

The proposed draft regulation is as follows:

S.I. No. of 2024

Identification of Dogs Regulations 2024

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S.I. No. of 2024

Identification of Dogs Regulations 2024

I, Charlie McConalogue, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 36 (as amended by the Greyhound Racing Act 2019 (No. 15 of 2019)) 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 Identification of Dogs Regulations 2024 and come into operation on_____.

Interpretation

2.

(1) In these Regulations –

“Act” means Animal Health and Welfare Act 2013;

“dog identification database” means a database –

(a) that is listed on the website of the Minister’s Department of State,

(b) on which information mentioned in Regulation 6 (2) is maintained, and

(c) that is operated in a manner that facilitates timely retrieval of information mentioned in Regulation 6 (2);

“microchip” means a read-only device in a sterile, inert bio-compatible casing suitable for internal use that has a unique code 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;

“Searchable common portal” means a system which allows for access to information stored on all dog identification databases as part of a single operation and, thus, facilitates the matching of a dog with the owner of that dog.

(2) A dog is identified in accordance with these Regulations if the dog –

(a) is implanted with a microchip, or

(b) was implanted with a microchip prior to the commencement of these Regulations,

and current information mentioned in Regulation 6 (2) is maintained on a dog identification database.

Purpose

3.

The purpose of these Regulations is to protect and enhance the welfare of dogs by –

- (a) providing for identifying f dogs by means of microchips,
- (b) providing for maintaining information relating to dogs and their owners on databases, and
- (c) facilitating re-unification of dogs that are stolen, lost, or stray through appropriate access to the information mentioned in Regulation 6 (2).

Possession, transport, sale, etc.

4.

(1) Subject to paragraph (2), a person shall not–

- (a) have a dog that has attained the age of 8 weeks in his or her possession or under his or her control,
- (b) move or cause or permit another person to move a dog,
- (c) sell or supply or cause or permit another person to sell or supply a dog, or
- (d) acquire a dog, unless the dog is identified in accordance with these Regulations.

(2) It is sufficient compliance with paragraph (1) (a) and (b) if a dog is identified in accordance with these Regulations no later than 21 days after the dog is imported into the State.

(3) Paragraph (1)(b) does not apply to movement of a dog from the land or premises where it was born, by appointment, to a facility operated by a veterinary practitioner, to be Identified in accordance with these Regulations.

Provision of information to database

5.

(1) A person who sells or supplies a dog shall ensure that the information mentioned in Regulation 6 (2) is received by the dog identification database on which information relating to the dog is kept no later than 48 hours after such sale or supply in a manner specified by the operator of the database.

(2) A person who acquires a dog shall take all necessary steps to ensure that the information mentioned in Regulation 6 (2) is received by a dog identification database no later than 48 hours after he or she acquires the dog in a manner specified by the operator of the database.

(3) The operator of a dog identification database shall, no later than 48 hours after receipt, enter the information mentioned in Regulation 6 (2)) on the database.

(4) The operator of a dog identification database shall ensure that information mentioned in Regulation 6 (2) held on the database is maintained and accessible through a searchable common portal.

Information relating to Dog

6.

(1) A person who implants a dog with a microchip shall take all necessary steps to ensure that information specified in paragraph (2) is provided to the operator of a dog identification database.

(2) The information referred to in paragraph (1) is –

- (a) the unique code of the microchip,
- (b) the date of insertion of microchip (if known),
- (c) the year, and if available the date of birth, of the dog,
- (d) description of the dog to including breed, colour and markings,
- (e) the sex of the dog,
- (f) the address of the land or premises where the dog is normally kept,
- (g) the name, address, and other contact details of the owner and, if different, the person having possession or control of the dog,
- (h) the identity, including a unique identifying code assigned by the database, of the person who implanted the dog with a microchip, and
- (i) details of the death or loss of the dog to include date, place and cause of death or loss, where known.

(3) Information maintained for the purposes of this Regulation may be in non-legible form if it is capable of being reproduced in legible form.

Listing of databases

7.

(1) A person shall not purport to operate a dog identification database unless details of the database as determined by the Minister are published on the website of the Minister's Department of State.

(2) The Minister may list details of a dog identification database on the website of his or her Department of State for the purposes of paragraph (1), refuse an application or remove details relating to a database from the list.

(3) An application to be listed for the purposes of paragraph (1) shall be made by the operator of the dog identification database, in a form, and accompanied by any material and particulars that the Minister specifies.

(4) The Minister shall not consider an application if the application does not contain all the material and particulars sought by the Minister or is not accompanied by the fee (if any) set in accordance with section 73 of the Act.

(5) A dog identification database shall be operated in accordance with the Schedule.

(6) Without prejudice to the generality of paragraph (2), the Minister may refuse an application or remove details from the list maintained on the website of his or her Department of State if –

(a) he or she is satisfied that the Act or these Regulations have not been, or will not be, complied with,

(b) the applicant or operator of the database has been convicted of an offence under any enactment relating to animal health and welfare,

(c) the applicant or operator of the database is not, in the opinion of the Minister, a fit person to operate a dog identification database,

(d) in relation to the application, information required has not been furnished or information that is, in the opinion of the Minister, false or misleading in a material particular has been furnished,

(e) the applicant or operator of the database does not have the requisite knowledge or the services of appropriate personnel to adequately carry out the functions of a dog identification database,

(f) the applicant or operator of the database does not have adequate systems in place to operate as a dog identification database,

(g) the applicant cannot maintain records in a manner that prevents unauthorised removal, forgery or alteration or without such removal, forgery or alteration being tracked,

(h) the service provided by the operator of the database falls short of the standard required, or

(i) the applicant or operator of the database does not furnish information to the Minister or to an authorised officer.

(7) If the Minister proposes to remove details relating to a dog identification database from the list maintained on the website of his or her Department of State, or to refuse an application, he or she shall –

(a) notify the operator of the database or the applicant in writing of the proposal and of the reasons for the proposal, and that he or she may make representations to the Minister in relation to the proposal within 14 days of the notification,

(b) consider a representation made before deciding whether to proceed with, modify or annul the proposal, and

(c) notify the operator or applicant of the decision and the reasons for the decision.

(8) A person who, immediately before the commencement of these Regulations, operated a dog identification database for the purposes of the Regulations revoked by Regulation 18 and who, no later 6 months after the commencement of these Regulations, applies for the database to be listed on the website of the Minister's Department of State may, subject to paragraph (7) –

(a) operate the database as a dog identification database in accordance with these Regulations, until the application is determined, and

(b) details of the database shall be listed on the website of the Minister's Department of State.

Sale or supply of dog

8.

(1) A person shall not sell or supply a dog unless –

(a) the person interested in acquiring the dog has produced for inspection to the first mentioned person an accepted form of identification and a utility bill issued within the previous six months giving the person's address, and

(b) the person records the details entered on the accepted form of identification and the name and address of the person acquiring the dog, as stated on the utility bill referred to in subparagraph (a).

(2) A person who sells or supplies a dog shall at the time of sale or supply notify the operator of the dog identification database on which information relating to the dog is held of the name, address and contact details of the person who acquires the dog.

(3) In this Regulation "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;

Acquiring a dog

9.

(1) A person who acquires a dog shall at the time of acquisition notify the operator of the dog identification database on which information relating to the dog is held of his or her name, address and other contact details

(2) The operator of a dog identification database on which information relating to a dog is held shall, on being notified under paragraph (1), amend the information maintained on the database to take account of the information received.

Loss of dog

10.

(1) The owner or person in charge of a dog shall, immediately after the death or loss of the dog, notify the operator of the dog identification database on which information relating to the dog is held of all necessary information to have the death or loss recorded on the database.

(2) A person who euthanises a dog shall, where the owner cannot be contacted, without delay after the death of the dog, notify the operator of the dog identification database on which information relating to the dog is held of all necessary information to have the death recorded on the database.

(3) A person who exports a dog shall notify the operator of the dog identification database on which information relating to the dog is held of all necessary information to have the export recorded on the database.

(4) The operator of a dog identification database shall, on being notified under this Regulation, amend the information maintained on the database to take account of the information received.

Restriction on implanting

11.

(1) A person shall not implant a dog with a microchip unless he or she is –

(a) a veterinary practitioner,

(b) a veterinary nurse (within the meaning of Part 8 of the Veterinary Practice Act 2005),

(c) a person trained in accordance with Regulation 12 who operates a system for maintaining records for the purposes of that Regulation.

(2) A person shall not implant a dog with a microchip if he or she or a connected person–

(a) has a financial 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, or

(d) is a partner or an employee of a person mentioned in subparagraph (a), (b) or (c).

(3) The operator of a dog breeding establishment within the meaning of the Dog Breeding Establishments Act 2010 or a person employed in connection with such an establishment shall not implant a microchip in a dog for the purposes of these Regulations.

(4) Paragraphs (2) (and (3)) 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,

(b) a person employed by a hunt club (within the meaning of section 2 of the Dog Breeding Establishments Act 2010), or

(c) an officer, servant or agent of a local authority acting in his or her official capacity.

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

Training

12.

(1) The operator of a dog identification database may provide for the training of persons to correctly implant a dog with a microchip and to enter information relating to the dog on the database and shall –

(a) give a certificate indicating that a person has completed a training course, and

(b) assign a unique identifier, to each person who successfully completes a training course.

(2) The operator of a dog identification database shall notify the Minister –

(c) of the content of a training course no later than 14 days in advance and amend it should the Minister require, and

(d) of the name and address and other contact information of each person to whom a certificate referred to in paragraph (1) is given.

(3) The operator of a dog identification database shall publish, on his or her website., the names and contact information of persons who successfully complete a training course.

(4) 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 (3).

(5) Without prejudice to the generality of paragraph (4), the operator of a dog identification database shall remove the name and contact information of a person from a list published under paragraph (3) if, in the operator's opinion -

(a) the person has used transponders that fail to meet the standards set out in these regulations, or

(b) the person's activities have caused unnecessary pain and suffering to an animal.

(6) 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.

(7) A person who, immediately before the commencement of these Regulations, holds a certificate referred to in Regulation 11 of the Regulations revoked by Regulation 18 is deemed to be trained in accordance with this Regulation.

Certificate of identity

13.

(1) A dog identification database shall be capable of producing a certificate containing the information specified in Regulation 6 (2) in respect of a dog in relation to which information is maintained on the database ("certificate of identity").

(2) The operator of a dog identification database shall make available a copy of a certificate of identity to—

(a) an authorised officer on a request being made in that behalf, and

(b) the person identified on the database as the owner of the dog.

(3) A certificate of identity 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.

(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 identity relating to the dog and shall produce the certificate of identity for inspection by an authorised officer –

(a) on a request being made in that behalf, and

(b) at a place and time specified by the authorised officer.

(6) A certificate of identity may be kept in non-legible form if it is capable of being produced in legible form.

Provision of information

14.

(1) The operator of a dog identification database shall provide such information and make such returns to the Minister or an authorised officer in a form (if any) that the Minister determines on a request being made in that behalf by the Minister or authorised officer.

(2) The operator of a dog identification database shall provide upon request from an authorised officer information pertaining to a microchip number, including information recorded under Regulation 6 (2).

Functions of local authority

15.

(1) A local authority shall administer these Regulations--

(a) in the functional area of that local authority, or

(b) in the functional area of another local authority with which an agreement exists for the exercise by officers of the first-mentioned local authority of the functions of an authorised officer or of the second mentioned local authority.

(2) A local authority, acting in accordance with the Control of Dogs 1986, does not commit an offence under these Regulations by taking into custody, or handling, a dog that is not identified in accordance with these Regulations.

Penal provisions and related matters

16.

(1) Regulations 5 (2), (3), (4), 8 (2), 9, 10, 12, 13 and 11 (2), 11 (3), 12, 13 and 14 are penal provisions to which section 36 (4) (a) of the Animal Health and Welfare Act 2013 applies.

(2) Regulations 4 (1), 5 (1), 6 (1), 7 (1), 8 (1) and 11 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

17.

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

Revocation

18. The Microchipping of Dogs Regulations 2015 are revoked.

Schedule Regulation 7 (5)

Conditions of operation of a dog identification database.

1. General

1.1. The operator of a database must at all times provide a reunification service for immediate retrieval of information by appropriate persons (authorised officers, or local authorities). The use of telephone answering devices is not acceptable except in emergency. Where a stray dog is in the possession of another class of person, the operator of the database shall contact the owner without delay informing him or her of the dog's location.

1.2. The operator of a dog identification database must inform appropriate third parties (including but not limited to authorised officers and local authorities) of a dog whose details are kept on the database in writing.

1.3. The operator of a dog identification database must have written procedures in place relating to the provision of information.

1.4. The operator of a dog identification database may, for the purposes of reunification, provide information held to appropriate third parties.

1.5. The operator of a dog identification database must ensure the probity of agents or microchip implanters who have access to the database. All entries on the database must be made via a unique access code.

1.6. All records must be date and time stamped when created or altered.

2. Maintaining information

2.1. The operator of a dog identification database must have a procedure to use when details of a dog are submitted by a person who appears not to be the owner or person having possession or control of the dog. Where no evidence is produced, a form of relinquishment must be sent to the owner before any changes are made. Where the update involves a new owner, their details must be verified.

2.2. The operator of a dog identification database must have procedures such as Deep Validation Control in place to ensure the accuracy of information held on the database.

2.3. The operator of a dog identification database must have documented staff training procedures both for staff and other persons who may access to information held on the database.

3. Information to be provided to dog owners

The following information must be provided within ten working days to the owner or person having possession or control of a dog:

(a) confirmation that details of the dog are recorded on the database,

- (b) full contact details for the operator of the database, and any substantive changes to these details must be communicated to all database users or measures put in place to automatically re-direct all inquiries,
- (c) clear information on the contact details for making queries or amending details,
- (d) information on how to make updates to data and any costs involved, and
- (e) complaints procedure.

4. Complaints procedure

The operator of a dog identification database must have a system for recording and addressing complaints in relation to database activities.

5. Transfer of data between databases

Where a person requests transfer of information relating to his or her dog to another dog identification database, the operator must only transfer current details. All previous history must be retained and the record clearly marked to show that current details have been transferred to a dog identification database which shall be identified.

6. Contingency plans

6.1. The operator of a dog identification database must maintain in a secure location electronic backups of their system to enable recovery of all information entered on the database .

6.2. The operator of a dog identification database must operate computer hardware and software and procedures adequate to the task. An effective and multi-level security system must be in use at all times to ensure adequate security of information.

7. Security

7.1. A dog identification database must pass security checks and must operate in an environment that has been hardened according to industry-recognised norms for the operating system and hardware.

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 authorised persons (including the contributors of the original information) are granted access.

7.4. Persons with general access to the stored information must be bound by any privacy and confidentiality constraints that legally apply to the information. Specifically related to this, the user

interface shall make it clear to the contributors of information how the information shall be used and shall take steps to ensure that this is upheld.

7.5. The 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. Any offsite backups established for the purpose of service continuity shall be afforded the same level of protection as the active service.

7.6. 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 information.

7.7. Where the operator of a dog identification database becomes aware that information held is inaccurate, the operator shall take all necessary measures to correct that information. The operator may, where information received from a particular source is inaccurate, refuse to accept information from that source.