



STATUTORY INSTRUMENTS.

S.I. No. 63 of 2015



MICROCHIPPING OF DOGS REGULATIONS 2015

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MICROCHIPPING OF DOGS REGULATIONS 2015

I, SIMON COVENEY, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 36 of the Animal Health and Welfare Act 2013 (No. 15 of 2013), hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Microchipping of Dogs Regulations 2015 and come into operation on 1 June 2015.

Definitions

2. In these Regulations—

“accepted form of identification” means—

- (a) a passport,
- (b) a driver’s licence, or
- (c) a form of identity containing a photograph of the person issued by An Garda Síochána or a Minister of the Government;

“dog identification database” means a database referred to in Regulation 5;

“microchip” means a read-only device in a sterile, non-reactive and bio-compatible casing that has a unique identification code and is of a type described in Regulation 3 that complies with ISO Standard 11784, applies FDX-B technology and is capable of being read by a reading device compatible with ISO Standard 11785;

“veterinary nurse” has the same meaning as in the Veterinary Practice Act 2005.

Identification of dog

3. (1) A dog is microchipped and registered for the purposes of these Regulations if the dog is implanted with a microchip suitable for the internal use in the body of an animal which—

- (a) generates an International Committee for Animal Recording (ICAR) certified unique code when read with a scanning device,
- (b) complies with ISO Standard 11784, applies FDX-B technology and is capable of being read using a reading device compatible with ISO Standard 11785, and

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 27th February, 2015.

(c) the unique code of which is entered on a dog identification database with the information specified in Regulation 5(2).

(2) These Regulations apply to—

(a) a dog born after 1 June 2015 upon it reaching the age of 12 weeks,

(b) all dogs to which S.16(1) of the Dog Breeding Establishments Act 2010 applies from 1 September 2015 and

(c) all dogs from 31 March 2016,

(3) It is not necessary for a dog in which a transponder was inserted prior to the commencement of these Regulations to have a microchip inserted upon commencement, if the transponder is a microchip within the meaning of Regulation 2, and information listed at Regulation 5(2) is entered on a dog identification database.

Possession, transport, sale, etc. of dog

4. (1) A person shall not—

(a) have a dog in his or her possession or under his control unless the dog is microchipped and registered in accordance with Regulation 3 or the dog is less than the age of 12 weeks,

(b) transport a dog from the land or premises where it was born or cause or permit another person to so transport a dog unless the dog is microchipped and registered in accordance with Regulation 3 before such transportation,

(c) sell or supply a dog or cause or permit another person to sell or supply a dog unless the dog is microchipped and registered in accordance with Regulation 3 before such sale or supply, or

(d) acquire a dog or cause or permit another person acquire a dog unless the dog is microchipped and registered in accordance with Regulation 3 before such acquisition.

(2) Paragraph (1)(b) does not apply to a dog when it is being transported from the land or premises where it was born, by appointment, to a facility operated by a veterinary practitioner, for the purpose of being microchipped and registered in accordance with Regulation 3.

(3) A person who imports a dog shall have the dog microchipped and registered for the purposes of these Regulations within 21 days of importing the dog.

Dog identification database

5. (1) A dog identification database is a database listed on the website of the Department of State of the Minister that complies with the conditions set down in the Schedule, is used to record the information specified in paragraph (2) as

notified to the operator and whose operator has signed a service agreement with the Minister for the purpose of these Regulations.

(2) The information that is to be entered on a dog identification database is—

- (a) the unique identifier of the microchip inserted in the dog,
- (b) the date of insertion of microchip,
- (c) the date of birth of the dog,
- (d) description of the dog which may include breed, colour and markings,
- (e) the sex of the dog,
- (f) the address of the premises where the dog is normally kept,
- (g) the name, address and contact details of the owner and, if different, person having possession or control of the dog,
- (h) the identity (including a unique identifying code assigned by the Database operator) of the person who microchips and registers a dog,
- (i) details (cause, date and place) of the death of the dog, and
- (j) details and date of the loss of the dog.

(3) The Minister may decline to list a database, or remove a dog identification database from the list mentioned in paragraph (1).

(4) Without prejudice to the generality of paragraph (3), the Minister may decline to list a database, or the Minister may remove a dog identification database from the list mentioned in paragraph(1), if the Minister is of the opinion that—

- (a) the operator has contravened these Regulations or committed an offence under the Animal Health and Welfare Act 2013,
- (b) the operator is not a fit person to operate a dog identification database,
- (c) the operator does not have the services of skilled personnel including those defined in Regulation 11, to adequately operate a dog identification database,
- (d) the operator does not have available the requisite technical knowledge to adequately operate a dog identification database,
- (e) the operator does not have available the requisite systems or standard operational procedures to adequately operate a dog identification database,

- (f) the service provided by the dog identification database has fallen short of that required,
 - (g) the operator has failed to furnish information to the Minister or to an authorised officer, or
 - (h) the operator's activities have caused unnecessary pain and suffering to an animal.
- (5) Where the Minister proposes to remove a dog identification database from the list mentioned in Regulation 4(1), the Minister shall—
- (a) notify the operator in writing of the proposal, the reason for the proposal and that the operator may make representations in relation to the proposal not later than 14 days from the date of the written notification,
 - (b) consider any representations duly made, and
 - (c) make a decision and inform the operator in writing, stating the decision and the reasons for the decision.
- (6) Where the Minister removes a dog identification database from the list mentioned in paragraph(1), the dog identification database operator shall furnish records of registered dogs to a person and in a form as the Minister requires.

Certificate of registration

6. (1) A dog identification database shall be capable of producing a certificate containing the information specified in Regulation 5(2) in respect of a dog whose details are entered on the database (“certificate of registration”).
- (2) The operator of a dog identification database shall make available a certificate of registration relating to a dog whose details are entered on the database—
- (a) to an authorised officer on a request being made in that regard, and
 - (b) to the person identified on the dog identification database as the owner of the dog.
- (3) A certificate of registration shall be in a form and contain such information as the Minister may determine.
- (4) A person whose name is entered on a dog identification database shall, in respect of a dog in his or her possession or under his or her control, take all necessary steps to ensure that the information specified in Regulation 5(2) is accurate and up to date.
- (5) A person shall not have a dog to which these Regulations apply in his or her possession or under his or her control unless he or she has possession of a

current certificate of registration relating to the dog and shall produce the certificate of registration for inspection by an authorised officer—

- (a) on a request being made in that regard, or
- (b) at a place and time specified by the authorised officer.

Sale or supply of dog.

7. (1) A person shall not sell or supply a dog or cause or permit another person to sell or supply, a dog unless—

- (a) the person acquiring the dog has produced for inspection an accepted form of identification and a utility bill issued within the previous three months giving the person's address,
- (b) he or she endorses the name and address of the person acquiring the dog, as recorded on the utility bill referred to in subparagraph (a), on a legible copy of a certificate of registration relating to the dog, and
- (c) he or she gives the endorsed certificate of registration to the person acquiring the dog.

(2) A person who sells or supplies a dog shall, at the time of sale or supply, notify the dog identification database which holds information relating to the dog in a form specified by the dog identification database operator of the name, address and contact details of the person acquiring the dog.

(3) The operator of a dog identification database shall, on receipt, record the information received under this Regulation on the database.

Acquiring a dog

8. (1) A person who acquires a dog shall at the time of acquisition—

- (a) notify a dog identification database in a form specified by the dog identification database operator giving all necessary information to have his or her name, address and other contact details entered in that database by the operator, and
- (b) send the certificate of registration received under Regulation 7(1) with a copy of the accepted form of identification and utility bill referred to in that paragraph to the dog identification database.

(2) The operator of a dog identification database shall, on receipt, record the information received under this Regulation on the database and shall issue an updated certificate of ownership to the person acquiring the dog.

Death or loss of dog

9. (1) The owner or person in charge of a dog shall, immediately after the death or loss of the dog, notify the dog identification database which holds information relating to the dog in a form specified by the dog identification

database operator giving all necessary information to have the death or loss entered in that database by the operator.

(2) A person who euthanizes a dog shall, where the owner cannot be contacted, immediately after the death of the dog, notify the dog identification database which holds information relating to the dog in a form specified by the dog identification database operator giving all necessary information to have the death entered in that database.

(3) The operator of a dog identification database shall, on receipt, record the information received under this Regulation on the database.

Microchip

10. (1) A person shall not in purported compliance with these Regulations have a dog implanted with a transponder-

(a) that does not comply with ISO Standard 11784, does not apply FDX-B technology or is not capable of being read by a reading device compatible with ISO Standard 11785, and

(b) unless the person requesting the service has produced for inspection an accepted form of identification and a utility bill referred to in Regulation 7(1) giving the person's address.

(2) A person shall not microchip and register a dog unless he or she is—

(a) a veterinary practitioner,

(b) a veterinary nurse,

(c) a person—

(i) trained in accordance with Regulation 11, to insert the microchip and correctly handle the data and identifying material for the microchip, and

(ii) whose name, address and other contact information are published on the website of a dog identification database.

(3) A person mentioned in paragraph (2)(c) shall not register a dog on a dog identification database unless he or she has successfully completed training in the use of that database and been assigned a unique identifying number by the operator.

(4) A person shall not microchip and register a dog with a microchip if he or she or a connected person-

(a) has a pecuniary interest or other beneficial interest in the dog,

(b) is the owner or part owner of the dog,

- (c) has possession or control of the dog whether on a full time or part-time basis, or
- (d) is a partner or an employee of a person to whom subparagraph (a), (b) or (c) refers.

(5) The operator of a dog breeding establishment or a person employed in connection with such an establishment shall not identify a dog for the purposes of these Regulations.

(6) Paragraphs (3) and (4) do not apply to—

- (a) a person employed by a charitable organisation (within the meaning of section 2 of the Charities Act 2009) engaged in providing shelter for animals, or
- (b) a person employed by a hunt club within the meaning of section 2 of the Dog Breeding Establishments Act 2010.

(7) In this Regulation “connected person” means, in relation to a person, a spouse, partner, brother, sister, parent, child, or the spouse of a child.

Training

11. (1) The operator of a dog identification database may provide for the training of persons to identify a dog with a microchip and register the dog on a dog identification database and shall—

- (a) give a certificate indicating that a person has successfully completed a training course, and
- (b) assign a unique identifying number,

to each person trained by him or her.

(2) The operator of a dog identification database shall notify the Minister of the content of a training course no less than 14 days in advance and amend it should the Minister require.

(3) The operator of a dog identification database shall notify the Minister of the name and address and other contact information of each person to whom a certificate referred to in paragraph (1) is given.

(4) The operator of a dog identification database shall publish the names and contact information of persons trained by them on the website of the dog identification database.

(5) The operator of a dog identification database may, for sufficient cause, remove the name and contact information of a person from a list published, under paragraph (4).

(6) Without prejudice to the generality of paragraph (5), the Minister may require the removal of the name and contact information of a person from the

list published, under paragraph (3), on the website of a dog identification database, if the Minister is of the opinion that—

- (a) the person has contravened these Regulations or committed an offence under the Animal Health and Welfare Act 2013,
- (b) the person is not a fit person to insert a microchip,
- (c) the person has failed to submit information in a timely manner,
- (d) the person has submitted information that was false or misleading,
- (e) the person has failed to comply with standard instructions regarding inserting a microchip or submitting information,
- (f) the person has used transponders that fail to meet the standard of a microchip in these Regulations, or
- (g) the person's activities have caused unnecessary pain and suffering to an animal.

(7) Where the operator of a dog identification database proposes to remove the name and contact information of a person from a list published, under paragraph (3), he or she shall—

- (a) inform the person concerned in writing of the proposal, the reason for the proposal and that the person may make representations in relation to the proposal not later than 14 days from the date of the written notification,
- (b) consider any representations duly made, and
- (c) make a decision and inform the person concerned in writing, stating the decision and the reasons for the decision.

Records of microchips

12. (1) A person who supplies a microchip shall maintain a record detailing, in respect of each consignment,-

- (a) the number of microchips in the consignment,
- (b) the unique identification number of each microchip,
- (c) the date of supply,
- (d) the name, address and other contact details of the person to whom the microchip is supplied.

(2) A person who implants a microchip in a dog, shall maintain a record detailing, in respect of each microchip—

- (a) the unique identification number of each microchip,

(b) the date of implantation, and

(c) the name, address and other contact details of the person to whom the microchip is supplied.

(3) A person importing microchips shall notify a dog identification database, with whom they have a contract for storage of data, of the unique identification number of each microchip.

(4) A record maintained under this Regulation shall be maintained for twenty years following its insertion into a dog to which it relates and shall be made available on request to an authorised officer.

Penal provisions

13. Regulations 4, 5(6), 7, 8, 9, 10, 11 and 12 are penal provisions to which section 36 (4) (b) of the Animal Health and Welfare Act 2013 applies.

Limitation on Welfare of Greyhounds Act 2011

14. Regulations under section 9(2) of the Welfare of Greyhounds Act 2011 do not apply to a dog microchipped and registered in accordance with these Regulations.

Saver for Pet Passports (No. 2) Regulations 2014

15. These Regulations are in addition to, and not in substitution for, the Pet Passports (No. 2) Regulations 2014.

Schedule

1. General

- 1.1 A dog identification database operator must be a full member of europetnet. A dog identification database operator must at all times provide a reunification service for immediate retrieval of information by appropriate persons (e.g. persons authorised under the Animal Health & Welfare Act 2013, dog wardens, local authority personnel and members of An Gardai Siochana). The use of telephone answering devices is not acceptable except in emergency.
- 1.2 All dog identification database operators must inform the owner of a dog in writing that contact details may be released to an appropriate third party, including but not limited to authorised officers, dog wardens, members of An Gardai Siochana, local authority personnel or animal welfare organisations.
- 1.3 A dog identification database operator must only give information held on the database to appropriate third parties whose identity has first been verified. Where a dog has been found and is in the possession of another party the dog identification database operator will pass that information, including contact details, to the owner of the dog.
- 1.4 All data security and control, including data entry or amendment, is the responsibility of the dog identification database operator.
- 1.5 The dog identification database operator must ensure the probity of persons trained under Regulation 11, employees, agents or other persons who have access to the dog identification database. All entries should be made via a unique access code.
- 1.6 All records must be date and time stamped when created or altered and the identity of the user doing so recorded.

2. Recording of information

- 2.1 All details submitted must be in a form approved by the database operator and signed by the dog owner and verified by use of the unique identifying number for the person in paragraph 5(2)(h).
- 2.2 A dog identification database must have a procedure in place when details of an animal are presented by a person who appears not to be the owner. Where no evidence of ownership is produced and there is an existing record, a form of relinquishment must be sent to the registered owner before any changes are made. Where the update involves a new registered owner, their details must be similarly verified.

- 2.3 If requested by a dog owner, confirmation of any updates and changes must be provided within 10 working days of the change being made to the dog identification database.
- 2.4 The operator of a dog identification database must have procedures in place to ensure the accuracy of information entered and stored on the database. The uniqueness of the codes should be ensured and tested by appropriate software such as Deep Validation Control to prevent the entry and recording of duplicate microchip numbers. Data collected under regulation 12(3) should be used for verification purposes.
- 2.5 The operator of a dog identification database must have documented training procedures for any persons who can access the database to create records.

3. Information to be provided to Dog Owners

- 3.1 The following information must be provided to dog owners on registration and, where requested, in a manner accessible to those with disabilities:
 - a. Full contact details for the dog identification database operator. Any substantive changes to these details must be communicated or measures put in place to automatically re-direct all inquiries;
 - b. Clear information on the contact details for making queries or amending details;
 - c. Information on how to make updates and any costs involved.
 - d. Information on their complaints procedure.
 - e. Details of when and to who their information can be released.

4. Complaints procedure

The operator of a dog identification database must have a system for recording and addressing complaints about their activities both from the general public and registered owners.

5. Transfer of data between dog identification databases

- 5.1 When a person requests transfer of data relating to his or her dog to another database, the dog identification database operator must only transfer current registration details. All previous history must be retained and the record clearly marked to show that current details have been transferred to a named dog identification database. The new database should note the source database.

- 5.2 Where requested by another dog identification database they shall confirm the pre-notification status of a microchip's unique identification number.

6. Contingency plans

- 6.1 The operator of a dog identification database must maintain electronic backups of their system to enable recovery of all data more than 24 hours old and should ensure weekly electronic backup of the total database in a secure location.
- 6.2 The operator of a dog identification database must have procedures, agreed with the Minister, in place to protect the availability of data in the event of transfer or sale of data to another database operator, or where the business fails or ceases trading for whatever reason, including action by the Minister under Regulation 5(4).
- 6.3 The operator of a dog identification database must have computer hardware and software and procedures adequate to the task. This must include an effective and multi-level security system that must be in use at all times to ensure adequate data protection.

7. Security

- 7.1 A dog identification database must pass database security checks as specified by the Minister.
- 7.2 Passwords or other forms of access credentials pertaining to end users must not be stored in plain text.
- 7.3 It must be possible only to validate or change the end user access credentials via database administration, but never possible to disclose the actual passwords. The access credentials must ensure that only properly authorized persons (including the contributors of the original data) are granted access.
- 7.4 Persons whose credentials permit general access to the stored data must be bound by any privacy and confidentiality constraints that legally apply to the data. Specifically related to this, the user interface shall make it clear to the contributors of data how that contributed data shall be used and shall take steps to ensure that this is upheld.
- 7.5 The dog identification database and its operating environment must include provisions for service continuity, with a recovery strategy that can be effected within 24 hours of the report of an incident. The Minister should be notified of such incidents. Any offsite backups that are established for the purpose of service continuity shall be afforded the same level of protection as the active service.
- 7.6 The storage and access to the dog identification database, including any custom user interface and especially any interface on the Web,

must be defined and implemented in accordance with the principles outlined by OWASP. In particular, the user interface shall (where possible) limit the presentation of data to that which is necessary for essential operation, thus preventing general copying or extraction of data.

- 7.7 Every data-amending instruction must be capable of audit. The audits must be afforded the same level of protection as the master database. Automatic transaction logs, if complete, may serve as an audit. The audits may be used in the event of a dispute regarding the provenance or accuracy of the stored data.
- 7.8 Where the operator of a dog identification database becomes aware that information on the dog identification database is inaccurate, it shall take all necessary measures to correct that information and ensure that it is not repeated. This may include, where information received from a particular source is inaccurate, refusal to accept information from that source. It shall advise the Minister of the measures taken and the reasons for the measures.



GIVEN under my Official Seal,
20 February 2015.

SIMON COVENEY,
Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations set out requirements to have dogs microchipped and registered with dog identification databases. The regulations set out the technical standards for microchips and the data and security standards which databases must comply with. Procedures are set out for the notification of the transfer of ownership of dogs.

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nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€3.81

