



July 2012

RSPCA Cymru submission to the Welsh Government Consultation on Compulsory Microchipping of Dogs

The RSPCA welcomes the opportunity to respond to the Welsh Government's consultation on the compulsory microchipping of all dogs in Wales. We hope the information provided in this document is useful and that it will assist the Government in developing clear and effective policy and legislation that provides long-term solutions to this matter.

The issue of irresponsible dog ownership - including strays, indiscriminate breeding of dogs, dangerous and status dogs as well as the enforcement of current legislation - is a wide area of work the Society has been involved in for a number of years. By working closely with key partners such as local authorities, the police, housing providers and other charities, as well as those unions with a particular interest, such as the Communication Workers Union we feel we have developed the necessary understanding of the inter-relationship between animal welfare concerns with wider socio-economic and public safety issues. We note that the Government is exploring options to address some of the issues mentioned above through primary legislation and that for now mandatory microchipping - via the Animal Welfare Act - is the proposal under consideration.

The RSPCA was for many years the only major organisation to support compulsory microchipping for pets so it is with great pleasure we note not only the recent support from other welfare organisations but also the Welsh Government's intention to legislate for such a measure for dogs.

In 2010 the RSPCA's survey of local authorities (19 out of 22 responded) in Wales recorded 8,039 stray dogs collected with just over one third of these returned to their owners. The remaining 5,224 were either rehomed direct to the public, given to animal welfare organisations to rehome and 7% were euthanased on non-medical grounds. This is entirely separate from the 646 dogs that also came into the RSPCA's care in Wales in the same year, all looking for a new owner. The situation is such that action is needed to reduce these numbers for both improving animal welfare standards and also for the cost to the public purse.

Although the RSPCA has no legal responsibility for stray dogs, it regularly receives phone calls from people who are unsure who to contact about strays. To investigate this further we commissioned a poll in Wales in 2011 which found 37% of adults would contact the RSPCA to report a stray dog compared with 34% who would contact their local authority and 16% would contact the police. Clearly there is also a problem around the correct information and procedure with regard to these animals and as such the RSPCA is keen to continue to work with the Welsh Government on education and community projects designed to promote responsible pet ownership.

This data and more can be found in our Animal Welfare Indicators Wales report launched in 2011 at www.politicalanimal.org.uk/wales. A new report featuring a set of indicators on dog welfare in Wales will be launched in November 2012.

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Question 1

**Do you think that all dogs in Wales should have to be microchipped?
Why?**

To assist with encouraging more responsible dog ownership, all dogs should be permanently identified, i.e. through microchipping so that animals can be matched to their owners and traceability can be improved. The RSPCA firmly believes that this should be part of an annual registration scheme. Such a scheme, implemented at a local level, would ensure there are sufficient funding streams for dog wardens and police Dog Legislation Officers (DLO) roles so that the law can be adequately enforced and public safety and animal welfare improvements can be seen in practice.

The RSPCA believes that compulsory microchipping is a useful tool to allow for the traceability of dogs back to their owners (providing the owner's contact information remains up to date on one central database). This can be beneficial for ensuring dogs that are lost or stray can be returned to their owner more quickly and also encourages more responsible dog ownership. However, microchipping on its own will not solve irresponsible dog ownership and as such we are concerned that the Welsh Government may be placing too much weight on what compulsory microchipping can deliver especially when no extra resources are being provided for local authorities for the enforcement of such provisions.

Question 2

If compulsory microchipping was introduced in Wales, should the legislation require:

- **only puppies born after the legislation is made be microchipped?**
- **all dogs be microchipped within 1 year of the legislation being made?**
- **microchipping be required for new puppies and all dogs on change of ownership and the remainder microchipped within an agreed timescale, for example five years?**
- **there to be a phased approach, by microchipping puppies at time of sale?**

The RSPCA's preferred position of the options listed is the second of those above – all dogs to be microchipped within 1 year of the legislation being made - however this is not the solution we would choose.

The consultation document states that compulsory microchipping would improve animal welfare by making it easier to re-unite stray dogs with their owners; develop responsible ownership through greater traceability; help establish liability and prove ownership; assist with disease control; and act as deterrent against dog theft. All of these objectives rely on the quality and integrity of the database(s) that holds the information on the owner and the dog. The current situation which allows for any number of private database companies with no central portal for information to be inputted or extracted cannot meet the objectives the Welsh Government want to achieve with this legislation. A new system of registration with a Government-owned database, where owners are required to keep their data up-to-date, would however satisfy these objectives.



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This is why the RSPCA supports and believes a national dog registration scheme should be brought in because it would also provide a funding stream at a local level to ensure education and enforcement can take place. An annual fee would ensure such resources could be made available and ensure preventative action could be taken to deal with irresponsible dog ownership.

Question 3

When a microchipped animal changes ownership, the registration details on the database would need to be updated. With whom should this responsibility lie: the seller, the buyer, or both?

The responsibility of returning the data and keeping it up to date is inherently linked to the type of offence or sanctions intended/created by the legislation. The simplest option would appear to mirror models such as the registration of vehicle ownership whereby the new buyer completes the relevant section of the registration document and the seller relinquishing the vehicle – or in this case the dog – must return that registration document to the authority/database containing these details to formally declare transfer of ownership.

It is crucial that there is a requirement for information to be kept up to date on the database and as such there is a need for sanctions for those failing to microchip their dogs and keeping records up to date. The RSPCA frequently has problems with dogs brought in for treatment or as cruelty case animals which are microchipped but the contact information is out of date or the 'owner' claims the animal has been passed/sold on.

Compulsory microchipping regulations are unlikely to be seen as a priority for enforcement by the police and therefore enforcement is likely to fall to local authorities. The RSPCA is extremely concerned how this will be implemented as many local authorities are already hard pressed for resources to enforce current legislation effectively and this additional burden could be seen as a very low priority.

The RSPCA acknowledges it would not be appropriate to seize dogs just because they are not microchipped and we believe that owners should be given the opportunity to rectify the omission. Enforcement is perhaps more likely if it is linked with something else, such as a section 4 offence under the Animal Welfare Act 2006. But any suggestion that a failure to microchip a dog should be addressed in the first instance by an improvement notice, while maybe appropriate, is unlikely to be taken forward. Very few local authorities have designated Inspectors under the Animal Welfare Act 2006 and also very few local authorities issue improvement notices under section 10 of the Animal Welfare Act 2006 for offences under section 9 – and as such there is little reason to suggest there would be any increase for potential offences under subordinate legislation.

Any new sanctions imposed under Regulations under the Animal Welfare Act 2006 will need to make it unlawful not to microchip a dog. However, we are concerned about microchipping very young, small or underweight puppies. Thus we feel regulations should require the microchipping of all puppies by eight weeks of age unless a vet provides an exemption certificate stating clear veterinary reasons for not doing so.



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This exemption may only last for a maximum of a further eight weeks by which time the puppy must be microchipped to limit any potential loopholes.

It is unclear if the current proposals will make it an offence to fail to have a dog microchipped prior to transfer of ownership but the RSPCA believes that the offence should be about being in possession of a dog that you are responsible for (including ownership of the dog) that has not been microchipped unless there are valid reasons, for example as part of a criminal investigation, or if a vet has certified otherwise. This we feel would bring the proposals more into line with the Animal Welfare Act 2006.

Question 4

We propose to require microchip registration details to be stored on approved commercial databases – do you agree?

There is no explanation within the consultation document as to what the Welsh Government defines 'approved' database to be. The RSPCA believes that there should be minimum Regulations introduced for commercial databases to ensure at the very least a harmonisation of compliance. As there has been no agreement from the four current commercial databases on harmonising their rules and sharing information this can only happen now with direction from Government. There are no ISO standards for databases so the RSPCA believes that the databases should agree on general standards on issues such as recording, updating and accuracy of information and on a complaints procedure. There are ISO standards on microchips and scanners and so all microchips should be ISO compliant and be registered with the ISO Registration Authority and all scanners must also have passed the ISO performance test and be able to read chips that comply with ISO standard 11784. There should be clear controls and training on those that wish to implant microchips and use the scanners. There should also be an agreed process to transfer records from one database to another.

As detailed elsewhere in our response the RSPCA believes the only system that can work and meet the Welsh Government's objectives to improve animal welfare is a national dog registration scheme for Wales. The RSPCA, along with the majority of welfare organisations, unions, and enforcement bodies believes that there should be one centralised database system for recording information concerning microchips to which enforcers have access.

Question 5

The compulsory microchipping of dogs would require owners to pay to microchip their pet. What are your thoughts on this issue?

There is widespread public support for compulsory microchipping of all dogs. A previous consultation on dangerous dogs by Defra in England saw 84% of responses in favour of all dogs and puppies being microchipped (Defra, 2010). Anecdotally, when the RSPCA has carried out community engagement projects offering microchipping and neutering of pets there is widespread understanding, and take up, of microchipping by those communities. The RSPCA therefore believes that the option outlined earlier that all dogs should be microchipped within 1 year of the legislation being made will best implement what the majority of the public and organisations



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want and support. Requiring all dogs (including puppies) to be microchipped is a position supported by the majority of welfare organisations, unions and enforcement bodies.

In addition we have considered the financial impact to the various groups in society affected by the proposed legislation, as follows:

Individual owners: Owning a dog carries its own responsibilities and costs, estimated at £650 per year (although some studies¹ places this at a much higher figure) to ensure good health and welfare (RSPCA, 2010a) depending on the age, size, etc of the dog. The cost of microchipping a dog varies but can be free (or very low cost £5-10) if the owner of the dog meets criteria set by a range of animal charities, including the Dogs Trust and the RSPCA amongst many others. If they do not qualify for that service or chose to have it done by their vet the British Veterinary Association estimates it should cost between £15-20 or by their local authority the National Dog Warden Association estimates it should cost between £10-20. Based on this information, and the fact that the Dogs Trust has offered to meet the cost of all microchips if compulsory microchipping is introduced within one year of the legislation being passed² and there are a wide range of animal welfare organisations offering low cost or free microchipping, the RSPCA does not believe the financial impact of a requirement for all dogs to be microchipped to be significant on dog owners and should not be a barrier to regulation.

Enforcement agencies: Dog incidents from dangerous dogs such as dog bites have continued to rise in the past decade with the four police forces in Wales spending collectively an average of £71,792 per annum between 2006/7 and 2011/12 on this issue (Data taken from a Labour Party FOIA request of all police forces in England and Wales 2011), plus the incidence of stray dogs in Wales remains high (RSPCA 2011) There are also external social costs arising from dog ownership, presently also covered by those that do not own dogs. These include the costs to the health service of dog attacks on people which has seen a 60% rise between 2000 and 2010 in Wales (this is also valued at £3.3 million in England in 2009, the equivalent cost statistics are currently unavailable for Wales), attacks on livestock valued at £2.8 million and costs arising from road accidents involving dogs, valued at £14.6 million in Britain in 2008. Costs of delivering a comprehensive dog warden service which includes dealing with the issues of stray dogs and other social issues such as preventing dog fouling are valued at £46 million for Britain (RSPCA 2011a).

As can be seen the current costs of irresponsible dog ownership are high and increasing. Police and local authorities are finding their budgets and resources increasingly restricted. The enforcement of such proposals will have a financial impact on local authorities and it is unlikely that the police or the RSPCA will take this work on. Whilst there may be some savings from reduced kennelling costs if microchipping resulted in more animals being returned to their owners, we do not expect to see any

¹ e.g. PDSA Animal Wellbeing Report 2011

² this commitment was made to Defra in terms of their proposals for England but would presumably be mirrored in Wales



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additional budgetary resources allocated to this and so enforcement is probably only going to be done on owners who are breaking other legislation such as dog fouling, neglect, etc.

The RSPCA also expects that it will be using these Regulations when it is enforcing other pieces of dog legislation such as neglect, abandonment, cruelty, etc under the Animal Welfare Act 2006. The RSPCA does not currently enforce legislation on stray dogs as this is a statutory requirement of local authorities and we will not be changing this method of working. However we would like to seek clarification on whether we will be expected to enforce these provisions when dealing with other cases under this legislation. If this is the case then we would need to consider the financial impact on us more carefully and would want to have discussions with the Welsh Government and the Crown Prosecution Service to look at the implications and practicalities of this further.

Without an annual registration scheme there is little scope for providing funding for such work and the RSPCA is extremely concerned about how such proposals will be enforced effectively.

Animal welfare/re-homing centres: If the purpose of the microchipping Regulations is to increase the success rates of dogs being returned to their owners from its current 36% rate (RSPCA 2011) then there should be a positive financial impact on those rehoming centres that take in stray dogs (for example those that have contracts with local authorities) as the numbers of stray dogs would reduce or at least be reunited with their owners more quickly so their stays are shorter. The potential savings from reducing demand for kennelling could be significant and this could also positively improve the numbers of dogs having to be euthanased each year. It is not seen as an economic cost to microchip dogs as most rehoming and animal welfare centres already microchip dogs. For instance in 2011 the RSPCA microchipped over 22,000 (across England and Wales) dogs and it is not envisaged that this number will be negatively affected by any announcement on compulsory microchipping.

Dog breeders: The RSPCA understands that dog breeders will be required to microchip all dogs and puppies at their premises under the Welsh Government's proposed new dog breeding legislation and as such the financial impact has been assessed separately under those proposals.

Pet shops: The RSPCA believes that there will be minimal cost implication on pet shops. Pet shops play a small role in terms of where people obtain dogs (estimated to account for under 10% of dogs) as many pet shops do not sell dogs. Those that do sell dogs will obtain their puppies from a breeder and so following the introduction of the Welsh Government's proposed legislation all puppies from commercial breeders should be registered and microchipped before purchase.

Microchip databases: There will obviously be an impact on the databases for inputting of more data and ensuring the information can be accessed centrally and easily by enforcement bodies. How much this would be is best answered by the database providers. However we firmly believe for ease of implementation there should only be



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one centralised database providing easy 24/7 access for enforcement bodies such as the police, local authorities and the RSPCA.

Question 6

We have set out what we think are the benefits to microchipping your animal. We would like to know your views on compulsory microchipping

The RSPCA's position on compulsory microchipping has been set out throughout this response. We share the Welsh Government's objectives however we remain concerned that without a system of registration and one central database these objectives may not be met, which could then damage the public's perception of regulations for improving animal welfare.

Question 7

At present, the owner of the animal, the microchip implanter and some animal welfare organisations are able to access current records, but only enforcement authorities are able to see previous records. Do you think this should remain the same? If not, please explain

As stated earlier we firmly believe for ease of implementation there should be only one centralised database providing easy 24/7 access for enforcement bodies which must include the police, local authorities and the RSPCA. Access to previous records would aid enforcement both in terms of reuniting the dog with the owner (e.g. if the previous owner had pertinent information) and also where, for example, there is an offence e.g. tail docking of a non-exempted breed and the current owner claimed this procedure was done by the previous owner. As the RSPCA is the main enforcer of this and other animal welfare legislation it is important that our Inspectors have access to such information.

Question 8

Should there be any exemptions from compulsory microchipping?

The RSPCA is not aware of any exemptions that would be necessary to this proposed legislation other than, as mentioned under question 3, we are concerned about microchipping very young, small or underweight puppies. As such we believe regulations should require the microchipping of all puppies by eight weeks of age unless a vet provides an exemption certificate stating clear veterinary reasons for not doing so. This *temporary* exemption may only last for a maximum of a further eight weeks by which time the puppy must be microchipped to limit any potential loopholes.

Question 9

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please report them

The RSPCA is concerned that the relaxation of the quarantine rules for importing dogs into the UK from 1st January 2012 may increase imports of dogs from the continent that are unregistered and not identified. Anecdotal information on the first four months of 2012 did indeed see an increase in dogs being imported from central



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Europe, particularly from Poland, the Czech Republic and Hungary which are countries known for commercial puppy breeding and where there have long been reported problems with dogs not being properly identified and registered under PETS.

There are currently no obligations to register pet passports on an EU accessible database though the proposal to replace Regulation 998/2003 does provide such an opportunity. This is why the option of all dogs to be microchipped within 1 year of the legislation being made which provides for a specific date is preferable and underlines the importance of having a database system in Wales that is accessible for all.

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