



Committee for Agriculture, Environment and Rural Affairs

Report on Legislative Consent Memorandum – Pet Abduction Private Member's Bill (UK Government)

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Powers and Membership

Powers

The Committee for Agriculture, Environment and Rural Affairs is a Statutory Departmental Committee established in accordance with paragraphs 8 and 9 of Strand One of the Belfast Agreement and under Assembly Standing Order No 48. The Committee has a scrutiny, policy development and consultation role with respect to the Department for Agriculture, Environment and Rural Affairs and has a role in the initiation of legislation. The Committee has power to:

- Consider and advise on Departmental budgets and Annual Plans in the context of the overall budget allocation;
- Approve relevant secondary legislation and take the Committee Stage of relevant primary legislation;
- Call for persons and papers;
- Initiate inquiries and make reports; and
- Consider and advise on matters brought to the Committee by the Minister of Agriculture, Environment and Rural Affairs.

Membership

The Committee has nine members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows:

- Tom Elliott MLA (Chairperson)
- Declan McAleer MLA (Deputy Chairperson)
- John Blair MLA
- Nicola Brogan MLA
- Tom Buchanan MLA
- William Irwin MLA
- Patsy McGlone MLA
- Michelle McIlveen MLA
- Áine Murphy MLA

List of Abbreviations and Acronyms used in this Report

LCM: Legislative Consent Memorandum (or Motion)

PMB: Private Member's Bill

PSNI – Police Service of Northern Ireland

USPCA – Ulster Society for the Prevention of Cruelty to Animals

Background

1. A Pet Abduction offence was previously included in an Animal Welfare (Kept Animals) Bill, following a recommendation on the matter from the [Pet Taskforce](#), which the UK Government had established to investigate the reported rise of pet theft in England and Wales during the Covid-19 pandemic. The Taskforce's conclusion in September 2021 was that a new offence, pet abduction, should be created that "could switch the focus from the loss to the owner to the welfare of the animal" when sentencing.
2. That Bill was introduced at Westminster on 08 June 2021 as a Government Bill and Committee Stage was completed on 18 November 2021. The Bill was carried over to the 2022-23 parliamentary session and would have made provisions about the welfare of certain kept animals that are in, imported into, or exported from Great Britain.
3. However, on 25 May 2023 the Secretary of State for the Environment, Food and Rural Affairs announced that the Bill would not continue further and instead the Government would take forward measures that were in the [Animal Welfare \(Kept Animals\) Bill](#) as individual single-issue Bills during the remainder of the Parliament.
4. The previous DAERA Minister, Edwin Poots MLA, had agreed at that time that the Pet Abduction offence should extend to Northern Ireland, subject to the approval of the relevant Legislative Consent Memorandum (LCM) in the Assembly.
5. The UK Parliament will not normally legislate on devolved matters without first obtaining the consent of the Northern Ireland Assembly. Consent is given through a Legislative Consent Motion which is debated in the Assembly Chamber (Standing Order 42A).
6. As one of the single-issue Bills referred to above, the UK Government is now supporting a Private Members' Bill (PMB) which will create a specific offence or

the abduction of cats and dogs - these would carry a maximum prison sentence of five years. It would also provide powers to extend the legislation to cover other pets if necessary.

7. In the absence of ministers and a sitting Executive at the time, DAERA officials advised the Committee by letter that they were unable to provide agreement for the inclusion of Northern Ireland in this Westminster PMB. Officials did, however, complete much of the necessary preparatory work to allow a decision to be taken by the new Minister, Andrew Muir MLA, and the returned Assembly.
8. This included working with the Departmental Solicitor's Office and Department of Justice Officials on the Northern Ireland provisions to create this new offence.
9. The PMB, as introduced to the UK Parliament on 6 December 2023 does extend to Northern Ireland and as this is in relation to a devolved matter, inclusion of these provisions for Northern Ireland will require approval of Legislative Consent Motion in the Assembly.
10. The PMB aims to recognise that pet animals are not mere property but sentient beings. It includes an enabling power to extend the offences to other species of pet, subject to certain conditions. It seeks to enhance criminal justice data reporting and monitoring of pet abduction cases to better understand and tackle the issue.

Committee Consideration of Legislative Consent Memorandum

Committee Meeting - 11th April 2024

11. At its meeting on 11th April 2024, the Committee had before it written correspondence from the Department regarding the principle of creating a new pet abduction offence in Northern Ireland and detail of the legislative provision needed to give effect to it in a Private Members' Bill which is currently making its way through Parliament.
12. As the provision would relate to a devolved matter, it would require a Legislative Consent Motion to be agreed by the Assembly and the views of the Committee were sought, in principle, in the correspondence on the tabling of such a motion.
13. At this meeting the Committee also had before it a copy of the Pet Abduction PMB (as amended in Committee in the House of Commons) and a copy of the Explanatory Notes to the Bill provided by the Department for Environment, Food and Rural Affairs.
14. The Committee noted that under the Memorandum of Understanding between central government and the devolved administrations, where Parliament intends to legislate on a transferred matter, it is normal practice for the relevant GB Minister to seek the agreement of the devolved administration.
15. The Department highlighted in its written briefing that it would be preferable for Executive agreement to have been provided, prior to consulting the Committee on this matter. However, due to the delay in securing time for Executive discussion of this matter and also time pressures to provide the necessary consent, this has not been possible.
16. The Committee noted that it is normal practice for an LCM to be provided on Bills in advance of them reaching Report stage in the House of Commons.

However, in this case, the Bill was scheduled for Report stage on 19 April and it would not have been possible to secure an LCM before this date.

17. The Department, in any event, requested the initial views of the Committee on progressing an LCM to enable the Bill sponsor to consider whether to proceed to the House of Lords with the Bill as currently drafted.
18. The Committee considered the written briefing provided by the Department concerning the Westminster PMB and noted that it creates specific offences for the abduction of dogs and cats to recognise that pet animals are not mere property but sentient beings. It also includes an enabling power to extend the offences to other species of pet, subject to certain conditions.
19. In its written briefing the Department noted that while this is clearly a devolved matter that should really be dealt with by the Northern Ireland Assembly, it wished the Committee to consider the advantages to agreeing to extend this offence to Northern Ireland as part of the PMB.
20. To take this legislation forward locally would require a Bill for the primary legislation and this Bill would need to complete all the necessary legislative stages and entail significant resources within the Department.
21. The Committee concluded its consideration on 11th April by noting that subject to Executive approval and the Committee's view, the Department intended to lay the LCM in the Assembly within the next two weeks. The LCM is expected to be debated in the Assembly in May.
22. The Committee agreed that, in principle, it had no objection to the LCM moving forward, however, Members requested that a letter be sent to the Department to ask if DAERA had consulted any of the main relevant stakeholder groups on the pet abduction proposals and, if so, to provide any responses from these groups to the Committee.
23. It was also agreed that Committee staff should begin preparatory work for the scrutiny, including requesting a written briefing from RalSe and an oral briefing

from the Department at which meeting it would further consider the written material provided by the Department.

Committee Meeting – 2nd May 2024

24. At its meeting on 2nd May 2024, the Committee noted correspondence from the Department advising that LCM – Pet Abduction Bill was laid before the Assembly on 19th April under Standing Order 42A(2) and also considered the Pet Abduction Bill – as introduced to Parliament on 6 December 2023 and the Explanatory Notes on the Pet Abduction Bill.
25. In considering the LCM the Committee raised a number of matters of concern that they wished to highlight in the Committee Report (see Conclusion section).
26. In addition, the Committee noted the following as preparatory work for further scrutiny of the LCM:
 - Due to the limited time available for scrutiny the Committee directly contacted five main stakeholders for their comments on the Pet Abduction PMB – USPCA, Dogs Trust, Cats Protection, Kennel Club NI and the PSNI; and
 - It was agreed that the meeting of the 9th May would be focused on scrutiny of the LCM and Pet Abduction Bill with:
 - i. paper and briefing from RalSe;
 - ii. briefing from Departmental Officials; and
 - iii. consideration of any responses from the stakeholders; and
 - iv. consideration of the draft report.
27. At that meeting the Committee also considered a response from the Department to its letter sent on 12th April asking if DAERA has consulted any of

the main relevant stakeholder groups on the pet abduction proposals, and if so to provide any responses from these groups to the Committee.

28. The Department responded that no part of the UK has formally consulted on the contents of this Bill. Previously, UK Government officials engaged with the Royal Society for the Prevention of Cruelty to Animals (RSPCA), a UK wide organisation, as part of the work of the Pet Taskforce. However, there has been no direct engagement by the Department with key stakeholders in Northern Ireland on this matter to date.
29. The Department also advised that when the Pet Abduction Bill receives Royal Assent, it will require a Commencement Order to introduce the provisions in Northern Ireland. Prior to the introduction of this Order, the Department intends to engage with key stakeholders on this matter.
30. The response highlighted to the Committee that it is anticipated that the introduction of this legislation will be universally popular, and it is not expected that stakeholders will have any concerns as pet theft is a very emotive issue.

Committee Meeting – 9th May 2024

RalSe Briefing

31. The Assembly Research Officer, Mark Allen, from the Assembly Research and Information Service (RalSe), highlighted to the Committee that the provisions of the Bill deal with competencies which are devolved, but the Bill was, in fact, introduced in December 2023 when the Northern Ireland Assembly and Executive were not functioning. RalSe noted that the Bill has received cross party support in the UK Parliament and any amendments have been minor in nature.
32. The Research Officer (RO) highlighted that local animal welfare groups have all welcomed the Bill, which is composed of seven clauses and effectively creates two new offences of dog abduction and cat abduction and would also afford the

DAERA Minister with the powers (through secondary legislation) to create similar abduction offences for other animals kept as pets. Conviction of an offence under the provisions of the Bill in Northern Ireland would see convicted persons being liable for a maximum prison sentence of five years, a fine or both.

33. With regard to cat and dog thefts in Northern Ireland, RalSe noted that the most recent PSNI published annual crime statistics covering (period until end of 2023) do not disaggregate pet theft from overall figures of theft/robbery. This makes it difficult to assess the scale of pet abduction in Northern Ireland at present.
34. However, RalSe were able to ascertain that a Freedom of Information request submitted by dog food retailer, Dragonfly Products, to all UK police forces in 2023, sought to determine the number of dog thefts over the last six years¹. The PSNI identified a total of 215 dog thefts, meaning around 35 per year in Northern Ireland.
35. The RO has not been able to identify any specific data around the level of cat abduction within Northern Ireland.
36. The RO highlighted that the Kennel Club, Cats Protection and Dogs Trust (UK wide organisations with members and activities in Northern Ireland) have both endorsed the provisions within the Bill to introduce a new and specific offence to tackle pet theft and prioritise the welfare of pets as sentient beings.
37. The USPCA has previously campaigned (in 2005) on the issue of pet abduction, in relation to pets being used to 'blood' dogs being bred for illegal fighting.
38. In terms of sentencing, the RO highlighted a potential issue for consideration - that being found guilty of an offence under the Bill can lead on conviction on

¹ [Pet theft HOTSPOTS revealed as nearly 5,000 dogs stolen in last six years, Your Pets Daily website, 1 December 2023](#)

indictment to imprisonment for a term not exceeding five years, a fine or both. It was noted that this creates a potential anomaly as the existing offence provisions for theft of property, which can include pets, as set out in the Theft Act 1968² (section 7), can result in a seven-year term for imprisonment from conviction on indictment.

39. The RO went on to highlight that this issue is potentially more acute in Northern Ireland, given that theft of property offences and associated penalties are currently dealt with through the provisions of the Theft Act (Northern Ireland) 1969³ where a person found convicted on indictment can be liable to imprisonment for a term not exceeding ten years (and pets are considered as property under this law).
40. The Members discussed this potential anomaly and it was highlighted by a Committee Member that in his discussions with the USPCA it was noted that these maximum sentences are rarely, if ever, given for pet theft and this would support the need for the separate focused offence of pet abduction in Northern Ireland through the LCM.
41. The Members also discussed that that the proposed maximum penalty of 5 years imprisonment or a fine or both would also align with penalties currently within the Welfare of Animals Act (NI) 2011. Members were also supportive of the fact that a specific offence would ensure more accurate data gathering and reporting of pet abduction.
42. The Members discussed the fact that it will be more difficult to determine if a cat is stolen as microchipping of cats is not mandatory at present in Northern Ireland.

² [Theft Act 1968](#)

³ [Theft Act \(Northern Ireland\) 1969](#)

Departmental Briefing

43. The Committee had before it the written submissions from the stakeholders and the written briefing materials provided by the Department for the meeting of 11th April.
44. It received an oral briefing from the Officials on the PMB and the need for the LCM. The Officials accepted that such an issue would normally be dealt with through an Assembly Bill but that this would take one to two years and that the LCM is the most timely and proportionate way forward.
45. They also accepted that the timescales of the Bill's passage through the House of Commons and now the House of Lords combined with the timing of the Assembly's restoration meant tighter timescale than would be usual for an LCM – as it would be usual for an LCM to be completed before the Westminster Bill would go to the House of Lords. However, the Department was reassured that local animal welfare organisations were very positive about the provisions and comments in the media and on social media had also been very positive.
46. The Department advised the Committee that the Westminster PMB creates specific offences for the abduction of dogs and cats to recognise that pet animals are not just property but sentient beings. It also includes an enabling power to extend the offences to other species of pet, subject to certain conditions.
47. The Committee noted that it seeks to enhance criminal justice data reporting and monitoring of pet abduction cases to better understand and tackle the issue. Consideration of a pet abduction offence followed a recommendation on the matter in a report published in September 2021 by the Pet Theft Taskforce. It highlighted the emotional impact of pet theft on owners and the impact of pet theft on animal welfare and recommended that a new offence for pet abduction should be created.

48. The Department highlighted that the current position in Northern Ireland on pet theft is broadly the same as in the rest of the UK; the Theft Act (NI) 1969 (the 1969 Act) makes the theft of property, including that of a pet animal, a criminal offence.
49. The Department highlighted in its written briefing that the Bill provides that someone commits an offence if they take or detain a cat or dog without lawful authority or reasonable excuse. The proposed maximum penalty on conviction on indictment for the offence is 5 years imprisonment or a fine or both.
50. The Committee discussed that while maximum penalties under the Theft Act are higher, for example for theft it is 7 years in England or 10 years in Northern Ireland, sentencing for offences under this Act would also consider the financial loss. The new pet abduction offence would sit outside of offences in the Theft Act and Courts would have more freedom to consider the total level of harm to the owner and animal by treating them as a sentient being and therefore sentencing would not just be based on the monetary loss.
51. The briefing reminded the Committee that the maximum penalty for child abduction in both jurisdictions is 7 years; it would therefore be difficult to justify a higher maximum offence for pet theft in comparison. The proposed maximum penalty of 5 years imprisonment or a fine or both would also align with penalties currently within the Welfare of Animals Act (NI) 2011.
52. The Committee noted that the offence would not apply in cases of disputes between persons in the same household containing the animal (e.g. marital disputes or disputes between co-habitants and former co-habitants that jointly care or cared for the animal).
53. A “reasonable excuse” exception is intended to allow the court the discretion to determine on a case-by-case basis whether the taking or the detention of the animal is unlawful (e.g. a person looking after a stray dog until ownership can be established or a neighbour that allows a cat to enter their premises now and again).

54. In the question and answer session with the Officials a number of matters were discussed as follows.
55. The potential additional resources required by the PSNI was highlighted, however, Officials noted that the PSNI would already be dealing with these thefts so there should be no additional burden in practice.
56. The microchipping of cats was further discussed and the Officials highlighted that it is already in the code of practice for cat owners to have their cat microchipped and that it will be mandatory in England from June 2024. The Department proposes to monitor how it works in England with a view to considering the introduction of same in Northern Ireland in due course. The Minister is willing to consider this move when it is clearer from England how it is working.
57. The issue of ‘reasonable excuse’ was explored further, particularly in cases of potential sheep ‘worrying’ by an unaccompanied dog loose on a farm – would the farmer be accused of theft if they detained the dog? The Officials assured the Members that the Bill does cover finding and detaining an unaccompanied dog provided the dog is reported to the PSNI and is collected and taken to an appropriate facility/owner sought via microchip record etc. The Officials advised that ‘worrying’ is covered by the Dogs (Northern Ireland) Order 1983.
58. The lack of a single national database for microchipped pets was also discussed. The Officials advised that the Defra consultation had raised the potential for a single point of access to the various microchip databases in use across the jurisdictions. This single point of access could potentially extend to Northern Ireland.

Position in Other Jurisdictions

59. The Department’s written briefing outlined the positions in other jurisdictions. The Welsh Government previously indicated that it wished pet abduction provision within the Animal Welfare (Kept Animals) Bill to extend to Wales but

was not able to take up the offer to be included in the PMB due to staff resource pressures to secure the necessary LCM. The Scottish Government intends to deal with the matter through updated guidance rather than legislation. However, it is possible that similar measures could be introduced in both Scotland and Wales at a later date. There is currently no specific offence for pet theft in Ireland. A motion had been proposed by a TD to amend the Criminal Justice (Theft and Fraud Offences) (Amendment) Bill 2020 to reflect that pets are more than property, to act as a deterrent against the theft of companion animals. This amendment was not, however, carried at that time.

Responses from Stakeholders

60. At its meeting on 9th May 2024, the Committee considered the responses received from the USPCA, Dogs Trust, Cats Protection and the Kennel Club. Links to the full responses can be found in the Appendices.
61. **The Committee were pleased to note that the Dogs Trust** welcome the Pet Abduction Bill and are pleased that the Committee for Agriculture, Environment and Rural Affairs is considering an LCM to bring this legislation into force in Northern Ireland. The response highlighted that the loss of a dog has a profound impact on its family, particularly on those who have little support from elsewhere. Also ‘disenfranchised grief’, is common, which describes grief that is not acknowledged by society.
62. They highlighted that statistics on pet theft are inaccurate and inconsistent because police forces are not required to record instances of pets being stolen separately in cases of theft and stated that, sadly, most stolen dogs never make it back to their homes.
63. It is important to the Dogs Trust that the PMB delivers:
 - Dog Theft to become a specific offence with its own code - to enable accurate data recording and build visibility of the true scale of the issue;

- Tougher sentencing in line with animal cruelty sentencing guidelines. We recommend a maximum sentence of 5 years, which recognises the sentence of pets and the emotional impact of having a pet stolen; and
- Single access point to the microchip databases to help connect lost pets with their owners.

64. **The Committee were pleased to note that Cats Protection** also welcome the Pet Abduction Bill and the LCM and highlight that Cat theft has a devastating effect on cats and their owners - Cats Protection's CATS Northern Ireland report 2023 showed that 91% of owners consider their cat part of the family.
65. Cats Protection believe that the proposals in the Pet Abduction Bill will help in three fundamental ways:
- By deterring those looking to exploit animals for financial gain;
 - By giving pet-owners a specific legal framework to ensure their case is actively investigated; and
 - By requiring police to log and investigate these crimes as pet theft rather than property, which will lead to the collating of data about this crime.
66. They support the two provisions (the "dog clause" and the "cat clause") in the PMB, in that the dog clause expressly applies the provision where a person either detain[s] a dog or take[s] it, whereas the cat clause refers only to taking. Cats Protection believes this is a fair and sensible approach - providing the right balance in terms of deterring criminals and protecting cats while also avoiding interfering with cats roaming enjoyment as well as their routines with friendly neighbours.
67. They support that the Bill contains clear safeguards to ensure those with altruistic intentions are not criminalised; by providing a 'reasonable excuse' defence as well as in the distinction between the way in which cats and dogs are treated in the Bill.

68. **The Committee were pleased to note that the USPCA** responded welcoming the introduction of The Pet Abduction Bill which will address the fact [through this LCM] that there is no legislation specifically addressing pet theft in Northern Ireland. Currently in law it is viewed in the same way as when property is taken:

The existing law fails to fully consider animal welfare or the impact on pet owners of a crime that can be devastating.

The USPCA encourage the legislation to be extended to recognise all pet companions and when the Bill is enacted in its current form then maximum sentencing must be employed by the Courts so that the Bill acts as a true deterrent to discourage criminals from stealing animals.

69. The USPCA also highlighted that prevention will always be better than cure and the Bill would help track crime levels and help to develop more effective prevention strategies. There may also be future provision to include the recommendations of the Pet Theft Taskforce around strengthening microchipping databases and rules and would support one National Microchipping Database that all enforcement agencies, veterinary practices and animal welfare charities could access.
70. The USPCA proposes an education campaign for pet owners alongside the Bill, letting people know how they can keep pets safe and reminding the public that they should have their dog microchipped and licensed by law.
71. **The Committee were pleased to note that the Kennel Club** welcomes the Bill and is pleased that this important Bill, which will introduce a new and specific offence to tackle pet theft, has moved swiftly through the UK parliament. The Kennel Club highly commend the hard and persistent work of every organisation who has been raising awareness and calling for action on this issue for many years.
72. The Kennel Club highlighted that it has long campaigned on the issue of pet theft, lobbying for sentencing to recognise the emotional value of a dog and for

better reporting and recording from officials so that underlying causes of dog theft can be tackled.

73. It highlighted that its 'Paw and Order' campaign, launched after lockdown, illustrated the need for reform and spurred thousands of dog lovers across the UK to write to their elected representative. Statistics gathered as part of the campaign showed the failure to tackle a crime that affects nearly 200 families across the UK every month and just two per cent of dog theft cases in 2020 resulted in a criminal charge.
74. The Committee noted that the Kennel Club hope that the Legislative Consent Motion will be supported by the Assembly, such that this new law will apply to Northern Ireland. They highlighted that currently, the theft of a pet is treated no more seriously than the theft of a mobile phone and that this new law is needed to ensure that sentencing provisions reflect a dog's sentence and their role within their family, as well as fully considering the emotional harm inflicted on the victims of this crime.

Conclusion

75. At its meeting on 9 May, **the Committee agreed to support the Minister's Legislative Consent Motion on the Pet Abduction Bill and to recommend that it is approved by the Assembly.** Members, however, wished to highlight a number of points that arose during its scrutiny.
76. The Committee recognised the positive arguments in this specific case for an LCM to introduce this widely supported legislation via the Westminster PMB, with the accompanying reduced resource requirements and reduced time to have this law in place in Northern Ireland (than would be the case if a specific Bill was commenced through the Assembly). However, the general point was made by the Committee that devolved matters should be legislated for by primary legislation made by the Northern Ireland Assembly as far as possible.

77. The Committee also generally noted the short timeframe for scrutiny of LCMs and the limited chance of making any amendments. With this particular LCM, Members highlighted the unusually tight timeline for the scrutiny of the LCM as the Bill is already in the House of Lords.
78. The Committee expressed concern that the Department had not consulted with stakeholders prior to the making of the LCM (due to time constraints) but were pleased to note that the LCM seemed widely supported. Members were somewhat reassured by the support for the LCM by animal welfare groups and also by the fact that the Department advised that prior to the introduction of the Commencement Order, the Department intends to engage with key stakeholders.
79. The Committee noted that RalSe highlighted the issue of sentencing being potentially lower than under current theft law in Northern Ireland – but that sentencing for offences under this Bill would also consider the financial loss, which is an additional positive factor.
80. The Committee expressed concerns about the lack of clear understanding of the animal welfare responsibilities and interfaces between animal welfare officers in councils, in DAERA and in the PSNI and recommend that those organisations consider how the co-ordination might be improved, given the implications of this LCM.
81. The Committee were made aware that the PSNI do not currently publish a breakdown of pet theft in crime statistics and this matter will also need to be addressed going forward and generally recommended to the Department that further work with the PSNI should commence around the implications of this Bill.
82. In addition, the microchipping of cats was discussed during the evidence session with the Department and the Committee noted that it is to be mandatory in England from June 2024 and recommends that the Minister

seriously considers following that path also, as it will otherwise be difficult to ascertain a cat as 'stolen' given their nature to roam.

83. The lack of a single national database for microchipped pets was also discussed. The Officials advised that the Defra consultation had raised the potential for a single point of access to the various microchip databases in use across the jurisdictions. This single point of access could potentially extend to Northern Ireland and the Committee felt that this route sounds advisable.

Links to Appendices

Appendix 1: Memoranda and Papers from the Department for Agriculture, Environment and Rural Affairs

[View Memoranda and Papers supplied to the Committee by the Department](#)

Appendix 2: Minutes of Proceedings

[View Minutes of Proceedings of Committee meetings related to the report](#)

Appendix 3: Minutes of Evidence

[View Minutes of Evidence from evidence sessions related to the report](#)

Appendix 4: Written submissions

[View written submissions received in relation to the report](#)

Appendix 5: Research Papers

[View Research Papers produced by the Assembly's Research and Information Service \(RaISe\) in relation to the report](#)

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