



Northern Ireland
Assembly

**COMMITTEE FOR THE
ENVIRONMENT**

**OFFICIAL REPORT
(Hansard)**

Wildlife and Natural Environment Bill

25 March 2010

NORTHERN IRELAND ASSEMBLY

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ENVIRONMENT**

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Members present for all or part of the proceedings:

Mr Cathal Boylan (Deputy Chairperson)

Mr Roy Beggs

Mr Jonathan Bell

Mr John Dallat

Mr David Ford

Mr Danny Kinahan

Mr Daithí McKay

Mr Peter Weir

Witnesses:

Mr Ken Bradley)

Mr Chris Savage)

Mr Mike Meharg)

Department of the Environment

The Deputy Chairperson (Mr Boylan):

Members have a copy of the Bill and have been provided with an updated version of the clause-by-clause analysis table. Members have also been provided with various additional pieces of information relating to the Bill. Some of those are contained in members' packs and some have been tabled today, and members can refer to them when discussing the relevant clause. Departmental officials are also here to answer any questions that the Committee might have.

The Committee will go through clauses 1, 2, 4, 9, 10, 15, 25, 26 and 28 and schedules 1 and 2 to seek the Committee's position on each. Today will be the last opportunity for the Committee to discuss the clauses of the Bill unless it wishes to meet again during the Easter recess.

Mr Weir:

That is a fairly heavy hint.

The Deputy Chairperson:

The Committee must be serious on that point. Arrangements would have to be made if we were to meet during the Easter recess. We will try to move the process forward as positively as possible.

Clause 1 (Duty to conserve biodiversity)

The Deputy Chairperson:

Members agreed to defer a decision on clause 1 until they saw the proposed departmental amendments relating to "guidance" in clause 1(4) and "conserving" in clause 1(3), as requested by the Committee. Members have been provided with a copy of the Department's proposed amendments, the first three of which relate to clause 1. Does the Committee agree with clause 1 as amended by the Department?

Mr Kinahan:

I thought that "maintaining, protecting" was not going to be inserted after "fauna" in clause 1(3)(a) because it is dealt with by the use of the word "conserving" in clause 1(3).

Mr Ken Bradley (Department of the Environment):

The Department proposes to include the wording "maintaining, protecting" in clause 1(3)(a) to avoid any confusion over the word "conserving" in clause 1(3).

Mr Ford:

There was some discussion on that point. However, the majority of the Committee felt that the insertion of that wording would be helpful and the Department agreed. Let us register a new agreement.

Mr Weir:

Bank it.

Mr Ford:

Indeed, let us bank it quickly.

Mr Beggs:

Is the Department satisfied that that is something that it and others can deliver? I previously raised the issue of significant changes in other areas due to climate change and suggested that it might not be possible for some areas of biodiversity to be maintained because of the speed of global change. We want to do as much as possible to prevent the loss of habitat, but I do not want to create unrealistic costs to the public or private sectors to maintain something that is not maintainable.

Mr K Bradley:

The amendment is just intended to clarify the word “conserving”. We felt that the word “conserving” meant maintaining or protecting. The Committee felt that additional wording should be included, so, to answer your question: yes, we are confident that “conserving” means maintaining and protecting.

Mr Beggs:

My question was whether you are confident that the public and private sectors can deliver that at an affordable cost?

Mr Chris Savage (Department of the Environment):

To return to the wording of clause 1, the duty relates to the functions of the public bodies, and whatever efforts are made have to be consistent with those core functions. We do not see it as being a case of those bodies facing severe sanctions if they fail to maintain something; it is about encouraging them to try to take reasonable steps towards maintaining biodiversity.

Mr Beggs:

On that basis, I am content.

Question, That the Committee is content with the clause, subject to the Department’s proposed

amendments, *put and agreed to.*

Clause 1 agreed to.

Clause 2 (The biodiversity strategy)

The Deputy Chairperson:

Members deferred a decision on the clause until they saw the proposed departmental amendment to limit the reporting period of the strategy. I refer members to the tabled copy of the Department's proposed amendment relating to clause 2.

Question, That the Committee is content with the clause, subject to the Department's proposed amendment, *put and agreed to.*

Clause 2 agreed to.

Clause 3 (Biodiversity lists)

The Deputy Chairperson:

I remind members that clause 3 was agreed at last week's meeting. However, I advise members that the Department has since taken on board the Committee and stakeholders' suggestion to expand the requirements in the clause beyond the Department to all public bodies. I refer members to the tabled copy of the Department's proposed amendments relating to clause 3.

Question, That the Committee is content with the clause, subject to the Department's proposed amendments, *put and agreed to.*

Clause 3 agreed to.

Clause 4 (Protection of nests of certain birds)

The Deputy Chairperson:

Members deferred a decision on clause 4 until they saw the proposed departmental amendment to include the nests of red kite, osprey, white-tailed eagle and peregrine. I refer members to the tabled copy of the Department's proposed amendment relating to clause 4. Members have been provided with additional information from the Royal Society for the Protection of Birds (RSPB) making the case for the barn owl to be added to the list. I also refer members to the tabled note of

the meeting between the Chairperson and the Minister that indicates that the Minister would be prepared to include the barn owl if that were recommended by the Committee.

Are members content with clause 4, subject to departmental amendments to add the white-tailed eagle, the osprey, peregrine and red kite, and, as recommended by the Committee, to include the barn owl?

Mr Ford:

If the Minister is willing to accept it, we should bank it.

Mr Beggs:

Was there an issue about the barn owl not being nest-specific?

The Committee Clerk:

There was. When we asked the Department, the information provided by the RSPB made reference to that. It suggests that although it has been willing to nest in alternative places in other parts of the UK, that has not happened in Northern Ireland.

Mr Mike Meharg (Department of the Environment):

The RSPB requested that we include the barn owl. It outlined the evidence, and the Department was not concerned one way or the other. We did not feel that it was necessary to hold back on the protection of the barn owl. The barn owl has shown that it can use alternative nesting sites throughout the world, but we are not so concerned as to keep it off the list. Therefore, we advised the Minister to accept the barn owl onto the schedule.

Question, That the Committee is content with the clause, subject to the Department's proposed amendments, put and agreed to.

Clause 4 agreed to.

Clause 9 (Protection of basking sharks from disturbance)

The Deputy Chairperson:

I remind members that they deferred a decision on clause 9 until they saw the proposed departmental amendment to add the two species of seal that are found in Northern Ireland. I refer

members to the tabled copy of the Department's proposed amendments relating to clause 9.

Mr Ford:

On a technical point, the title of clause 9 refers to basking sharks only and will need to be amended to refer to seals.

Mr K Bradley:

That is correct.

Mr Ford:

However, that is a technical point; we are agreeing the principle.

Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.

Clause 9 agreed to.

Clause 15 (Discharging firearms, etc. from vehicle)

The Deputy Chairperson:

I remind members that evidence provided by a witness indicated that the inclusion of clause 15 would not benefit deer keepers and may make poaching and wildlife crime easier, and members questioned the need for its inclusion. The Committee agreed to seek advice from the PSNI before making a decision, and I refer members to an e-mail from the PSNI in the tabled papers. We have a choice to make: we can accept the clause as drafted or ask that it be deleted altogether.

Mr Kinahan:

We should delete it.

Mr Dallat:

What exactly does clause 15 mean?

Mr C Savage:

At the moment, it is not lawful to shoot deer from any vehicle. The proposal is to loosen that restriction to allow the shooting of deer from a vehicle provided that it is stationary and its engine

is turned off. Its purpose is to assist the management of deer populations through culling.

Mr Dallat:

I understand now. I am not very happy about that.

Mr Beggs:

If the intention behind clause 15 is to assist people who manage deer stocks on private land, it is strange that two sets of witnesses from such backgrounds have opposed the idea. I had thought that it was included to prevent poachers. I think that that line was used. However, it is clear that poachers cannot shoot from a road anyway, and I am concerned that the clause will grey the area and allow people to shoot from inside vehicles. The police will be under a greater burden to prove whether shooting happened on private land or on a public road. It would be easier to enforce a law whereby people are simply not allowed to shoot from inside vehicles.

Mr C Savage:

If the police find evidence that shooting has taken place in a vehicle, the simple test is to determine whether the person in the vehicle is an authorised person. If he is not, that is an illegal act.

Mr Weir:

The basic argument is that poachers' actions are illegal irrespective of whether they are carried out in a vehicle, outside a vehicle, in a moving vehicle or in a non-moving vehicle. I do not have particularly strong feelings on the matter. Is the argument that, essentially, the clause directly affects legitimate gamekeepers only and that it loosens the requirements slightly? In practical terms, it might not even make a great deal of difference one way or the other.

Mr C Savage:

The Department of Agriculture and Rural Development (DARD) is keen on that clause, but we have no strong feelings on it. We felt that it would be useful.

Mr Beggs:

DARD may be keen on the clause, but it is clear from the evidence presented to the Committee that the proposed changes, although well intentioned, will aid and abet wildlife crime and deer poaching. That was the view of the British Deer Society and Mr John Hetherington. On that

basis, I propose that the clause is deleted.

Mr Ford:

I support Roy Beggs. If other members want to propose differently in the Chamber, they can do so, but the Committee has been given evidence that shows that the clause should be deleted.

Question, That the Committee is content with the clause, put and negatived.

Clause 15 disagreed to.

Clause 26 (Reduction in close seasons for female deer)

The Deputy Chairperson:

The Committee deferred a decision on clause 26 until members saw the proposed departmental amendment to shorten the close season for female deer by delaying its start, rather than by shortening it in the autumn. I refer members to the tabled copy of the Department's proposed amendments relating to clause 26.

Mr Kinahan:

I declare an interest in that I employ John Hetherington.

The Deputy Chairperson:

Is the Committee agreed with clause 26 as amended by the Department?

Mr Dallat:

I am not terribly well up on shooting deer, but to shorten the close season means that more opportunities are created for shooting them. I do not believe in shooting deer, so I cannot agree to that clause. I do not want to cause a storm, but I do not want to be on record as being part of that.

Mr C Savage:

There was an interesting article on the BBC this morning about the United Kingdom deer population, which is estimated to be two million, and deer are starting to appear in urban areas. That is clearly a problem, and we do not want the deer population in Northern Ireland getting out of control. The Department believes that extending the season is an important controlling mechanism.

The Deputy Chairperson:

The Committee notes Mr Dallat's concern.

Mr Ford:

The Department gave the Committee significant evidence as to why the close season should be shortened. The Department's original proposal involved significant welfare concerns. The amendment appears to address those concerns, so the amended clause may be better than what was originally proposed, even from John Dallat's perspective.

Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.

Clause 26 agreed to.

Clause 28 (Notification of change of owner or occupier)

The Deputy Chairperson:

The Committee decided to defer decision on clause 28 until it received clarification from the Department about land ownership. The Department has made clear that the clause does not apply to conacre.

Mr Ford:

Assuming that the Department's statement that "occupier" does not include conacre or anything less than an 11-month let is an accurate statement of law, the clause is satisfactory.

Question, That the Committee is content with the clause, put and agreed to.

Clause 28 agreed to.

Clause 10 (Snares)

The Deputy Chairperson:

The Department is not minded to amend clause 10, and the Committee agreed to defer it pending further discussion on two options: a complete ban on snares, or licensing their use, with no more than 12 hours allowed to elapse between checks.

I inform members that draft Committee amendments have been provided for either option.

There are also three research papers on snaring guidelines, new snare technology, and the use of snares in Europe. There is also a paper on snares from the League Against Cruel Sports (LACS), which was tabled last week. I remind members that they were asked to treat the paper from the League Against Cruel Sports as confidential until published.

We must decide between a ban on snares or licensing arrangements for their use. The topic is now open for discussion.

Mr Kinahan:

We should go for the licensing of snares, but with the tightest possible restrictions. There will be rare occasions where a snare has to be an option for a farmer. Therefore, I propose that we go down that route. We need a wording for that. The Scottish system, which uses a tag and a registry, seems sensible.

Mr McKay:

We should go for an outright ban. All the evidence to us has shown that snares are a crude means of dealing with pests. Many domestic and other animals have suffered unnecessarily as a result of their use. Snares will not be easy to license. We are either for them or against them, and we should go for an outright ban.

Mr Dallat:

I have distant memories of, as a child, seeing the results of the use of snares and I tend to be against their use. In this day and age, with new technology, and so on, there must be something more humane to use than snares. Whether self-locking, unlocking or whatever, snares are still barbaric.

Mr Beggs:

I declare a possible interest, not that I have ever used snares or intend to use them. However, I remember, as a primary-school child, going out to feed the hens and finding that they had all been killed. This morning, I assisted with putting young lambs out into a field. We should also be conscious of the mayhem that can be caused by predators, and I want snares retained as a possible option for those who want to prevent such things happening. The Committee was told about the damage done to young trees by wild animals. The licensing of snares is my preference.

Mr Ford:

I also think of a memory from school days. I saw a badger, which had been caught in a snare, and which was brought into school and stuffed. In the course of the taxidermy, there had been no need to cut the underside of the body behind the front legs, because that is how the snare had reacted to the badger. The badger is supposedly a protected species.

At lambing time, there may be problems with foxes in a small number of areas, and I have more sympathy with that situation. However, such problems are rare, and some of the evidence given with respect to forestry amounts to a demand for snaring to continue permanently in a relatively indiscriminate way. I cannot accept that. It is much simpler to institute a complete ban. If there is real evidence that snaring vermin, as opposed to alternatives such as shooting, is necessary, we can re-examine the matter. However, the simplest statement that we can make is a total ban.

Mr Bell:

The arguments are complex. On an emotional level, one cannot but prefer a ban on snares. They cause pain to wildlife, and if the issue were as simple as that, instituting a complete ban would be a straightforward tick-box exercise.

I have listened to people who use the countryside day and daily. I do not, but many people in Strangford do. I have spoken to people in the countryside who, in the main, have a love for animals. They have an overwhelming desire to protect the countryside, their livelihoods and wildlife. They are, in many ways, the guardians of the countryside. In my conversations with people in Strangford, no one denies that snares cause great pain, but without exception, they have told me that they want snares retained as an option. Those are people who genuinely care about the welfare of animals.

I am hesitant about opting for a complete ban. The arguments both for and against a ban on snares must be weighed up. This morning, there has been a lot of fluffy talk about potential new technologies. I wish to hear about the proposed solutions to a ban on snares. We understand the problem, but what is the solution? If we banned snares tomorrow, what could be put in their place that is as effective and that has a proven track record of being as good, if not better? If a suitable replacement for snares is found after researching the alternatives, by all means, ban them outright. However, if that work remains to be done, it must be done before we consider an

outright ban. It should not be a case of banning snares now and considering the matter later.

From listening to evidence over the past number of weeks from people whose livelihood depends, day and daily, on the countryside, it was clear that snaring is an option for them. Therefore, until we see evidence that an alternative is as good if not better than snares, I think that a rigorous licensing system is possibly the best option available to us.

Mr Kinahan:

I concur entirely with Mr Bell's comments. I apologise for my "fluffy" talk earlier; that is a good term. It is difficult for farmers who live in rural areas that are near urban areas to use other options to deal with pests, such as lamping and shooting, which are often as dangerous and as nasty as snares. There is no nice way to deal with pests. I hate snares, but they must not be banned.

On another fluffy point, last Sunday, I lost all my ducks and chickens because I forgot to shut the door. I have no way in which to deal with pests. I, therefore, believe that the snare option should be kept open but that their use should be licensed as tightly as possible.

Mr McKay:

I, too, live in a rural community, and none of the farmers who keeps livestock in my area uses snares or ever has. We should be mindful that the majority of the public are against the use of snares, because they view that method as out of date and inhumane. Although I understand some of the concerns that many of the stakeholders raised with the Committee, I think that we should push for an outright ban. There is an onus on the Committee to look into, and push for, alternatives to snares. A ban on snares would help to put pressure on those within the industry to come up with alternatives. If snares are not banned, the industry will continue to use that methodology and those people will feel as though there is no onus on them to come up with an alternative. There is also an onus on the Committee to do away with that out-of-date and crude form of managing threats to livestock. We should, therefore, opt for an outright ban.

Mr Bell:

You made a big statement there, Mr McKay. You said that none of the people in north Antrim uses snares.

Mr McKay:

Nobody uses them in the rural community where I am from.

Mr Bell:

You said that nobody in your area uses snares.

Mr McKay:

I am not aware of anybody using them.

Mr Bell:

You are not aware of anybody: that is an entirely different point. I agree that we should consider the alternatives. However, I find your claim difficult to believe. That is why we should gather an evidence base. I find it hard to believe that snares are not used in the North Antrim constituency.

Mr McKay:

I did not make that statement.

Mr Bell:

I will check the transcript.

Mr Dallat:

Someone will be snared before this is over.

The Deputy Chairperson:

Just as long as no one gets trapped.

Mr Ford:

I wish to respond Jonathan's point about certain people in the farming community. At this point, I declare a shared interest in a family farm, which is adjacent to an Agriculture Department forest that has more than its fair share of foxes. In the past few years, there has been an odd lamb lost. However, in an area that also has hares and badgers, as well as people walking their dogs through the forest and sometimes coming down into the fields, I would not wish to consider that we, as a family, would ever put a snare on that ground, even though we do lose the odd lamb. That is not just on the basis of fluffiness but on the basis of balancing the realities of what snares do against

the minimal threat.

Unlike Danny, we remember to shut our hens in every night. There are ways of dealing with those problems, such as lambing indoors and making sure that hens and ducks are locked up at night, which do not threaten the welfare of any animal, whether domestic or wild.

The Deputy Chairperson:

I am on record as saying that my party has supported, and has gone through the proper process of supporting, a ban on snares. I support my colleague Mr McKay and the way in which he has articulated his position. I sympathise. When we set out to scrutinise the Bill, we gave everybody an opportunity to express their views. There are two sides to every story. I feel for Mr Kinahan and the ducks that he lost over the weekend, but the issue is simple for me. As a party, we support a ban on snares. That is my opinion on the matter. I will give anybody an opportunity to speak.

Mr Dallat:

I thought that I made it very clear that I am against snares.

The Deputy Chairperson:

I am going to put the question now, Mr Dallat. Has anybody any other comment to make?

Mr Bell:

I want to check something. The Ulster Farmers' Union did not —

The Committee Clerk:

That organisation was silent on snares in response to the consultation.

Mr Bell:

Has it not said anything?

The Committee Clerk:

Not in its written submission to the consultation. It has, previously, stated an opinion.

The Deputy Chairperson:

I am going to have to put it to a vote, because we have two options and there is a split in the Committee. Will those in favour of a total ban on snares please raise their hands? That is four members. Will those against a ban please raise their hands? That is three members.

Question, That the Committee is content with the clause, subject to the Committee's proposed amendment, put and agreed to.

Clause 10 agreed to.

Schedule 1 (Amendments to Schedules to the Wildlife Order)

The Deputy Chairperson:

I remind members that they deferred a decision on this schedule until they had seen the proposed departmental amendments to include the curlew, whinchat, lapwing and redshank as protected birds in schedule 1 to the 1985 Wildlife Order and to remove the curlew from the quarry list in schedule 2 to the 1985 Wildlife Order. I refer members to the Department's proposed amendments relating to schedule 1. I also inform members that they have been provided with departmental information on the populations of golden plover, reed bunting, raven, bull finch and whinchat. Are there any comments before I put the question?

Is the Committee content with the proposed departmental amendments including the curlew, lapwing, redshank and whinchat in schedule 1 to the Wildlife Order and removing the curlew from schedule 2 to the Wildlife Order?

Members indicated assent.

Mr Beggs:

We must bear in mind the commitment to carry out a review of the status of the golden plover.

The Deputy Chairperson:

I remind members that they requested draft Committee amendments to include the golden plover in schedule 1 and to remove it from schedule 2 to the 1985 Wildlife Order. Updated versions of those amendments are contained in the tabled papers.

I refer members to the tabled note of the meeting between the Chairperson and the Minister,

which indicates that the Minister would not be averse to the inclusion of the golden plover if it was recommended by the Committee. An e-mail from the British Association for Shooting and Conservation in which it expresses its concerns relating to the golden plover is also tabled. I remind members that the Department has provided more information on golden plover numbers.

Mr Kinahan:

There is not enough detail in the information that we have been given to allow us to deal with the issue this time round. It is safe to leave it until we review the legislation in five years' time. Is that not how we should deal with the matter?

The Deputy Chairperson:

Five years is the stipulated time period. It is open to Committee members to air their views now, but I will be putting the question to the Committee.

Mr Ford:

One of the other species that was mentioned was the reed bunting. I looked at a display board alongside the Six Mile Water at the Sixmile Leisure Centre in Ballyclare yesterday, which made specific mention of the reed bunting as a species that was being treated with particular concern by the Environment Agency. Can we confirm that the Department of the Environment (DOE) is still opposed to the reed bunting being added to schedule 1?

Mr Meharg:

I would not say that we are opposed to that. We do not feel the need to put it in the schedule at this stage, because the data that we have show that the reed bunting has not declined to the point at which it would be necessary to include it in the schedule.

Mr Ford:

OK. Thank you.

The Deputy Chairperson:

I have noted Mr Kinahan's opinion.

Is the Committee content with the draft Committee amendment to include the golden plover in schedule 1 to the Wildlife Order and to remove it from schedule 2?

Members indicated assent.

The Deputy Chairperson:

I refer members to the tabled departmental list of amendments. The Department has added an amendment that confines the protection of the common skate to coastal waters. That affords it the same protection as the angel shark and is because the species is subject to the common fisheries policy beyond coastal waters.

Are members content to accept this proposed departmental amendment?

Members indicated assent.

The Deputy Chairperson:

I refer members to the tabled departmental list of amendments. As it indicated to the Committee last week, the Department has included an amendment to add another two deer species, the Chinese water deer and the roe deer, to the list of non-native species.

Are members content to accept this proposed departmental amendment?

Members indicated assent.

The Deputy Chairperson:

Again, I refer members to the tabled departmental list of amendments. The Department has included an amendment that specifies the relevant species of knotweed that it is including in part 2 of schedule 9 to the 1985 Wildlife Order.

Are members content to accept this proposed departmental amendment?

Members indicated assent.

The Deputy Chairperson:

Members have been provided with a paper from the Royal Society for the Protection of Birds on non-invasive species. Do members wish to make any amendments or recommendations in relation to that information?

Mr Ford:

The RSPB paper highlights the Scottish system, which basically bans the release of any new

species unless it is done under strictly managed conditions. We have not seen any evidence of how the Scottish system operates. There may be issues that make it impossible to include such a provision in the Bill on time. It is the kind of issue that the Committee may well report on and ask the Department to keep an eye on as we look towards the maximum five-yearly revision if nothing else. I suspect that we may not be able to do much more than that at this stage. However, we should put down that marker and learn from what is happening in Scotland.

The Deputy Chairperson:

Is the Committee content to go with that recommendation?

Members indicated assent.

Mr C Savage:

I wish to make a comment on the RSPB paper's reference to the Scottish system. Scotland is undertaking consultation on a radical and fundamental review of what is contained in its equivalent of our Wildlife Order. That system is not in place yet, and only a basic consultation process is being conducted at the moment. It will be a number of years before any new system becomes operational in Scotland.

Mr Ford:

We will be able to learn from the Scots in five years' time anyway.

The Deputy Chairperson:

The Committee deferred a decision on the inclusion of the Irish hare in schedule 5 to the Wildlife Order pending further discussion. Members have been provided with the draft Committee amendment — a more recent version has been tabled — as requested, a copy of a petition to the Committee calling for the Irish hare not to be placed in schedule 5, and information from the Department on population density over the past few years and over decades.

We have to decide whether to accept the Department's commitment as drafted or to amend schedule 5 in respect of the Irish hare.

Mr Ford:

Paragraph 11 of the note of the meeting that the Chairperson had with the Minister states that, although the Minister is opposed to a commitment to a special protection order every year due to

the cost, he is open to including the Irish hare in schedule 5 with a review after five years. Given that the evidence is not entirely clear and that even the optimistic evidence shows that the population of the Irish hare is just about stable at a historically low number, if the Minister is prepared to include the Irish hare in schedule 5 and to review it after five years, I suggest that we accept the Minister's generous offer and bank it quickly.

The Deputy Chairperson:

Would the departmental officials like to comment on the figures?

Mr Meharg:

Our report shows long-term trends from figures that are available only from game bag records. Although those trends cannot be directly compared with the survey by Queen's University over the past seven or eight years, which the Department has funded, the long-term decline may reflect other issues. It may reflect the fact that, due to a lot of gamekeeping and other measures, the populations of hares were kept high for sporting purposes over a long period and that, as the controls on the predators declined and their populations increased, hare numbers declined to a more balanced level. Therefore, although the graphs appear to show a large and historic decline, those trends cannot be used as a direct comparator. However, the experts tell us that the Irish hare population is at a historically low level.

The species action plan for the Irish hare was established 10 years ago, because it was recognised that numbers were low. A survey at that time discovered that there was one hare for every square kilometre. A target was set to double the population in as wide an area as possible over 10 years. The targets in the action plan have been achieved, and the data shows that. That is the information that we can give.

We will review the action plan, and some of the targets that we set will be attempts to maintain Irish hare numbers that we have achieved throughout Northern Ireland, with the help of Department of Agriculture and Rural Development schemes and other projects, and to improve those numbers over the next 10 years.

The Deputy Chairperson:

I have been discussing the issue with some of my constituents. Mr Bell mentioned an evidence-based approach. Country people will bring you exactly to where the hares are. It seems that the

hare is under threat from snares as opposed to types of sport. If you want to see a hare, you should go to the airport at Aldergrove. Is there any evidence base to show the seriousness of the threat to hares? A natural decline has taken place for one reason or another. A special protection order has been in effect for the past six years. Has part of that been enforced or has it been voluntary for sporting groups? I know that foot harriers were allowed to hunt.

Mr Meharg:

Through the special protection orders, the hunting and taking of hares has been banned.

Mr K Bradley:

The special protection order, by its nature, stops the taking of hares. Indirectly, therefore, it has stopped such practices as hare coursing and beagling. The special protection order is for conservation purposes. If I understood the first part of your question correctly, it was on whether the decline of the Irish hare population is to do with snares or sport.

The Deputy Chairperson:

I am trying to clarify what the biggest threat is. There are conflicting views from different people, and it is up to us to establish the facts because we will make a decision that will last for five years. Mr Ford highlighted the fact that the Minister said that it is an either/or situation. I would have liked to see other proposals. A cost is associated with special protection orders. Surely to God, a higher cost will be associated with enforcement over five years.

Mr K Bradley:

That is correct. It is widely recognised that one of the main threats to the Irish hare is habitat loss. Mike's staff are addressing that issue as part of the species action plan to try to encourage a greater range of habitat to promote the Irish hare. The species action plan will finish this year, and there are plans to review the targets and actions in that plan. That is where the Department is coming from with its target to double the overall hare population from one to two for every square kilometre. The surveys to date demonstrate that that target has been reached. Now that the plan is coming to its conclusion, we are looking to review it and, as Mike said, to maintain that level, at least.

The Deputy Chairperson:

I will let other members speak in a moment. The problem that I have is that it is proposed that the

Irish hare can either be put on the list to be protected for five years or not, and there is no other option of monitoring or anything else. The Minister is minded to remove the special protection order. Five years is a long time. The hare has been protected for six years, the target has been achieved, and it seems that the population is growing. I have sets of figures from the Department, but other groups produce different sets of figures. From conversations with people from the countryside, I know that the hare population is stable enough in some areas.

Mr Meharg:

No wildlife survey can survey every field in every area, so we survey a set area that is typical of habitat over a wider area. Mathematical geniuses at the universities multiply and take into account the landscape and other factors and come up with what they feel are populations over the whole of Northern Ireland. They then put those figures to peer review through journals and publications, and the population surveys to date have been published and reviewed by other experts. Those experts feel that the way that hare populations are surveyed not only in Northern Ireland but throughout the world results in surveys that reflect the numbers as accurately as possible.

Populations in some areas will be much denser than others; there will be hare hot spots. The airport at Aldergrove was mentioned as an example of that, and Rathlin Island is another such area. The interesting factor is that both those areas have few predators, because one is an island, and fencing and security limit the number of predators at the airport.

The Deputy Chairperson:

All the predators go away on their holidays.

Mr Meharg:

There can be reasons for and ways in which hare populations can be elevated.

Mr Kinahan:

I am slightly uncertain: what is the Department's recommendation?

Mr K Bradley:

It is to leave the protection level of the hare as it is: fully protected as a game species during the close season.

Mr Kinahan:

I am happy with that.

The Deputy Chairperson:

Sorry, what was that?

Mr K Bradley:

At present, as a game species, the hare is fully protected during the close season.

The Deputy Chairperson:

Yes, but will we continue to remove that?

Mr K Bradley:

The Department's line is to retain it.

The Deputy Chairperson:

I am happy enough about that.

Mr Kinahan:

I agree with that, too.

Mr Ford:

I accept what has just been said about protection during the close season. However, if the Department and/or the Minister are unhappy to continue with special protection orders, the level of protection afforded to the hare over the past six years that those orders have been in place will be reduced. The Irish hare is the first or the only mammal for which there is a species action plan, which has, according to the Department's estimates, achieved a very modest recovery. According to other people, the plan has achieved nothing more than a slowing down in the loss of hare numbers, compared to the historical trend. If we cannot give the highest possible protection to a species that is unique to this island and implement a meaningful species action plan, there seems little point in talking about conservation at all.

Mr McKay:

David referred to point 11 of the minutes of the meeting with the Minister. How much will it cost

the Department to continue to renew that protection order yearly for the next five years?

Mr K Bradley:

The expense relates not so much to the special protection order as to the survey that informs it, which costs between £35,000 and £40,000 a year.

Mr McKay:

So that would be £200,000 or so.

Mr Ford:

How much will it cost the Department to add it to the schedule at this point? Absolutely nothing.

The Deputy Chairperson:

Ken, will the special protection order remain in the close season? Is that what you are saying?

Mr K Bradley:

As a game species, the Irish hare is fully protected during the close season. The special protection order is coming to an end, and it will finish at the start of the close season.

Mr Beggs:

Is five years not a considerable period to wait to discover whether there has been a change in the population? Are you really saying that the Department will definitely remove the special protection order for five years?

Mr K Bradley:

That five-year period relates to the quinquennial review of the schedules.

Mr Beggs:

You indicated that the Minister was not minded to have any special protection order or any surveying done during those five years.

Mr K Bradley:

That is correct.

Mr Beggs:

That is a long period.

Mr McKay:

People in the non-government sector also carry out surveys that we could rely on. What we are talking about here — to continue to renew the special protection order and to carry out the research over the next five years — will cost the Department £250,000 or very close to it.

Mr Meharg:

The idea behind the species action plan and the continued annual surveys was to have data at the end of the period of the action plan that enabled a decision to be made as to whether the species required further protection or could remain as it was on the original game list with close season protection. That is the current position.

The special protection orders are brought in as a means of helping game species to recover if their numbers are low, so that hunting can be resumed and numbers can be uplifted again. The purpose of special protection orders is the conservation of the species to enable the population to rise. A special protection order applies for one year. To continue that year on year is to say that, at some stage, a decision has to be made as to whether the population has gained sufficiently for the resumption of sporting action under the game legislation.

Mr Kinahan:

You are saying that it has achieved a level.

Mr Meharg:

Having achieved the targets that were set out in the action plan, the Department's view is that it should go back to its original protection. That is what went forward for public consultation.

Mr K Bradley:

During the consultation in 2008, the League Against Cruel Sports was the only organisation to request a full ban; no other organisation pushed for one. We specifically asked whether a full ban was wanted, and apart from LACS, no other organisation requested a full ban.

Mr Ford:

I want to take up a point that Mike made. He has given the administrative description of the operation of special protection orders under the Game Preservation (Amendment) Act 2002. The reality is that the Assembly, in its first guise in 2002, enhanced the possibility of granting those special protection orders on the basis of whether the hare was under threat in Northern Ireland or any part thereof. That was the basis on which John Dallat, Edwin Poots and I, amongst others, voted for that amendment. It was passed by a substantial majority, because at that time it was the only way of enhancing the protection. That is not to say that the wish of the Assembly was that it should be done that way, but that was the only way of doing it under the game preservation legislation.

Now we are reviewing the Wildlife (Northern Ireland) Order 1985. On that basis, we can say what I believe was the will of the Assembly in 2002, which is that we should be giving protection to the Irish hare because it should be protected, rather than merely fiddling around with the game legislation, which allowed temporary protection, but which was the only method available in 2002. Mr Dallat is nodding, even if the Hansard reporter did not hear him say yes.

Mr Dallat:

Yes, I was. Deputy Chairperson, what are we agreeing to do?

The Chairperson:

I will put it to the Committee in a minute. Five years is a long time. I would consider an alternative option and a proposal to keep monitoring, but I will not be lending my support to the inclusion of the Irish hare in schedule 5 to the Order.

Mr K Bradley:

From a practical point of view, the schedules are amended by subordinate legislation. We propose a five-year review, but that does not mean that a schedule cannot be amended at any time. There is no reason why it needs to take five years; it is feasible that we could look at in three years' time. We could make a decision then, based on the scientific evidence on the number of hares that there are. Is three or five years from now the right time to make a decision on permanent protection? Is any time the right time to make that decision? That is a matter of judgement.

Mr Meharg:

There are five-year reviews of the schedules for species, because there can be particularly bad or good years for the population of different species. The past winter will have been a bad year. Therefore, the tendency is to look at five-year averages of populations to try to see any trends and whether they even out. That is why we are looking at a five-year review period for schedules and populations at UK level and in Northern Ireland.

Mr Dallat:

We are starting to split hares.

The Deputy Chairperson:

Very good, Mr Dallat.

We will have a vote on whether to accept schedule 1 as drafted, or to amend schedule 1 to include the Irish hare in schedule 5 to the Wildlife Order 1985.

Members in favour of schedule 1 being amended to include the Irish hare in schedule 5 to the Wildlife Order 1985 are Mr Ford, Mr Dallat, Mr McKay, and members against that proposal are Mr Beggs, Mr Kinahan, Mr Bell, and me, the Deputy Chairperson.

Is the Committee content with schedule 1 as drafted, in relation to the Irish hare?

Members indicated assent.

The Deputy Chairperson:

The Committee has agreed its position relating to all the parts of schedule 1 to the Bill and must now formally agree the schedule.

Mr Ford:

We received written evidence from the RSPB on the issue of schedule 4, which relates to birds that can be kept in captivity and shown for competition. It is my understanding that there is significant concern about birds being imported from the continent to England for showing, because some have been captured in the wild. If there are concerns about birds that are already on that list, that seems to raise a number of questions about the expansion of that list.

Mr C Savage:

As we have explained before, the Department's system of inspecting and monitoring the activity of aviculture is a lot more robust in Northern Ireland. The inspections involve testing birds and looking at the close rings fitted to them, and the new powers to take DNA samples would strengthen our situation even further. If there are any concerns about birds being held and possibly taken from the wild, we are happy that we will have sufficient safeguards in place to mitigate any possible risk from the expansion of the list.

Mr Ford:

How would DNA sampling deal with the suggestion that a bird had been imported from England? Presumably, you would have no DNA records on that bird. I accept that if a bird is supposed to have been bred in Northern Ireland, you will have access to its parents, but if it has been imported from England, how can you deal with that?

Mr Meharg:

That bird will not be a member of the family that is in the collection. Therefore, if someone has a collection of birds, they will have the parentage for that collection.

Mr Ford:

I accept that, but if you carry out a DNA test on a bird that does not turn up family similarities to any other bird being kept by the same owner, and the owner claims to have bought it from somebody in England, do you have any means of knowing that it was bought from a legitimate connection in England, as opposed to it being taken from the wild in Belgium?

Mr Meharg:

Similar DNA records would be maintained in England. There would have to be records of where the bird came from, and we could look at the familial line on that side if we thought that an offence had been committed.

Mr Ford:

I thought that we were saying that our system was more robust than in England, but you are now saying that we can depend on English records being adequate.

Mr Meharg:

No; what I am saying is that the DNA can follow through on that. It can tell you where the species or the individual bird came from. If there is a query over whether a particular bird in Northern Ireland has not been bred in the community and with the parentage that the keeper is claiming, or if it has been bought in from somewhere else, we can track that purchase and go back through records to see where the bird actually came from and whether it came from the line on the English supplier's side. We can use DNA to establish the parentage of the particular bird that came across.

Mr Ford:

The bird could have come from England and both its parents could have died.

Mr Meharg:

In that case, we would have to be reasonable in respect of what we could follow through.

Mr Ford:

That sounds to me like you could not follow that through.

Mr Meharg:

That suggestion is a little tangential in respect of how we have seen breeding being carried out in Northern Ireland.

Mr Ford:

I am afraid that I remain thoroughly unconvinced.

The Deputy Chairperson:

If there is a specific amendment that you would like to propose, I am sure that the Committee will be open to hearing it.

Mr Ford:

I am tempted to propose the deletion of all of paragraph 4 of schedule 1. Indeed, the RSPB's evidence suggests that certain birds that are included in schedule 4 to the Wildlife (Northern Ireland) Order 1985 should be removed from it as well.

The Deputy Chairperson:

The RSPB has suggested the removal of the yellowhammer, twite and reed bunting from schedule 4 to the Order.

Mr Ford:

Yes. Those birds are listed in schedule 4 to the Order. The question is whether any species should be added to that list.

Mr Beggs:

What are those species again?

Mr Ford:

The RSPB's suggestion is that the yellowhammer, twite and reed bunting should be removed from schedule 4 to the Order, rather than more species being added to that list.

The Deputy Chairperson:

Obviously, we will have to bring forward an amendment that is supported by the Committee. I will, therefore, ask the Clerk of Bills to provide some clarification.

The Clerk of Bills:

Due to the nature of the amendments, and because the Wildlife and Natural Environment Bill is an amending Bill, achieving what Mr Ford has suggested will be two-step operation. The first question to the Committee would be whether to amend paragraph 4 of schedule 1 to the Bill to remove from schedule 4 to the 1985 Order the species that the Deputy Chairperson has mentioned; namely, the reed bunting, twite and yellowhammer. That is step one.

The second question that the Committee would be asked is whether it is content to amend paragraph 4 of schedule 1 to the Bill to remove sub-paragraph 2; in other words, to remove the table inserting those other species. I understand that Mr Ford also seeks to do that. Therefore, two amendments to paragraph 4 of schedule 1 are contemplated.

Mr Beggs:

Can we have a departmental view on that?

Mr Meharg:

The way in which aviculture works in Northern Ireland is that all the species that are listed in schedule 4 to the Order are held in collections. There is no conservation issue as regards taking species from the wild because young birds born in captivity are close-ringed immediately. The entire system operates in a closed circle. The activity of showing birds has been carried out traditionally in Northern Ireland for many years, as it has in the United Kingdom. As such, it has been licensed through the Wildlife (Northern Ireland) Order 1985 for that purpose.

Our point is that there is no conservation or protection issue with regard to those species and that activity. That is why, when the list came forward, as recommended by stakeholders who are part of the aviculture family in Northern Ireland, we were happy to include those birds in the lists. There is no nature-conservation issue associated with that particular activity. It is a matter of licensing it to allow it to happen. Otherwise, the showing of those species would be illegal under the terms of the Order, because all birds are protected.

Mr Ford:

According to the RSPB's evidence, it is accepted that there is widespread illegal trapping in Britain and illegal importation from the continent.

Mr Meharg:

As we pointed out in earlier discussions, each year, we monitor one third of licence holders through cold calls, and we have found no evidence of illegality or tampering.

The Deputy Chairperson:

Obviously, Mr Ford, you want the Committee's support to make an amendment. Personally, I do not have an issue with your proposal.

Is the Committee agreed with Schedule 1 as amended by the Department, as outlined in its list of amendments, and as amended by the Committee to include the golden plover in Schedule 1, to amend paragraph 4 of Schedule 4 to the Wildlife Order to remove yellowhammer, twite, reed bunting and remove paragraph 4 from sub-paragraph 2 of the Bill?

Members indicated assent.

Question, That the Committee is content with the schedule, subject to the Department's and

the Committee's proposed amendments, *put and agreed to*.

Schedule 1 agreed to.

Clause 25 (Amendments to Schedules 1 to 9 to the Wildlife Order)

The Deputy Chairperson:

I advise members that clause 25 cannot be agreed until members are content with schedule 1 to the Bill.

Question, That the Committee is content with the clause, put and agreed to.

Clause 25 agreed to.

Clause 14 (Licences under Article 18)

The Deputy Chairperson:

I advise members that they agreed clause 14 last week. However, the Committee has been provided with a copy of an e-mail and a letter from Talnotry Avian Care Trust (TACT) that calls for clarification on clause 14 in relation to licences under the Wildlife and Natural Environment Bill and the crossover with zoo licensing. Members have also been provided with an extract of the Hansard transcript of TACT's evidence session on 4 March 2010 and a further tabled copy of an e-mail from TACT. I also refer members to the tabled note of the meeting between the Chairperson and the Minister indicating that the Minister is sensitive to the TACT issue but would be reluctant to base legislation on a single situation.

I also advise members that the TACT issue is referred to in the Committee's draft report on the Bill, which notes that members sought and received confirmation from the Department that it would continue to liaise with stakeholders with particular needs, such as those requiring group licences or licensing under other legislation, such as zoo licences. Furthermore, members have received a tabled e-mail from NIEA confirming that it will handle licensing under both the Wildlife Order and zoos legislation. As a result of that information, do members wish to propose any amendments or further recommendations?

Mr Kinahan:

Will the officials tell us more about how the Minister feels that the matter should be dealt with?

Mr Meharg:

This is a very sensitive issue. To clarify again, when an injured animal or bird is found and someone wishes to help it, see it through its injury and release it back to the wild, those actions fall under article 5(5)(a) of the Wildlife (Northern Ireland) Order 1985, whereby a person shall not be guilty of an offence by reason of:

“the taking of any wild bird if he shows that the bird had been disabled otherwise than by his unlawful act and was taken solely for the purpose of tending it and releasing it when no longer disabled”.

That is in the legislation. Mrs Nevinnes stated that around 1,000 animals are brought to TACT each year and 500 or so are released back into the wild. That falls completely under the terms of the Wildlife (Northern Ireland) Order 1985, and no licence is required.

However, Mrs Nevinnes said that around 250 animals a year are disabled and cannot be released back into the wild. TACT provides what it terms a sanctuary for those animals. There are various concerns around the keeping of wild animals in captivity. It is an international issue. The Department has received communication from the Born Free Foundation, which is a wildlife charity of international renown. It was established in 1984 by Bill Travers and Virginia McKenna, who were part of the ‘Born Free’ film. It is active in 19 countries across five continents, and it has a United Kingdom office. It lobbies Governments and devolved Administrations to ensure that wild animals in captivity are treated to the highest standards, and to ensure that all zoos and animal collections are licensed under the European zoos directive, where appropriate.

In April 2009, the Born Free Foundation wrote to the NIEA, listing 17 animal collections in Northern Ireland and asking the agency to assess those for the requirement to be licensed under the appropriate regulations. All of those 17 collections were researched and lists of the animals held were passed to Mr Nick Jackson MBE, who is a zoos inspector with 27 years’ experience of inspecting European zoos. He was appointed from the Secretary of State’s zoos inspectors list to carry out the assessment of the 17 Northern Ireland collections. From the lists of animals that were held by each collection, Mr Jackson recommended that two additional establishments, one of which was TACT, should be regulated under the zoos regulations.

Following that recommendation, the Northern Ireland Environment Agency sought legal advice on a number of issues relating to the definition of a zoo. The Departmental Solicitor’s Office advised that TACT falls under the definition of a zoo, given the animals that are retained.

We recognise that TACT carries out a lot of positive work. In fact, the Department has allocated a total of £175,000 to TACT since 2005. We support the work that it does.

We are having discussions with TACT about how we can recognise and encourage the work that it does while dealing with the sanctuary element in which certain wild animals that fall under the zoos directive are kept in captivity for the rest of their lives. The zoos directive contains very strict guidelines about the conditions under which animals must be kept. As the letter from TACT shows, meeting some of those conditions may prove difficult for that organisation to be able to afford or fund. However, those regulations are set in place as a European standard to ensure that where animals are not released back into the wild, their welfare is of the highest standards.

We work with the local vets, who do a lot of work with TACT, and the Larne divisional veterinary office (DVO). It is unaware of TACT and has not yet inspected it under the Animal Welfare Act 2006. That has to be brought into the picture so that the DVO can carry out its inspections. We can work out a protocol to ensure that the welfare of the animals in the collection is a priority; it must come absolutely first and foremost.

Under the zoos directive, there is the ability to derogate from the requirements of the licence. The Department hopes that, working under its statutory requirements and working with the local vets in Crumlin and the divisional veterinary office, it will be able to work out a protocol with TACT to ensure the best possible welfare standards for the animals retained in the collection.

Mr Kinahan:

I still have concerns. If TACT brings in a bird that is badly damaged, it will fall into the zoo category. For example, TACT has a barn owl that is perfectly well but is missing a wing, and it is taken around schools to allow pupils to see what a barn owl looks like. When it is being taken around the schools it is on a string or in a cage, but when it is not being carried around it is kept in a slightly larger area. Following through on the legislation as drafted, that bird, although perfectly well, would have to be put down because it could not be released back into the wild. Is there a way that that bird could still be retained for educational purposes? It is perfectly happy, from a human point of view.

Mr Meharg:

There are many views on what constitutes “happy” from the point of view of the wildlife in

question. Indeed, a great deal of information has been provided on that issue by the Zoos Forum, which considers the various ethical issues surrounding animals kept in permanent captivity.

The particular bird that you have mentioned is called Barney the barn owl, and it has been part of the NIEA-funded programme for the past six or seven years. Barney has been used for educational purposes, and the Department can issue a licence under the Wildlife (Northern Ireland) Order 1985 for wild birds or animals to be used in that way. However, groups that lobby the Department say that children should not see injured wildlife and should only see fully intact animals. There are two views on the issue; Mrs Nevinnes and other folk in sanctuaries have one view, and other international organisations may have another. The Department must sit in the middle and make a decision, but it does have the facility to licence that bird.

Mr Kinahan:

I was hoping that the Department would introduce group licences in the Bill, as that would allow a little more freedom. The zoo designation could be very damaging to TACT, and it is the only body in Northern Ireland that deals with wild animals in that manner. If the Bill is allowed to go through in its current format, I am concerned that the zoos legislation — if we were to use it — will damage TACT. There will be a need for more modern and less agricultural premises in which to keep the birds, and once wheelchair access and everything else that is required is introduced, I am concerned that we will be getting rid of TACT, rather than helping it.

Mr Meharg:

I hope that the requirement to keep animals in captivity is not the sole purpose of TACT. These issues must be looked at from the perspective of the welfare of the animals and the long-term welfare of the species held in that sanctuary.

If group licences were introduced, it could mean that TACT, and other organisations, would be licensed but not regulated under the international guidance for the welfare of animals held in collections and zoos. The Department is concerned about that.

Mr Beggs:

You have indicated that the main driver for single licences is the European zoos directive. However, you also indicated that there is room for derogation from that. Can you explain what you meant by that? Although it was a number of years since I visited the sanctuary, the animals

there at that time did not seem to be kept in particularly stressful conditions. I would not want a situation in which many animals are put down because there is no room for derogation.

Mr Meharg:

There is the facility in the legislation to provide a derogation, to take account of special and unique circumstances. If a case for derogation were put forward, it would be for the Minister to decide upon it. I repeat that the issue here is international standards on the welfare of animals kept in captivity. That is the driver.

Mr Beggs:

I fully understand that. I would not want other private collectors to go around collecting wild animals for their own amusement.

The Deputy Chairperson:

Thank you, Mr Beggs. I suggest that we put that in our report and liaise with the Department on it. We will keep that to the fore. Are you content with that?

Mr Beggs:

Yes.

Schedule 2 (Amendments)

The Deputy Chairperson:

I remind members that they deferred their decision on this schedule until they had seen the proposed departmental amendment to include “possession” in special protection orders.

I also refer members to the tabled departmental list of amendments and advise them that the Department has included a new clause, clause 32A, to address the issue.

Mr Ford:

Unfortunately, I do not have a copy of the Game Preservation Act (Northern Ireland) 1928 in front of me. I thought that we were talking about all game, not merely game birds. The issue is specifically about the position of hares, which might have been claimed to have come from another jurisdiction.

Mr C Savage:

The amendment is to section 7C(1) of the Game Preservation Act (Northern Ireland) 1928, which deals with special protection orders for game, so that is any game. The amendment inserts the words “or possession” after “purchase”.

Mr Ford:

Am I reading the wrong part of it? I thought that this was the Department’s proposed new clause 32A.

Mr C Savage:

No. It is basically [*Inaudible.*] to address concerns about special protection orders.

Mr Ford:

Is that is the proposed subsection (3)?

Mr C Savage:

Yes. I mentioned to the Committee previously that, in our experience of issuing a severe weather order this year, we identified that we could not apply it to game birds, specifically woodcock and snipe. The clause provided is meant to address that gap in the legislation to allow us to issue severe weather orders to protect game birds.

Mr Ford:

Could you please read us the whole of —

The Deputy Chairperson:

Excuse me, Mr Ford. Perhaps the Clerk of Bills can read that out, in order to clarify some points.

The Clerk of Bills:

Do you want to hear the text? You mentioned that you did not have the Game Preservation Act (Northern Ireland) 1928 before you.

Mr Ford:

Sorry; I was reading the wrong bit. I want to know how the whole of section 7C(1) will read.

The Bill Clerk:

With the insertion, it reads as follows:

“Where the Minister is satisfied that it is necessary or expedient to provide special protection for any kind of game, he may by order prohibit the killing or taking, or the sale or purchase or possession, of game of any kind prescribed by the order, during such period not exceeding one year as shall be so prescribed.”

Mr Ford:

So it extends to the killing, taking, sale, purchase or possession. Thank you.

The Deputy Chairperson:

Is the Committee content with the departmental amendment to insert clause 32A, which incorporates the words “or possession”, into special protection orders for game?

Members indicated assent.

The Deputy Chairperson:

I advise members that the Department has also proposed a technical amendment to schedule 2 and schedule 3 arising from its recent experience of introducing protection for game birds during the cold snap.

Question, That the Committee is content with the schedule, subject to the Department’s proposed amendment, *put and agreed to.*

Schedule 2 agreed to.

Schedule 3 (Repeals)

The Deputy Chairperson:

I advise members that they have already agreed to schedule 3. However, are they happy to record in the Committee’s report that although schedule 3 was agreed as drafted, the Committee supports the Department’s subsequent amendment?

Members indicated assent.

Question, That the Committee is content with the schedule, subject to the Department’s proposed amendment, *put and agreed to.*

Schedule 3 agreed to.

Long title

The Deputy Chairperson:

I advise members that the Department has proposed an amendment to the long title of the Bill to accommodate the changes being made to the Game Preservation Act 1928 as a result of the inclusion of the new clause 32A. I also advise members that they have already agreed to the long title. However, are they happy to record in the Committee's report that, although the long title was agreed as drafted, the Committee supports the Department's subsequent amendment?

Members indicated assent.

Question, That the Committee is content with the long title, subject to the Department's proposed amendment, *put and agreed to.*

Long title agreed to.

The Deputy Chairperson:

I advise members that they have been provided with a draft Committee report on the Bill and a list of appendices. I also advise members that the draft report is for information only at this stage and that a final draft will be provided on 15 April 2010 for the Committee's agreement that it be printed. Are members content to agree the list of appendices and key issues in the draft report and to accept that some of those may be amended following today's discussion?

Members indicated assent.

The Deputy Chairperson:

I inform members that they have been provided with an RSPB paper on the additional clauses or recommendations that that organisation wishes to see. Do members wish to discuss any further recommendations? If not, are members content that all the recommendations have been covered, allowing for additions following today's meeting?

Mr Ford:

Are we sure that everything in that fairly substantial paper has been addressed? I presume that we will have opportunity to go through it again when we consider the draft report.

Mr Deputy Chairperson:

We will have an opportunity to go through the draft report.

It was good to see the departmental officials in such good form. Thank you very much for your time. We will be liaising with you over the coming weeks. Enjoy your break.

Mr K Bradley:

I wish to place on record my thanks to the Deputy Chairperson, the Chairperson and the rest of the Committee for the time and effort that they have invested in the Bill and for their decisions and views on it. We look forward to seeing the Committee's draft report in due course.