



Northern Ireland  
Assembly

Committee for Agriculture and Rural  
Development

# OFFICIAL REPORT (Hansard)

The Welfare of Animals (Docking of Working Dogs' Tails  
and Miscellaneous Amendments) Regulations (Northern  
Ireland) 2012: DARD Briefing

19 June 2012

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## Committee for Agriculture and Rural Development

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**Members present for all or part of the proceedings:**

Mr Paul Frew (Chairperson)  
Mr Joe Byrne (Deputy Chairperson)  
Ms Michaela Boyle  
Mr Thomas Buchanan  
Mr Trevor Clarke  
Mrs Jo-Anne Dobson  
Mr William Irwin  
Mr Kieran McCarthy  
Mr Oliver McMullan  
Mr Robin Swann

**Witnesses:**

Ms Kate Davey	Department of Agriculture and Rural Development
Mr Andrew Kell	Department of Agriculture and Rural Development
Mr Paddy McGuckian	Department of Agriculture and Rural Development

**The Chairperson:** I welcome Kate Davey, principal officer in the Department of Agriculture and Rural Development (DARD); Andrew Kell, deputy principal; and Paddy McGuckian, divisional veterinary officer. You are all very welcome to the Committee, and thank you very much for your attendance. You will, I am sure, have a presentation for us. Can we keep that to a minimum — around 10 minutes — please?

**Ms Kate Davey (Department of Agriculture and Rural Development):** We will need a lot less.

**The Chairperson:** That is great. You have made my day already. After the presentation, we will move straight into questions.

**Ms Davey:** I will keep the presentation very much focused on the veterinary associations' responses. With me are Andrew Kell and Paddy McGuckian. In the light of the responses to the Committee from the two local veterinary associations, it is our intention to provide you with some further clarification on the veterinary certification process required under the Welfare of Animals Act (Northern Ireland) 2011. That process is set out in the draft regulations.

The Committee may wish to note that a very similar veterinary certification scheme for working dogs has been in operation in England and Wales since 2007. My colleagues in the Department for Environment, Food and Rural Affairs (DEFRA) have advised me that no issues have been raised either by the veterinary associations in England or by the Royal College of Veterinary Surgeons

(RCVS) about the veterinary certification process since its introduction five years ago. We take it from that that it is working.

It may help if I explain the certification process for an exemption for a working dog. Within five days of the birth of a pup, the owner must present the pup to a veterinary surgeon for certification and docking along with the dam, plus provide supporting evidence to demonstrate that it is intended that the pup will become a working dog. The owner must complete part 1 of the certificate, confirming that the dam of the pup is of a breed specified in the regulations. He must state the date of the pup's birth and that it is intended to be used or sold for work in connection with the activities specified in the regulations. He must also state that the evidence supplied is true and accurate and sign a statement to that effect and that he is aware that it is an offence to give false information to a veterinary surgeon. That is the owner's responsibility in completing the first part of the exemption form.

The veterinary surgeon will then consider the evidence as presented. If satisfied that the evidence meets the requirements of the regulations, the veterinary surgeon will complete part 2 of the certificate and dock the pup's tail. That will be the first part completed. Before the pup is eight weeks old, the owner must present it to the same veterinary practice to have it microchipped, at which stage the owner signs part 3 of the certificate, confirming that the pup is the same one that had its tail docked seven weeks earlier. The veterinary surgeon or nurse will confirm the details on the certificate against the pup presented, and, if accepted, will microchip the pup and complete part 4 of the certification process. The process is then complete.

I emphasise that the draft regulations do not require a veterinary surgeon to certify an event in the future. For example, he is not certifying that the dog is likely to be used in future work; rather, the vet is purely certifying that he has seen the evidence as presented by the owner, indicating that the dog is likely to be used for work as specified in the regulations. The owner is the person who certifies, in part 1 of the form, that the dog is intended to be used or sold as a working dog.

When the dog is presented for microchipping, the vet is required to check and confirm as far as possible that the dog presented for microchipping is the same one that had its tail docked seven weeks earlier. However, the vet is purely certifying that he is microchipping the dog that the owner has presented as the same dog that was docked seven weeks earlier. It is the owner who is doing that certification and not the vet. The responsibility rests with the owner.

As the Committee is aware, if a pup's tail is to be docked, it is currently a legal requirement that that be done by a vet, so there are vets in Northern Ireland who already undertake the practice. The Department therefore believes that there will be vets prepared to continue to dock pups' tails under the exemption. Where there is a business opportunity, and this is a business opportunity, there will be a service provider. The RVC acknowledged in its reply to the Department on the consultation on the draft regulations that it is opposed to the docking of puppies' tails unless for medical reasons. However, it stated that it understood that some of its members may choose to dock dogs' tails within the legal limitations, so, the RVC has acknowledged that that will happen.

As we advised the Committee on 8 May 2012, the Department intends to delay the commencement of the regulations to allow time to inform the public and members of the veterinary profession of the change in the law on tail-docking. The Department reiterates that assurance today, and we confirm that we will work with the veterinary profession to provide advice and guidance to ensure that vets are aware of their responsibilities and owners' responsibilities when docking a pup's tail under the exemption for working dogs.

I am happy to take questions and provide any clarification.

**Mr Clarke:** Thank you, Kate. I am one of the people who pushed for the exemption. I have accepted that that is the position that we are in. We were lobbied at that time about the exemption, and we possibly disagreed, in that we wanted more breeds exempted, but we have had to accept the outcome, and I have accepted it.

My only difficulty now is that, if we go ahead with this, the Committee will seem to have failed by bringing in legislation that is unworkable. We consulted the industry and various stakeholders on this, and we gave them an assurance that working dogs would be exempted, yet the vets say that they will not dock tails. That is a concern. It is there in black and white. I do not know whether you have before you both pieces of correspondence that the Committee received from Veterinary Northern Ireland (VetNI). VetNI said that the results from its survey of local practitioners suggested that only a small number of vets would consider docking tails. VetNI goes on to state:

*"recent concerns regarding certification may have persuaded a few of these to subsequently think again, so we can only endorse the ARD Committee's concerns regarding the envisaged difficulty in finding a vet/veterinary practice willing to perform this mutilation within Northern Ireland."*

Some of us who expressed a concern at the time of the legislation and who have accepted the outcome of it for working dogs see the 2011 Act as somewhat of a compromise. I am concerned that we are bringing in regulations that are unworkable, because the very people who are supposed to carry out the process have said that they will not do it.

**Ms Davey:** There is clarification required from the vets. I have seen both the first and second responses. The second response is not accurate. I fully accept that that is the veterinary profession's perception of the regulations at this point, and we have a job to clarify. VetNI's second response clearly states that it is satisfied that its first concern has been addressed. However, its second concern is not an accurate concern, because the vet is not certifying that it is the same pup that has been presented seven weeks later for microchipping. Vets are purely being asked to certify that they have put a microchip in the pup that the owner has presented as the same pup. Therefore, the responsibility rests with the owner. We need to liaise with the veterinary profession and provide that assurance. In providing that assurance, vets will no longer have that concern.

I understand where the member is coming from. However, vets are currently docking dogs' tails in Northern Ireland. It is a legal requirement. It happens. It may not happen all the time, but it happens. Therefore, we will have vets that will take this forward, although not every vet.

**Mr Clarke:** The Committee went back to the vets and asked them. I take your second point that that is what happens at present. However, most people in the room know that people who are not vets are doing the same procedure, which is illegal. I cannot condone that. I would prefer to see a vet do it, because it is obviously better for the welfare of the dog.

I am concerned that the vets are using this as an opportunity not to dock tails. VetNI said in its original submission that it preferred a total ban, and it has even said it in this correspondence. There seems to be a breakdown between how the Department and the vets have engaged in this process to bring about clarification. Today is not the first time, Kate, that you will have learnt that there are concerns that this might not be workable. This assurance about how the vets understand or do not understand the situation should have been sorted out before we got to the eleventh hour. It is a danger for the Committee to go ahead at this stage and push the regulations through when some of us have concerns that they are unworkable, given what the vets are saying. At the very least, I suggest that the Department hold back until it gets clarification from the vets.

**Ms Davey:** We were also surprised that those two issues came up. You will appreciate that the Department consulted widely on the draft regulations. We have responses from the veterinary associations and the royal college. I met the veterinary associations, and neither of those two concerns was raised. Therefore, it has been a bit of a surprise for us.

However, the first concern has been addressed already, and we can very easily address the second one. I spoke to the veterinary associations this morning to advise them that their interpretation of the regulations is not correct. The wheels are in motion. I can assure the Committee that those wheels will continue to be in motion, and we will ensure, before they commence, that the veterinary associations are well aware of their responsibilities. Ultimately, it is the Committee's decision, but I assure you that the Department will work to resolve this. We do not see it as insurmountable.

**Mr Irwin:** I also have some concerns. The responses from the veterinary surgeons are concerning. We need to ask for more clarification before we can move ahead, and I hope that we get that clarification. When you read the response from VetNI, it is quite alarming, and I am not sure how resolution is going to be achieved.

**Ms Davey:** There is really nothing that I can add, other than to say that the response is not quite accurate.

**Mr Irwin:** OK.

**The Chairperson:** To make it clear for members, the regulations are subject to the affirmative resolution procedure, so the Department can bring them to the Assembly at any given time.

**Ms Davey:** Yes, the Department can bring them to the Assembly.

**The Chairperson:** It is not a case of the Committee pushing the regulations through or holding them up. We simply agree with them or we do not.

**Ms Davey:** Yes, but our preference is that we air any concerns with the Committee before we take the regulations to the Assembly.

**The Chairperson:** Yes, I understand. I appreciate that.

**Mr Clarke:** You talked about airing our concerns before we bring the regulations to the Assembly. Surely you will be in a position to hold them back as opposed to pushing them forward if they due before the Assembly next week or the following week. I do not know what way this room will divide on the regulations, but I am sure that you have detected that there is resistance to them.

I will put on record now that I have resisted the regulations to a degree. I assure the Committee that, although I have been stubborn for most of this, if I could get an assurance from the vets that they will commit to the process, I would not stumble when the regulations came before the House. If the regulations go to the House as they are, I will vote against them. However, if you can get us written assurances from the vets that they have overcome their problems, I will vote in favour of them.

**Ms Davey:** I cannot give you a decision about holding back, but I can certainly make a recommendation to the Minister. If that is what the Committee ultimately decides, that is what I will do. On vets providing a written assurance, we can work with the veterinary association to explain the actual procedure and get it to the stage where it accepts that there is no responsibility placed on it that it thinks it cannot actually meet.

Under the regulations, there is no legal requirement or any other requirement on any vet to dock a dog's tail, either currently or in the future. Therefore, it is an ethical decision for the vets. We can ensure that at least some vets are prepared to take the matter forward, but, at this stage, it would be very naive of me if I were to say to you that all vets will do it, because that is never going to be a reality. It is an ethical decision. The royal college advice is clearly there, and it has accepted that there will be vets who will carry out docking of tails within the limitations of the law.

**The Chairperson:** Are you confident that the full spirit of the legislation will be enacted by the vets who carry it out? Will there be capacity there for all the work that needs to be done?

**Ms Davey:** We have no reason to believe that there will not be. As I emphasised, this has been operational in England and Wales for five years, and there is no reason that it cannot be exactly the same here. The wording of our exemption is an exact reflection of that in the English legislation. We feel that the certificate is laid out better and clearly sets the emphasis with the owner and then the vet, as opposed to the other way around. That is the only real difference in the certificate. Therefore, it is to make things easier for the vets and the owners so that they understand their responsibilities. I believe that we can get to a position in which we will have a scheme that will work, similar to that in England and Wales.

**Mrs Dobson:** It would be interesting to know what work the Department has carried out with the Dogs Trust, which does an excellent job of increasing public awareness of such changes.

**Ms Davey:** We have not done any work as yet, and we cannot start that work until we know what the legislation is going to look like. If we go down the road of doing it now and there is a change, we will have informed the public wrongly. At the previous Committee meeting that we attended, we gave an assurance that once we had the regulation plan, we would set aside three months, until the beginning of October, in which to work so that we could inform the public. That was on the basis that the regulations would be passed by the Assembly this side of the recess, in June or in early July.

I spoke to the Dogs Trust directly after the Committee meeting on 8 May and asked its representatives whether they would work with me to publicise this once we had a solid piece of legislation. They gave me an agreement that they would. Once we have a piece of made legislation, we will start that

process so that we can inform the vets and the public on the actual legislation, as opposed to what we think might be in it. But it will be done.

**The Chairperson:** It is fair to say that because it is a statutory rule (SR), it will not change. It will be made or it will not be made.

**Ms Davey:** Yes, but things can change as a result of things in Committee. It is when the regulations are debated in the Assembly that they will not change. I do not want to go out there until we are sure of exactly how everything is sitting. When we know that, we will publicise the regulations widely. We have a big job to do.

**Mr McMullan:** I believe that this legislation will only enhance and help the Dogs Trust and such organisations. Although we have some reservations, I do not think that there is anything wrong with the basis of the policy. I had my reservations, but I thought about the regulations and looked at them. I do not think that we can go against what we are looking at on paper. It is about what happens outside of that. Some vets will take on tail-docking. I might have to travel from my home in Cushendall to Ballinderry to get a vet who will do a particular job on my dog. In fact, I have done that regularly.

I cannot see how we can go against the legislation. I do not think that there is anything in it that we can go against. The working of it will happen outside. I am interested to see that the councils are not coming out against it. They seem to be on board with it and happy with the legislation.

**Ms Davey:** Stakeholders, such as councils, have supported the legislation, and the fact that there is now an exemption for working dogs has been widely supported. Even if I return to the feedback that I gave the Committee on 8 May, you will recall that no real insurmountable problems had been identified at the consultation stage. It was therefore certainly disappointing that those issues arose later, having not been highlighted, but I think that we can work to address them.

**Mr McMullan:** The Kennel Club and such people seem to be on board. I think that we can do nothing but accept the regulations. What happens outside after they are accepted? I think that the public will come around to them. It is like everything else when it is new. There are pros and cons, but I think that the regulations will work once they bed in and settle down. I cannot see them not working.

**The Chairperson:** Kate, this may be asking you to gaze into your crystal ball, but if the legislation were to go through and, despite all your efforts at educating the public and veterinary practitioners on what it means, there was not the capacity to do the job in the spirit provided by the legislation, where would the Department go?

**Ms Davey:** I do not think that is going to be an issue. You will have vets who will continue to dock. There is very limited information on dogs that are currently docked, but we have tried to estimate, as we did when the Welfare of Animals Bill was going through the Assembly.

These, I must say, are crude figures. We tried to estimate how many dogs are docked every year in Northern Ireland. I keep saying that this is a crude estimate, but we estimate that somewhere in the region of 30,000 pups are born every year in Northern Ireland and that somewhere between 10,000 and 11,000 of them are of breeds that are traditionally docked. A substantial number of dogs are therefore being docked in Northern Ireland. I fully accept the member's comment that maybe not all of those dogs have been docked by a vet, but I think that it would be wrong to say that the majority of them have not. There are vets out there who are docking tails. I think that we can very easily provide assurances to the vets on the certificate. That process will continue, so I do not see us getting into the position that you speak of.

**Mr Buchanan:** VetNI's problem is that it cannot ask its members to recommend whether or not a dog is going to be used as a working dog. What cover will the vet get from the Department? A situation could arise whereby a vet has docked a dog's tail and recommended that the dog is to be used as a working dog but the dog is not then used as a working dog. A case could then be taken against the vet. What cover is there from the Department for that vet?

**Ms Davey:** First, the vet is not recommending that the dog be used as a working dog. The owner is the one who is certifying that it is going to be a working dog. The vet is purely saying that he has seen the evidence, as specified in the regulations, that indicates that the dog is likely to be a working dog.

**Mr Buchanan:** If you read the vets' response, you will see that that is a concern of theirs.

**Ms Davey:** That was the first concern that the vets had. They have certainly had that addressed. In the second response, they acknowledge in the opening paragraph that that has been addressed. It has been addressed through advice from the royal college as well. So, I take it from the vets' response that that concern has been laid to rest. The concern that they have at the moment is that they will have to confirm that the pup they are microchipping is the same pup that had its tail docked. I am saying that there is a misinterpretation of the regulations as drafted. They are not confirming that; they are confirming that, as best as possible, they have checked the information. The owner is the person who will confirm that the pups have not been swapped between docking and microchipping. So, a case will not be taken against the vet. The only possibility of a case being taken against a vet is if the vet decides, "Well, I do not care about this exemption, I will just cut the tails off poodles." In that case, the vet would be committing an offence under section 6 of the Act and would be treated in the same way as anyone else. However, I cannot foresee a situation in which vets would be prosecuted. I could foresee a situation in which an owner who has given incorrect information to a vet is ultimately prosecuted, because, under the Act, it is an offence to provide false information to a vet.

**The Chairperson:** It is the owner who is responsible, not the vet.

**Ms Davey:** It is the owner.

**The Chairperson:** So they do not really have a legal concern or issue. It is more of a moral issue, which we are not going to make light of.

**Ms Davey:** Yes, I think the crux of the matter is that the issue of whether or not to dock tails is a moral issue for vets.

**Mr Clarke:** I cannot accept that. You said earlier that there are approximately 30,000 dogs here and that 11,000 of them are being docked. You reckon that the majority of those procedures are done by vets. How come there is no moral issue now but there will be a moral issue when we pass the legislation? As regards that 11,000, I would put it to you that a much higher proportion of those dogs never actually see a vet to get their tail docked.

**Ms Davey:** That could well be the case. I have said that I cannot stand over the figures. All that I am saying is that it is obvious that there are vets for whom it is still an ethical decision. There are clearly vets out there who will not dock tails because they are following the advice from the royal college. That has been acknowledged, and I am certainly not trying to say that that does not happen. It is an ethical decision; vets will either decide to do it or decide not to do it.

**Mr Byrne:** My questions have more or less been answered. I am a wee bit confused about what Kate said about her interpretation of what is in the letter. I would be happier if that confusion were cleared up. There is still the issue of ethics and what vets want to do or do not want to do in relation to the docking of dogs' tails, and there is the issue of whether there is a legal implication for the vets or, indeed, the owners.

**The Chairperson:** Well, there certainly is an implication for the owners if they fill in the form wrong. Kate, is there anything else you can add?

**Ms Davey:** I can reassure the member that, if you read paragraph 4 of the schedule to the regulations, which is on page 7, you will see that it is very clear. The vet's name and date are put in, and it says:

*"I [insert name] confirm that on [insert date] I have inserted a microchip into the dog that the owner or a person whom I believe to be representing the owner has presented to me as the dog whose tail was docked".*

The reading of that is very clear.

**The Chairperson:** It is actually a disclaimer to a degree.

**Ms Davey:** It is. These concerns were raised when this was going through in England. The wording of that was prepared to address those concerns. We cannot have vets having to certify something that they cannot stand over. They cannot certify an event that might happen in the future. They cannot certify for sure that a pup has not been swapped with one that is almost identical. The only person who actually knows that is the owner. That has been looked at. So, yes, I accept that it is about providing that assurance to the veterinary associations.

**The Chairperson:** There are no further questions, and time is moving on. Members, this is very important legislation. I certainly want to take all your views on it. I am not at the point at which I would be comfortable putting the question to the Committee, but I would ask that we maybe have a straw poll of where each individual member wants to go on this. Basically, we have three choices. We can say that we are content to vote on the statutory rule. We can say that we need more time to consider it, in which case we may wish to suggest to the Department that it takes the summer recess to work out the unresolved issues as we see them. Or, we can oppose it. Those are the three options.

**Mr McCarthy:** In relation to England, Scotland and Wales —

**Ms Davey:** Not Scotland; England and Wales. There is a full ban in Scotland.

**Mr McCarthy:** I was going to say that England, Scotland and Wales were agreed, and you said that they went through the same quandary as we are going through. In the end, they went with it, and you said that it is working well.

**Ms Davey:** It is five years down the line. The exemption is in place in England and Wales. The Scottish Act put in place a total ban with no exemption. It is working in England and Wales, but Scotland did not go there at all. We have obviously gone the same way as England and Wales, with an exemption for working dogs. It is happening.

**Mr Clarke:** Chairman, you laid out three possibilities. The one that would work best for me would be, to rephrase the option slightly, to give the Department more time to convince the vets that there is no harm in what they are doing. That way, we are not making a decision for or against. If that could be done, we could, in turn, write to the vets so that they can clarify the situation for us. I could support the legislation at that stage. As it stands today, I will not be supporting it. There is too much ambiguity in the statements they have sent us.

**The Chairperson:** I agree with your logic, but just bear in mind that the vets were opposed to the exemption in the first place.

**Mr Clarke:** They may have been, but the first letter shows the concerns. The second letter goes further. They have said that this is a fudge. Those are their words.

**Mr Swann:** By implication, do you think that the vets are using this as a stalling tactic for the exemption?

**The Chairperson:** I am saying that there certainly will be concern. The vets will use this as their concern. We all remember last term —

**Mr Clarke:** Their viewpoint was that they were against it.

**The Chairperson:** Yes, they were against it.

**Ms Davey:** I have spoken to the veterinary associations. It is probably a little unfair to say that they are using this to stall. They are very clear that the current legislation does not work and that this will be a better working basis. When we work through the difficulties here and actually have an exemption in place for working dogs and a ban on cosmetic docking, there will be solid legislation that can be enforced in respect of the exemption and the Act. We have an enforcement role for councils and people on the ground to do that. So, for the first time, there is an opportunity to address the issue.

**Mr McMullan:** Am I right in saying that the majority of vets are hesitant more because of the legal side of things than the moral side of things? I do not go for the argument about the moral side of things. The legislation clearly lays out that the legal responsibility is not on vets but on owners.

**Ms Davey:** Vets do have an ethical issue with tail docking. That is a substantial issue for them. We need to give them an explanation of the legal argument and work that through. As the Chair said, there is an ethical issue that cannot be undermined.

**Mr Byrne:** If we had a vote today, I would abstain, because I am not fully convinced, in my mind, that we have clarified all the issues pertaining to this.

**The Chairperson:** If it is OK with you, Joe, I will put you down for the middle option, which means that you need more time to consider it. Again, I am comfortable with whatever the Committee can agree here. I do not really want the Committee to divide or to force it to vote. If it is clear that there is enough concern to defer it, I will do so rather than take a vote.

**Mr McCarthy:** I think that we need a bit more time, from listening to what Trevor said.

**The Chairperson:** Trevor, are you of a mind to defer it?

**Mr Clarke:** Yes.

**Mr Buchanan:** Same.

**Mrs Dobson:** Same for me.

**Mr McMullan:** I am happy enough with the way it is. I am speaking on behalf of my group.

**The Chairperson:** There is a clear consensus that we need more time to consider it. Are you all happy with that?

**Mr McMullan:** What sort of timeline are we putting on this? It could drag on, and we could get into a whole argument that is nothing to do with the proposal. If this drags on and on, it will make space for other arguments. I can see this developing into a whole handlin' over what we are looking at here. The legislation is clear. We are looking at legislation —

**Mr Clarke:** That is unworkable.

**The Chairperson:** I do not want to get into a debate.

**Mr McMullan:** This is the kind of debate that is going to take place.

**Mr Irwin:** I do not think so. I think that it can be clarified. I think that the second paragraph and the last couple of lines of the letter from the veterinary associations are nearly there. There is just a wee bit of clarification needed around that.

**The Chairperson:** There is a letter from 19 June.

**Ms Davey:** Perhaps I can help in your deliberations. The view is obviously that you would like this issue resolved. We as a Department can try to resolve it. If we can get it resolved before recess, we can come back to you on 3 July. If we are not able to do so, we will come back to you directly after recess.

**The Chairperson:** That would be helpful.

**Mr Clarke:** I do not think that there is a feeling that anybody is deliberately trying to hold this up.

**Ms Davey:** I am not, for one second, suggesting that. I just do not know how long this will take. If we can resolve it by 3 July, which is the date of your last meeting, we will come back to you then, if I can arrange that with the Clerk. If we cannot resolve it by then, we will come back after recess.

**Mr Clarke:** Is that not too late to lay it in the House?

**Ms Davey:** It is, but it will be too late after today to lay it in the House, because the Business Committee is meeting at noon next Tuesday to decide the business for the last week. Obviously, I need to seek the Minister's agreement on that, but that may help you in your deliberations. We can then take it directly to the Assembly in the new session, if the Minister agrees.

**Mr McMullan:** If we resolved this before Tuesday, it could go to the Assembly.

**The Chairperson:** I do not know about that, because the Committee is not meeting. I would not want to —

**Mr McMullan:** If the Committee agreed now to resolve this before next Tuesday, the power could be given to the Chair or the Deputy Chair to make that decision. That is within the realms of the Committee's powers.

**Mr Swann:** I was at a Business Committee meeting earlier, and I think that the debate on the regulations has already been moved back to the week of 2 July or 3 July.

**Ms Davey:** It is certainly provisionally moved back to 3 July. It has not yet been confirmed for 3 July.

**Mr Swann:** I was at the Business Committee.

**Ms Davey:** Do you think that it has been confirmed?

**The Chairperson:** Sorry, it has been confirmed that it has been moved to the —

**Mr Swann:** Third —

**The Chairperson:** Third of?

**Mr Swann:** July.

**Ms Davey:** Certainly, I can only say what we asked. We asked that it be put on for 3 July, on the understanding that it had yet to be affirmed by this Committee and that, if the Committee did not affirm it, we could withdraw it.

**Mr Swann:** It is timetabled for 3 July at the minute.

**The Chairperson:** Trevor, did you want to come in?

**Mr Clarke:** No; it was something like what Oliver said but slightly different. It is all right.

**Mr McMullan:** If it can be resolved before that date, can we give the power to the Chair and Deputy Chair to decide to bring —

**The Chairperson:** No.

**Mr Clarke:** The danger with that, Chairman, is that your interpretation and ours may differ.

**The Chairperson:** They may not necessarily be the same. I do not know whether we have the power to do that.

**Mr Byrne:** We could not carry that responsibility, Chairman.

**The Chairperson:** No, and I would not be comfortable moving forward in that manner.

**Mr Byrne:** We would wilt under the pressure.

**Mr Clarke:** To return to what Robin said, if the debate is scheduled for 3 July, the Department still has time to get something done for next week.

**Ms Davey:** We will work immediately to get it done.

**Mr Clarke:** That is still a possibility. If we get to next week and it is not done, it is only a matter of withdrawing it from business on 3 July.

**Ms Davey:** Yes, and if we cannot get it done before next week, we will make the effort to withdraw it, assuming that I get the Minister's agreement to do that.

**The Chairperson:** OK, that would be helpful. Please take away with you the message that we are not here to block things or slow them down. We just need to get these things resolved so that we are clear in our minds about how the legislation will work in practice. Are members content to move on? I will not put the question today.

*Members indicated assent.*

**The Chairperson:** I thank the departmental officials very much for their time. I am sure that we will see you again very soon.