



Northern Ireland
Assembly

**COMMITTEE FOR
AGRICULTURE AND
RURAL DEVELOPMENT**

OFFICIAL REPORT
(Hansard)

Dogs (Amendment) Bill

9 November 2010

NORTHERN IRELAND ASSEMBLY

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RURAL DEVELOPMENT**

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Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)

Mr Roy Beggs (Deputy Chairperson)

Mr P J Bradley

Mr Willie Clarke

Mr Simpson Gibson

Mr William Irwin

Mr Kieran McCarthy

Mr Francie Molloy

Witnesses:

Mr Martin Mooney) Department of Agriculture and Rural Development

Mr John Terrington)

The Chairperson (Mr Moutray):

With us today are John Terrington and Martin Mooney from the Department. Gentlemen, you are welcome once again.

It has been agreed by the Committee that the Department should explore making clause 2 dormant until such times as appropriate processes and procedures are developed to allow for the functional operation of microchipping. At this point, we will bring in the officials. You may

want to address the letter from the Department on microchipping and licensing.

Mr John Terrington (Department of Agriculture and Rural Development):

As we said last week, the Bill allows for a delay in the commencement of any of the clauses; that is possible.

The letter addressed a number of issues that we have dealt with before. For example, we had set out that microchipping and licensing are not the same thing. Microchipping could have some impact on stray numbers, but that is not its only and primary function; the other aspects of the Bill deal more directly with straying. On the resource implications of universal microchipping, in the letter we said that we still do not see that the introduction of compulsory microchipping will in itself place any burden on councils or ratepayers, but that there will be a cost to those dog owners who cannot avail themselves of any of the free services that are out there. Indeed, the regulatory impact assessment that we consulted on suggested that most of the councils that responded were content that the Bill has no additional economic impacts.

We also point out, as we have done before, that non-compliance is an issue. However, non-compliance in any licensing comes down to appropriate enforcement and suitable deterrents, and the Bill tries to address that in some way.

We also set out that we looked at including microchipping in the licence fee in some manner as part of the policy development. However, our concern was that that would transfer the cost to the councils, and the councils did say that if microchipping was to be brought in, it should certainly not fall to them.

Finally, we addressed the issue of banned breeds and suggested that we had looked at all the available options, including an option, on which we consulted, that would remove the need for court cases and some of the costs that the councils had raised as an issue. However, that suggestion was turned down during the consultation and was dropped. Indeed, it became clear that only one council had explicitly called for the repeal of breed-specific legislation (BSL).

We have also tabled the amendments that the Committee asked for: the introduction of

training as a control condition; an extension of dog-on-dog attacks to dog-on-companion-animal attacks; the introduction of a fixed penalty regime in line with the Clean Neighbourhoods and Environment Bill; and amendments with respect to Assembly procedure.

The Chairperson:

OK; thank you. Can we just concentrate on clause 2 at the moment? According to the Hansard report of previous Committee meetings, the Department's main justification for clause 2 is that it will make it easier to trace a lost or stolen dog, and the dog licence is an income generator for councils. How do those combined systems meet the public's desire to tackle dangerous dogs and reduce the number of stray animals?

Mr Terrington:

In the first instance, being able to identify a dog is about being able to hold an owner accountable. If the owner of a dog that has been involved in an attack can be identified through the microchip, that improves enforcement. The increase in the licence fee will provide additional income to the councils to enforce all the aspects of the Bill.

Straying is also about the accountability of the owner. We are content that straying in and of itself is not helped by microchipping, but the number of strays that need to be destroyed or rehomed because they are unidentified will be helped through compulsory microchipping.

The Chairperson:

Is it possible for microchipping databases to be adapted to allow for the registration and the identification of the dog?

Mr Martin Mooney (Department of Agriculture and Rural Development):

At present, the database operators do not have any statutory obligation to operate a registration system; they basically hold data for the identification of dogs.

The Chairperson:

That is the situation at the moment, but could that be provided through this Bill?

Mr Terrington:

The first thing is that the registration system — as we have said, and you have fed it back to us — is about income generation. The costs would go to the cost of the microchip and running the microchip databases, whereas the Dogs (Northern Ireland) Order 1983 provides that licence fees go towards the provision of a warden system and requires councils to have wardens. There is a disjunct in how income could be generated.

Mr Molloy:

We have not got a clear answer yet as to why there is a need for both systems. It is a tax-raising power, and that is one aspect in relation to costs, but the licence fee does not come anywhere close to paying for the warden system, even with the increase. It is only a contribution towards it.

The Department continues to say that no additional resources are required. I talked to local government people and NILGA people last week, and they have now realised that additional resources are required for both these Bills and that the consultation was not a full and proper one. There are a number of queries from local government in relation to how it will be implemented.

What you are really talking about is an additional burden on ratepayers from a central or council level. If you are paying a bill, I suppose that it does not make much difference one way or the other, but there has been no link yet, except for bureaucracy. To have microchipping and to have the council paying for the dog warden system through the rates system is probably cheaper than having to administer a licence system as well as the microchipping system, which they have no control over, and they have no control over the database. Instead of civil servants coming here and saying that the present system does not deliver that, we need them to come and say that they can deliver. We get the usual 101 reasons why they cannot do something, but we need one reason why it is needed and how it can be done, and that is not available from you.

Mr Mooney:

Microchipping is needed to improve the identification of dogs.

Mr Molloy:

Why do you need both systems?

Mr Mooney:

Because a registration system does not help to identify the dog. It records details of the ownership of the dog. The microchip actually identifies the dog as being owned by a particular person.

Mr Molloy:

There is something missing, because I do not understand. If a microchip can tell you that a dog is owned by a certain person, why do you need a tag on its ear, which can be cut off at any time? It gives you the same information. Why do you need that duplication?

Mr Terrington:

Some councils raised that issue. We entirely accept that if there is duplication by the introduction of microchipping, it is the requirement for a dog tag and a microchip. The 1983 Order requires that you register your dog and that the dog be identified through the collar tag. The introduction of compulsory microchipping just moves that into more modern times, rather than having something that, as you said, can be cut off.

I am sure that there are dogs whose collars have been removed, if they ever had one, as the dog is abandoned and there is no link to the owner. Collar tags can fall off and be forgotten. On the other hand, some councils told us that tags provide visual identification that, to all intents and purposes, the dog is licensed. Therefore, the scanner is not required. Some are content with the duplication. Tags allow wardens out on patrol or in vans to identify a dog as entirely under control and not causing anybody harm, because it is tagged and the owner is meeting the requirements of the legislation. However, when the dog is straying or has been involved in an attack and is not tagged, or there is some dispute over ownership, the permanent identification through microchipping on top of that adds to the potential for identifying and holding to account the owner.

Mr Molloy:

If microchipping is a good system for tracing a dog, if it is straying, you can scan it and read it, and you do not have to be beside it. With a tag, you have to catch the dog to identify its owner,

because you cannot read the tag from a distance. I presume that a scanner can read a microchip from a distance, as with sheep and other animals. However, microchips are not actually implanted into sheep. The information is on a tag, so why not use that system if you want both? If you can do it with sheep, where you can identify the number and herd through a scanner, surely the exact same system can be used for dogs? The Department just does not want to do it. It wants both systems and to be able to say to councils that they can raise revenue. There is no other reason why a system that is already there cannot be adopted.

Mr Terrington:

We are quite happy to accept that the licensing and registration regime is there primarily to bring in income. That is what the 1983 Order did. It does, through subordinate legislation, allow for identification. There are pros and cons to maintaining that separate set of provisions, in terms of a neighbour being able to return a dog because it has a name and address on it.

Our understanding from wardens is that owners who are fully compliant, who accompany their dogs or walk them on a lead, whose dogs are not causing anybody any hassle, and whose dogs have tags will never be approached by a warden.

Mr Molloy:

I raised this issue a couple of weeks ago and did not get a response from the Department. I know of a case of six dogs, which were licensed, harassing a care dog. When the care dog's owner reported that to the council, it said that there was no problem because the dogs involved were licensed. If dogs are harassing other dogs, in this case harassing a guide dog for the blind, it should not matter whether they are licensed or not. Surely, that is the sort of thing that must be stopped. The tag on it does not make any difference.

Mr Terrington:

If what was brought to the council was an attack by a dog on another dog, guide dog or otherwise, the council was correct to say that there was nothing that it could do. The Bill seeks to deal with that separately. If this was to be enacted, and if there was a similar case, the council could not pursue the owners for not having a licence, but the owners would be guilty of the offence of owning a dog that had attacked another dog.

Mr Molloy:

But unless that dog can be caught, its tag cannot be read, whereas a microchip can be read at a distance.

Mr Terrington:

It is going to be very similar. At the end of the day you need to be holding the dog and giving it a scan from within a couple of feet — centimetres to be sure, depending on the power of the scanner.

Mr Molloy:

That is the nip of the thing. People have been given the idea that wardens can use microchipping to identify from a distance a dog that is in a fight or kills a sheep. That is now rubbish. You are saying that, no matter how vicious a dog is, the dog warden still has to catch it. Whether a dog has an ear tag or bells on its toes does not make a difference if you cannot catch it. The biggest problem with sheep worrying is that, most times, the dog cannot be caught. Are we any further forward?

Mr Terrington:

I certainly do not think that we ever gave the impression that you could do this from a distance.

Mr Molloy:

Oh, I think you did.

Mr Terrington:

It was always a requirement that you needed to have the dog. The issue of sheep worrying is an interesting one, because evidence is gathered mostly via vets being able to take wool from a dog's mouth to prove that it was involved in an attack. In most cases, it would be a requirement —

Mr Molloy:

Mostly, that happens after a dog has been shot. They can pick at it afterwards. At that stage, there is little real benefit in identifying a dog, except to find out its ownership.

Mr Terrington:

But that is important —

Mr Molloy:

Having a tag and a microchip would not make any difference. One of them would do.

Mr Terrington:

In that instance, you are correct. Once you have the dog, it is likely that you would identify its owner from just its tag, without ever going near its microchip. However, the point is that a dog may not have a tag, whereas a microchip is permanent.

Mr W Clarke:

Welcome back, gentlemen.

I argued for linking microchips to licences as a one-stop-shop solution, and we discussed that last week to try and get more detail. Francie raised some of the issues, and you also touched on them, around putting a greater burden on councils and the need to perhaps re-consult on that if the amendment is made. I understand where you are coming from on that.

If this is allowed to lie dormant, will guidelines be produced to bring councils along with your thinking and what you are trying to imply with the microchipping? That is what is needed. We touched on the Omagh project and how it is working well. I would like more information on that.

I want to protect the responsible dog owner who will get the dog microchipped, but I do not want him to have a greater financial burden. Maybe the market will lower the price. If more people are microchipping their dogs, the price might be kept to a minimum. There would then be opportunities for councils to enter procurement arrangements in clusters, or all of the councils could come together to purchase microchips. There are opportunities, and that is what I would like to tease out. Dog charities could step up to the plate as well.

Mr Terrington:

Absolutely. Whenever this is commenced, be it the day after or any time thereafter, it will be highly appropriate for us to put out guidance to owners and to councils. We have started that process with councils, on all aspects of the Bill. When it starts, that is something that we will be happy to do.

Mr Mooney:

Organisations such as the Dogs Trust are in the process of giving microchips to councils. I think that the current project is 400 free microchips each. They have provided training for dog wardens. That is the kind of programme that they are rolling out. We have spoken to them on a number of occasions. They are very committed to compulsory universal microchipping in any kind of dog-owning community across these islands. They look at the roll-out of compulsory microchipping here almost as a pilot for Britain and the South. They are absolutely committed to making it work here. I think that you will see their campaigns continuing, if not stepping up.

They have a close relationship with the manufacturers of the little chips, so you will see shoulders being put to the wheel with regard to procurement. They will work on guidance and a roll-out programme with councils, other such organisations and the database operators, because they are absolutely committed to this. That is why they do it. I do not think that there is any intention to move until that is in place.

Mr W Clarke:

That is fair enough.

Mr Beggs:

I am looking at the correspondence that was given to us by the Department today. There is a table towards the end of the paper. It is not well copied in my copy. Is that for 2009?

Mr Terrington:

Yes.

Mr Beggs:

The number of dogs impounded has significantly decreased over the three-year period, from about 10,300 to 8,500. The number of dogs being reclaimed has also gone down. There has also been a considerable reduction in the number of dogs destroyed. That number has gone from 2,595 in 2007 to 1,346 in 2009. Is the problem of stray dogs starting to be managed under the current system? Is there an urgent need for the electronic identification to deal with the issue, or is it starting to be dealt with? If you are proposing to introduce it, in what timescale do you see it being introduced? Do you see it being a requirement that, for a period, new pups will have to be electronically identified, becoming compulsory for all dogs thereafter? Or do you foresee a big bang one day and, suddenly, everybody will have to do it?

Mr Terrington:

There are a couple of aspects to that. We have said that we are happy that the number of strays being impounded has gone down. The difference between that and the strays dealt with is that some dogs were identified and able to be returned to their homes, because they were legally tagged or microchipped through a voluntary campaign, or because of a dog warden's local knowledge of who owns the dog. Yes, there has been improvement. However, there are still quite a lot of stray dogs and there are still issues that need to be dealt with.

The number of dogs being destroyed has come down too. There are factors there. If more dogs are being identified and returned, that will have an impact. There is also a possible impact from the fact that, rather than be destroyed, some dogs will be resold or rehomed, either directly by the council or through other organisations. Again, however, the numbers are still high.

As to when it will happen, as the Bill stands, if this aspect of the Bill is commenced when subordinate legislation comes in, some people will have a year in which to comply. Somebody who was due to have their dog licensed the day after the Bill comes in would have to microchip their dog on application. Somebody who was licensed their dog three days before the Bill comes in would have a year. It would be rolled out over a year. Some people would be better off in terms of when they had to do it, but over the lifetime of the dog it would be —

Mr Beggs:

On the practicalities of that, would it not be better to have a longer run-in period, even if it was three months? That would be a period in which people would know that they could get their dog microchipped and know that, in two or three months' time when the licence is due, they could do that automatically. Otherwise, people may not be able to license their dogs without having first made an appointment with a vet. Some people do not like to be outside the law. If microchipping was introduced immediately, there would be a problem.

Mr Mooney:

The Bill as drafted allows for those provisions to be commenced at a different date. It is very close to the answer on guidance, which I approached very much as guidance for council dog wardens. However, at the same time, we will want to be clear that guidance for owners is out there. We cannot commence the provisions before we are confident that everybody knows what they mean.

Mr Terrington:

It is worth saying that, when councils, and to a certain extent the Department, are aware that this is coming in — in other words, when the Bill has passed its formal stages — that is the day that it kind of starts. Once the Assembly agrees the Bill, the roll-out will start, and it will end when commencement is put in place thereafter.

Mr Beggs:

So there is a secondary bit of legislation that kicks in the date.

Mr Molloy:

I want to come back to the tables that we have been given. They tell you a lot, but they tell you nothing. Table 3 shows the number of strays that have been rehomed or transferred to other bodies. We do not know how many dogs have been rehomed within that. It does not matter which table you look at, they all show that most dogs seem to have been sold. That is the biggest category. Can you take us through what the significance of that is? Where is the significance of the Omagh example, which was heralded as the great pilot scheme?

Mr Mooney:

In the sold and rehomed/reallocated categories, we have no way of knowing what that “other” is. Once a dog leaves council care, we have no authority to gather those statistics. An increasing number of people buy their dogs from a council pound.

Mr Molloy:

The evidence that we have is that those dogs are being sold across to England.

Mr Terrington:

Some councils will have a pound. They will try to identify the owner and return the dog to them, but if that fails, they can sell the dog on. If they are unable to sell it, or if they cannot hold it for long enough to be sold, they can transfer it to Assisi or the Dogs Trust, which will rehome the dog. They have a no-kill policy, so their job in life is to have the dog rehomed. It will try to rehome the dog here, but if it cannot find a suitable home here, it will take the dog to other jurisdictions there where there may be homes.

Mr Molloy:

This is partly what Roy Beggs said. The system seems to be reducing the numbers without all this microchipping and double licensing and dual processes and all the rest of it. Assisi told us that it cannot get enough dogs; it is importing dogs from the South of Ireland to fulfil the market in England. You also said that Assisi has a no-kill policy. If a dog is a stray, if it is not a popular dog, or if it is a dangerous dog, Assisi’s policy is not to kill it regardless of the circumstances. In one sense, you could say that stray dogs here are becoming possible stray dogs in England or wherever, so all you are doing is moving the problem from one place to another. Assisi said that demand was very high.

Where is the Omagh example of where microchipping and licensing was more successful than anywhere else?

Mr Terrington:

Omagh’s figures are the bottom of the list in table 1. The figures over those three years sit at 449 dealt with and 379 impounded. From those years on, you can see that the figures drop in the

sense that the council is dealing with fewer dogs, and fewer dogs are being impounded. One theory might be that it is able to return them because the dogs have been identified.

Mr Molloy:

Cookstown District Council has similar figures, with 30 dogs reclaimed and 164 impounded. In Omagh, 167 were impounded and 33 were reclaimed. Therefore, Cookstown is a better resource for not having the dual system that Omagh had.

Mr Terrington:

The first issue is that Cookstown impounds all the dogs that it picks up, so none of those dogs are returned to their owner before. That is costing —

Mr Molloy:

It does not say that.

Mr Terrington:

They are impounded and dealt with.

Mr Molloy:

Dungannon and South Tyrone Borough Council does not have a pound, but it has a company that does that. Therefore, every dog that is collected goes into the pound. It does not actually mean that they are not rehomed. Out of that pound, they are rehomed.

Mr Terrington:

No, but they are not taken back. The figures are what they are. We —

Mr Molloy:

For the past couple of weeks, you have been giving Omagh as an example of where microchipping and licensing has been so effective that it has wiped out stray dogs in the area. Look at that table and tell me where the difference is.

Mr Terrington:

The figures may show an improvement or they may not. I am not going to —

Mr Molloy:

They do not. Do not say that they may or they may not. They do not.

Mr Mooney:

They show an improvement on the situation in Omagh before that campaign started.

Mr Molloy:

Where are the figures to show that? Where are the figures to compare with any other council that they are any different? They are not there.

Mr Terrington:

Every council starts with a bigger problem.

Mr Molloy:

You have made a specific point for the past couple of weeks that Omagh's pilot scheme of microchipping and licensing was effective. On that table, where is the example of there being any difference?

The Chairperson:

Give the official an opportunity to respond.

Mr Terrington:

We said that Omagh District Council says that it works, and Omagh is a supporter of it. That is the issue that we were raising. There is a council that has been actively doing this for a while and believes that it works and is advantageous. It thinks that the issues over database management and identification of dogs works, as opposed to some who are not using it as often and still have concerns over those systems.

Mr Mooney:

Omagh District Council has been running this since 2004. The number of strays impounded has fallen by 72% since then, and the number destroyed has fallen by 87%.

Mr Molloy:

I must be missing some lists; I do not have those.

Mr Mooney:

We have given the figures that we were asked for. We could give more.

Mr Molloy:

This is about evidence. There is no evidence. You can pick figures out of your head —

Mr Mooney:

They are not out of our heads.

Mr Molloy:

They are out of somewhere. The papers that you presented this week do not give the examples that you gave about Omagh council being so effective. You can look at other councils. I gave you the example of Cookstown, which has just as good a record of not using the dual system as Omagh District Council has of using it.

Mr Mooney:

Cookstown's stray numbers are on a rising trend.

The Chairperson:

You are quoting from 2004. Members only have figures for the past three years. In 2007, Omagh District Council dealt with 449 dogs, and it dealt with 240 in 2008. Is that correct? There is a decrease there.

Mr Molloy:

We do not know the reason for it.

Mr Terrington:

I do not think that we would claim that the microchipping campaign —

Mr Molloy:

You did.

Mr Terrington:

Omagh District Council has claimed that.

Mr Molloy:

No, but you did.

Mr Terrington:

We have said that the council thinks that it is working. It has had a programme for nigh on six years. The council also puts it down to a campaign by the Dogs Trust on neutering, which, again, we would say, could have an impact on how unwanted dogs are dealt with. For that reason, the Bill tries to give some help towards neutering.

The Chairperson:

We need to move this on and give an indication as to what we want to do in relation to this clause. The Committee had agreed before that clause 2 should lie dormant. What do you think about that now?

Mr Molloy:

We need to have consultation with the likes of NILGA and the councils on the resource implications. The Department keeps saying that there are no resource implications, but councils are saying that there are. Until that is clear, we cannot make a decision.

The Chairperson:

In other words, if the Department were to make that clause dormant, we could have extensive consultation with councils and other bodies in the meantime.

Mr W Clarke:

That is what I was going to say. We could be involved in the guidance and how that is rolled out, by working with the Dogs Trust and all that.

Mr Gibson:

What exactly do you mean by “lie dormant”?

The Committee Clerk:

It means that the primary power would be included in the Bill, but subordinate legislation would be required to enact the power. That would allow the Committee not only to negotiate with the councils in respect of the resource side of things, but to develop the processes before empowering the clause. We did the same in respect of clause 9 of the Forestry Bill. The evidence that the clause was required was not available to the Committee, so the Department agreed to make it dormant until such times as it was able to produce that evidence. If that evidence does come forward, the clause will be enacted through subordinate legislation.

Mr Gibson:

What is the time process?

The Committee Clerk:

The initial thing will be whether the Department agrees to make the clause dormant. After that, it is as defined or dictated by the Committee and the evidence that it takes from the councils or the representatives of the councils.

Mr Beggs:

Is that suggesting that affirmative subordinate legislation would be required — that the Committee would have to see it and approve it, and the Assembly would have to approve it, before it was enacted?

The Committee Clerk:

If the Committee wants to pursue the affirmative process, the norm would be negative resolution,

which would still come to Committee. However, as you suggested, the difference is that it would not go to plenary. In the past, it has been the Committee's role with regard to legislation to change those processes from negative resolution to affirmative resolution in order to give the plenary session a further say in respect of legislation that is being brought through it.

Mr Beggs:

If we were going to go down that route, it would be fairly important that that resolution be changed. It would be very poor practice for something to be enacted by negative resolution, as it would be out there in law, and we would then have to wait a number of months for it to perhaps be annulled and taken away. If we are thinking along those lines, an affirmative resolution would be a better method of dealing with it.

Mr Molloy:

Before we approve the Bill, because this is something that can change over time, surely we should put it in abeyance, which would mean that it could be reactivated at any time. Given the resource implications for local government, we need to deal with that now and decide whether we are for or against it. Before we do that, we should consult local government further.

The Committee Clerk:

Again, if it is the mind of the Committee, the reason why the Chairperson, having taken advice from me, is suggesting that the clause be dormant is that it will not be enacted until such time as subordinate legislation is brought forward. The extension date for the Committee Stage of the Bill is 29 November. Therefore, we have to report on it. The Chairperson's suggestion would allow the Bill to progress without bringing that clause into account. It would also mean that the primary power is there. If members were not content with the processes and procedures or the resource implications for councils, the Committee and the House would not have to agree, if it was done through affirmative resolution.

Mr Molloy:

The clause being dormant would still mean that we were approving the Bill. If the legislation is bad, it would be wrong to approve it. We have a deadline of 29 November 2010, but we can look for an extension, rather than approve bad legislation.

The Committee Clerk:

We cannot look for an extension. Under Standing Orders, the Committee gets only one opportunity to extend a Committee Stage. We cannot go back to the House and ask for a further extension.

Mr Molloy:

Is there anything to say that we cannot do that?

The Committee Clerk:

Standing Orders say that, if a Committee asks for an original extension, it cannot go back to the House to ask for a further extension.

Mr Molloy:

The Committee could take one position and the Department could take another before the Bill reaches the House. From the Committee's point of view, we should be hearing the issues and concerns that local government has about the legislation.

The Committee Clerk:

The Committee would have that opportunity, irrespective of whether the clause was left dormant.

Mr Molloy:

But the Bill would have already been passed.

The Committee Clerk:

The clause would not be enacted and would not have to be enacted. The enactment would come with the agreement of the Committee and the House.

The Chairperson:

What is the view of the Committee?

Mr Beggs:

That is a reasonable way forward. I can see some benefits to microchipping dogs. However, I see that there are problems. An intervening period would allow some of those problems to be resolved. If those problems were not resolved, the provisions would not be introduced. Meanwhile, if there was an indication as to the direction of travel, more people would probably voluntarily microchip their dogs.

Mr Gibson:

I agree.

The Chairperson:

Do members seek an amendment for the compulsory microchipping of new dogs through breeding establishments?

Mr Beggs:

That should definitely be in place.

The Committee Clerk:

For clarification, the compulsory microchipping currently being proposed in the Bill is as a feature of the licence. The Chairperson is proposing that microchipping not be part of licensing but an obligation on breeding establishments.

Mr Molloy:

We have already heard that microchipping will not solve any of the problems in relation to stray dogs. This legislation is supposed to be about the control of stray dogs. Unless a dog is caught, microchipping is not going to have any affect whatsoever on controlling stray dogs. It is a farce. We can comfort ourselves by telling ourselves that we are creating legislation that will let us know whose dog it is when it is dead, but that will not solve the problem. The debate has been about how we control stray dogs, but microchipping does not deal with that. We are being fooled into believing that microchipping will solve all our problems and that the dog and its owner can be traced. However, you are still looking at two systems. Microchipping every dog at birth would put one system in place before anything else happens or anything else has been resolved.

Mr P J Bradley:

I am trying to catch up here. Since I was not here last week, I do not know what I missed. I am afraid to give the nod to anything. I am in favour of microchipping; I could live with it. However, I do not agree with licensing at the same time. In this day and age they should be able to come up with a microchip that can be all things. They can do anything with technology now; I do not see how they cannot design a microchip to meet all the requirements.

The Assembly is always talking about red tape and bureaucracy, yet now we are told that not only will there be microchipping but there will be licensing as well. I know that the licensing is to fund the council, but I would prefer compulsory microchipping without licensing. Where are we at the moment? Are we at the stage where the two are going to run hand in hand?

The Chairperson:

Yes.

Mr W Clarke:

Microchipping pups makes sense; it will do no harm and reduce the number of strays. It will definitely not make the situation worse. Already, the Kennel Club encourages its members to do that. We should look at that.

The Chairperson:

That will make a start, if owners become irresponsible in the future.

Is it the will of the Committee that we request that clause 2 lie dormant and that we support the introduction of compulsory microchipping for newborn dogs through breeding establishments?

Mr Beggs:

Are we not arguing against ourselves? If it lies dormant —

The Chairperson:

This would be a new clause.

Mr Beggs:

Do we not need this as an enabling power, but, initially, subordinate legislation should be brought in dealing with breeding establishments? In the meantime, discussions could go on to determine what further, if any, progress there was on compulsory microchipping outside breeding establishments. Do we not need this enabling legislation through in order to make microchipping compulsory for breeding establishments?

The Committee Clerk:

That is something that we would need to explore further. However, clause 2, which links compulsory microchipping with licensing, would lie dormant until such times as further consultation could be taken as regards councils. A separate amendment could be introduced to suggest that breeding establishments must microchip, but without linking that as a condition for licensing.

Mr Molloy:

The Kennel Club is like a golf club: few are members of it. It might sound good, but the Kennel Club said that it has more than 1,000 members here; that is a small proportion of dog owners. The normal pensioner or person around a housing estate is not a member of the Kennel Club, and most do not move in its elite circles. We need to get back to reality: most dogs are owned by individuals, and that is where strays come from.

The Chairperson:

We have debated this at some length. Are we agreed to take it forward as I indicated a few moments ago?

Mr Beggs:

I want to be clear about what you are saying: an amendment, breeding establishments, and the rest of it to remain dormant until there has been further discussion.

The Chairperson:

Yes.

Members indicated assent.

Mr Molloy:

I record my disagreement with the vote.

Mr P J Bradley:

I disagree too.

The Chairperson:

Right.

Members expressed a view at the last meeting that they wished to see breed-specific legislation removed from the 1983 Order. In addition, there were a number of responses stating that breed-specific legislation had failed, and that offences should arise out of the deed, not the breed.

Mr Terrington:

As we have said before, we are pleased that there is a lot of support for clause 8 of the Bill. I know that we are not talking about that, but that is the bit that brings in, for want of better words, the deed of the dog rather than its breed. It introduces control conditions. A lot of the criticism of the current legislation is because that is not in place, and it is important.

With respect to current breed-specific legislation — the ban on pit bulls and three other breeds — we have said that the Minister is content that the ban should stay. As I said at the start, some of the opposition from councils to the Bill and from some of the councils to the existing ban, introduced in 1991, is about the cost of enforcement. We consulted on ways to try to address that issue, but found no widespread support in councils. For that reason, it was set aside and not included in the Bill. The Bill does do some tidying of the court process for exempting dogs, but it does little else about the ban.

The Chairperson:

Can you tell us what happens in relation to this in the Republic of Ireland?

Mr Terrington:

There are a large number of dog breeds which are controlled. That is to say that, in public, they must be leashed, muzzled, tagged and registered with the council. The list includes the breeds that are currently banned here, and half a dozen other large breeds.

We looked at that, and considered it as part of the review. We were concerned that that had its own enforcement issues. All of a sudden you are moving from the breed of three dogs to the breed of ten dogs, or whatever the final number is. Where someone was not complying with the law by keeping his pit bull terrier on a leash or muzzled, one of the defences open to him would be — as it is now — that it was not a pit bull. We were not sure that that would solve many issues, and we perceived difficulty as to what would happen in courts.

Mr Molloy:

Mr Terrington continues to refer to “pit bulls”. As we heard last week, pit bulls are not mentioned in the legislation. Why does he continue to refer to them?

Mr Terrington:

I am sorry; I do not understand your question.

Mr Molloy:

Last week, we were told that pit bulls were not mentioned in the legislation, and that there were four other breeds.

Mr Terrington:

Four breeds are specified, including the pit bull type.

Mr Molloy:

I thought that last week we were told that it did not actually say “pit bull”.

Mr Terrington:

It says “pit bull type”. That was the distinction: between a pit bull and a pit bull type.

Mr Molloy:

How does a council worker or dog warden distinguish a pit bull type from other cross-bred dogs?

Mr Terrington:

The reason why the Bill uses the term “pit bull type” is that if you had banned pit bulls in 1991, the day after that there would not have been any pit bulls. They would be bred, and the characteristics that make them pit bulls —

Mr Mooney:

As one of the answers in this process, we stated that there is a long list of characteristics which a dog of pit bull type must meet a high proportion of. That is how the decision is made. It will depend on individual cases, but quite often the decision is made that 90% of the characteristics are listed under the pit bull type, looking at the physical characteristics of the dog rather than a birth certificate or a Kennel Club pedigree certificate that says that it is a pure-bred pit bull.

Mr Molloy:

Clear as mud.

Mr W Clarke:

In relation to what is done in other countries about putting control conditions on, are you saying that the same costs would apply to councils to identify the type of dog?

Mr Terrington:

We have to be careful about saying “the same costs”, because although a small number of cases come to court and make a bit of a media splash and cost money, most of the dogs are identified as pit bulls, the owner accepts that, and the dog is destroyed. However, I do not know what the costs would be. If you just take the Southern model, dog wardens are going to have to enforce and ensure that pit bulls, Rottweilers, etc are kept under the conditions that are set down in the

legislation. Therefore, you are moving from them only having to deal with a couple of types of dogs, and any dogs that by deed have done something wrong or their owners have done something wrong, to having to deal with a wider number of breeds because of their breed.

If somebody flouts that legislation and refuses to keep their dog under those controls, one of the defences that he may bring is that the dog is a Staffie. If there are any issues, perceived or otherwise, about proving that in court, an owner has the right to an appeal if accused of an offence, or to defend their innocence, but there is a risk that the same thing could happen in those situations. Who knows? I would not want to put costs on it.

Mr Molloy:

I have been told that a recent case cost Banbridge District Council £50,000. Therefore, we need to investigate the costs for councils. The Committee is ignoring the issue about the transfer of costs to local government, but we do that at our peril, because the councils will have to approach ratepayers on the issue. Here we have legislation that has been transferred with no clear definition of what a dangerous dog is, but councils are going to be forced into court to try to establish that.

Mr Beggs:

Francie talked about legislation not being clear. Will you confirm that the proposal is to extend the current legislation to cover dogs' behaviour, rather than simply being breed-specific legislation? Breed-specific legislation is in place at present and will continue, but it will extend beyond that. Furthermore, there is a cost involved. No doubt, all ratepayers would prefer that cost not to be in place, but what is the level of risk? How many individuals have been attacked by those powerful-jawed, breed-specific animals in Northern Ireland? Do you have any record of that?

Mr Terrington:

There are a couple of things there. First, you are right that the Bill does nothing substantive about the existing ban, which the councils currently enforce. That has not changed. However, it extends the deed and gives them additional tools for their toolbox in terms of dealing with dogs that, by their deeds, have caused problems.

In terms of the risk, fortunately, there are no records of attacks by pit bulls in Northern Ireland in recent years. There are stories all around the world, and two or three in Britain, of pit bulls attacking and killing children. However, some people will say that the risk is greater, and others will say that it is no greater. With the legislation there, the fear is that those dogs are a risk in the wrong hands. They are currently banned, and there is no proposal to change that.

Mr Beggs:

If the current ban were removed, would it be easier for those who are involved in dogfighting to have animals with clearer dogfighting characteristics? Would it cause difficulties in regulating that violent sport?

Mr Terrington:

The sort of individuals that you are talking about can, probably, find a way of flouting both the dogfighting laws under the welfare legislation and the ban. Someone who innocently exercises an illegal dog with the purposes of involving it in fighting will have the dog removed, once it is identified as an illegal dog. The answer is probably, but people like that may find a way around it, whether they are banned or not.

Mr Beggs:

You also said that there are no records of attacks involving those breeds in recent years, but, if I am right, those breeds should not be in Northern Ireland. There should not, therefore, be any attacks. If you were to legalise them, that is the risk that you would have to live with.

Mr Terrington:

We would go slightly further. The three other breeds that have been mentioned do not exist here; they have not been recorded here. If the ban is lifted for one and all, you might see the introduction of those three breeds. I do not know whether there is any risk in that, but it is a possibility.

Mr Gibson:

I am concerned that those who engage in the nefarious activity of dogfighting would be

emboldened if the breed-specific aspect were dropped. The Committee should be mindful of the fact that the public has a particular view of those dogs. The public has a strong view about pit bulls. I am concerned that there would be quite a public reaction if the breed-specific aspect were dropped. I do not think that the public would welcome that in the slightest, because of the reputation that those dogs have. To introduce control conditions for dogs that have committed deeds that warrant it will certainly help. That meets some of the concerns that have been expressed around this table in the recent past. I would oppose any move by the Committee to drop the breed-specific aspect of it in relation to pit bulls and the other breeds that have been mentioned.

The Chairperson:

Is the Committee content with clause 3, subject to the concerns of Mr Molloy in relation to costs being raised?

Members indicated assent.

The Committee Clerk:

Clause 4 has a connection to clause 2 and the proposed dual systems. Until such time as the Committee considers clause 2 and its implications, there will be a licensing system in force. It is now a question of whether members wish to see the current fee of £5 increased to the suggested level of £12.50, with the various abatements for owners of dogs which are neutered or microchipped, senior citizens, etc.

Mr Gibson:

When was the last time it was increased?

Mr Mooney:

It was last increased in 1983.

Mr Beggs:

It has to increase. We are not clear about the future of microchipping. Until such time as that is made compulsory, it should be an option to have a reduction in price for dogs that are

microchipped. That then becomes another incentive for people to voluntarily get their dogs licensed and microchipped, and take a benefit from that. Should it ever get to the stage of becoming compulsory, most animals would already be covered.

Mr Terrington:

That option was looked at before universal microchipping was considered. It certainly could have merit as a roll-out, getting people involved until such time as it became compulsory. The concern is that clause 2, as well as making it compulsory at the time of commencement, sets out some of the definitions and minimum requirements of what a microchip is. There are concerns as to what information is held on the database. What a warden can do and so on is sketched out in the Bill, and the intention is to have more detail in the subordinate legislation. Without that, there is concern that the microchip may mean very little. That is why it is done the way it is.

Mr Mooney:

I have just one slight concern if we went that way. If we amend this piece of primary legislation to allow for that concession for a microchipped dog, then, when we commence compulsory microchipping, we have that leftover piece of primary legislation sitting there, the concession provision. Now, I am sure —

Mr Beggs:

You could put enabling in for a concession for microchipping, so that when the compulsory provision is enabled, you can alter it as well through secondary legislation and remove that concession, should you ever go compulsory.

Mr Mooney:

The Committee might consider taking legal advice on that.

Mr Terrington:

We do not know. The other issue still stands, what a microchip is and what it does.

Mr Beggs:

You can introduce secondary legislation defining all that, and no one will oppose it.

The Chairperson:

At the end of the day, it would be for the Committee to make that proposal. You would take it to the Department and seek legal advice on it.

Mr W Clarke:

The danger in that is that we give a concession for microchipping, and then a couple of years later take it off. That will not encourage people to microchip their dogs. They will see it as more difficult because it is costing them more money. There is a bit of difficulty in regard to that.

The price rise to £12.50 is proportionate. In the light of what the Committee has said about the extra responsibilities on councils, it certainly has to rise from a fiver. We are protecting the most vulnerable people, those on benefits, and we are trying to encourage people to get their dogs neutered. That is all positive stuff.

The issue I have raised is the lifetime licence. I have had discussions about that with you. Just for the record, it would create difficulties for you with regard to the consultation process. Also, if you get a lifetime licence in one council area, then you get a free service if you move house.

Mr Terrington:

There is no great difficulty for us. It would not be an impossible thing to include in the Bill. As we said before, our concern is that, while the potential loss of income might not be great, we have not discussed it with councils. We are concerned about that.

Your second point is right. As the 1983 Order stands, your licence is a relationship between you and the council in whose district you live. If you move, your licence becomes invalid, and that may cause more problems.

There are other ways that councils may choose to deal with the kinds of issues that you are talking about — the forgetting about it. From the figures that we have seen, it is an issue of non-compliance rather than people forgetting. There are a few, but they get reminder letters and the

reminder letters can be forwarded to their new address. I know that councils are moving into using direct debits in other services, and that might be another option. We have heard from the councils that they are going more electronic in a lot of the stuff that they are doing, and that might be a more efficient way of addressing that without having the other knock-on effects. But yes, a licence is invalid if a person changes address.

Mr Molloy:

How would the letter go out to the person who had moved?

Mr Terrington:

What happens is that two weeks or so before your licence is due, the council writes to you. If it does not get a response, it writes again a couple of weeks later. A lot of people who change address leave a forwarding address, to cover that period between when they move and six months down the line.

Mr Molloy:

But surely if we are going to have microchipping, which traces the dog anywhere, it does not matter whether it strays into the Dungannon council area or the Cookstown council area or wherever it may be, the dog will still be traceable. We are going to have a tag around its neck saying who owns it and where it comes from, and now the whole concern is that you will not know where to write to its owners. It proves the point that all of this is purely bureaucracy gone mad. You do not have a clue what you are saying, you just throw in these wee bits and pieces to try to create another confusion and some reason why you cannot do something that you actually do not want to do.

Mr Terrington:

As I said, we do not think that the issue of lifetime licences is particularly difficult. We have looked at it, and we think that there are reasons why it should not happen. Without lifetime licences or microchipping, the process of sending a reminder letter is something that happens now. If the councils do not hear from somebody, they assume that the person has moved or that the dog is dead and that is the end of it. It is up to the person moving to another place to register their dog with the council. That is a requirement, and they would be breaking the law if they did

not, because they would have an unlicensed dog. Having an annual licence means that when people go to reapply for the licence, it may remind them to make sure that the microchip details are up to date.

Mr Molloy:

The Department seems to be taking a draconian line of having microchipping and compulsory this and compulsory that. If we are going to have all of that, surely the sort of system that they have in place for vehicles is one way of dealing with it. If a person has a dog licence in one council area and moves to another and they are not traceable, basically they can forget it. At least if there is a lifetime licence, paid either in one lump sum or by direct debit on a yearly basis or by some other means, that dog is licensed right across the board.

Mr Terrington:

I only mentioned direct debit as a way of addressing concerns that were raised about forgetting to renew a licence. If I did not get a reminder about my car tax and my house insurance, I probably would forget. That is all that that is — a way of remembering. It is not a legislative matter if councils choose to set up that particular system. The annual licence and paying up front makes a lot of sense and might save somebody some money but, as we have said before, and having not raised this with councils, the concern is that you are giving that amount of money in the first year that they then cannot use in the second year. If there were a way that the lifetime licence would allow you never to relicence again no matter where you moved, the same issue would apply. The problem is that the original council will have got the money and the person having to administer your dog in another council area will not be getting any income from it.

Mr Molloy:

But one of your concerns would be that the councils were not consulted on this previously.

Mr Terrington:

It is something that they have never raised with us.

Mr Molloy:

But you did not consult with councils anyway, on any of this. So what is the difference in not

consulting on this piece? It has been proved time and again. I had a meeting with a number of councils last week at which it was very clear that councillors and councils had never been consulted on this legislation on the means that you are saying. You may have consulted dog wardens and various different people, but not in relation to the response from councils. As civil servants, you make the same mistake continuously: you talk to officials rather than councillors.

Mr Terrington:

Again, I am happy to show the proof that we consulted with all 26 councils, and 25 responded between November and the start of February. They were cleared by full council or the relevant committee — by elected representatives.

Mr Molloy:

I would like to see that proof. It would be interesting.

The Chairperson:

Mr Molloy is making the point that there was consultation on the principles of the Bill, not the individual clauses. There is a distinction.

Mr Terrington:

We consulted on the clauses. Certainly in terms of the licence fees, there were not many changes, and councils were given the option to provide any other comments on how licences might work. They came forward with some ideas that have been incorporated in the Bill. Obviously, the Committee will have consulted on the Bill itself.

Mr W Clarke:

I introduced this for common sense reasons and to make it easier for people. If there was an £80 licence that did you for the lifetime of the dog, it would encourage people to licence their dog. I understand the points that you made, and it would probably take some time to work them through, but my argument is that NILGA and councils should get involved in providing proper guidance in how to use best practice to do that. We should maybe try to encourage the best possible system at that level, and anything that the Department could do in regard to that sort of guidance would help greatly, be it direct debit or whatever.

Mr P J Bradley:

I have a few questions on microchips. Where are the microchips designed and manufactured? Has the Department met the designers and manufacturers? We have been told that the microchips are not adequate. Could an adequate microchip be manufactured? Did we take evidence at any stage from microchip manufacturers, or is it too late to do that?

The Chairperson:

We have moved past microchips.

Mr P J Bradley:

No, we are still talking about microchips. It is still in this.

The Chairperson:

We are discussing a specific clause about fees.

Mr P J Bradley:

Microchips are referred to.

The Chairperson:

If the Department wants to come back very quickly, it can do so.

Mr P J Bradley:

They are referred to:

“Identification systems like the tag (or the microchip) attach to the dog itself”.

I am asking about microchips because it is in the clause.

Mr Mooney:

Microchips are governed by a couple of ISO standards. We have met representatives from the companies that operate the database and sell and implant the chips. The chips are an inert piece of surgical glass, basically, with a coating. There are no working parts. Almost all of the chips used in western Europe and most other parts of the world, apart from the United States, conform

to a particular technical standard. They are identical.

Mr P J Bradley:

Can they contain all the information that we need? We were told that the licence can tell you whether a dog is stray.

Mr Mooney:

The microchip contains no information whatsoever.

Mr P J Bradley:

Could it be designed to contain information?

Mr Mooney:

All the microchip contains is a little coil that reacts to a reader.

Mr P J Bradley:

My question is: could it be designed to contain information?

Mr Mooney:

It does not need to contain any information. The information is contained in a database. The microchip generates a single number when it is read. That number is stored on the database, and the data is stored against that.

Mr P J Bradley:

Can a database contain all the information, then?

Mr Mooney:

The database can contain whatever information the database operators want to put on it.

Mr Molloy:

We have actually got an answer.

Mr Mooney:

I am not sure why that is relevant.

Mr P J Bradley:

It is very relevant. I think that we are being taken for a journey here.

The Chairperson:

Are members content with the proposal to raise the fee to £12.50 and to further investigate Mr Beggs's proposal around the discount for microchipping?

Mr Beggs:

If microchipping was not made compulsory from the start, that would be a way of running it in.

Mr Molloy:

Councils could tie it to microchipping in the future. To tie this to microchipping could be interpreted as tying us to microchipping.

Mr W Clarke:

I agree. It could work its way through that guidance process and best practice, and councils could take a decision to do that.

Mr Molloy:

Councils could give discounts for various things.

Mr Terrington:

That is what Omagh District Council, the Dogs Trust and others are doing now. There are ways and means for people who genuinely want to comply to do that without any change to the legislation.

Mr W Clarke:

For the record, Francie and I are agreed on something.

The Chairperson:

Are members content at £12.50? We can explore Mr Beggs's proposals through the councils.

Mr Mooney:

Before we leave clause 4, one of the amendments that the Committee requested related to Assembly controls and affirmative resolution. Implementing that requires a small amendment to clause 4. It is set out in the paper that we sent to you. In the proposed new article, sub-paragraph (7)(b) will be removed. That may look paradoxical, because you have asked for a lot of those powers to be subject to affirmative resolution. There is an explicit reference to affirmative resolution in this one, because not all the powers are in the 1983 Order. The full amendment states that where it says "an Order", it is an Order by the draft affirmative procedure, so there is no need for an express reference to it here.

The Chairperson:

Are members content?

Members indicated assent.

The Chairperson:

Members will be aware that clause 5 was deferred when we looked at clause 3 in relation to breed-specific legislation. The Department agreed to the Committee's request that clause 6 be amended to subject subordinate legislation to the affirmative process.

Mr Mooney:

This is an interesting one. It goes to a question that Mr Gibson asked last week about whether you would have a defence if you set your dog on a trespasser, as opposed to the dog simply attacking a trespasser. I said that, strictly speaking, there was no such defence on the face of the Bill. There is a reason for that. The offence of setting your dog on someone, as it is set out in the 1983 Order, can happen only in a public place. As the law stands, there is a defence to setting a dog on someone.

Thinking that through made us look again at these two clauses with the draftsmen. One of the

changes that the Bill wants to make is to say that an attack that happens in a private place can often be serious. That is where many dog attacks happen, and they are often as serious an offence as anything else. You will see the amendments in the papers that we have sent. Articles 6 and 7, which put the new articles 28 and 29 into the 1983 Order, are arranged slightly differently than in the first draft of the Bill. Instead of distinguishing between “setting on” and “attacks”, it now distinguishes between attacks on livestock and other animals — which addresses the Committee’s point on domestic animals — and, as a separate clause, attacks on people. We think that that is clear, but you can look at the amendments in our papers.

Mr Terrington:

In effect, the big change between this week and last week is purely the adding of companion animals as requested and accepting that we do not want the Bill to be any weaker as far as the impact on dog owners. Therefore, it has reverted to where it was: there would, in effect, be a defence in the situation that you talked about.

The Chairperson:

Under the proposed new article 28(1), the option of imprisonment has been removed. Is that correct?

Mr Mooney:

Sorry?

The Committee Clerk:

As the Chairperson said, the new proposed 28(1) has no reference to “imprisonment for a term not exceeding 6 months” and now refers only to a different level of fine.

Mr Terrington:

Not for livestock. Is that right?

Mr Mooney:

That is an attack on a person. The new revision is dealt with in the next clause. I am sorry; perhaps I did not make that clear.

Mr Terrington:

The original penalties for attacks on people and worrying livestock were different, and the amended clause in the Bill continues to say that an attack on a person carries higher financial penalties than worrying livestock or the new attacks on other animals. It is to do with that restructuring again.

The Chairperson:

Are members content?

Mr Molloy:

If a dog is set on someone as they leave the premises, is that any different from as they enter the premises?

Mr Mooney:

We would need to see the details of the case. Is he trespassing at that point?

Mr Molloy:

If I were to attack someone who is coming on to my premises, I would have the right of defence along the lines of stopping them coming on to my premises, but I would not have the right to shoot them going off the premises, if that is the situation.

Mr Mooney:

That would be an individual case issue for a court to decide. I do not think that it is something for a Bill to build in that detail.

Mr Molloy:

It affects postmen. They are not often attacked coming on to it, but when they turn to go off, they are often attacked.

Mr Terrington:

That is different. That is an offence, because a postman is not trespassing. He has a reason and a

right to be there.

Mr Molloy:

If someone is coming onto your premises, they are basically attacking your premises, whereas, if they are leaving, whether they have robbed you or not, you do not have the right of defence that you injured them when they were leaving the premises. You need a bit of clarification regarding what “setting on” means. It basically means anybody who came on to your premises but left again, and you chased the dog on to it.

Mr Terrington:

The idea of the offence happening is about protecting your property and your family or your pet. If a dog attacks someone when they have left the property, you are not protecting your property any more. That may be seen as an unreasonable force issue, if the equivalent is what you can do to a burglar when they are on your property and what you can do when chasing them down the road, which happened in a recent case. That is not reasonable force. You would not be protecting yourself anymore; the deed would be done, as it were.

The Chairperson:

I know that, for myself, whether someone is coming or going, if he is trespassing, I would be after him, if he is going down the driveway with the TV and the video or whatever.

Mr Molloy:

You may finish up in court in that situation.

The Chairperson:

Moving on, are members content with clause 6?

Members indicated assent.

Mr Mooney:

Again, because these two have been restructured —

The Chairperson:

OK; it is the same as clause 6.

Mr Terrington:

It deals with the issues that the Committee asked for it to deal with, by extending it to owning a dog that attacks other animals, as well as attacking people and worrying, which are already there. It is basically a restructure, with that in mind.

The Chairperson:

Are members content?

Members indicated assent.

The Chairperson:

The Department agreed with the Committee that education and training courses should be provided as additional options under control licences.

Mr Terrington:

Again, we have tabled an amendment, which is in the papers that members have been given. There are three parts to that. The amendment to clause 8, page 6, line 12 provides exactly what you are asking for, which is that the council can require that a dog and an owner undertake a training course. A couple of consequential amendments happen as a result of that.

Page 6, line 30 of the Bill already provides that the requirement that you have your dog neutered cannot come into effect until you have sought an appeal, because it is a permanent thing. The training course is the same. Once the training course is done, it is done, so the idea is that that would be stalled. Other things like having your dog on a leash would stay there until such times as the appeal has completed its due process, but the training one could be set aside until such times as it has been appealed. There would be no sense in appealing it if you had already undertaken the training.

The third little amendment is about recognising that once the training is done, it is done. It makes the councils remove that as a licence condition. Neutering is the same: you do not need to have it kept on their licence as a condition once you have done it, unlike leashing or keeping the dog in a secure place, which stay there until an appeal or review by the council.

The Chairperson:

Are members content in relation to that?

Members indicated assent.

The Chairperson:

Was some change made to clause 8, page 5, line 11?

Mr Mooney:

It is because we have reorganised the last two clauses. Proposed new article 30A lists the offences for which a control condition can be applied. We have just changed the title of those to reflect the changes that we have made earlier.

Mr P J Bradley:

Clause 8 as well, regarding the new owner:

“give that new owner any advice it considers appropriate; and, where the new owner resides in the district of another council, to inform that other council of the transfer of the dog into its district.”

Is that into all jurisdictions — in England, Ireland, Scotland, Wales and the Republic of Ireland, for example?

Mr Terrington:

It would only be in Northern Ireland where a new licence is required. However, we met our counterparts and some council representatives in the South, and we intend to do that again to see whether the sharing of information between councils would be of value. But this is about the control of the dog and the licence.

If the dog is a serious problem, it will probably not be dealt with as a control condition; it will be dealt with by the courts. It is about trying to provide some reassurance to dog owners or

another council if you are aware that there were issues with a particular dog in the past, but there is a limit to what we can do in other jurisdictions.

Mr P J Bradley:

I am thinking of someone in Newry who has a dog that is so restricted. Can you do anything if the dog is given to someone in Dundalk?

Mr Mooney:

We have spoken to councils in the South, and we will continue to look at what can be done.

Mr Terrington:

It would be on an administrative basis rather than anything else, probably. I do not know whether the legislation could deal with it.

Mr P J Bradley:

Is the dog recorded as being dead?

Mr Terrington:

Theoretically, and this is a slightly different point, if someone here managed to get a pit bull, it could live happily south of the border where there is no ban. There is a risk either way. We are looking at all those issues where there are differences. We want to help people who are taking on a new dog to be aware that councils can do administrative things among themselves by being open to the idea of setting up fora to talk among themselves. There might be some useful information-sharing.

Mr P J Bradley:

It would make sense.

The Chairperson:

Clause 9 was deferred when we considered clause 3.

The Chairperson:

With respect to clause 14, the Department agreed at the last meeting that it should align the fee system with that contained in the Clean Neighbourhoods and Environment Bill.

Mr Terrington:

Our reply to the Committee sets out that that is exactly what we have done. A new clause 14 is proposed which parallels the Clean Neighbourhoods and Environment Bill. It allows councils to set their own parameters and allows for early payment. Those are the two aspects to that.

Mr Molloy:

I have reservations about it. Fixed penalties are not the same in everything, whether it be parking or anything else. I do not understand why we have to increase this to £75 to be in line with a different piece of legislation. There is no connection with the Clean Neighbourhoods and Environment Bill.

Mr Terrington:

The original thing on which we consulted was bringing this into line with the Litter (Northern Ireland) Order 1994, particularly with regard to dog litter. That was set at £50. We consulted on that. Subsequently, the Department of the Environment consulted on and is bringing forward a Clean Neighbourhoods and Environment Bill. The relevant sections are about dog litter, not the other bits of that Bill, such as high hedges or the removal of burnt-out cars. It is specifically about the dog litter bit. That is the reason for the parallel that the Committee asked us to look at.

The Chairperson:

With the exception of Mr Molloy, is the Committee content with clause 14?

Members indicated assent.

The Chairperson:

That brings us to the end of the clause-by-clause consideration. The Committee will write to the Department in respect of clause 2.

Mr Mooney:

Apologies, Chairperson, but we want to say one more thing. The amendment that the Committee asked for on the Order-making powers and the Assembly procedures will be slotted in as a new clause after clause 14. It is in the annexe to the document that you received.

Mr Terrington:

It was referred to earlier in the removal of one of the clauses.

Mr Mooney:

That will have some consequential changes, which you will see in the new schedules. That is all that that is doing.

The Chairperson:

You will come back to us in relation to clause 2. We will write to you. Thank you for attending this morning's meeting. That ends the clause-by-clause consideration of the Dogs (Amendment) Bill.