

Draft Regulations laid before the National Assembly for Wales under section 61(2) of the Animal Welfare Act 2006 (and paragraph 34 of Schedule 11 to the Government of Wales Act 2006), for approval by resolution of the Assembly.

DRAFT WELSH STATUTORY
INSTRUMENTS

2014 No. (W.)

ANIMALS, WALES

ANIMAL WELFARE

**The Animal Welfare (Identification
of Dogs) (Wales) Regulations 2014**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the compulsory identification of dogs by microchipping and for the registration of the microchip and the identity of the keeper of the dog on a database.

Regulation 3 requires that any puppy born after these Regulations come into force must be microchipped before it is either 56 days old or transferred to a new keeper, whichever is the sooner.

Regulation 4 requires that if a dog changes keepers after these Regulations come into force the dog must be microchipped and the transferring keeper must update the database upon which the microchip is recorded with the new keeper's contact details.

Regulation 5 requires all adult dogs are microchipped no later than 1 March 2015.

Regulation 6 requires imported dogs are microchipped.

Regulation 7 exempts dogs from the microchipping requirement under these Regulations if their keeper is only visiting Wales for a period not exceeding 30 days.

Regulation 8 creates a procedure under which a veterinary surgeon may certify that a dog is exempt from the requirement to microchip on health grounds.

Regulation 9 sets out what information must be recorded on a database.

Regulation 10 creates offences of failure to comply with regulations 3, 4, 5 and 6.

Regulation 11 provides that the Regulations are to be enforced by the local authority.

Regulation 12 makes consequential amendments to the Docking of Working Dogs' Tails (Wales) Regulations 2007.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a Regulatory Impact Assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Office of the Chief Veterinary Officer, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

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**The Animal Welfare (Identification
of Dogs) (Wales) Regulations 2014**

Made

Coming into force

6 August 2014

The Welsh Ministers, as the appropriate national authority in relation to Wales⁽¹⁾, make the following Regulations in exercise of the powers conferred by section 12 of the Animal Welfare Act 2006⁽²⁾.

In accordance with section 12(6) of that Act, the Welsh Ministers have consulted those persons appearing to them to represent interests with which these Regulations are concerned as they considered appropriate.

In accordance with section 61(2) of that Act⁽³⁾, a draft of this instrument has been laid before, and approved by resolution of, the National Assembly for Wales.

(1) The appropriate national authority is defined in section 62(1) of the Animal Welfare Act 2006. Functions conferred on the National Assembly for Wales are now vested in the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) 2006 c.45.

(3) By virtue of section 162 of, and paragraph 34 of Schedule 11 to, the Government of Wales Act 2006, the reference in section 61(2) to “House of Parliament” includes the National Assembly for Wales.

PART 1

Introduction

Title, application and commencement

- 1.**—(1) The title of these Regulations is the Animal Welfare (Identification of Dogs) (Wales) Regulations 2014.
- (2) These Regulations apply in relation to Wales.
- (3) These Regulations come into force on 6 August 2014

Interpretation

2. In these Regulations—

(1) “adult dog” (“*ci llawndwf*”) means a dog which is not less than 6 months old;

“local authority” (“*awdurdod lleol*”) means the county council or a county borough council;

“microchip” (“*microsglodyn*”) means a read only passive radio frequency identification device—

- (a) programmed with a unique number that can be read by a scanner; and
- (b) registered upon a database which the dog’s keeper reasonably believes meets the requirements of regulation 9;

“microchipped” (“*microsglodynmu*”) means implanted with a microchip beneath the skin;

“puppy” (“*ci bach*”) means a dog which is less than 6 months old;

“veterinary surgeon” (“*milfeddyg*”) means a person registered in the register of veterinary surgeons under section 2 of the Veterinary Surgeons Act 1966.

(2) “keeper” (“*ceidwad*”) means, in relation to any dog other than an assistance dog (within the meaning of section 173(1) of the Equality Act 2010⁽¹⁾), the person with whom the dog normally resides.

In relation to an assistance dog, “keeper” means—

- (a) until the dog ceases working as an assistance dog, the body responsible for its training and allocation;
- (b) after the dog has ceased working as an assistance dog, the person with whom it normally resides.

(1) 2010 c.15.

Identification of puppies

3.—(1) Where an adult dog gives birth to a puppy after these Regulations come into force, the keeper of that adult dog must ensure that that puppy is microchipped before—

- (a) it is 56 days old: or
- (b) it is transferred to a new keeper, whichever is the sooner.

(2) The keeper of the adult dog must be registered as the first keeper of the puppy on the database on which the microchip is registered in accordance with regulation 9(1)(ii).

Change of Keepership

4.—(1) After these Regulations come into force, before any dog is transferred to a new keeper, the transferring keeper must—

- (a) ensure that dog is microchipped; and
- (b) supply the new keeper's name, address and telephone number (if he or she has one) to the database operator upon which the microchip implanted in the dog is registered.

(2) The transferring keeper must provide the new keeper with—

- (a) the name of the database operator on whose database the details of the dog's microchip are registered; or
- (b) the certificate issued under regulation 8(1).

Identification of Adult Dogs

5. The keeper of any adult dog must ensure that it is microchipped no later than 1 March 2015.

Identification of Imported Dogs

6. A keeper who imports a dog that is not identified in accordance with these Regulations must ensure it is microchipped—

- (a) within 30 days of importing the dog: or
- (b) before transferring the dog to a new keeper whichever is the earlier.

Exemption for non-residents

7. Regulations 3, 4 and 5 do not apply to the keeper of a dog who is visiting Wales for a period not exceeding 30 days.

Veterinary Exemption

8.—(1) Regulations 3, 4, 5 and 6 do not apply, if a veterinary surgeon certifies that microchipping would significantly compromise a dog's health.

(2) A certification under paragraph (1) must be in a form approved by the Welsh Ministers.

(3) A certification under paragraph (1) cannot be issued for longer than 4 weeks.

(4) If the veterinary surgeon considers the risk of the dog's health being significantly compromised is permanent, paragraph (3) does not apply.

Database requirements

9.—(1) A keeper must reasonably believe that the database operator accurately records—

- (i) the unique number of the microchip;
- (ii) the name and address of the keeper;
- (iii) telephone number of the keeper, if he or she has one;
- (iv) the name of the dog;
- (v) the breed of the dog;
- (vi) the colour of the dog;
- (vii) any distinguishing physical features of the dog;
- (viii) the sex of the dog; and
- (ix) the date of birth of the dog.

(2) A keeper must reasonably believe that the database operator—

- (i) updates any reported changes to the information listed in paragraph (1) on the database;
- (ii) records the information listed in paragraph (1) on a secure computerised database; and
- (iii) is able to process telephone or online enquiries for that information at all reasonable times.

Offences

10. It is an offence, punishable by a fine not exceeding level 2 on the standard scale, to—

- (a) fail to comply with regulation 3;
- (b) fail to comply with regulation 4;
- (c) fail to comply with regulation 5; or
- (d) fail to comply with regulation 6.

Enforcement

11. These Regulations are enforced by the local authority.

Amendments to the Docking of Working Dogs' Tails (Wales) Regulations 2007

12.—(1) The Docking of Working Dogs' Tails (Wales) Regulations 2007⁽¹⁾ are amended as follows.

(2) For regulation 5(1) substitute—

“(1) In order to be identified as a subsection (3) dog as required by section 6(8) of the Animal Welfare Act 2006—

- (a) the dog must be microchipped by a veterinary surgeon, or a veterinary nurse acting under the supervision of a veterinary surgeon, in accordance with regulation 3 of the Animal Welfare (Identification of Dogs) (Wales) Regulations 2014; and
- (b) before the dog is 91 days old it must be identified as a certified working dog under section 6(3) of the Animal Welfare Act 2006 by confirming the tail docking as a distinguishing physical feature on the database upon which the dog's microchip is registered under regulation 9(1)(vii) of the Animal Welfare (Identification of Dogs) (Wales) Regulations 2014.”

Minister for Natural Resources and Food, one of the Welsh Ministers

Date

(1) S.I. 2007/1028 (W. 95).