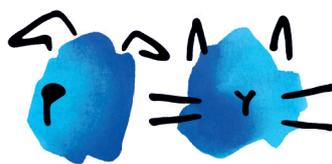




# COMPULSORY MICROCHIPPING

THREE YEARS ON



**BATTERSEA**

HERE FOR EVERY DOG AND CAT

# FOREWORD

Battersea believes passionately in the value of microchipping. It is simple, practically painless, easy to keep updated, and by far the most successful and secure method for keepers to be reunited with their lost dogs.

We have seen the benefits of compulsory microchipping first-hand at our centres – in 2018 we reunited 892 dogs with their keepers, the overwhelming majority of which were accurately microchipped. This figure is impressive when compared to the 475 we were able to reunite in 2015, before the microchipping of dogs was made compulsory. Battersea expected that this would be an effect of the law change, and therefore we supported the Government when they introduced it. We maintain that it is the right thing and, as it comes up for review in 2020, Battersea will argue strongly in favour of keeping microchipping compulsory.

This is the fourth report<sup>1</sup> Battersea has published on the effectiveness of compulsory microchipping as seen by Local Authorities, who have the statutory responsibility to care for stray dogs. Disappointingly, some negative trends appear to be emerging:

- Just 25% are now accurately microchipped, compared with 29% in 2018 and 31% in 2017.
- 31% do not have a microchip implanted.
- Of those that do have a chip implanted, 60% have an inaccurate record on the database.

There are positives – the overall number of stray dogs collected by Local Authorities continues to fall, which suggests either that people are better at preventing straying, or that more dogs are being quickly reunited with their family before the Local Authorities become involved. This may be due to vets and charities using microchips to trace a lost dog's keeper.

This year we wanted to look not just at the results of the law, but also at the implementation of it. With one eye on the forthcoming Review, we asked every Local Authority whether they are using the provisions in the Regulations to enforce compulsory microchipping.

Our research has shown that 21-day notices are very effective, but rarely used by the majority of Local Authorities.

We asked Councils whether a Fixed Penalty Notice would be a simpler, more effective method of enforcement. Although there was a wide range of views, it is clear that Fixed Penalty Notices would be a useful potential tool to increase compliance rates, which could be annulled in cases where compliance is achieved within a reasonable timeframe.

Compulsory microchipping was a significant step forward in dog welfare, and we continue to see the benefits it has brought. We welcome the positive intention behind compulsory microchipping, and recognise the benefits of wider compliance. However, these cannot be achieved unless owners and keepers take responsibility for accurately microchipping their dogs.

<sup>1</sup> [http://www.bdch.org.uk/files/Microchipping\\_report\\_2018.pdf](http://www.bdch.org.uk/files/Microchipping_report_2018.pdf), <http://www.bdch.org.uk/files/Microchipping-where-it-matters-most-One-year-on.pdf>, [http://www.bdch.org.uk/files/Microchipping\\_report\\_2016.pdf](http://www.bdch.org.uk/files/Microchipping_report_2016.pdf)

This fourth Battersea report looks carefully at how effectively compulsory microchipping is being delivered; and proposes sensible and practical enhancements to the existing administration and enforcement procedures, to give every dog the best chance of returning home should they become separated from their keeper.



**Claire Horton**, Chief Executive

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### Acknowledgements

We would like to thank the 57 Local Authorities and their staff who so willingly agreed to participate in this survey. We would also like to thank the 369 Local Authorities and their staff who replied to our request for information on 21-day enforcement notices.



## EXECUTIVE SUMMARY

Since it became a legal requirement in England, Scotland and Wales in April 2016 for all dogs to be microchipped by the age of eight weeks, Battersea has been tracking the progress of microchipping in a sample of the UK's stray dog population.<sup>2</sup>

### Is microchipping working?

It seems the introduction of compulsory microchipping has helped reduce the burden on Local Authorities caused by stray dogs. **The number of stray dogs dealt with by Local Authorities in our survey has reduced by 41% since microchipping became compulsory in 2016.** This appears, at least in part, to be due to veterinary practices and rescue charities reuniting more lost and stray dogs with their keepers using microchip data. This removes the need to involve Local Authorities.<sup>3</sup>

However, the microchip status of those stray dogs dealt with by Local Authorities continues to be problematic. Last year, we noted a marginal reduction in the proportion of stray dogs that were accurately microchipped.

<sup>2</sup>Microchipping has been compulsory in Northern Ireland since 2012.

<sup>3</sup>Most dog owners are also the 'keeper' of the dog in the sense that the dog normally lives with them, but the owner and the keeper could be two separate people. The Regulations put responsibility for compliance on a dog's keeper and not on its owner.

This year sees a further fall in microchipping rates:

- **25% of stray dogs are now accurately microchipped** compared with 29% in 2018 and 31% in 2017.
- The main reason for this is that keepers are failing to update the microchip databases. **60% of stray dogs implanted with a chip now have an inaccurate record.** There is no reason to believe this is only an issue for stray dogs.
- **31% of stray dogs did not even have a microchip implanted.**

As this issue is intrinsically linked to stray dogs, for which Local Authorities bear the statutory responsibility, Councils typically conduct the majority of enforcement around microchipping. Battersea investigated whether their current powers are helping them in this task, as well as assessing whether or not being given the opportunity to use Fixed Penalty Notices would be useful in enforcement. The research showed:

- **21-day notices are very effective**, resulting in a compliance rate of 70%.
- **Most Local Authorities are not using their powers to their full effect.** 61% of Local Authorities did not issue any notices in 2018. 17 out of 369 Local Authorities accounted for 46% of all the notices issued in Great Britain in 2018.
- **Prosecution rates are low.** 20% of cases of non-compliance with a notice result in a prosecution.
- **Nearly all prosecutions result in a fine.** At least 85% of prosecutions result in a conviction. Fines ranged from £20 to £500, with the **average being £234**, at least doubling once costs are added. Some Local Authorities seem to be effective at gathering the evidence base for court cases.
- 68% of high-enforcing Local Authorities agreed that having the power to issue a **Fixed Penalty Notice for not accurately microchipping a dog would help** to enforce the microchip Regulations.

### BATTERSEA RECOMMENDS THESE NEXT STEPS

This report points to four areas to prioritise for action, and seven recommendations to get the most out of microchipping.

#### Keepers must do more

1. Keepers must ensure their dog is accurately microchipped. This is a statutory duty and part of the responsibilities of every keeper. The failure of keepers to update their dog's microchip details in a compliant database is becoming a particular problem.

#### Enable more robust enforcement

2. Give Local Authorities sufficient resource and a legal duty to enforce the Regulations. There is currently no legal obligation placed on any body to enforce.

3. Produce good practice guidance for Local Authorities, drawing on the experience of those that have been making extensive use of their enforcement powers, and encouraging them to learn from each other.
4. Give Local Authorities the power to issue a Fixed Penalty Notice for non-compliance with a 21-day notice. Enable them to issue this penalty when keepers collect their dogs from the Local Authority, which may then be cancelled or reduced if keepers prove compliance within a set time frame.

#### **Get the database companies to do more**

Currently, there are only minimal requirements for a database to be compliant. These include:

- To maintain records.
  - To answer telephone and online requests at all times.
  - To back up all data to a secure off-site facility every day.
5. The Government should enhance stipulations on database companies, requiring them to implement a more systematic process of information checking and updating such as:
    - Contacting keepers regularly and systematically, to ensure their details are correct.
    - Making the process of updating information as easy as possible for keepers.
    - Processing requests to update details quickly and within a specified timeframe.

#### **Enhancing Regulatory obligations**

6. Confer a legal duty on implanters to register microchips they have implanted onto a compliant database.
7. Impose a legal duty on a puppy's first keeper (the owner of the bitch that gave birth to the puppy) to update the database with the new keeper's details when the keeper changes.

The Department for Environment, Food and Rural Affairs (DEFRA) is due to begin its review of the Microchipping of Dogs Regulations in England in autumn 2019. We urge DEFRA to give urgent attention to our recommendations and to implement a plan of action as an outcome of the Review.



# 1. BACKGROUND

On 6 April 2016, microchipping of dogs became compulsory in England,<sup>4</sup> Scotland<sup>5</sup> and Wales.<sup>6</sup> It has been compulsory in Northern Ireland since 9 April 2012.<sup>7</sup> The Regulations require that:

- Every dog is implanted with a microchip and registered by the breeder both prior to sale and by eight weeks old.<sup>8</sup> If breeders fail to comply, they can be prosecuted and fined up to £500.
- The keeper's details are recorded on a compliant database and kept up to date.
- Keepers comply with a 21-day notice. This notice can require any of the following:
  - To get a microchip implanted in the dog.
  - To update the keeper's name.
  - To update the keeper's contact details.
- Failure to comply with the notice is a criminal offence, for which keepers can be fined up to £500.

The Government made microchipping compulsory primarily to assist Local Authorities in reuniting stray dogs with their keepers. The Government estimated this would save Local Authorities and charities £15 million a year in kennelling and other costs.<sup>9</sup> This opportunity is diluted if the law is not enforced as it could be.

Battersea has been conducting an annual survey of Local Authorities since 2016 to assess the impact of the legislation specifically on the stray dog population:

- In 2017, after the first year of compulsory microchipping, the rate of accurate microchipping among stray dogs collected by Local Authorities increased from 20% in 2016 to 31%. While a welcome improvement, this figure falls short of DEFRA's current estimate that 90% of dogs in the UK are now microchipped.<sup>10</sup>
- By 2018, however, progress had stalled as just 29% of stray dogs collected by Local Authorities were accurately microchipped. 35% of stray dogs were still not implanted with a chip at all, and 55% of those that were had an inaccurate record of the keeper's details on the database.
- The number of stray dogs collected by the Local Authorities surveyed has fallen by 41% since compulsory microchipping was introduced. An increase in accurately microchipped dogs means more stray dogs can be reunited with their keepers by vets and charities without involving Local Authorities.

Given these emerging trends, this 2019 survey takes on a particular significance. Has the drop in stray dogs handled by Local Authorities continued and has the microchip status of stray dogs collected by Local Authorities improved?

<sup>4</sup> <http://www.legislation.gov.uk/uksi/2015/108/contents/made>

<sup>5</sup> <http://www.legislation.gov.uk/ssi/2016/58/contents/made>

<sup>6</sup> <http://www.legislation.gov.uk/wsi/2015/1990/contents/made>

<sup>7</sup> <https://www.legislation.gov.uk/nisr/2012/132/made>

<sup>8</sup> Unless they are exempted by a vet

<sup>9</sup> [http://www.legislation.gov.uk/ukia/2014/313/pdfs/ukia\\_20140313\\_en.pdf](http://www.legislation.gov.uk/ukia/2014/313/pdfs/ukia_20140313_en.pdf)

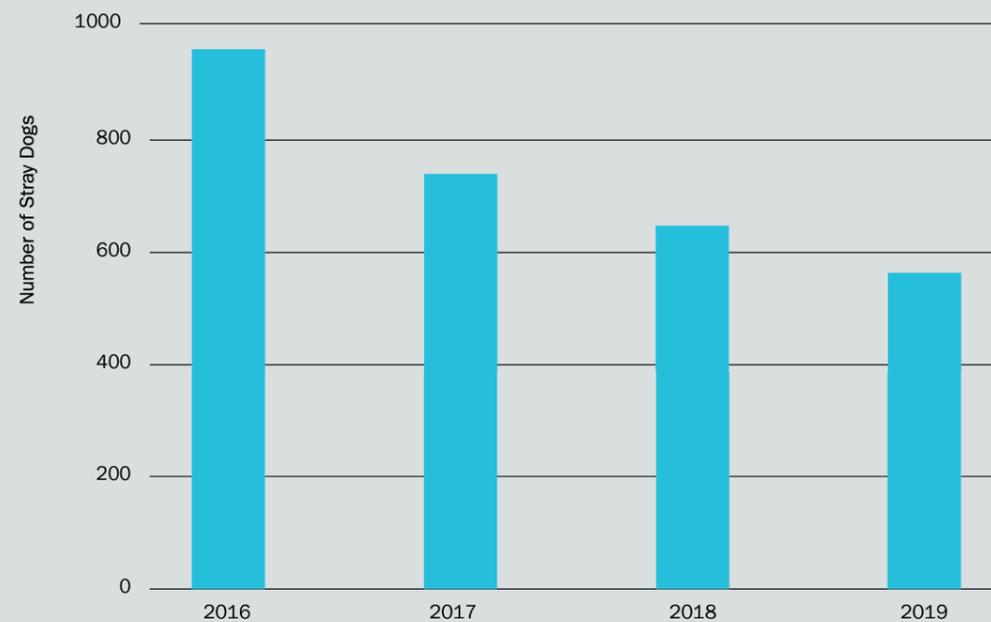
<sup>10</sup> <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2019-06-18/266249/>





**FIGURE 1**

Number of stray dogs collected by 44 Local Authorities in Great Britain who participated in all four Battersea surveys 2016-19



## 2. THE MICROCHIP STATUS OF STRAY DOGS 2019

57 Local Authorities across England, Scotland, Wales and Northern Ireland completed this fourth Battersea survey of the microchip status of stray dogs. In total, these Local Authorities collected 706 stray dogs. They were collected, scanned and checked for this survey through the month of April 2019. 45 of these Local Authorities also participated in the previous surveys, enabling us to track progress and trends over a four-year period.

For every stray dog collected in April 2019, these Local Authorities recorded the following information, as in previous years:

- Whether it was microchipped.
- Whether the microchip record was accurate.
- The reason for any inaccuracies.
- Whether the dog was wearing a collar and tag with the owner's name and address, as this remains a legal requirement for most dogs in a public place.<sup>11</sup>

<sup>11</sup> <http://www.legislation.gov.uk/ukxi/1992/901/contents/made>

### Reduction in stray dogs

This year's survey shows a continuing reduction in the number of stray dogs handled by Local Authorities. Looking at the 44 Local Authorities in England, Scotland and Wales (Great Britain) who participated in all four surveys (2016-2019),<sup>12</sup> the number of stray dogs collected has reduced from 969 in February 2016 to 569 in April 2019, a reduction of 41% in three years.

This is unquestionably a positive trend and does seem, at least in part, to be due to compulsory microchipping. Agencies that have scanners to read microchips, such as veterinary practices and charities, are now able to reunite more found dogs with their keepers directly. Local Authorities would not be involved if these dogs were reunited quickly, so the number of stray dogs they deal with would go down.

Figure 1 does show that this trend is slowing, suggesting that the impact of microchipping on the ability of vets and others to reunite found dogs is reaching maximum effect.

<sup>12</sup> Belfast City Council has also replied to all our previous surveys. However, Northern Ireland introduced compulsory microchipping in 2012, so this data does not cover a period from before and after compulsory microchipping was introduced.

**How many stray dogs can be accurately identified by Local Authorities?**

All 56 of the Local Authorities in Great Britain who responded to this year's survey provided information on the rate of accurate microchipping of the stray dogs they handled.<sup>13</sup>

**Figure 2 shows:**

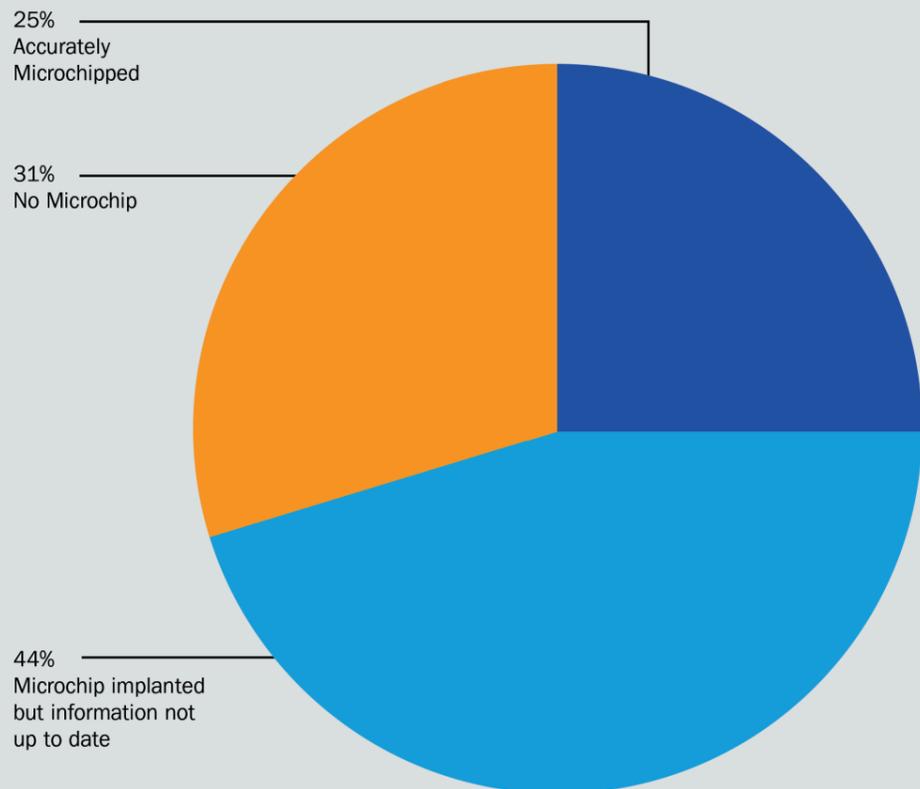
- **Only 25% of stray dogs collected by Local Authorities were accurately microchipped**, with an up-to-date database record enabling the keeper to be identified and contacted.
- **31% of stray dogs did not even have a microchip implanted.**

In addition to the low rate of accurate microchipping, just 3% of stray dogs had a collar and tag with accurate information on the tag.

This means that **3 out of 4 stray dogs handled by Local Authorities in Great Britain now cannot be easily and simply reunited with their keeper** solely on the basis of the microchip, as the law requires them to be.

<sup>13</sup>This section does not include data for Belfast, as we are focusing on the impact of the 2016 law change.

**FIGURE 2**  
Microchip compliance in stray dogs handled by 56 Local Authorities in Great Britain in 2019



**Is the situation likely to improve?**

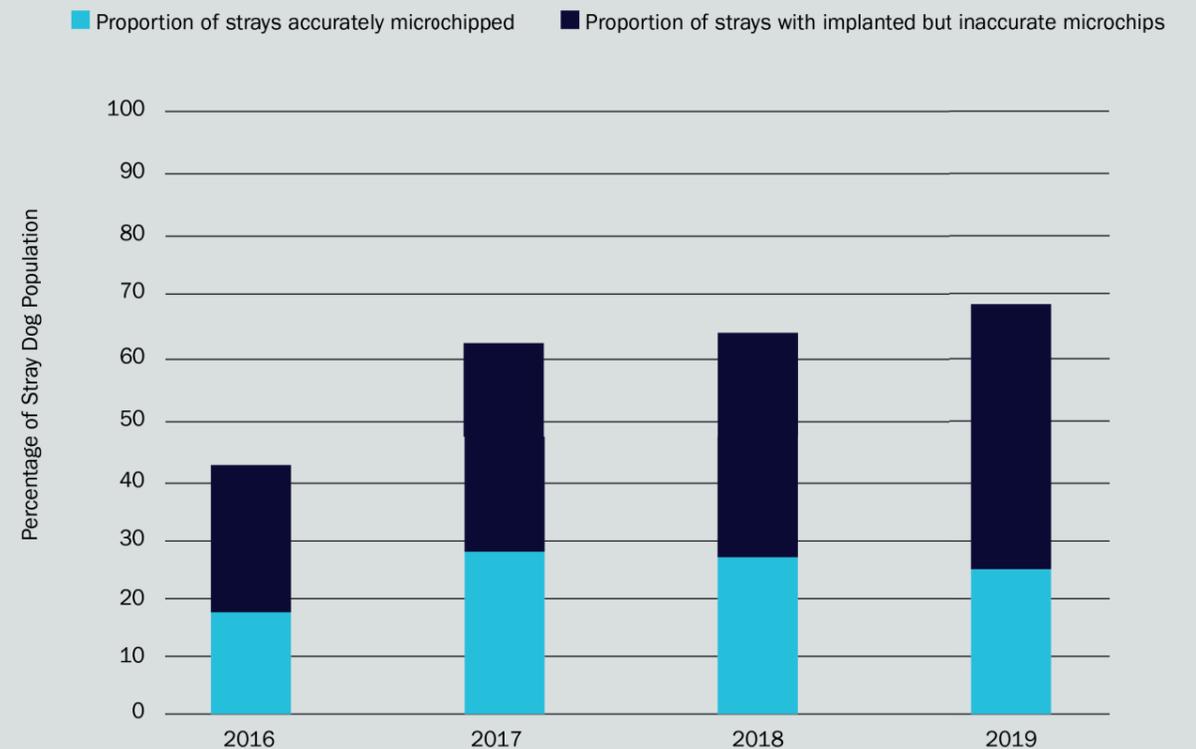
Figure 3 suggests that, unless further action is taken, the situation is unlikely to improve.

Figure 3 compares the results for 2016 to 2019, focusing on the 44 Local Authorities in Great Britain that provided figures for each year, enabling us to track trends following the introduction of compulsory microchipping.

**Figure 3 shows:**

- It is positive, in that the proportion of stray dogs implanted with a microchip continues to increase, albeit at a slower rate since 2017. In the 44 councils in Great Britain that participated in all four of our surveys, 68% of stray dogs are now implanted with a microchip compared with 44% in 2016.
- However, the proportion of microchip-implanted dogs that have an accurate record on the database is reducing. **It is now lower than it was before microchipping was made compulsory** – just 37% of stray dogs that were implanted with a microchip had an accurate record in 2019 compared with 42% in 2016.
- The consequence, as figure 3 shows, is that the proportion of all stray dogs that are accurately microchipped with an up-to-date record on the database has fallen to 25%. This is the lowest level since microchipping was made compulsory and is declining to pre-regulation levels.

**FIGURE 3**  
The microchip status of stray dogs in 44 Local Authorities in Great Britain who participated in all four Battersea surveys 2016-2019





### What are the problems?

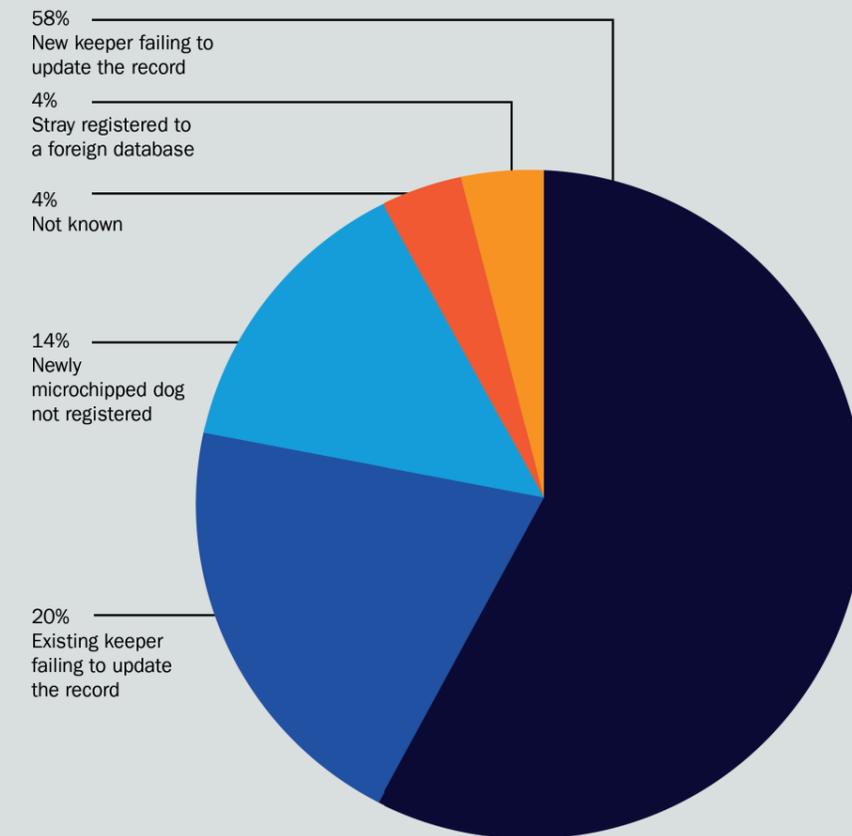
Three years after compulsory microchipping was introduced, our survey of 56 Local Authorities in Great Britain shows that 31% of stray dogs still have no microchip implanted. While this is a significant problem, it is at least steadily improving.

The more worrying problem is that keepers are failing to update their dogs' microchip record on the microchipping databases. This trend is becoming more pronounced over time. After three years of compulsory microchipping in Great Britain, 60% of stray dogs implanted with a microchip now have inaccurate information on their database record, making keepers hard to trace.

Figure 4 shows the different types of information problems on the databases.

**FIGURE 4**

Percentage of inaccurately registered stray dogs split into different groups reported by 56 Local Authorities in Great Britain in 2019



### Figure 4 shows:

- New keepers failing to update their dog's microchip record with their name and contact details is the most prominent problem. These make up 58% of all database inaccuracies.
- Some existing keepers are not updating the database records with their new address or phone number. This is the second biggest problem, accounting for 20% of all issues with implanted microchips.
- Newly microchipped dogs not being registered on the database by their keepers make up 14% of all database inaccuracies.
- Stray dogs registered to a foreign database are few in number but are a serious problem if these are dogs that have come into this country illegally, with all the associated health and safety risks.



### 3. ENFORCING THE MICROCHIPPING OF DOGS REGULATIONS IN GREAT BRITAIN<sup>14</sup>

#### Who enforces the Regulations?

The Microchipping of Dogs Regulations in Great Britain give discretionary powers to Local Authorities and the Police to take enforcement action against keepers of unchipped dogs.<sup>15</sup> **They do not, however, confer on either a duty to enforce the Regulations.**

The opportunity to take enforcement action is most likely to fall to Local Authorities, as unchipped dogs will come to their notice through their responsibility for collecting thousands of stray dogs each year. Local Authorities may also authorise others to enforce the Regulations. The link to the statutory duty to care for stray dogs is why Battersea feels Local Authorities are the logical body to have the duty to enforce the microchipping Regulations.

<sup>14</sup> This section focuses on Great Britain as the context for enforcing microchipping in Northern Ireland is different, being tied in with the enforcement of compulsory dog licensing.

<sup>15</sup> This includes dogs implanted with a microchip but with inaccurate details on the database.

#### What enforcement powers do Local Authorities have?

1

The first step in the enforcement process is to issue the keeper of an unchipped dog with a notice giving them 21 days to comply. This notice can require any of the following:

- To get a microchip implanted in the dog.
- To update the keeper's name.
- To update the keeper's contact details.

2

It is an offence to fail to comply with a 21-day notice, so keepers who do not comply may then be prosecuted and, if convicted, receive a fine of up to £500 plus costs.

3

Local Authorities and other 'authorised persons'<sup>16</sup> also have the power to seize the dog without the keeper's consent, in order to check whether it has been accurately microchipped and to arrange to have it chipped if necessary. Costs can be recovered from the keeper, who would be committing an offence if they obstructed this process.

#### How effectively do Local Authorities use these powers?

Tracing the keepers of unchipped dogs is very difficult unless they choose to come forward, and Local Authorities may have little opportunity to initiate enforcement action.

45 Local Authorities in Battersea's survey of stray dogs provided figures showing the extent to which they had contact with the keepers of unchipped dogs. Of the 375 dogs they collected in April 2019 that were not accurately microchipped, 195 (52%) were reunited with their keepers.

Scaling this up for Great Britain, this equates to approximately 20,000 instances a year where Local Authorities would have contact with the keepers of unchipped stray dogs and so would have been able to initiate enforcement action.<sup>17</sup>

<sup>16</sup> An 'authorised person' is defined in the Regulations as including a police constable, community support officer and anyone who is authorised in writing by the Local Authority.

<sup>17</sup> Based on Dogs Trust Stray Dog survey estimate of 51,995 stray dogs handled by Local Authorities in Great Britain in 2018 and applying the Battersea figures that 75% of these will not be accurately microchipped and 52% of those will involve contact with the keeper.

### To what extent do Local Authorities take enforcement action?

In April 2019, Battersea issued a Freedom of Information request to all 374 Local Authorities in Great Britain with responsibility for dog control. Each was asked:

- How many microchip enforcement notices they issued in 2018?
- How many of those notices resulted in full compliance by the keeper?
- How many of those notices resulted in a prosecution?
- How many of those prosecutions resulted in a conviction?
- For those convictions, what penalties were imposed by the court?

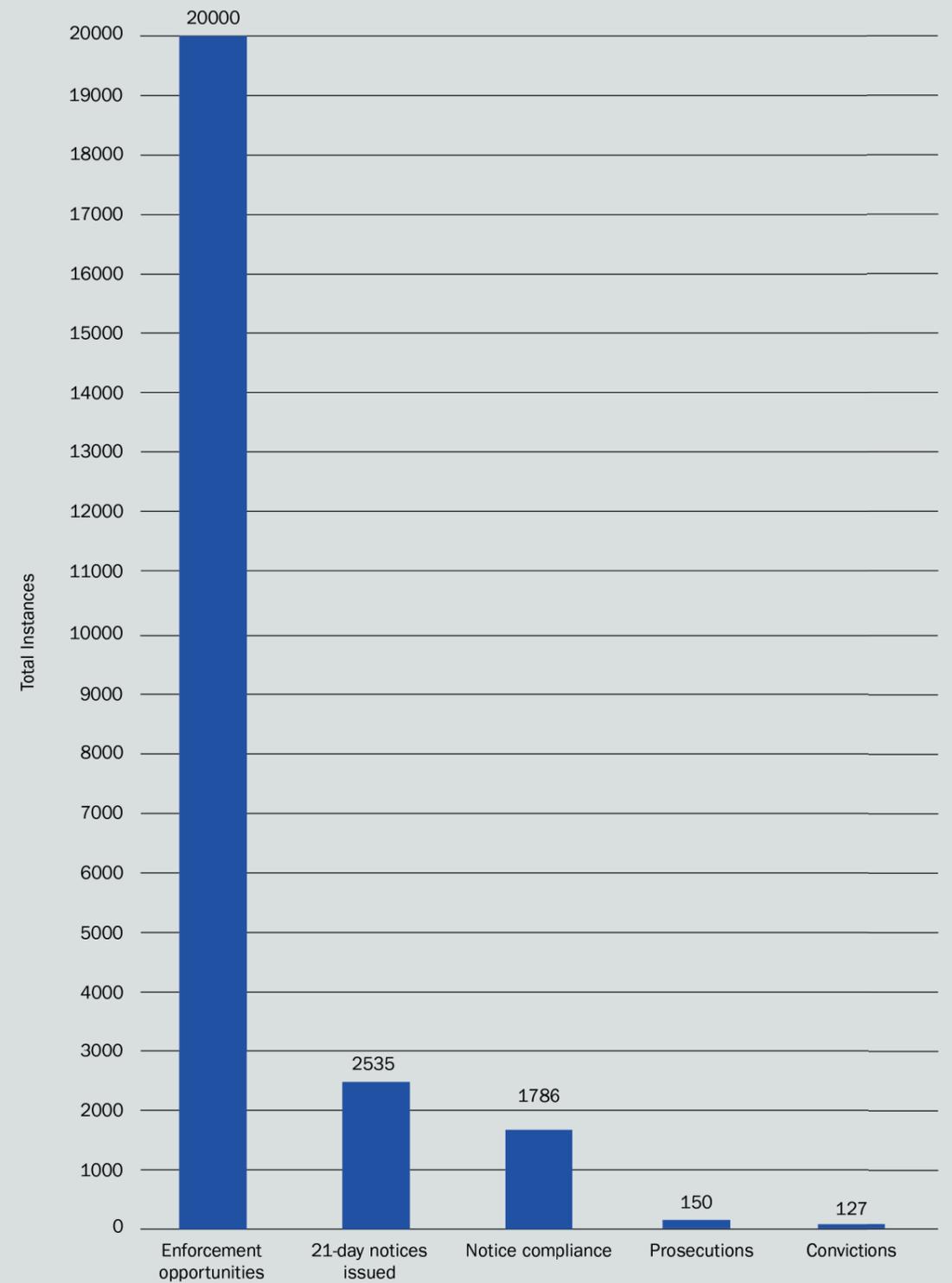
369 Councils replied, a 99% response rate. Figure 5 shows the results, in the context of the estimated number of opportunities to use these enforcement powers.

#### Figure 5 shows:

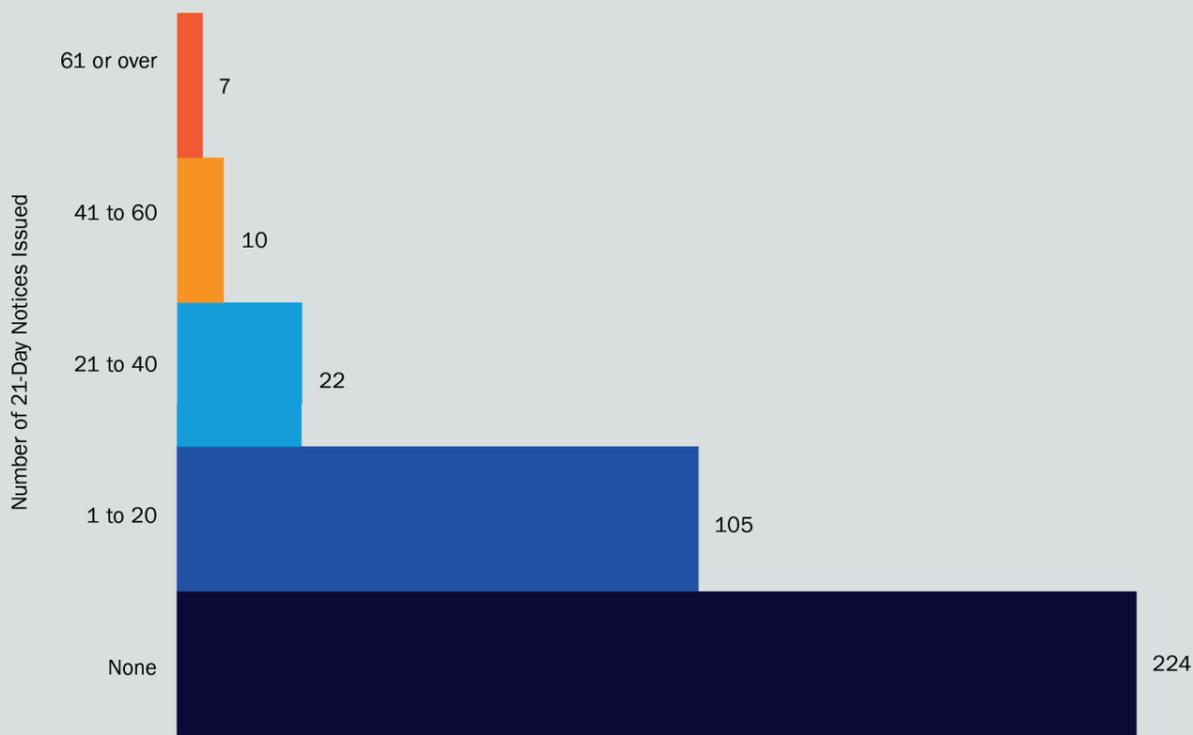
- Local Authorities in Great Britain issued 21-day enforcement notices in only an estimated 13% of potential cases.
- 21-day notices are very effective, resulting in a compliance rate of 70%.
- 20% of cases of non-compliance with a 21-day notice resulted in a prosecution. The final figure is likely to be a little higher as a number of cases were under review for possible prosecution at the time of our request for information.
- 85% of prosecutions result in a conviction, a figure that is likely to be higher as the court outcome in a number of cases was pending at the time of the information request. Fines ranged from £20 to £500, **with the average being £234**. However, the amount to be paid was often at least doubled by the addition of prosecution costs and victim surcharge.

**FIGURE 5**

The use of microchipping enforcement powers by 369 Local Authorities in Great Britain in 2018



**FIGURE 6**  
Number of Local Authorities issuing 21-day notices in Great Britain in 2018 in value brackets



“WE HAVE NOT ISSUED ANY ENFORCEMENT NOTICES FOR MICROCHIPS. WE DO WRITE TO OWNERS OF STRAY DOGS THAT ARE COLLECTED AND FOUND NOT TO HAVE MICROCHIPS ADVISING THEM OF THEIR OBLIGATIONS AND THE LAW”

“WHEN COLLECTING STRAY DOGS THE COUNCIL MAKE SURE THAT ANY DOG IS EITHER MICROCHIPPED OR CHIP UPDATED PRIOR TO IT BEING RELEASED FROM THE KENNELS”

“WE DO NOT ACTIVELY ENFORCE THIS”

“WE DON’T CURRENTLY HAVE ANY PROCEDURES IN PLACE UNDER THE MICROCHIPPING OF DOGS (ENGLAND) REGULATIONS 2015 AS THE POUND WE USE WORKS WITH CUSTOMERS INFORMALLY”

“UNFORTUNATELY WE DO NOT FOLLOW UP THESE LETTERS, WE WOULD ENFORCE NOTICE IF A DOG IS PICKED UP AS A STRAY AGAIN AND HAS NO CHIP”

“WE HAVE NOT ISSUED ANY NOTICES IN 2018. WHEN STRAY DOGS ARE COLLECTED THEY ARE GIVEN A WARNING LETTER BUT NOT A FORMAL NOTICE”

This national picture hides some stark differences between Local Authorities. Figure 6 shows the number of 21-day notices issued by each Local Authority in 2018.

**Figures 6 shows:**

That the majority of Local Authorities use their enforcement powers infrequently. However, a few use them extensively:

- 61% of Local Authorities (223) did not issue any 21-day enforcement notices in 2018.
- 5% of Local Authorities (17) each issued more than 40 notices and three of these each issued more than 100.
- These 17 Local Authorities accounted for 46% of all the notices issued in Great Britain in 2018 and 51% of all prosecutions.

**Why do Local Authorities under-use their enforcement powers?**

Many Local Authorities prefer to use more informal approaches to the 21-day notice and threat of court action. These include:

- Verbally advising the keeper to microchip the dog.
- Issuing an informal letter, advising the keeper of the legislation and their responsibilities.
- Trying to ensure the dog is accurately microchipped before it leaves the kennels.

Prosecuting cases of non-compliance would appear to present significant challenges to some Local Authorities. Common reasons given by Local Authorities for the low prosecution rate are:

- The keeper and/or dog cannot be traced after the 21-day notice has expired, keepers having moved address or given a false one, and dogs being sold, given away, or dying (or keepers claiming this).
- The cost of prosecution is considered not to be in the public interest.
- The evidential threshold cannot be reached. Keepers do not have to prove they have complied with the notice, and while Local Authorities may seize a dog to check whether it has been accurately microchipped, they do not have the right to enter private property without a warrant to do so.

Reasons why Local Authorities are not using their enforcement powers.

### Would a Fixed Penalty Notice help?

A Fixed Penalty Notice is an administrative alternative to a prosecution which requires an offender to pay a fixed sum within a set number of days. They are commonly used by Local Authorities for dog control offences where the required Fixed Penalty Notice is up to £100. We asked the panel of Local Authorities that we surveyed on stray dogs, plus a number of other high-enforcing Local Authorities, for their view on the following question:

**“Would the ability to issue a Fixed Penalty Notice to keepers who have failed to comply with a 21-day notice as an additional method of enforcement, help you to enforce the Regulations better?”**

47 Local Authorities replied to this question. These 47 Councils issued 1,247 notices in 2018 and prosecuted 105 cases, so this is a sample highly experienced in enforcing the legislation. Figure 7 shows what they thought.

**68% felt that a Fixed Penalty Notice as an additional power would help them to enforce the dog microchipping Regulations.** 48% said it would definitely help, including all three Local Authorities who had each issued more than 100 notices. Their reasons included:

- A Fixed Penalty Notice would be a better deterrent. People don't believe the threat of court action for such a minor offence but the threat of a Fixed Penalty Notice is more credible.
- Being able to issue a Fixed Penalty Notice would save time and money in preparing costly court cases. It is administratively easy and a process familiar to Local Authorities.
- A Fixed Penalty Notice would be a more proportionate response in some cases and would prevent criminalising people for a minor offence.

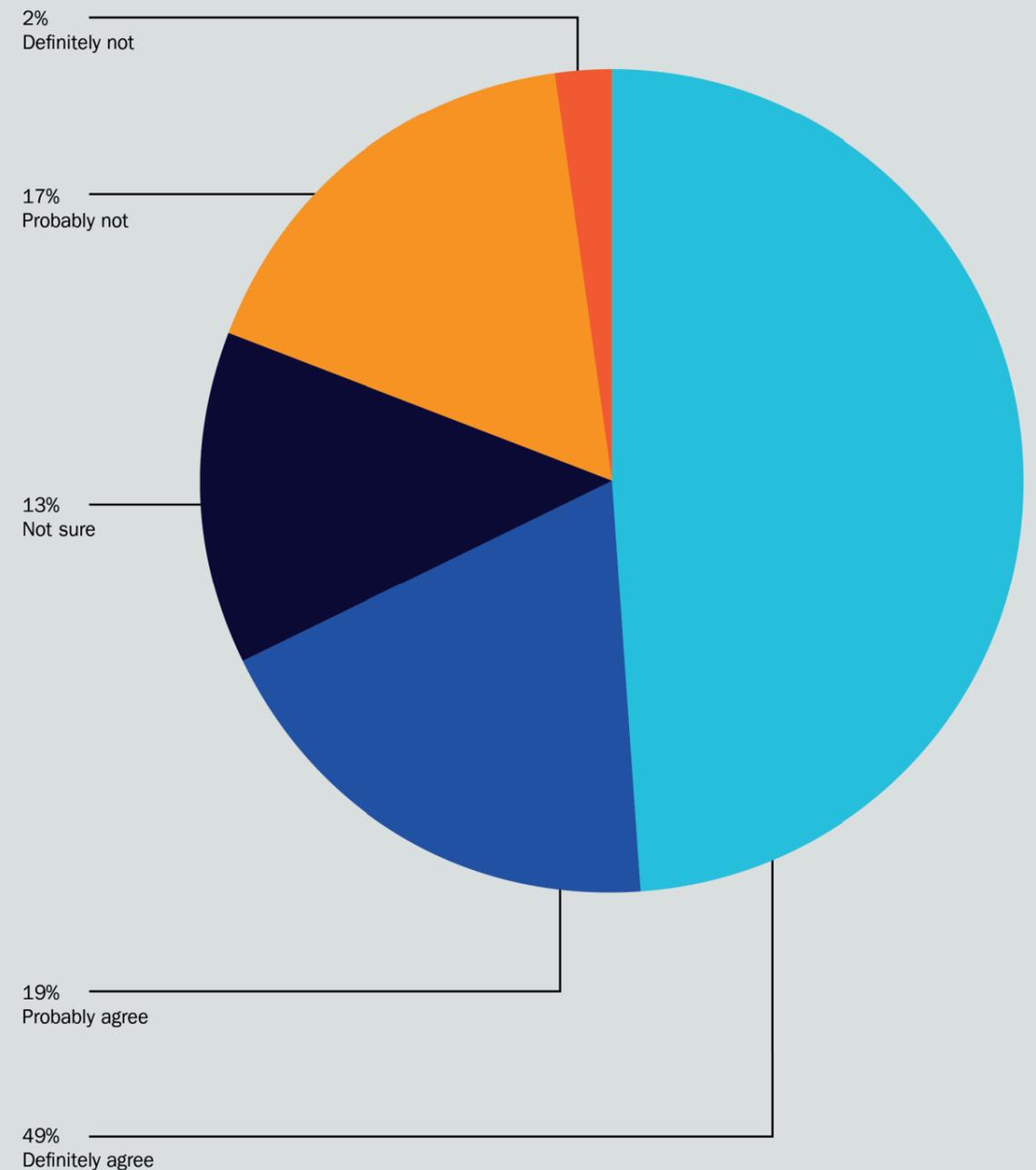
A significant minority were not convinced, arguing the following:

- The prospect of a Fixed Penalty Notice will have little impact on those who ignore the 21-day notice. They are likely to also ignore a Fixed Penalty Notice, so they could end up having to go to court anyway.

One proposal coming from both sides of this debate was that a Fixed Penalty Notice might work **if it could be issued at the time the keeper comes to collect the dog from the Local Authority.** The Fixed Penalty Notice might then be cancelled or reduced once the keeper had proved they had accurately microchipped the dog within 21 days, or possibly in a shorter time frame. This would be a more effective and efficient process. This would require a change in the Microchipping of Dogs Regulations as currently the offence is for non-compliance with the 21-day notice.

**FIGURE 7**

Would the power to issue a Fixed Penalty Notice help Local Authorities to enforce dog microchipping?





## 4. CONCLUSIONS AND RECOMMENDATIONS

Microchipping is lightening the burden on Local Authorities, as veterinary practices and rescue charities can reunite more stray dogs with their owners. This has reduced the number of stray dogs handled by the Local Authorities in our survey by 41% since microchipping became compulsory in Great Britain in 2016.

However, the microchip status of those stray dogs collected by Local Authorities continues to be problematic. This year's survey shows:

- Just 25% of stray dogs collected by Local Authorities are now accurately microchipped compared with 31% in 2017 and 29% in 2018.
- Microchip databases are becoming increasingly out of date as keepers continue to fail to update their dog's record. There is no reason to believe this is only a problem for stray dogs.
- 31% of these stray dogs do not have a microchip implanted at all.

### Potential for greater use of enforcement powers

Local Authorities are still dealing with a range of challenges relating to reuniting stray dogs with their keepers, and this is where enforcement becomes a significant means to change behaviour.

While the Regulations give the Police and Local Authorities powers of enforcement, they do not confer on either a duty to use them or the resources to do so effectively. It is understandable that few Local Authorities issue them.

However, a small number of Local Authorities use their enforcement powers extensively. 17 of the Local Authorities were responsible for 46% of all the 21-day notices issued in 2018 and 51% of all prosecutions. This means there is now a small but very experienced group of Local Authorities, with a wealth of good practice and knowledge of what works in enforcing the Regulations, that could be used as a model of best practice for other Local Authorities.

### Including a Fixed Penalty Notice as an additional enforcement tool

The idea of being able to issue a Fixed Penalty Notice for failing to comply with a 21-day notice has strong support. Those who are more cautious about the value of a Fixed Penalty Notice believe it is unlikely to help with the common situations where non-compliance cannot be proved after 21 days have lapsed, and where keepers ignore the Local Authority's attempts to contact them, including the threat of getting a criminal conviction.

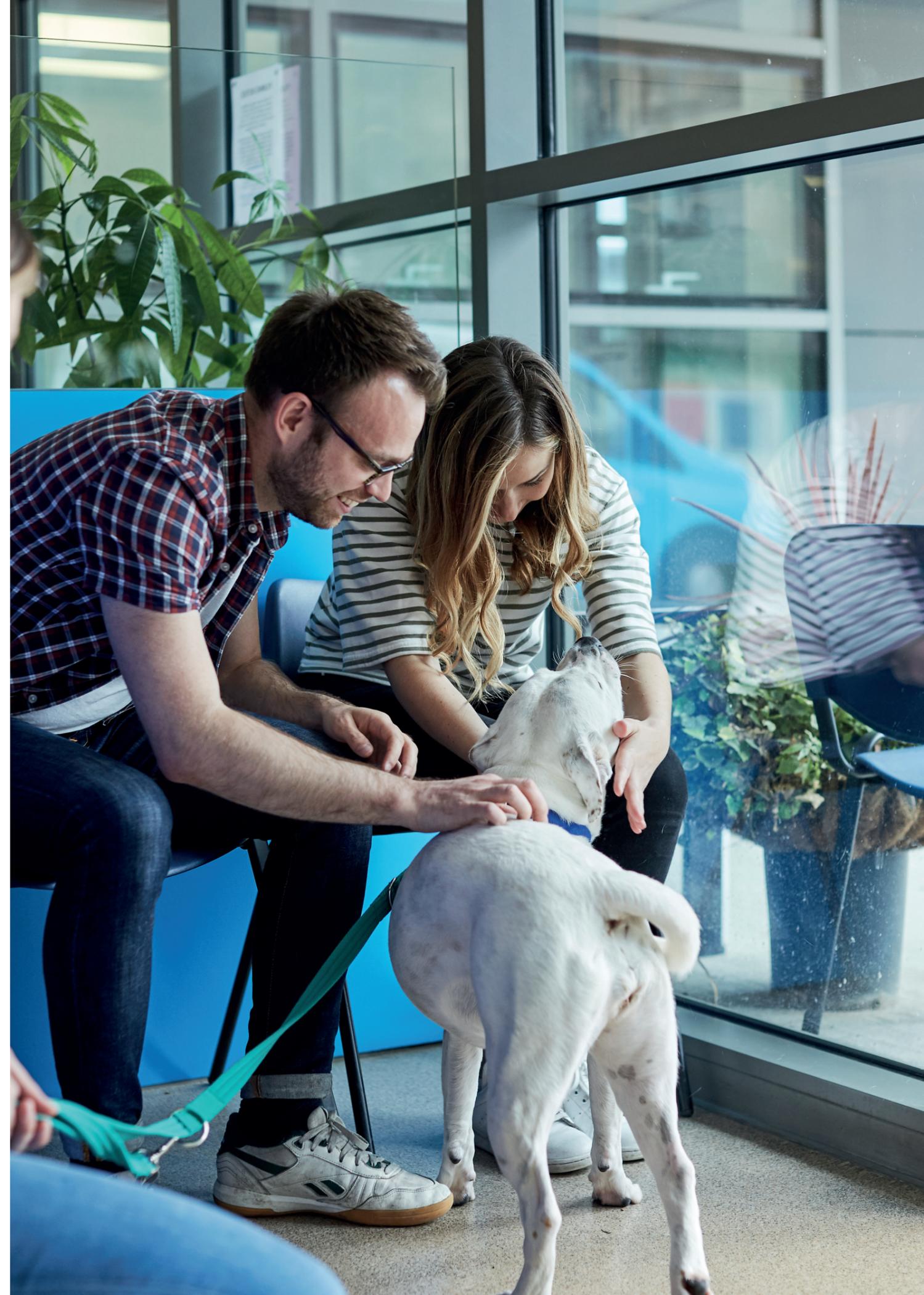
Enabling Local Authorities to issue a Fixed Penalty Notice when keepers come to collect their dog could, however, provide a more effective and efficient enforcement tool. The Fixed Penalty Notice could then be cancelled or reduced once the keeper had proved the dog has been accurately microchipped within a specified time frame.

This could encourage more Local Authorities to take more robust enforcement action and change the behaviour of those keepers who might otherwise simply ignore a 21-day notice.

# BATTERSEA RECOMMENDS THESE NEXT STEPS

This report points to four areas to prioritise for action, and seven recommendations to get the most out of microchipping.

Keepers must do more	<ol style="list-style-type: none"><li>1. Keepers must ensure their dog is accurately microchipped. This is a statutory duty and part of the responsibilities of every keeper. The failure of keepers to update their dog's microchip details in a compliant database is becoming a particular problem.</li></ol>
Enable more robust enforcement	<ol style="list-style-type: none"><li>2. Give Local Authorities sufficient resource and a legal duty to enforce the Regulations. There is currently no legal obligation placed on any body to enforce.</li><li>3. Produce good practice guidance for Local Authorities, drawing on the experience of those that have been making extensive use of their enforcement powers, and encouraging them to learn from each other.</li><li>4. Give Local Authorities the power to issue a Fixed Penalty Notice for non-compliance with a 21-day notice. Enable them to issue this penalty when keepers collect their dogs from the Local Authority, which may then be cancelled or reduced if keepers prove compliance within a set time frame.</li></ol>
Get the database companies to do more	<p>Currently, there are only minimal requirements for a database to be compliant. These include:</p> <ul style="list-style-type: none"><li>▪ To maintain records.</li><li>▪ To answer telephone and online requests at all times.</li><li>▪ To back up all data to a secure off-site facility every day.</li></ul> <ol style="list-style-type: none"><li>5. The Government should enhance stipulations on database companies, requiring them to implement a more systematic process of information checking and updating, such as:<ul style="list-style-type: none"><li>▪ Contacting keepers regularly and systematically, to ensure their details are correct</li><li>▪ Making the process of updating information as easy as possible for keepers</li><li>▪ Processing requests to update details quickly and within a specified timeframe.</li></ul></li></ol>
Enhancing regulatory obligations	<ol style="list-style-type: none"><li>6. Confer a legal duty on implanters to register microchips they have implanted onto a compliant database.</li><li>7. Impose a legal duty on a puppy's first keeper (the owner of the bitch that gave birth to the puppy) to update the database with the new keeper's details when the keeper changes.</li></ol>



# APPENDIX 1: THE 57 LOCAL AUTHORITIES THAT PARTICIPATED IN THE BATTERSEA STRAY DOG MICROCHIPPING SURVEY 2019

Barking & Dagenham	Hull*
Barnet*	Hyndburn*
Barnsley*	Inverclyde*
Basildon*	Isle of Wight*
Basingstoke & Deane*	Islington*
Bassetlaw	Kirklees
Belfast*	Lambeth*
Birmingham City*	Lewisham*
Bradford*	Manchester*
Brent	New Forest
Brighton & Hove*	Newham*
Broxbourne*	North Lincolnshire*
Camden*	Northumberland
Cardiff*	Portsmouth*
Chorley*	Reading*
Coventry*	Richmond (London)
Croydon*	Rotherham*
Durham*	Rushmoor*
East Hampshire*	Sheffield*
Eastleigh*	Southampton*
Enfield	Southend on Sea*
Fareham	Stockton on Tees*
Gosport	Test Valley*
Hackney	Trafford*
Harrogate*	Wandsworth*
Hart*	West Lancashire*
Havant*	Westminster
Hillingdon*	Winchester*
Hounslow*	

\* Local Authorities that also participated in Battersea's 2016, 2017 and 2018 microchipping surveys.

# APPENDIX 2: COMPLIANT MICROCHIP DATABASES

Conditions placed on compliant microchip databases include:

- To maintain records.
- To answer telephone and online requests at all times.
- To back up all data to a secure off-site facility every day.

The full details of the requirements can be found here:

- England - <https://www.legislation.gov.uk/uksi/2015/108/contents/made>
- Scotland - <https://www.legislation.gov.uk/ssi/2016/58/contents/made>
- Wales - <http://www.legislation.gov.uk/wsi/2015/1990/contents/made>
- Northern Ireland - <https://www.legislation.gov.uk/nisr/2012/132/made>

## The compliant microchip databases are:

Animal Microchips	Pet Identity UK
Animal Tracker	Petlog
Chipworks	PetScanner
Identibase	ProtectedPet
MicroChip Central	SmartTrace
MicroDogID	UK PETtrac
National Veterinary Data Service	

This list was taken from [www.gov.uk/get-your-dog-microchipped](http://www.gov.uk/get-your-dog-microchipped) on 26 June 2019.

## APPENDIX 3: NUMBER OF 21-DAY NOTICES ISSUED BY LOCAL AUTHORITIES IN 2018

Wiltshire	150	Chelmsford	24	Newcastle-under-Lyme	11
Mansfield	117	Fife	24	South Somerset	11
Newham	104	Northumberland	24	Basildon	10
Birmingham	89	Hart	22	Blaby	10
Wandsworth	84	Angus	21	Chesterfield	10
Coventry	82	Lewisham	21	Darlington	10
Manchester	75	Harborough	20	Medway	10
Cornwall	58	Horsham	20	Braintree	9
Leeds	50	Pendle	20	Cambridge	9
Sefton	49	Three Rivers	20	North Ayrshire	9
Bristol	48	Great Yarmouth	19	North East Derbyshire	9
St Helens	47	North Devon	19	York	9
Southampton	45	Plymouth	19	Bedford	8
Durham	44	Bolsover	17	Clackmannanshire	8
Stockton-on-Tees	44	Hertsmere	17	Highland	8
Breckland	42	Hillingdon	17	North Lincolnshire	8
Guildford	41	Perth & Kinross	17	North Somerset	8
Carlisle	36	Sheffield	17	North West Leicestershire	8
Wigan	36	Stroud	16	Renfrewshire	8
Hull	34	Forest of Dean	15	Lancaster	7
Bolton	32	Preston	15	Mid Sussex	7
Middlesbrough	30	Bradford	14	Warwick	7
Waltham Forest	29	Swale	14	Watford	7
Scarborough	28	Charnwood	13	Boston	6
Christchurch and East Dorset	27	Wokingham	13	Dacorum	6
East Hampshire and Havant	27	Adur and Worthing	12	Leicester	6
East Riding of Yorkshire	27	Blackpool	12	South Ribble	6
Welwyn Hatfield	27	Dartford	12	Weymouth & Portland	6
West Berkshire	27	Rushcliffe	12	Wirral	6
Swindon	26	Bridgend	11	Chorley	5
Torbay	26	Broxtowe	11	Mole Valley	5
King's Lynn & West Norfolk	25	Eden	11	West Dorset	5
Broadland	24	Lambeth	11	Wolverhampton	5

Brent	4	East Suffolk	1
Conwy	4	Herefordshire	1
Croydon	4	Hinckley & Bosworth	1
Enfield	4	Islington	1
Hambleton	4	Kettering	1
Isle of Wight	4	Midlothian	1
Salford	4	North Kesteven	1
Bournemouth	3	North Lanarkshire	1
Carmarthenshire	3	Pembrokeshire	1
Dover	3	Southend-on-Sea	1
Dundee	3	Wellingborough	1
Fylde	3	West Dunbartonshire	1
Isle of Anglesey	3	All other Local Authorities did not report issuing 21-day notices at the time this report was compiled	
Lincoln	3		
Newport	3		
North Dorset	3		
West Lancashire	3		
Basingstoke & Deane	2		
Bassetlaw	2		
Bath & North East Somerset	2		
Dumfries and Galloway	2		
East Lindsey	2		
Erewash	2		
Hounslow	2		
Maldon	2		
Mid Devon	2		
Rugby	2		
Slough	2		
West Lindsey	2		
Barnet	1		
Barnsley	1		
Caerphilly	1		
Craven	1		

## **Further Information**

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