



**Northern Ireland
Assembly**

**COMMITTEE FOR THE
ENVIRONMENT**

**OFFICIAL REPORT
(Hansard)**

Wildlife and Natural Environment Bill

15 March 2010

NORTHERN IRELAND ASSEMBLY

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ENVIRONMENT**

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Members present for all or part of the proceedings:

Ms Dolores Kelly (Chairperson)
Mr Cathal Boylan (Deputy Chairperson)
Mr Roy Beggs
Mr John Dallat
Mr David Ford
Mr Danny Kinahan
Mr Alastair Ross
Mr Peter Weir

Witnesses:

Mr Ken Bradley) Department of the Environment
Mr Mike Meharg)
Mr Chris Savage)
Ms Rachael Singleton)

The Chairperson (Mrs D Kelly):

We move to the Committee's scrutiny of the Wildlife and Natural Environment Bill. I welcome departmental officials Mike Meharg, Chris Savage, Rachael Singleton and Ken Bradley, who are here to provide the Committee with an update on the Bill. The Committee has also been provided with a submission from the PSNI, but, as the response was only received over the weekend, members' comments on that will be added after the clause-by-clause summary of the Bill that will be provided by Mike, Chris and Rachael today.

The agenda for today's meeting initially provided for an examination of schedules to the Bill, and, if there is time, we will go through clause-by-clause summary of clauses 21 to 26. Are the witnesses content that we proceed in that way?

Mr Ken Bradley (Department of the Environment):

That is fine. Do you want us to concentrate initially on the curlew and the Irish hare — the two most contentious issues in the schedules — and then move on to consider the schedules individually?

The Chairperson:

Are Members agreed with that approach?

Members indicated assent.

Mr K Bradley:

I will hand over to Chris to start the ball rolling.

Mr Chris Savage (Department of the Environment):

The subject of the Irish hare is clearly a very contentious issue in the Wildlife and Natural Environment Bill. In fact, that has been a contentious issue as far back as 1984 when the Wildlife (Northern Ireland) Order 1985 was first conceived.

In the Department's policy consultation for the Bill, it did not propose changing the statutory status of the Irish hare. It is currently defined as a "game species" and is subject to protection during the close season under the Game Preservation Act (Northern Ireland) 1928. However, there have clearly been conservation concerns surrounding the population of Irish hare in recent times, and the Department has a species action plan for it that runs from 2000 to 2010.

For the last five or six years, annual surveys have been taken of the Irish hare population that have tried to determine overall trends in the population. The main species action plan target was to double the Irish hare population by 2010, and, going by the results of those surveys, the Department is quite confident that that target is likely to be achieved.

Therefore, although the Irish hare has been the subject of conservation concern, there are some positive indications that the population is stabilising. On that purely conservational basis, the Department does not propose to change the status of the Irish hare, or to include it in schedule 5 to the Wildlife (Northern Ireland) Order 1985, which would afford it full protection. It will continue to rely on its own protection under the Game Preservation Act (Northern Ireland) 1928.

Mr Ford:

I am slightly concerned when Chris uses words such as “stabilising,” because we all know that the Irish hare population fluctuates quite dramatically from year to year. Can you explain what you mean by “stabilising” in that context?

Mr Mike Meharg (Department of the Environment):

When you carry out population surveys you cannot do a census. Therefore, you examine sample areas that are surveyed on a regular basis, and, based on the numbers of animals that are seen, you draw comparators across the whole of the country.

Ten years ago, the population of Irish hares was one hare per square kilometre, and, as Mr Ford has correctly said, through its monitoring, the Department discovered fluctuations in the population and that there have been good and bad years. The population was as high as 6-8 hares per square kilometre during the period of the survey; last year it was two hares per square kilometre, and although the data has not been fully compiled for this year’s survey, the initial results indicate an increase on last year’s figure. Furthermore, in relation to the stabilising of the Irish hare population, the Department has demonstrated over the last ten years that the population has not declined below the figure we began with and, throughout every year surveyed, it was above the figure that the Department had targeted.

When populations are at such a low level that they become unviable, or certain parts of the population have been isolated, the genetics of an animal become depressed, and to ensure that the Department was addressing those concerns, it carried out surveys with Professor Ian Montgomery’s team at Queen’s University to examine the genetic strength of the population. The results of those surveys indicate that there has been no inbreeding regression, that the population is still stable and strong, and that the Irish hare has the opportunity to breed when conditions are favourable. The Department was not looking for reasons for the decline in the Irish hare population, but whether a genetic bottleneck or decrease, which could have been a

problem, was real.

The Department also included its data in an all-Ireland survey in 2007, in which data was collected in the South of Ireland and compared to ours. Through that comparison, it was found that our data in 2007 showed an almost identical population — approximately four hares per square kilometre — in respect of the whole of the island, and corroborated the fact that the surveys that we were carrying out in the North, which used a slightly different technique to those employed in the South, showed the same results. That is why the Department feels that the population of Irish hare is stable.

Mr Ford:

The population may or may not have stabilised at a low level given the level of annual fluctuation, and who knows what that level might be after the past winter. However, it is also an acknowledged fact that the population of Irish hares was significantly lower during the past decade than it was some decades ago. If this is a conservation issue, there is a real danger in looking at an annual fluctuation or a five-or six-year trend, rather than what we know happened during the previous 50 years.

Mr Meharg:

The Department examined the genetics in the Irish hare population to ensure that there was no reason for a limiting in its expansion if conditions were appropriate.

Mr Ford:

Yes; you merely said that there was no regression on the genetic side. That is not an indication of anything other than fluctuating stability at a historically very low level. For the benefit of the Hansard report, I note that one of your colleagues has nodded in agreement with that point.

Mr Meharg:

I am answering questions on the scientific side. In studies of animals throughout the world, if there is concern that a population has reached the stage whereby low numbers are impacting on the animal's ability to recover, there is a genetic bottleneck or decline in the genetic variation. There is no evidence of that in the Irish hare population in the studies the Department carried out through Queen's University.

Mr Ford:

It has not worsened.

Mr C Savage:

I was nodding because I was thinking of the reasons why the population of the Irish hare has declined. It is widely acknowledged that the main causes of decline in animal populations are loss of habitat and predation, and not necessarily other more or less significant factors. Building on what Mike said, other proactive actions, such as agrienvironment schemes to improve habitat, will ultimately be the mechanisms by which the Irish hare population will increase.

Mr Ford:

It is probably a common point between us that the environmental issues, such as habitat management, are key. Nonetheless, in the discussions that the Assembly and the Committee had when considering the Game Preservation (Amendment) Bill, it was clear that the maximum possible protection should be afforded to the Irish hare. We now have the opportunity to do that.

Mr Kinahan:

Let me get this absolutely clear: you say that the population is stable and, if we go on monitoring the Irish hare for the next five years before the Bill comes through, we do not see in the fluctuations the chances of damaging the hare population in the long term. Can the population diminish in the next five years? My feeling is that we should leave it the way it is, but constantly monitor it.

Mr Meharg:

Any population of wild animals can increase as well as decrease, somewhat like the monetary value of shares.

We have looked at the conditions over the last 10 years and it would appear that the population has doubled over the period. I can be no more certain on that. It has achieved that in every year that we have monitored since the first survey. As a result of that, we recommend that the status should remain as is. However, over the next five years, monitoring will continue, though probably not at the same level, because costs and resources are factors. During the five-year review, if we identify any dramatic change, we may make different recommendations.

Mr K Bradley:

Let me add to those comments. As Mike said, the species action plan is now complete for 2010, so that is in the elements that are being reviewed towards the end of the year. That will contain actions to supplement it.

Mr Kinahan:

The only thing is that it should go better.

Mr Meharg:

That depends on habitats and other activities.

Mr Kinahan:

We are doing our best.

The Chairperson:

It looks as though the Committee will return to this issue, whether or not there is consensus and whether the Committee wishes to bring forward amendments. We have heard clearly the Department's views. Thank you for that. We will move on to the curlew.

Mr C Savage:

The curlew is currently defined as a quarry species and is listed in schedule 2 of the Wildlife Order (Northern Ireland) 1985.

The curlew population in Northern Ireland has declined sharply in recent years, and it is a species for which there is concern. We have worked with the RSPB and the shooting fraternity to see whether there is middle ground that we can find to protect the curlew in future. Some effort was made to bring in a formal protocol, but we have been unable to achieve that. However, a number of the shooting and wildfowling clubs have imposed voluntary moratoriums on shooting the curlew.

Clearly, it is an issue in which two competing interests are involved. It is difficult to know whether we should conserve it and take it off the quarry list, leave it on the list on a partial basis, or leave it on but continue to work with shooting interests to see whether we can get voluntary buy-in from them, with a view to reviewing the situation again in five years' time. The

Department recognises that a fine line must be drawn with respect to the curlew. We are happy to take the Committee's view on it.

Mr Weir:

If we were to amend schedule 1 to include the curlew, you would not lose much sleep over it. Is the converse the case? I appreciate what has been said and I know the evidence that we have. First, an attempt was made to establish a voluntary moratorium. Most people bought into that; however, a voluntary moratorium is only useful if it applies across the board. Is there not acceptance among the shooting clubs that there is a problem with curlew numbers?

Mr K Bradley:

You are right. Shooting clubs recognise that the species is vulnerable. One could ask, if they are happy with a voluntary moratorium, would they not also be happy with a legislative one? We are easy, either way, on this species.

Mr Weir:

Presumably, there is also a flip side. The original idea was to get a voluntary moratorium and have it reviewed in five years. For all the various forms of wildlife, it is difficult to get this right. By definition, it will not be 100% set in stone that any of those species will be the same for the next 100 years. All these things will be subject to review. From that point of view, therefore, if the flip side of the coin were the presumption that the curlew should be protected and included in schedule 1, with the option that if we are to review matters in five or 10 years, it could always be removed from the schedule at that stage.

Mr Meharg:

It is fair to say that I used the species action plan for the Irish hare when I was explaining the population stability of the Irish hare. Over the same period of 10 years, there was also an action plan for the curlew, and it has not achieved its targets during that time. Therefore, the Committee should be aware of the flip side of what I have said.

Mr Weir:

That seems to suggest that a protection mechanism, by way of schedule 1, would be appropriate.

The Chairperson:

By and large, most, if not all, Committee members support the curlew move. Do you want to address any concerns about some of the other species?

Mr C Savage:

Yes. We could go quickly through the schedules and address the views of stakeholders. In respect of schedule 1, some stakeholders commented on a number of species and wished to see them added to it. I will quickly run through the individual species that were mentioned. The Department feels that the bullfinch population is widespread in Northern Ireland, and that it can cause widespread damage to orchards. If we were to put it in schedule 1, there might be a concern for orchard owners, particularly in places such as County Armagh. Therefore, we do not recommend its inclusion in schedule 1 at this point.

Mr Boylan:

There are a lot of orchard votes.

Mr C Stewart:

I must point out that the basis of schedule 1 will change to an extent under the Bill. At the moment, schedule 1 is entitled "Birds which are protected by special penalties". As part of the Bill, we are making all the penalties pretty much the same, so that badge of extra protection will be lost. However, there will still be extra protection under article 5(6) of the Wildlife Order, which deals with certain derogations, which do not apply to schedule 1 birds. Therefore, there is still protection from the farmers' defence.

Stakeholders also mentioned the reed bunting. The Department believes that it is quite widespread and does not feel that there is a compelling case for its addition to schedule 1. However, we are open to adding the whinchat to schedule 1, as well as the lapwing and redshank. The raven's numbers and range have increased over the past 20 years, so, again, we do not feel that there is a compelling case to add it to schedule 1.

Mr Weir:

I do not have any particular knowledge of those birds, and I appreciate the specific point that has been made about the bullfinch. However, you are saying that you are happy that numbers are increasing, but could you provide us with information on the actual figures that you have?

Mr Meharg:

There is a bird survey, which is carried out every year and has been for the past 15 years or more. It provides year-on-year changes in populations of the more common birds. Therefore, we can look at that and give you the data.

The Chairperson:

I take it that the Committee will support the Department on adding the whinchat, lapwing and redshank to the schedule?

Mr Weir:

I was only suggesting that for the issues where the Department is saying that it does not feel that there is a need for certain measures.

The Chairperson:

We would like to see the evidence for that.

Mr Weir:

I do not doubt the word of the Department, but it would be useful to satisfy ourselves on the matter.

The Chairperson:

Did you mention the golden plover?

Mr K Bradley:

No. Again, the same issues arise in respect of the curlew, only we have less concern about its conservation status at this point in time. It is a quarry species, and we would prefer to keep it as a quarry species, but we will certainly flag it up as one of the priority species to look at in time for the next five-year review.

The Chairperson:

The thing is that, five years from now, the golden plover might meet a similar fate to that of the curlew.

Mr Ford:

There is a logic deficit. It seems that, although the golden plover will retain its quarry species, its status will be reviewed in five years' time because there is concern about it.

The Chairperson:

That is not sufficient. I would ask that that be reconsidered.

Mr Ford:

If there is a concern about that species, surely it should be included in schedule 1 for the next five years, after which it should be reviewed. It should not be the other way round.

Mr K Bradley:

The Department will consider that.

The Chairperson:

OK. Thank you. The evidence about the other species will leave us better informed and able to support, or not, as the case may be, the Department's view. Is that fair enough?

Mr C Savage:

Yes. The main comments in relation to schedule 2 were to do with the curlew, which we have touched on. There was support for adding the ruddy duck to the schedule. Some comments were made by stakeholders about the need for some research into the impact of shooting on the status of all quarry birds in time for the next five-year review. It might be difficult and quite costly to carry out a Northern Ireland review. We feel that such a review is best done at a UK or European level. There is an obligation on all member states to abide by the European wild birds directive and monitor the sustainable populations of huntable species. That is something that the UK and Northern Ireland have been working on in the background for some years now. An effort to use game-bag statistics and other similar data collected by various sporting bodies has been one way of monitoring the status of huntable species. There are obligations on us in that area, and work is ongoing between DEFRA and us on that.

The Chairperson:

During the Committee's visit to Brussels last autumn, we discovered that the Department of the Environment was not involved in the early stages of policy formation, but had a role in policy

implementation. Have you had any involvement in the implementation of any protection directives?

Mr K Bradley:

No. We take our lead from DEFRA.

Mr Meharg:

When DEFRA is involved in any such policy changes, we feed into the work of the Joint Nature Conservation Committee. It takes views from all the agencies in England, Scotland, Wales and Northern Ireland, and gives its advice to DEFRA. We are involved indirectly, but not directly. That is because it is the UK that is a member of the European Union.

The Chairperson:

I understand that, but it is just that there were general concerns. You were quick off the mark there, Mike, to clarify that point. You knew where I was going with it.

Mr C Savage:

Schedule 4 to the Wildlife (Northern Ireland) Order 1985 lists the species of birds that aviculture interests can possess. We propose to add a number of species to that list. Some stakeholders are concerned that we should not do that unless appropriate research is undertaken and a proper case is made before any other species are added. Our reasons for doing so are similar to the reasons that we gave in relation to falconry during our previous evidence session. The system in Northern Ireland differs from that in the rest of the UK; anyone in the UK can possess a captive-bred bird without a licence, but, in Northern Ireland, one has to have a licence to keep such birds. We feel that there is a low risk in adding further species to the list, because those birds are subject to an inspection and monitoring regime. That should allay any fears that stakeholders may have in that regard.

Mr Ford:

What is the point in adding anything at all to the list? Is there any evidence that there are people who want to show captive-bred birds?

Mr Meharg:

There are well over 100 licensed keepers of such birds who actively show them, particularly in

the mid-Ulster area and throughout Northern Ireland. One third of all licence holders are monitored on an annual basis to check that they are adhering to the licence conditions. It is a long-standing activity in the countryside.

Mr Ford:

The implication of adding all those species is that not only does that activity exist, but it is something that the Department is trying to encourage.

Mr Meharg:

We are looking at standardising licensing across the UK.

Mr Ford:

I am sorry. We are a devolved Assembly; that is a completely non-convincing argument.

Mr Meharg:

The stakeholders who raised that issue did so on the basis that they kept different numbers of birds on show in Northern Ireland. When they went to show their birds at other —

Mr Ford:

Sorry to interrupt; that is their case. What is the Department's case? Is it solely co-ordination across the UK?

Mr C Savage:

No. The Department is quite happy to meet the requests of aviculture interests as long as the keeping of the birds does not endanger the wild bird population in any way. That is in comparison with the UK, where the keeping of captive-bred birds is not regulated in any form. Having our system, which allows the interest to show certain birds, keeps their activity going, but it is under the light touch of the our regulation.

Ultimately, our concern is the concentration of wild birds. If there were any threat whatsoever to the wild bird population, we would be taking a much stronger hand.

Some stakeholders wanted three particular species of skate added to the schedule: the white skate, the black skate and the long-nosed skate. We are adding the common skate, but not those

other three, because recent research for the NIEA found that there is no historic or contemporary evidence to show the presence of any of those three types of skate in Northern Ireland waters. Therefore, we do not see that there is any need for an addition to the schedule.

One or two stakeholders mentioned bats, but they are fully protected under the conservation regulations as a European protected species.

The issue of pollan was raised. Pollan is subject to commercial fisheries —

The Chairperson:

I know that it is, from my next-door neighbours.

Mr C Savage:

Those issues have to be fully explored before consideration can be given to —

The Chairperson:

I imagine Toome Eel Fishery would want to come and talk about that.

Mr C Savage:

I would say so.

Lamprey was also mentioned. Three species were referred to, but we assume that we are talking about the river lamprey.

Mr Meharg:

Yes; we have produced a map showing the distribution of lamprey across Northern Ireland. We are content that there are three species: the sea lamprey, which comes into our estuaries; the river lamprey, which is found in many of our rivers; and another lamprey, which has become isolated in Lough Neagh and is treating it as a sea and lives in that area. All of those lampreys appear to be more common than had been suspected. Having worked with fisheries interests and others, who are now under the European water framework directive and having to record fish other than salmonids, they are showing that lampreys are much more common than we thought previously. As the survey is only into its second year, we feel that the population should be looked at again in the fifth year of the five-year review.

The Chairperson:

There is a commitment for a five-year review?

Mr C Savage:

Yes, it is in the legislation.

The Chairperson:

OK.

Mr C Savage:

Some stakeholders were wondering why the angel shark would only be protected between nought and six miles of Northern Ireland's coast. That is because of the complications of the European common fisheries policy whereby the common skate is a commercially taken species, and foreign fishermen have the rights to fish within six miles of Northern Ireland waters. Legally, it cannot be given protection under the Wildlife Order beyond the six-mile limit.

The Chairperson:

Can that issue be shared with European policy makers and your contacts in DEFRA?

Mr C Savage:

DEFRA faces the same issue. It has given it protection, but only out to six miles. I will alert the Committee to an omission in the Bill: the same requirement or qualification will have to be given to protect the common skate. It is not mentioned in the Bill, but that correction will be made.

There were few comments with regard to schedule 8 to the Wildlife Order, other than adding the bluebell, which we are doing.

The Chairperson:

Yes, we agreed that it was important to add the native bluebell. Will it be given the same protection as snowdrops and primroses?

Mr C Savage:

It must be protected against sale, as with the primrose, and it will also be protected from being

dug up.

The Chairperson:

I was thinking of ‘All Kinds of Everything’ and bursting into song.

Mr Boylan:

I was afraid that you were going to burst into song.

Mr C Savage:

Although stakeholders have not highlighted particular species, our main concern about schedule 9 is whether its structure has taken into account the structure of article 15, which we touched upon last Thursday. The purpose of schedule 9 and the additions is to identify the highest risk species. In our consultation, we had a list that was at least double or treble the size of the one that is proposed. We decided that many of the listed species have become so naturalised in Northern Ireland that there would be little value in placing them in the schedule.

I mentioned the sycamore last Thursday. That is widespread and is still an invasive species, but the way do deal with that is to make people aware that those species are out there. If they have opportunities to destroy them or take them away, they can do so by all means, but that should be done on a voluntary basis. In respect of adding species to schedule 9, it has to be the highest risk species; the ones that would cause us real problems if they became established.

The Chairperson:

Do you want to discuss schedule 2 amendments, after which we will try and get through the clauses? Are we planning to do that this afternoon?

Mr K Bradley:

Which one?

The Chairperson:

The schedule 2 amendments.

Mr K Bradley:

No.

The Chairperson:

That is OK. We will just do the clauses. We have only 20 minutes left.

Mr C Savage:

There was widespread support for clause 21. No concerns were raised.

The Chairperson:

We are on page 24, members.

Mr C Savage:

Clause 22 concerns penalties. The purpose of the clause is to increase penalties and give courts the power to impose custodial sentences for wildlife crime for the first time. Some stakeholders commented that penalties should act as a sufficient deterrent. We believe that the new penalties will do so, particularly the custodial sentence powers. There were also general comments about the need to educate the judiciary and provide adequate resources. Obviously, resources fall outside of the remit of the legislation. It is down to the police to try to enforce the legislation.

The Department always seeks to raise the profile of wildlife crime in any discussions that it has with the police. The Partnership for Action Against Wildlife Crime is a body that represents various bodies in Northern Ireland. It is a liaison facility. The police are represented on that body, so we continue to try to raise the profile of wildlife crime.

The Chairperson:

The written submission that we received today states that the PSNI fully supports clauses 21 and 22.

Mr C Savage:

Clause 23 is about application to the Crown. No concerns were raised about that clause. Clause 24 is a proposal to place a new statutory duty on the Department to review the schedules every five years. The main concern was that some stakeholders felt that five years is too short a time. Some suggested that it should be every 10 years. The Department believes that five years is appropriate because it will allow the conservation status of the species to be considered, and it will be a mechanism to provide alerts that closer monitoring may be needed. That does not

necessarily mean that changes have to be made every five years; it is simply a mechanism to alert us to what is going on.

The Chairperson:

The Committee is happy enough to accept that.

Mr Ford:

Some of the environmental groups raised the point about the possibility of emergency amendments to the schedules. Has the Department considered whether there is any way in which that could be done easily?

Mr C Savage:

The Wildlife (Northern Ireland) Order 1985 already contains the power to make changes to the schedules by subordinate legislation. That mechanism has always been there.

Mr Ford:

Thank you.

Mr C Savage:

Clause 25 gives effect to the amendments in the schedules, about which we have talked. Clause 26 concerns the close season for deer. The Bill proposes to reduce the close season by one month to facilitate effective deer management.

The season runs from 1 March to 31 October, and the Bill proposes to bring the end of the season forward to 30 September. Last Thursday, I said that the Department organised a meeting with stakeholders. Although there was broad agreement that an extension to the close season was needed, the consensus from the meeting was that the closing date of the close season should be changed. The consensus was in favour of delaying the start of the close season by one month until 1 April. One or two stakeholders suggested a half-and-half solution of having the close season run from mid-October to mid-March. We have listened to the views of stakeholders, and we favour the consensus that they reached. We propose an amendment on that basis.

Mr Beggs:

I can recall only one piece of evidence that you received recently that expressed concern at that

move. Who else has commented on it?

Mr C Savage:

The representative from the British Deer Society gave that view last Thursday. A number of estates, including barons' courts, were represented at the stakeholder meetings. They were in favour of delaying the start of the season until 1 April. One estate in County Fermanagh said that the dates for the season depended on the geographical location and that there were issues in lowland areas. Across Northern Ireland in general, it was felt that delaying the start of the season until 1 April was the preferred option.

The Chairperson:

Members seem to be in broad agreement with that.

Mr C Savage:

I shall now deal with clauses 31 to 36. Clause 31 concerns the abolition of game licences in Northern Ireland. Although the Department is responsible for the game laws, the game licensing system is administered by the Department for Social Development under a different piece of legislation. DSD is in total agreement with the clause. The systems, which have been in place for a long time, are considered archaic.

The main concern arising from the proposal is about the sustainable hunting obligation under the wild birds directive. Concern has been raised that, if game licences are to be abolished, some kind of mechanism should be in place for monitoring the numbers being taken. The obligation in the wild birds directive applies not only to game birds but to quarry birds and wildfowl, which are not caught up in game licences anyway. The old game licences did not place any restrictions on the numbers of birds taken and it did not require any monitoring or reporting of birds taken. We believe that the system is archaic and no longer needed in Northern Ireland.

The Chairperson:

If members do not wish to give any views on that, we will move on to clause 32.

Mr C Savage:

Clause 32 relates to the removal of the current of when during the year game can be sold. Currently, it can be sold only during the open season. The clause will remove that restriction.

The game is becoming known as quite a healthy product, and we do not see any problems with it becoming more widely available, as long as it has been taken legally with the restriction on it.

The Chairperson:

During the appropriate season.

Mr C Savage:

Yes. One concern was raised that there should be some kind of traceability system for deer to prevent poaching. There are various traceability systems under food hygiene regulations, and DARD is keeping an eye on deer farming because it is an area that has not been subject to regulation in the past. Any concerns or issues arising from the regulation of deer farming should fall within DARD's remit.

The Chairperson:

Are members broadly in support of those clauses?

Members indicated assent.

The Chairperson:

We have around 10 minutes left. Do you want to talk about schedules 2 and 3?

Mr C Savage:

I have covered schedules 2 and 3.

The Committee Clerk:

The Chairperson means the schedules to this Bill, as opposed to the Wildlife and Natural Environment Bill.

The Chairperson:

It is referred to in your paper.

Mr C Savage:

Schedule 2 contains the required amendments to the various pieces of legislation. The abolition of the game licence assistance, for instance, will require changes to the Game Preservation Act

and the Miscellaneous Transferred Excise Duties Act. The schedule is basically technical changes and repeals and mechanisms falling out of the proposals in the Bill.

The Chairperson:

OK, we will come back to that.

Mr Ford:

One point that arose at various times when we considered the current temporary protection Orders for hares was the 1928 Act, which, even as amended, includes powers to ban the taking and killing of, but not possession of, game in the close season. Surely, this would be the opportunity to amend that aspect of the 1928 Act?

Mr C Savage:

That is something that we would need to consider.

Mr Ford:

People could be found in possession of, for example, a hare, which was covered by a protection Order. However, by claiming that it was taken in the Republic rather than Northern Ireland, they can potentially escape prosecution. It would seem that the possession of a protected animal, as opposed to merely the proven taking or killing, is what is required to ensure that, after an animal is dead, the excuse that it is from Donegal or Monaghan does not apply.

The Chairperson:

Or, it wasn't me, gov.

Mr C Savage:

That is something that we could certainly consider.

Mr Ford:

If one has a tricolour or a Union flag —

Mr Weir:

Are there circumstances in which someone could be in lawful possession of such an animal, and that we are not inadvertently walking someone into the fence?

Mr Ford:

At present, one could be legally in possession of an animal that was taken elsewhere, but the strong likelihood is that it was taken in Northern Ireland.

Mr Weir:

I am not saying that. Could there be circumstances in which someone could be in possession of such an animal, but for an innocent or legitimate reason, for example, a vet?

Mr Meharg:

The only situation I can think of is where there was an injured animal. Mrs Nevins would get injured hares from time to time, which she would bring back and release. However, a clause in the Wildlife Order allows for that.

Mr Weir:

I am just trying to check from the technical point of view.

The Chairperson:

If you are to consider Mr Ford's comments anyway, you will be coming back to us, and we will have a fuller discussion then.

Mr C Savage:

Is Mr Ford referring to the Game Preservation (Special Protection for Irish Hares) Order (Northern Ireland) 2003?

Mr Ford:

No. That situation arose under that Order, because its language does not ban the possession of a dead hare.

The Chairperson:

Are you in a position to comment on the "other issues" element of the clause-by-clause summary of responses?

Mr C Savage:

No. We have not had time to consider those.

The Chairperson:

That is OK. That concludes the business for the meeting. The Committee will be moving to formal clause-by-clause consideration on Thursday. Thank you very much indeed.