

Petition: Compulsory scanning of domestic pets for microchips by councils

Y Pwyllgor Deisebau | 17 Mis Hydref 2017

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Research Briefing:

Petition number: [P-05-0779](#)

Petition title: **Compulsory scanning of domestic pets for microchips by councils**

Text of petition:

We call on the National Assembly for Wales to urge the Welsh Government to introduce a policy to implement the compulsory scanning of domestic pets by councils.

Vets and shelters will scan pets found but there is no requirement from councils. The microchip system can only be fully effective if animals that have been microchipped are scanned and this is vital for the owners who have to endure the mental torment of never knowing and continuing searches for weeks/months when a family pet goes missing.

Currently there is no policy in place for councils to scan cats & dogs found by the street cleaning teams within councils. When a pet is missing it is devastating for their owners. But sometimes, when a cat goes missing, its owners may never find out if they are lost or have been killed in a road accident. There is no closure for the owners and their feelings of loss may go on and on.

At present, the Welsh councils who do not scan are Gwynedd, Anglesey, Cardiff, Newport, Blaenau Gwent and Neath Port Talbot. The remaining councils do currently scan. However, these councils admit they only scan when they deem the animal in a state to be so. This only partly eases pet owners grief as still many will never find out. Most animals involved in road collisions do sustain major injury which should not be used as an excuse to barricade the moral duties of letting the owners know. All domestic animals should be scanned, regardless of state, and the owners notified. Whilst it is considered the unfortunate upset or distress the street cleaner may endure when scanning animals found in a bad way, the fact is they will handle these animals regardless of our proposed policy. They will handle these cases on a regular basis at present. Although we appreciate the upsetting nature, the

proposed policy does not encourage this any further than it currently is and the heartache would not be consistent with the owners who love and know these animals personally and morally have a right to know what has happened.

Background

Microchipping

Many pets can be microchipped including cats, dogs, rabbits and horses. The microchip is a small electronic chip that is inserted under the skin of the animal, which can be read by a scanner. The procedure creates an individual ID for each chip, these ID number along with the owners details are then stored on a database. If a pet is found without its owner, it can be scanned to see if it has a microchip and if so, the owner can then be notified.

It is only compulsory for dogs to be microchipped. The *Microchipping of Dogs (Wales) Regulations 2015*, made under Section 12 of the *Animal Welfare Act 2006*, came into force on 6 April 2016. The regulations make it compulsory for dogs aged eight weeks and over to be microchipped¹. Failure to comply with the regulations carries a fine of up to £500.

Relevant highways legislation

In England and Wales, under Section 170 of the *Road Traffic Act 1988* a car accident with the following animals must be reported to the police:

- dogs;
- horses;
- cattle;
- pigs;
- goats;
- sheep;
- donkeys; and
- mules.

Section 89 of the *Environmental Protection Act 1990* places a duty on local authorities to keep highways clear of litter and refuse. Each local authority also has a duty to ensure that the highway is (as far as is practicable) kept clean. As such, pet carcasses can be recovered from highways.

¹ The regulations exempt certified working dogs as defined under section 6(3) of the *Animal Welfare Act 2006* and dogs whose health would be significantly compromised if they were to be microchipped.

Animal welfare in Wales

The *Government of Wales Act 2006* (Part 1 of Schedule 7) provides competence for the National Assembly to enact primary animal welfare legislation, subject to meeting the statutory tests set out in the Act. This situation remains unchanged under the *Wales Act 2017*.

Furthermore, the *Animal Welfare Act 2006* as the principal piece of animal welfare legislation in Wales, gives Welsh Ministers a range of powers, for example:

- section 12, – making regulations to promote animal welfare;
- section 13 – licensing or registration of activities involving animals; and
- section 16 – making of codes of practice.

Survey of local authorities

Prior to submitting this petition, the petitioners #CatsMatter surveyed Welsh local authorities to identify those that have a policy where street cleaning teams scan pet carcasses for microchips, and notify owners. The petition indicates that six authorities do not do so. Since the petition has gone online, the petitioners have again been in contact with local authorities and as of September 2017, the following five authorities do not scan pet carcasses:

- Gwynedd;
- Anglesey;
- Cardiff;
- Newport; and
- Blaenau Gwent.

Petition for ‘Harvey’s Law’ in England

On 23 November 2013 a dog named Harvey was killed on the M62 after running away from its owners who were on holiday at the time. Harvey was microchipped and had a dog collar on. Whilst the owners contacted the Highways Agency on numerous occasions over a period of 13 weeks to ascertain if they had recovered Harvey, they were informed that there were no records of any dog fatalities occurring. However, following a publicity campaign, a highway officer who recovered the dog following a report from the driver who collided with it, was able to notify the family. Following this a [petition entitled ‘Harvey’s Law’](#) was submitted to the House of Commons. This asked for legislation to require the Highways Authority (a body that operates in England) to scan all domestic animals retrieved from the highways and to circulate the log to the police and dog wardens.

No legislation was introduced. The petition received the following [response](#):

The government does understand how important pets are and regrets that, sadly, a number of them are killed or injured on our roads each year.

The Highways Agency is an Executive Agency of the Department for Transport (DfT), and is responsible for operating, maintaining and improving the strategic road network in England on behalf of the Secretary of State for Transport. The Agency's role in maintaining and improving the network is delivered through a large and complex supply chain through a number and variety of contracts. The Agency also sets and maintains technical standards for roads and structures which contractors are required to adhere to and which are referred to by many local and other national authorities for the roads that they manage.

These standards are set down in the Network Management Manual (NMM). The NMM generally describes the processes for the management of the maintenance service including the interface between the Highways Agency, its service providers and other stakeholders. A link to the NMM is here:

http://www.dft.gov.uk/ha/standards/nmm_rwsc/docs/nmm_part_7a.pdf

Section 7.17 of the NMM describes processes that must be followed when canine remains are found on the network, although it does recognise that it is impossible to guarantee that remains can be fully identified due to the high speed nature of the Agency's roads.

Due to the nature of the processes already in place, the Government has no plans to enforce adherence to the NMM through legislation.

Following the online petition and a subsequent [debate](#) in March 2015, the then Transport Minister Mr Hayes confirmed that he would write to local highways authorities in England to draw their attention to this government position.

National Assembly for Wales action

This matter has not been considered before either in Plenary or by any Assembly Committee.

Welsh Government action

Response to petition

The letter from the Cabinet Secretary for Environment and Rural Affairs to the Chair of the Petitions Committee, 19 September 2017, states:

[A local authority is] an independent statutory authority and is democratically accountable to its community for the decisions it makes. It is of course important that each Local Authority makes the most efficient use of the resources available to it. However, it is also the case that each authority is responsible for managing its own affairs.

It is important that in determining how local resources are allocated and spent on delivering its responsibilities, each authority should engage meaningfully with its communities. We would encourage that people raise directly with Local Authorities any concerns they have with regard to the compulsory scanning of microchips for domestic pets. Contact details are available on the Council's

website. They may also wish to contact their local councillor, who as their elected representative is able to raise concerns with the Council on their behalf.

In relation to dogs, the Cabinet Secretary advises:

I understand the concerns about dogs being found dead. A recent Local Authority survey revealed the majority of respondents routinely scan dog carcasses found on trunk roads and notify the owners where possible.

The Welsh Government introduced legislation, which came into effect in April 2016, requiring the compulsory microchipping of dogs in Wales. The issue of compulsory scanning was considered in the formulation of the microchipping regulations but given the considerations above, we saw no need to set down that Local Authorities compulsorily scan dogs.

Previous action

In response to [RSPCA Cymru correspondence regarding Harvey's Law in Wales](#), the then Deputy Minister for Food and Farming responded 21 April 2015, advising that:

Local Authorities across Wales currently fulfil our duty to recover dogs and cats that are killed on the trunk road and motorway network. In the majority of cases they attempt to contact the owners. This is often done as a result of scanning or enquiries.

However, I am aware that this practice does vary throughout Wales and I have therefore asked my officials to making the scanning of information on ID tags and collars and the owner notification process more consistent than it is at present.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.