

## **PROPOSED DELEGATED POWERS FOR THE MICROCHIPPING OF DOGS (England) REGULATIONS 2015.**

REPORT OF: Tom Clark , Interim Head of Building Control, Housing and Environmental Health  
Contact Officer: Jane Gilbert , Team leader for Environmental Protection & Housing Standards  
Email: Jane.gilbert@midsussex.gov.uk Tel: 01444 477480  
Wards Affected: All  
Key Decision: No  
Report to: Council 20<sup>th</sup> July 2016

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### **Purpose of Report**

1. The purpose of the report is for members to consider the new Mid Sussex District Council's powers in respect of the new 'The Microchipping of Dogs (England) Regulations 2015, made under section 12 '

### **Recommendations**

#### **Council is recommended to**

2. **a) adopt the new power placed on local authorities under The Microchipping of Dogs (England) Regulations 2015, made under section 12 of The Animal Welfare Act 2006**  
**(b) authorise the appropriate Head of Service and other appropriate officers who are determined by the Head of Service, to exercise all of the Council's powers under these that Regulations.**

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### **Background**

- 3 Legislation related to Animal Health and Welfare was devolved within the UK, therefore there are different regulations for different parts of the UK.
- 4 The Microchipping of Dogs (England) Regulations 2015, made under section 12 of The Animal Welfare Act 2006, came into effect on 24th February 2015. However, although some of the provisions of the act came into effect in February 2015 the requirement for all dogs over the age of eight weeks in England to be fitted with a microchip came into effect on 6th April 2016.
- 5 The Clean Neighbourhoods and Environment Act 2005 also updated the law on stray dogs by transferring the responsibility for strays from the police to the local authorities.

- 6 The law on stray dogs is dealt with by Sections 149 and 150 of the Environmental Protection Act 1990. Under Section 149(1):- “Every local authority shall appoint an officer...for dealing with stray dogs found in the area...”
- 7 For the purposes of point 6 above, Mid Sussex District Council currently contracts out the required service to Hammerpond Kennels, who ensure that all stray dogs found within the District are collected and retained until collected by their owner or re-homed if not claimed after 7 days; part of this contract includes the scanning of all dogs to verify that they have been microchipped in order for animals to be reunited with their owners as quickly as possible as well as ensuring that registered keepers are complying with the law.

### **Microchip Databases:**

- 8 All dogs owners in England, Wales and Scotland, must get their dogs microchipped by 6 April 2016 to ensure they are compliant with the law and must be registered with an authorised / compliant pet microchip database, such as Petlog
- 9 There are legal obligations on Database Operators are set out in Regulation 6, which include :-
  - Having sufficient database capacity to electronically store and retrieve the data.
  - Back up the data at a secure, off-site facility every day.
  - Have a system for answering telephone and on-line requests ‘at all times’
  - If a database fails to comply then the Secretary of State may serve a Notice telling them to stop holding themselves out as meeting these requirements, breach of which is a criminal offence punishable by a Level 4 fine (currently up to £2,500).

### **Enforcement:**

- 10 Under regulation 11, enforcement of The Microchipping of Dogs (England) Regulations 2015, (S12) can be carried out by the local authority (borough or district level rather than parish council).
- 11 The new legislation introduced in April 2016 requires all breeders to microchip their puppies before they go to their new homes, before they are 8 weeks old.
- 12 It is the responsibility of the owner to ensure that contact details for the dog/dogs are kept up-to-date to ensure a dog can be reunited with its owner in the event that it is lost or stolen.
- 13 If registered keepers do not comply with points 11 and 12 above it will be considered as not complying with the regulations and a notice can be served by the local authority.
- 14 If the keeper does not microchip or update the details of their dogs within 21 days of the served notice, then they become liable to pay a fine of up to level 2 on the standard scale on conviction (currently £500).

### **Policy Context**

- 15 The Microchipping of Dogs (England) Regulations 2015 Section 12 gives a new power to Local Authorities to enforce the regulations.

- 16 This will assist in supporting our chosen contractors in the delivery of a satisfactory Stray Dog service and will assist in the long term strategy of central government to promote responsible dog ownership.

### **Financial Implications**

17. None. Any income resulting from fines for non-compliance is expected to be minimal.

### **Risk Management Implications**

18. None from the recommendations identified in this report.

### **Equality and Customer Service Implications**

19. The aim of the new regulations is to facilitate reunification with the registered keeper, who is legally responsible for the animal and to promote responsible dog ownership.
20. The words 'legally responsible' are used if a dog strays, bites or causes any unjust damage. Therefore, a registered 'keeper' will be held responsible if their dog has been found to commit such an act and will be held 'liable'.

### **Background Papers**

The Microchipping of Dogs (England) Regulations 2015 (SI 2015 No. 108)

[http://www.legislation.gov.uk/ukxi/2015/108/pdfs/ukxi\\_20150108\\_en.pdf](http://www.legislation.gov.uk/ukxi/2015/108/pdfs/ukxi_20150108_en.pdf)

Animal Welfare Act 2006,

[http://www.legislation.gov.uk/ukpga/2006/45/pdfs/ukpga\\_20060045\\_en.pdf](http://www.legislation.gov.uk/ukpga/2006/45/pdfs/ukpga_20060045_en.pdf)

Clean Neighbourhoods and Environment Act 2005

<http://www.legislation.gov.uk/ukpga/2005/16/section/3>