetnet (http://www.europetnet.com/).

Question 4: It is proposed that persons that were not qualified to implant microchips prior to the legislation coming into force will need to achieve a qualification accredited by Welsh Ministers. Existing implanters will be able to continue implanting without undergoing additional training unless deemed necessary by an enforcer. The requirement to report on adverse reactions (see Q5 below) would apply. Do you agree?

7) BVA agree that microchips should only be implanted by appropriately qualified people. We would recommend that the exemptions for veterinary surgeons and Registered Veterinary nurses included in Regulation 9 of the Microchipping of Dogs (England) Regulations are also included in the Welsh Regulations.

   We also support BSAVA concerns about how a puppy buyer or an animal owner will be able to check whether an implanter has the appropriate qualifications to implant a microchip and would recommend that a register of trained implanters is made available.

Question 5: It is proposed to place a formal duty on all persons to report any adverse reactions to the Veterinary Medicines Directorate. Until recently such data has been collected on a voluntary basis by the British Small Animals Veterinary Association (BSAVA). Do you agree with this?

8) BVA support the reporting of microchip adverse reactions on the same voluntary basis as reporting adverse drug reactions in order to detect problems relating to particular brands of microchip or implanters. However, we remain concerned that making it an offence not to report microchip adverse reactions may lead to reluctance on the part of a keeper to have their dog scanned in order to avoid detection of problems such as migration or chip failure. This may put veterinary surgeons in the position where they must seek consent before they scan a dog.
We also understand that, in England, prosecutions for failure to report a microchip adverse event will not be pursued by the government through the courts unless the failure to report is systematic. Furthermore, the Royal College of Veterinary Surgeons intend to amend their guidance to require veterinary surgeons to report in an appropriate manner – similar to the current approach to reporting adverse drug reactions. In light of this, we believe that it is not necessary to include an offence for failure to report in the Welsh Regulations.

We believe it is essential that clear guidance should be provided to veterinary practices and others who may become aware of migration or microchip failure regarding their degree of responsibility for investigation prior to reporting. Particularly in an instance where a veterinary surgeon holds no record of a dog being microchipped and therefore cannot say without further investigation that it has failed.

BVA also recommend that if migration of a microchip is to be considered as a type of adverse reaction that the implantation site and accompanying ISO-standard should be stipulated in the regulations and the location of the microchip should be recorded on the database and clinical record at the earliest available opportunity. We understand that in Europe, the conventional site for microchip implantation is the left side of the neck and otherwise dogs implanted in Europe may be falsely reported as having migrated microchips. Clear guidance should be given regarding the extent of migration that should trigger an adverse reaction report. We support the BSAVA suggestion that this is done by indicating anatomical areas as is done for implantation sites.

**Question 6: The proposed legislation may have a cost impact on pet owners, enforcers, implanters and microchip databases: do you have any evidence that could be used by the Welsh Government to assist in the quantification of this cost?**

9) BVA do not have any evidence to assist in the quantification of cost impact to the suggested stakeholders. However, we support the BSAVA position that the costs of microchipping are very small in comparison to the lifetime costs of dog ownership (estimated £16,000 - £31,000 – PDSA PAW report: [https://www.pdsa.org.uk/files/PAW_REPORT_2014.pdf](https://www.pdsa.org.uk/files/PAW_REPORT_2014.pdf)) and their recommendation that the charges that are made to owners for updating their pet's details or recording changes of address or ownership are made explicit before registration.

**Question 7: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:**

10) BVA support all the additional BSAVA concerns and recommendations, especially the need to address accepted deficiencies in the Microchipping of Dogs (England) Regulations and minimise potential differences, such as the responsibility for updating database information on transfer of a dog to a new keeper, between England and Wales. In England, the onus is on the new keeper and in Wales we understand the intention is for the onus to be placed on the transferring keeper. BVA believe that consistency of the Regulations between Wales and England is important and therefore it makes sense for the Welsh Regulations to also place the onus on the new keeper. An alternative compromise would be to place the onus on both the transferring keeper and the new keeper in a similar to transferring a car registration.

If the legislation relating to compulsory microchipping is to fulfil its aim of facilitating identification of the owner/keeper of a dog and reunification there should also be a responsibility on the owner to ensure that their details are kept up to date, for example change of phone number or address, within a reasonable timescale.
We further recommend that consideration is given to enforcement in other areas such as any requirements relating to implanters and databases, which do not seem to be included in the draft regulations.