



Northern Ireland  
Assembly

---

**COMMITTEE FOR  
AGRICULTURE AND  
RURAL DEVELOPMENT**

---

**OFFICIAL REPORT**  
(Hansard)

---

**Dogs (Amendment) Bill:  
Departmental Briefing**

21 September 2010

NORTHERN IRELAND ASSEMBLY

---

COMMITTEE FOR AGRICULTURE AND  
RURAL DEVELOPMENT

---

Dogs (Amendment) Bill: Departmental Briefing

---

21 September 2010

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

Mr Stephen Moutray (Chairperson)

Mr Tom Elliott (Deputy Chairperson)

Mr P J Bradley

Mr Trevor Clarke

Mr Willie Clarke

Mr Pat Doherty

Mr Simpson Gibson

Mr William Irwin

Mr Francie Molloy

**Witnesses:**

Ms Colette McMaster )

Mr Martin Mooney )

Mr John Terrington )

Department of Agriculture and Rural Development

**The Chairperson (Mr Moutray):**

I welcome to the table Colette McMaster, John Terrington and Martin Mooney. I ask you make a brief presentation on the Bill. Afterwards, members will have the opportunity to ask questions.

**Ms Colette McMaster (Department of Agriculture and Rural Development):**

Thank you for giving us the opportunity to address you as part of the Committee's scrutiny of the

Dogs (Amendment) Bill. We are grateful for the Committee's help in bringing the Bill to this point. We look forward to doing everything that we can to assist you in your scrutiny process. I am accompanied by John Terrington, head of the dog control Bill team, and his deputy, Martin Mooney.

I do not propose to make a long presentation. I know that, last week, members met to consider the way ahead. They have seen stakeholders' contributions to the Department's consultation and to their own consultation on the Bill. Members will also have seen the Department's response to consultees' concerns that were raised with the Committee. If you wish to move directly to discussion of the Bill's clauses, we will try to clarify any outstanding issues that members may have, and answer any questions. I am aware that some members have joined the Committee recently. Therefore, it may be helpful if I summarise the policy background and the form that the Bill takes.

**The Chairperson:**

Please do.

**Ms McMaster:**

The Dogs (Northern Ireland) Order 1983 was introduced to deal with serious problems with dog control, namely higher levels of straying, livestock worrying and attacks on people than in Britain, where the Dogs Act 1871 was considered sufficient to deal with such issues.

The 1983 Order has been a pretty successful piece of legislation. It introduced a system of local authority dog wardens, partly paid for by the dog licence fee. It has helped to reduce significantly the number of stray dogs, livestock worrying incidents and attacks on people.

However, members will be aware that we still have problems with the control of dogs. The number of stray dogs per head of the population remains much higher here than in England, Scotland and Wales. In 2009, around 9,000 stray and unwanted dogs were impounded by district councils here. More than 2,300 of those dogs were destroyed. In 2009, 741 dog attacks on people were reported. That figure has remained at around 700 or more since 2000. Although livestock worrying is at a lower level than was reported in the 1970s and 1980s, it remains high, with almost 300 reports investigated by dog wardens in 2009.

A review of dog control legislation commissioned by the Minister in 2007 developed a range of policy proposals to address those ongoing problems, including increasing the dog licence fee, with concessions for certain classes of owner, and the level of fixed penalties; compulsory microchipping of dogs; introducing the offence of allowing a dog to attack and injure another person's dog; and empowering district council dog wardens to impose control conditions on an owner's dog licence when a breach of the 1983 Order has occurred.

On 5 November 2009, Executive Ministers agreed to a consultation on the review's policy proposals. On 23 November 2009, the consultation opened. On 1 February 2010, it closed. The Department received 129 responses to the consultation, most of which supported — some with reservations — the majority of consultation proposals.

The Bill seeks to implement the policy proposals with respect to the level of the licence fee, control conditions on licences, compulsory microchipping, attacks by dogs on other dogs, and fixed penalties, on which the Department consulted. The proposal to change the system for the exemption of a prohibited type — pit bull terriers, for example — achieved no consensus. Therefore, that has not been carried forward in the Bill.

I do not propose to go into detail on the Bill's clauses. I am sure that we will explore them in depth in the coming weeks. I would like to close with a few remarks on the broad shape and content of the Bill. As you will be aware, the Bill amends, rather than replaces, the Dogs (Northern Ireland) Order 1983. Elements of the Bill may seem odd when taken out of that context. However, we will do our best to help to put each clause in context as we work through it.

The Bill is short, comprising just 18 clauses and two schedules. Most clauses are relatively brief. That is not to say that they are unimportant, however, but that, in most cases, relevant changes to the 1983 Order can be made with quite small amendments to its text. For example, clauses 6 and 7 introduce the offence of owning a dog that attacks and injures another person's dog with just a few words and phrases inserted into the 1983 Order and a minor change in how the Order's relevant articles are organised. Nevertheless, the introduction of that new offence is one of the Bill's key features.

In contrast, clause 8, which introduces a system of control conditions for problem dogs, inserts

five substantial new articles into the 1983 Order. We expect that that will be a major part of deliberations. However, I am sure that its size alone will not overshadow smaller but equally vital provisions.

The Bill's key benefits are that it will reward responsible owners who already comply with the law, increase resources for dog wardens and help to reduce the number of stray dogs. Universal microchipping will make it more likely that lost or stolen dogs will be returned to their owners. Problem dogs in neighbourhoods can be managed through attachment of control conditions to their licences. There will be a new offence when a dog attacks another dog. Irresponsible owners face stiffer fixed penalties and a new control conditions regime. A better resourced dog warden service will be more likely to detect infringements. Dogs will be less likely to go unidentified, get lost, and, in the worst cases, be destroyed. The time that a stray dog has to spend in a council pound will be reduced.

I am happy to introduce each of the clauses now. However, it may be of more value to deal with them as they come up in discussion.

**The Chairperson:**

That is fine. We are content for you to leave it at that for now.

**Ms McMaster:**

In that case, we will not take up more of the Committee's time. We are happy to clarify any issues and answer any queries that members may have. Of course, we also note that a girl was attacked by two dogs yesterday. That is certainly the sort of incident that we hope to deal with through the Dogs (Amendment) Bill and existing dog controls.

**The Chairperson:**

Thank you. I will open the floor for members' questions shortly. First, it appears from initial consultation that there does not seem to be resounding support for the introduction of compulsory microchipping, particularly when it is to be run in conjunction with the current licensing system. Have you any comment to make on that?

**Ms McMaster:**

In consultation that we have carried out and in our ongoing discussions with key stakeholders

both during that consultation and since, we have found that there is broad support for microchipping.

Microchipping is an important part of the Bill. The introduction of microchipping, which will provide a permanent means of identifying a dog, combined with the existing dog licensing system, will strengthen identification and licensing in Northern Ireland. It will make it easier for dog owners to be able to identify and have returned to them lost or stolen dogs.

We are aware that concerns have been raised about the potential cost of microchipping. Compulsory microchipping can be done very cheaply. We understand from our discussions with stakeholders that it can be done for a few pounds, and sometimes for free, by animal charities, councils and responsible breeders. The Bill does not stipulate that it must be done by a vet. We believe that after universal microchipping is introduced, the market forces will mean that it will remain fairly inexpensive.

John is head of the dog control team and has been holding ongoing discussions with stakeholders; he will comment further.

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

Local authority representatives supported microchipping during the consultations on the Bill, but had some concerns over the practical implementation aspects. Throughout the process, we have met, and will continue to meet, the group representing the chief environmental health officers and dog wardens to look at those issues. As we gain a better understanding of how it would happen in practice, we do not think that any of those issues will present a problem.

The dog licensing system that was established here in 1983 serves both dog owners and the wider public, providing a dog identification function and a source of funding for dog warden services. We believe, therefore, that there is a need to maintain the licensing system. It provides an annual point of contact between dog owners and enforcers, which will allow the opportunity to ensure that the microchip information is updated and accurate. It also provides a framework to extend the licensing system functions, as in the case of the proposed control conditions that the Bill would introduce. The Department believes that having the two systems running side by side will be helpful.

One concern that was raised was whether there is a need for both the microchip and the visual identification, the dog tag, which is a requirement of the current licence system. The dog tag is a visual system that facilitates the return of dogs to their owners by people who do not have microchip-reading technology: a neighbour, for example. That saves the time of the warden and the owner and also allows councils to carry out a visual check. A fully tagged dog means a compliant dog owner, so there is no need to take any further action. When a dog tag is missing, the microchip can come into play, so we think that the two sit side by side.

**The Chairperson:**

Thank you. I declare an interest as a member of Craigavon Borough Council. The problem with strays is that the overwhelming majority of them are not licensed and will therefore not be microchipped. My understanding, through local government, is that there is no operational advantage in running the two systems side by side because people who are not paying £5 at the moment for a licence are hardly going to be attracted to the new system.

**Ms McMaster:**

The number of licensed dogs has increased steadily by over 30% over the past 10 years. That has been the trend, and we hope that we will be able to improve that situation as a result of the new Bill. Part of having a dog licensed will be the requirement to have a microchip; the dog would not be properly licensed until it has that chip. The microchip will work to bring more people who do not currently hold a dog licence into the system by enabling dog wardens to more quickly identify whether a dog is licensed and to trace the owner, or previous owner.

The additional resources that will come to councils as a result of the increase in dog licences will increase councils' ability to go out and enforce the legislation more readily. Therefore, we anticipate that, over time, more unlicensed dogs will be brought into the licensing system. A dog must have a microchip in order to be licensed; therefore, any dogs that breeders sell in the future will have to be microchipped. That will bring more new dogs with microchips into the system.

**The Chairperson:**

The people who are going to operate the system do not seem to be confident that we can go forward with it. It is not only local councils that have concerns but the Kennel Club, for example. How will microchipping reduce the number of stray dogs?

**Ms McMaster:**

If licensed dogs are microchipped and they wander from home, we can find their owner and reunite them with their dog. Microchipping will make that process happen more quickly. The microchip details will have to be kept up to date on the microchip database. The licence holds the owner's details, but the microchip details in combination with that will make it easier to trace the current owner of the dog. In many cases where dogs are lifted as strays and are not microchipped, councils will microchip them before they go to new owners. Therefore, again, that will reduce the number of non-microchipped dogs.

**Mr Terrington:**

In our consultation, 15 councils expressed opposition to compulsory microchipping, but they were very clear that that was on the basis that some technical issues needed to be sorted out. We are talking to the enforcers in the field about those issues. The same number of councils supported it, but had concerns about the technical issues. Therefore, the number of councils that support microchipping is similar to those that have concerns about it. However, we believe that we are dealing with those matters, and I have seen that people in the field have a better understanding of the process, particularly around universal issues that we will continue to talk to them about.

You also suggested that the Kennel Club do not support it. My understanding is that the Kennel Club is 100% in favour of universal compulsory microchipping, but it has difficulty with the licensing system. We have given reasons why we think that the licensing system supports and requires enforcement by councils under the Dogs Order. The Kennel Club supports microchipping, albeit without the licensing. We have already sought to address that concern.

**The Chairperson:**

I do not want to labour the point, but I have in front of me a recent report from the Royal Society for the Prevention of Cruelty to Animals (RSPCA), which states that in 22 countries in Europe it is compulsory for dogs to be licensed or registered. However, it is thought to be ineffective in helping to reduce stray dogs in 15 of those countries. Would you like to comment on that?

**Mr Terrington:**

I know of the report that you refer to. I do not think that it is for us to comment widely on how measures are enforced in other countries, but some of the conclusions that were drawn from that



report indicated that measures were not being enforced. We can say that councils here enforce measures partly because of the statutory requirement that they do so, the public pressure that they do so, and the income that is provided to councils. Going by the increase in licensing and various enforcement measures since 1983, the figures show that councils here are effective in enforcement.

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

One of the interesting things about that report, and others, is the wide range of what licensing and registration systems actually mean. Some of them are very superficial. It might be a case of ticking a box and saying that a person has a dog. Other systems are almost draconian. In cities in Austria, a person must qualify as a dog owner before they can go near a dog. It is also worth bearing in mind that the range of fees varies hugely.

**Mr Molloy:**

Thank you for your presentation. Although the dog attack on the young girl in Derry last night is certainly regrettable, the Department's introduction of it might be seen as trying to influence the Committee's decisions, so it is regrettable that that was done. At this stage, there has been no indication of the breed of dog involved or whether it was licensed or microchipped, so the case is not relevant to this discussion. It has been introduced as a distraction.

I note that you indicated that every council seems to support microchipping, and the Department's role has been acknowledged, but there is no acknowledgement of those who oppose it. As we heard, a number of councils are opposed to or have reservations about microchipping. In my council — I declare an interest as a member of Dungannon and South Tyrone Borough Council — the matter has never been discussed; officers replied on the council's behalf. How many of the responses came from council officers, and how many were from councils? There is a big difference. I know that civil servants find it difficult to get over the fact that elected representatives have the final say in these matters, but that is the reality. The problem is that council officers often take their own position. For instance, Ballymoney Borough Council seems to see microchipping as a good opportunity for tax collection and a means of gaining extra resources, rather than a means with which to control dogs. Therefore, the figures need to be qualified.

As for compulsory microchipping, a number of factors are relevant. Individuals have a human

right to own a dog without the dual obligation to microchip and license it. Even in the replies to the Chairman's questions, there was no indication that microchipping would reduce the number of strays or the number of attacks on people and other dogs. In my experience, the owners of stray dogs are irresponsible and unwilling to be held accountable for letting them go. Microchipping would merely impose greater controls and accountability on those who look after their dogs properly, but it would have no effect whatsoever on those who allow their dogs to stray or do not look after them.

**Ms McMaster:**

Your first point concerned yesterday's attack. That involves one of two scenarios. If the dog is identified as a pit bull terrier type, the owner is liable to a fine of up to £5,000 and a jail sentence. The Dogs (Amendment) Bill continues to prohibit those dogs, and it is designed to improve the resources available to deal with breaches of that ban, along with other dog controls. When the Bill is enacted, even in respect of dogs that are not a banned breed, the new control conditions attached to dog licensing will assist in pre-empting dangerous behaviour before attacks happen. The penalty for failing to comply with those control conditions will be a fine of up to £2,500. Therefore, there are elements of the Bill that will help to deal with dog attacks such as the one that we mentioned.

With respect to the other points that you raised, you said that there is no indication that microchipping would reduce the number of strays. We touched on that point already, and the intention is that, as a result of the Bill, incrementally more and more dogs will be brought into the licensing and microchipping system.

The Bill introduces new deterrents. The owner of a non-microchipped or unlicensed dog will be committing an offence punishable with a fine up to £1,000. Where there is evidence of ownership of a dog, that person can be prosecuted for offences in respect of the dog, whether or not they admit to ownership. The Bill increases the deterrent by increasing the level of the fixed penalty for having an unlicensed dog from £25 to £50.

**Mr Mooney:**

I cannot give you an exact figure for the number of responses that came from councils versus officials. My recollection of the consultation is that, in most cases, we received formal responses from councils as an entity. In many cases, we also got responses from their environmental health

officers or dog wardens. We got quite a few responses, if not most, from constituted councils.

**Mr Molloy:**

I see that Banbridge, for instance, has welcomed the legislation, subject to ratification. That is an officer's reply, without any ratification from the council. That is meaningless; it is an official's opinion.

**Mr Terrington:**

Almost all local authorities here responded to us in January. Our records show that only three or four replied to the Committee, because they made their points clear to us. A number of them put in their response within the deadline, and contacted us after that to ratify, or, on one or two occasions, to amend some of the things that they had said. The consultation period allowed for councils to carry out the scrutiny processes that they require.

**Mr Molloy:**

Another issue is that dealing with banned dogs is a matter for separate legislation.

**Mr Terrington:**

It is as regards the Dogs (Amendment) Bill. The Dangerous Dogs (Northern Ireland) Order 1991 amended the Dogs Order (Northern Ireland) 1983. Unlike in Britain, where that matter is dealt with by several pieces of legislation, here it is all the 1983 Dogs Order. The Dangerous Dogs (Northern Ireland) Order 1991 amends the 1983 Dogs Order so that it remains all one piece of legislation.

**Mr Molloy:**

I think that it was the Dogs Trust that made that comment.

**Mr Terrington:**

It was probably referring to GB legislation.

**Mr Molloy:**

Judges and others seem to have difficulty clarifying what a banned dog is; for example, identifying a pit bull type. Regardless of my opinion of what a pit bull type is and someone else's, and even the people involved in the incident yesterday, it may not be a pit bull at all in the end. If a dog is the right colour and shape, it is a pit bull as far as some people are concerned.

Who in the Department will decide what a pit bull is?

**Mr Mooney:**

It is easiest to start from the position that there is no recognised breed. That is why the Dangerous Dogs Act 1991 in Britain and the Dangerous Dogs (Northern Ireland) Order 1991 speak of the pit bull “type”. There are widely recognised criteria within which a dog can be categorised as a dog of that type. I do not have them to hand, but they are certainly available to police forces and local authorities around Britain and Ireland.

**Mr Molloy:**

Would a judge, for instance, have that legislation in front of him?

**Mr Mooney:**

The Dogs Order, and the Dangerous Dogs Act in Britain, are interesting pieces of legislation. The offence of owning one of those animals is what is known as a strict liability offence. If the dog is identified by the enforcer as a pit bull type, it is up to the owner or keeper to prove that it is not. Technically, the judge is not making a decision on that. He will have to weigh up the evidence.

**Mr Molloy:**

Let me be very clear: I am totally against the idea of fighting dogs. However, the description of a dog as a pit bull has become a label that has distorted opinion and confused people. In some of the recent court cases, I noticed that judges gave different opinions to councils. Therefore, the issue is not, by any means, clear cut.

I have been bitten by three dogs, and none of them were pit bulls. If you are going to say that any dog that bites is a dangerous dog and should be put down, you will run into difficulties. I see that there has been communication with postmen. Terriers and wee dogs like that have probably bitten more people than any other breed. You are scaremongering and using a sledgehammer to crack a nut, because of a couple of incidents. As a result, all of the owners and keepers of such dogs, who have been looking after dogs for years, are going to be penalised twice, because they will have to have a licence and microchip their dogs.

**Mr Terrington:**

The ban on pit bull type dogs has been in place since 1991. There are some who would argue for

that ban to be lifted, but there would be as many people who strongly feel that the ban should remain in place.

Under the 1991 amendment provisions to the Dogs (Northern Ireland) Order 1983, other types of dogs are defined as dangerous dogs after they have bitten, and there are penalties and other measures that can happen through the courts as a result.

Under the Bill, the owner of any dog that poses a danger to the public or has attacked livestock or other people's dogs could be subject to the control conditions. The conditions state that the dog has bitten and it is therefore appropriate that the owner should keep it on a leash and/or muzzled at all times. That is widely accepted as a way of dealing with other dangerous dogs. You mentioned postal workers, and the Communication Workers Union is one of the organisations that has been for pushing that for some time through its Bite Back campaign. Therefore, the legislation does seek to deal with other dangerous dogs.

**Mr Gibson:**

There is a fair degree of trading of dogs across national boundaries, particularly greyhounds. Greyhounds are traded between the Province, the Irish Republic, the mainland and further afield. What monitoring systems and controls does the Department have for dogs that are traded outside the Province? Do those controls include tracing?

**Ms McMaster:**

There are a couple of points in your question that we can talk about, and, if there is anything more that you need us to clarify, we will get back to you.

Under the EU's pet movement rules, there is a derogation from pet passports that operates within the British Isles. Therefore, no pet passport or movement document is required for an animal that is moving between Northern Ireland and the Republic of Ireland or GB.

On monitoring the movement of animals from North to South as it relates to the Bill, we have been working with colleagues from the relevant Department in Dublin, which has been bringing forward dog-related legislation. There could be cases in which a dog moves to the South that has a control condition attached to its licence here, and we are discussing with our Dublin counterparts how we might exchange information about those sorts of dogs between the two

jurisdictions.

**Mr Terrington:**

The issue of trading dogs is beyond the scope of the Bill. I am not sure whether the Bill could deal with welfare issues. It is very specifically about the control of dogs. If they are problem dogs and their owners have breached the legislation, the Bill will seek to address that. I am not sure what exactly the Bill could do or the scope of that problem.

**Mr Gibson:**

In the recent past, publicity has been given to cases in which cars were stopped in Stranraer having made their journey across the water, and boots were stuffed full of puppies that, presumably, had come from puppy farms here. Perhaps that raises another question about people who breed dogs on a commercial scale. How are they monitored? There have been some horrendous stories about puppy farms.

**The Chairperson:**

Simpson, I will stop you there because that issue will come under the Welfare of Animals Bill, which we will discuss this afternoon.

**Mr Mooney:**

Although the Welfare of Animals Bill will take on areas in respect of breeding, the Dogs Order that we are amending requires anyone who breeds dogs to be registered.

**Mr Gibson:**

Stray dogs are a result of irresponsible ownership. Responsible dog owners will comply with whatever the Bill necessitates. Those who breed or keep dogs irresponsibly and whose dogs stray are unlikely to co-operate with any microchipping that is required. Does the Bill specify the penalties that will apply in cases in which non-microchipped dogs are apprehended?

**Ms McMaster:**

Yes. A non-microchipped dog will, essentially, be an unlicensed dog, and that offence will be punishable by a fine of up to £1,000. There will also be an increased fixed penalty of up to £50 for a dog that is not licensed. That is the proposal.

**The Chairperson:**

It is all very well having fines, but how is ownership proven?

**Ms McMaster:**

Ownership of a dog can be proven in a number of ways. It can be proven, obviously, if there is a licence or if there has been a past licence for that dog. If there is evidence to point to someone being the owner of a dog; for example, if they walk that dog or are out with it, that can be sufficient to —

**The Chairperson:**

Will that stand up in court?

**Ms McMaster:**

Yes.

**Mr Molloy:**

Are we likely to see DNA sampling of dog hairs on cushions from now on to prove where dogs lie?

**Mr Terrington:**

That is not proposed in the Bill.

**Mr W Clarke:**

Thank you for the presentation, folks. Has the Department given any thought to the licence fee covering the cost of the microchipping? In the Bill's present form, responsible dog owners are penalised because they have to pay extra to have their dog microchipped. That is fundamentally wrong. The licence fee should cover the cost of the microchipping. Perhaps councils could give vouchers to owners to have their dogs microchipped by one of the trusts. The Department has argued that it is very cheap to microchip dogs. Once someone pays the licence fee, it should be the end of the matter because they have paid the cost. A voucher system or something similar should be implemented.

Is there an option for an owner to pay a special price for a lifetime licence for their dog to cut down on bureaucracy? That would bring in greater resources to the council early on to implement a dog warden system and administer aspects of the Bill.

**Mr Mooney:**

You raised that on the previous occasion on which we spoke, and we gave it careful consideration. I suppose that one of the issues is how the licensing system works as established by the Order, and that brings in the second proposal. One of the benefits of having an annual licensing system is that it is an annual point of contact between the owner and the enforcers. Having an annual recurrent renewal of the licence struck us as making the proposal for including a microchip in the price of the licence a bit more difficult. Possibly, something like that might work for a dog that was being licensed for the first time, but a person who renews their licence and pays £5 or £12.50 and who has a perfectly compliant microchipped dog does not necessarily get anything for that.

Councils could carry out the voucher idea if they chose to do so. If they had the facilities, they could microchip newly licensed dogs at a discount, or they could work with a group such as the Dogs Trust to do that. There is nothing in the Bill that would preclude that.

**Mr W Clarke:**

I declare an interest as a member of Down District Council. I do not think that any council would take up the option to that voluntarily; it would have to be a mandatory requirement. As you said, the council will know that a dog is microchipped because there will be records to show that. There will be greater buy-in from the public if they are not being taxed twice, rather than being taxed for the licence initially and then for the microchipping. Although people might say that the licence is very cheap, it could turn out not to be very cheap at all. At this early stage, my concern is that I do not see any reason why that could not and should not be implemented.

**Mr Terrington:**

Another argument is that getting a licence is a simple process. It involves a person applying by filling out an application form and applying by post, online or at a council office. Presumably, that is an administrative task that is carried out by administrators and not by the dog wardens. It is likely that the dog wardens are tooled up, skilled and keen to do the microchipping. If your suggestion were implemented, people would be required to go to a central point, which might not be that convenient for getting the dog microchipped when there might be an easier way of doing that locally. Perhaps it would bring another difficulty to the owner and to the council officers when they should be somewhere else dealing with strays and other issues. That is the counter



argument.

On the issue of a lifetime licence, there is definitely an argument for anything that reduces bureaucracy, but annual income stream is important, as is having a point of contact to ensure that the information is accurate and up to date, particularly on people who move. There is a concern that, for certain groups, making a one-off payment, albeit reduced, rather than paying for a licence annually, would cost a lot of money.

How often dogs need to be licensed is already set in subordinate legislation and, therefore, is not something that the Bill necessarily seeks to change. However, that could be changed by subordinate legislation in the longer term if there was call to do so.

**Mr W Clarke:**

I am just saying that we should look at including lifetime licences as an option. Obviously, a lot of people would not take that option up. However, it should be there so that if people would prefer to do that, they would not have to go to the council offices 10 or 12 times in their dog's lifetime, which is bureaucratic and means costly administration. You should be trying to deal with that in these early stages. For example, there could be a different coloured disc for a dog licence —

**Mr Mooney:**

For a lifetime licence?

**Mr W Clarke:**

A different coloured disc could show that it was a lifetime licence. We need to look at that in further detail.

**Mr Terrington:**

Last year, the Committee saw a piece of subordinate legislation to the Dogs (Northern Ireland) Order 1983 that changed the colour of the tags every couple of years to provide a physical means of identifying a legitimate compliant dog owner with a licence. Over a longer period of time, a one-stop-shop tag may cause difficulty, because that tag could be swapped with a tag from a dead dog. Changing the colour of the tags is part of the regular review, which is updated through legislation every three years, and allows a warden to know, without going near a dog, that it is under control, accompanied by its owner and licensed. That frees up wardens to deal with

untagged dogs.

**Mr W Clarke:**

It would not be too hard to copy a disc or make a different coloured one. That would be pretty easy to do, and then people would not have to pay any licence fee.

**Mr Terrington:**

Some enforcers that we have met say that, all other things being equal, if a dog is not causing any harm and looks well controlled, and if they have no reason to suspect otherwise, the disc allows them to make that identification. They then have no reason to approach that owner. However, if a dog is straying or if its owner is involved in another breach of the Order, it is a different matter.

**Mr W Clarke:**

Most people fail to get a licence or let it lapse. They perhaps get a licence for the first few years, but then do not reply to the letter from the council. People have busy lives and a dog licence is perhaps not their top priority. Then, when people realise that they have missed the licence by six months, they feel that they should not go near the council. A lifetime licence would mean that people could pay the fee and be done with it. Perhaps the Committee could talk about that at a future date.

**Ms McMaster:**

I take your point. However, against that, we have to balance the income stream.

**Mr W Clarke:**

Councils would be getting the income up front.

**Ms McMaster:**

It would depend on the extent of income from that, which would then fall off. Currently, as you are aware, in a lot of councils, licence fees do not reach anywhere near covering the cost of dog warden services. Part of the intention behind raising the annual licence fee is that it would raise the income and help councils to deliver those services. It would then depend on whether that was useful to councils as they go forward.

**Mr P J Bradley:**

I do not have to declare an interest, as I am no longer a councillor and I do not own a dog.

**Mr Terrington:**

You can declare an interest as a non-dog owner.

**Mr P J Bradley:**

When we started to look at the Bill, we thought that it would be fairly simple. However, now, I see a whole bureaucratic minefield opening up. I almost go along with Willie Clarke's thinking, that things could be simplified to remove all the red tape. If we had compulsory microchipping, why would a licence fee be required at all? If everybody was compelled to get their dog microchipped, and, given the data and paperwork that goes with that, all the information was stored in that microchip, why would a licence or a licence fee be required? Surely we could simplify things through compulsory microchipping.

**Mr Terrington:**

We have sought to address what the licence and its fee have achieved since 1983. Within the enforcement regime, there has been no call to remove the licence per se. Some of the comments we have seen suggest that some people think that the part of the licence requirement for the visible tag is a step too far. There are some criticisms that the microchipping database is not updated quickly enough and that the licence does not allow for the identification of a dog that is licensed but has strayed and found its way to a pound. We believe that the two processes side by side shore up any perceived weaknesses in each.

Councils are required to enforce the Dogs Order, which involves councils setting up dog warden services, and the licence fee provides the income for that. Whether or not we give the money to councils to microchip, it is a one-off payment for a dog. Therefore, for the lifetime of that dog, there is no income associated with providing support for dog warden services and the statutory requirements of councils under the Dogs Order.

**Ms McMaster:**

The system of control conditions that the Bill proposes applies to an individual dog if its behaviour is of concern to dog wardens. It is proposed that the control conditions will be attached to the dog licence. Therefore, it is also a means of administering and managing that dog under the control conditions system.

**Mr P J Bradley:**

I will put my question another way. If a dog strays and turns up in a dog pound, will all the information, such as the name and address of the owner, not be contained in the microchip?

**Ms McMaster:**

Certain information is held by the database for the microchip.

**Mr P J Bradley:**

Does that include the name of the owner?

**Ms McMaster:**

Yes. The owner is required to keep that information up to date. The new control conditions system that the Bill proposes is intended to apply to any dogs whose behaviour is of concern. The intention is that conditions can be applied to individual dogs to pre-empt their behaviour before it escalates and becomes dangerous. The intention is that the dog owner will have those conditions applied and they will be applied on the dog licence for that dog. If that dog is then transferred to another owner or sold, there are control conditions, and the council needs to know that the dog's ownership is going to be transferred. It will need to alert the new owner that the dog has had control conditions applied because of its behaviour. The Bill will allow that system to operate as well. That information would not be contained in the microchip.

**The Chairperson:**

How are control conditions applied in England where there are no dog licences?

**Mr Terrington:**

There is no statutory system in England. Although it is not yet in place, a system has passed the legislative process in Scotland to allow enforcers to apply the same sort of conditions. The bottom line is that they now have to set up an admin system from scratch to allow the administration of that. We argue that we have a system that would allow councils to do that with little additional administration.

**The Chairperson:**

Why could the conditions here not apply to the owner rather than to the licence?

**Mr Mooney:**

The thinking is that, by applying them to the licence, they control the way in which that particular dog is managed by that particular owner. The management of the dog is being controlled.

**The Chairperson:**

Could the control conditions not go on the microchip?

**Mr Mooney:**

The operators of the microchip database would not necessarily have any kind of statutory requirement to hold that information. Currently, most of the microchip databases are run by companies or organisations in the South or in Britain, where control conditions do not apply.

**The Chairperson:**

Is it not the case that the legislation is about getting it right?

**Ms McMaster:**

We are proposing that the microchip system will operate in tandem with the licensing system that already exists in Northern Ireland. Universal microchipping will enhance and improve the existing system. We have not proposed to move away from the current licensing system.

**The Chairperson:**

Surely, you must be getting the message that members think that it is too bureaucratic.

**Ms McMaster:**

The existing licensing system has worked well in the years that it has been in place, and the number of stray dogs has reduced. So we know that elements of the existing system work well. The intention is to retain and build on the elements that are working well and, where we can, to enhance them. That is the intention of tying in the microchip with the licensing system. It will not only provide a registration system, which is the licensing system for the dog, but will add an individual identification for each dog.

Voluntary microchipping is widely used in GB. It is useful in reuniting dogs with their owners and so on. However, there have been calls in GB to reintroduce a system of licensing. They have been looking at our systems. We have that licensing system; we did not discard it

when it was discarded in GB. It has been operating well here, so it is a matter of seeking to build on that. Absolutely, we want to keep it as free of bureaucracy as possible.

**Mr Terrington:**

Owners will be required to have their dog microchipped, which is done as a one-off. The licence application form has a box for the identification of the dog, and that can be a Kennel Club registration number or a microchip number. That is all that owners will be required to do: have their dog microchipped and have that recorded on the licence. If that is a valid number — it is fairly obvious to anyone who knows the system whether it is — the dog is fully licensed at the point of application.

**Mr Irwin:**

I apologise for not being here at the start of the proceedings. I declare an interest as a member of Armagh City and District Council. In the main, local councils would be tasked with carrying out the legislation, but 15 of the councils are opposed to compulsory microchipping. Surely that speaks for itself. In my area and across Northern Ireland, a number of hunt clubs feel that, as their dogs come out at hunt time only and are back in kennels immediately afterwards, microchipping would be a costly administrative burden on them. Countryside Alliance is against compulsory microchipping as well. Considering that 15 councils are opposed to the microchipping, and they will be tasked with implementing the legislation, how do you see it working? Some people believe that compulsory microchipping may cost as much as £30. I know that a lot of figures have been bandied about, but have you a realistic figure?

**Ms McMaster:**

Microchipping can be costly. If it is done by a vet, for example, it will be more expensive, but there is no requirement in the Bill for it to be done by a vet. It will have to be done by a competent person, and that can be a layperson. In our discussions with those who currently provide microchipping, we have found that it can be done for only a few pounds, and it is often provided free by animal charities and some of the breeders, for instance. Therefore, the microchipping required could be done relatively cheaply.

The Bill requires that a competent person carry out the microchipping. In the case of a hunt club, it would be possible for that club to have one person trained to carry out microchipping and to do that for members' dogs. Such possibilities mean that microchipping will not necessarily be

costly.

**Mr Terrington:**

I will address your question about the councils. We accept that, during our consultation, 15 councils expressed concerns. They often used the word “unless” —

**Mr Irwin:**

I hear that they were opposed.

**Mr Terrington:**

They were opposed to it unless certain issues were sorted out. We have begun to address their concerns, in part during the drafting of the Bill by looking at the powers set in subordinate legislation about the information that needs to be gathered and so on, and also by talking to the councils about how we understand the process currently works on a voluntary basis and would work on a universal compulsory basis. In fact, the other side to that is that another 14 or 15 councils said that they supported it, but —

**Mr Molloy:**

On a point of order, Chairperson. There are 26 councils. If 15 of them are against it, 10 of them may be in favour. There are not 30 councils.

**Mr Terrington:**

I apologise. It was probably not as many as 10. Nonetheless, a number of them said that they supported it. They gave the same “but only ifs”, because they wanted the same technical implementation issues sorted out. Whichever side councils are on — for or against — there is a clear perception that certain technical issues need to be dealt with. We think that we can deal with those and continue to do so.

**Mr Irwin:**

You must accept that there is a big lobby, with 15 out of 26 councils opposed to it.

**Mr Terrington:**

As I say, they are opposed to it unless certain issues are sorted out, and we can and have begun to address those.

**The Chairperson:**

You will also accept that we need clarity that the technical issues will be — not might be — sorted out.

**Mr Terrington:**

There are only so many technical issues that can be dealt with in subordinate legislation. For instance, the councils raised concerns about data protection, but we do not think that that is an issue because any database holder is under the same data protection rules as we are. However, there are certain issues that the subordinate legislation can deal with. We have started to talk that through with the very people who will be enforcement officers. In fact, our most recent meeting with them was last Friday. I am more than happy that at some stage — sooner rather than later — we share our thinking with the Committee on what relevant information should be included in subordinate legislation about what a microchip is and what a database must do.

**Mr Gibson:**

Clause 8 makes provision for local authorities to have the opportunity to add control conditions to a licence. Are local authorities empowered to do that without having to refer to the courts?

**Mr Terrington:**

That is the intention. If a dog owner breaches the legislation, it is already open to councils to send warning letters, to give fixed penalties, if appropriate, and to take further court action, if necessary. We are inserting an extra piece to the Order that links directly to the offence that has been committed. For example, if it is a straying offence, the council can put in place a control condition to say that that dog must be kept in a secure location or must always be on a leash, and a penalty will be available if the owner does not comply with that control condition.

**Mr Gibson:**

Therefore, the councils are empowered to do that?

**Mr Terrington:**

Yes; under the Bill, they would be.

**Mr Molloy:**

You say that our licence system is unique and the best. In that case, why change it? In fact, the



indications are that we have more stray dogs here, where there is a licence system, than they have in England, where there is no licence system. Why would we add to that system with a microchip, which seems bureaucratic and all the rest of it? Would it not be easier to tag the owner than the dog?

**Ms McMaster:**

This is about dog control. We have a problem with stray dogs, but the numbers of stray dogs have been reducing. Numbers elsewhere may not be reducing. That may be part of the problem in England. Our licensing system has brought improvements, and we want to improve it further. We see microchipping as a way to do that.

**Mr Molloy:**

Where is the evidence for that? We have more stray dogs than England, and they have no licence system. Where is the evidence that the licence system has improved the situation?

**Ms McMaster:**

The system that we operate has reduced the numbers of stray dogs. Under the existing legislation, the **Dogs Order**, we have seen improvements —

**Mr Molloy:**

We heard from some of the charities that they are exporting dogs from here to England, and yet we still have more stray dogs. The charities also import dogs from Donegal to here in order to export them to England.

**Mr Terrington:**

A stray dog is any dog that is unaccompanied by its owner. Many of the stray dogs that are included in our high figures for strays are owned dogs, which are ultimately returned to their owners because they have been voluntarily microchipped or are tagged and their owners come during the five days that they are in the pound and redeem them. The addition of the microchip would increase the number of dogs being returned to owners.

The alternative is that dogs may be sent overseas or put down. There has been a decrease in the number of dogs being destroyed, which may be partly accounted for by the sending of dogs elsewhere. Dogs are taken elsewhere because no owner has been found, not because they are

necessarily a stray or because the owner has committed any other offence. If the owner is found, the dog tends not to be taken by a charity or rehomed by the council at the end of the five days for which the council is statutorily required to keep it. The microchip will enable more dogs to be returned to their owners. Some owners want their dogs back. In some cases, when the dog is returned, appropriate action is taken to stop it straying again.

**The Chairperson:**

Is it not the case that more dogs are put down in Northern Ireland than in England, Scotland and Wales put together? Yet there is no licensing there, and no compulsory microchipping.

**Mr Mooney:**

I cannot confirm those numbers.

**The Chairperson:**

I think that you will find that that is right.

**Mr Mooney:**

The key trend that Colette mentioned is that the number of strays per capita is worse here, but it is falling significantly. It has fallen by about 30% in the last 10 years.

**Mr Molloy:**

Is that not because they are being exported to England?

**Mr Mooney:**

The number of strays in England is rising at the same rate, at least, by which ours is falling. Those dogs may be exported and then allowed to stray; we do not know.

**The Chairperson:**

Are you in a position to be able to tell us how many dogs there are in Northern Ireland, so that we can work out the proportion of strays?

**Mr Terrington:**

No, we are not in that position, but we have instigated that work. The total number of dogs is an unknown.

I stress again that a stray can be an owned dog that is subsequently returned to its owner. One of the reasons for our high number of strays is the fact that we have a very effective dog warden service that picks up those strays, whereas it may well be the case that the service in England does not have the resources to do so. Those calling for a dog registration system argue that it will create an income stream to finance the dog warden service. That involves having wardens to pick up stray dogs and, unless they are identifiable and returned to their owners, having those dogs kept in a pound at a cost to the ratepayer or, ultimately, put down or rehomed directly from the council pound or through other organisations.

**Mr T Clarke:**

Chairman, I would hate you to think that I am taking the side of the Department, but, given that we have a regulatory system and they cannot tell us the number of dogs here, surely it will be even more difficult to get an exact figure for the number in England if the regulatory system there is not as robust as ours. It would be difficult to base the figures on the situation in England if it is not regulated as well as it is in Northern Ireland. I can see merit in having some sort of registration scheme so that we can try to monitor the movement or ownership of dogs, but as it is not mandatory in England it will be even more difficult to regulate and to determine the number of dogs there.

**Ms McMaster:**

We do have a system that is tried and tested. It is well understood, and what we are seeking to do is to enhance and build on that.

**Mr Mooney:**

That point about dealing with numbers is a really important one. It is very easy to get into arguments about statistics and percentages. There are various estimates of the dog population in Britain, here and the South. The main estimate is based on sales of pet food. No sampling is done here, so when you see an overall figure for the number of dogs it is not based on any evidence from here. We have commissioned the government statistics people to do some survey work for us to try to get figures on which we may be able to base an extrapolation.

It is really difficult to make any comparison, because the regimes are very different. The information on the number of strays in Britain is taken from the number of dogs seized, generally by police forces, and is based on extrapolations from a sample of local authority areas. Here, we

are in a fortunate position in that we receive reports from each local government area of the number of strays lifted. A sizeable percentage of those are immediately returned, because the wardens have local knowledge or someone can tell them who owns the dog. Those are the figures that our numbers of strays are based on. So it is always quite difficult to make a worthwhile comparison. They are the only comparisons that we have, but they are not always robust.

**Mr P J Bradley:**

The Bill states that the exemptions are to be changed to apply to disabled people who keep a dog: “wholly or mainly for the purpose of assisting that person”.

Will that apply to a disabled or wheelchair-bound person who keeps a dog not necessarily for assistance but for companionship, or will that person be obliged to have a licence for their dog? The wording does not make it clear.

**Mr Mooney:**

The definition is in the Disability Discrimination Act 2005. The short answer is no; the assistance dog is fulfilling a practical, day-to-day function for the person.

**Mr Terrington:**

I do not want to make a sweeping statement about anybody with a disability, but if they have any means-tested benefits they would get a reduction under a different part of the legislation that will apply to people on low incomes.

**Mr P J Bradley:**

A disabled person may attach a lot of importance to their dog.

**The Chairperson:**

Clause 6 of the Bill introduces a new article 28, which gives the Department the power to make an order disapplying the offences of setting on or urging a dog to attack. That is a significant power, yet it is subject to the negative resolution process. Is the Department willing to change that to the affirmative resolution process?

**Mr Terrington:**

Let me first explain the power. All it does is exempt dogs for certain purposes from the

prohibition of setting a dog on or urging a dog to attack a person. That is set in the legislation already. When the 1983 Order was introduced, it just said “police”. The power was used shortly after the 1983 Order was introduced to extend that to include other dogs being used for the purposes of the Prison Service, the armed forces and for a public order role. That is in statute through subordinate legislation and the negative resolution route. I cannot see the Department ever wishing to use that particular power again. The way it is written mirrors the powers that are already in place vis-à-vis the two existing attack offences of attacking a person and worrying livestock.

**The Chairperson:**

The Department will retain that power, and its officials working on Forest Service land could use it. It is a significant power.

**Mr Mooney:**

Do you mean it could be exercised to exempt dogs that are used by the Forest Service?

**The Chairperson:**

Yes.

**Mr Mooney:**

There are two things to be considered: the power itself; and the Assembly’s procedures and the issue of affirmative versus negative resolution.

**The Chairperson:**

OK. We can follow that up later.

Finally, is DARD prepared to change the other matching amendments in respect of the broadly parallel or linked order-making powers under articles 25(2)(f) and 33(3)(c) of the Dogs Order and the consequential amendment of article 54 of that Order to the affirmative resolution process? Again, if you wish the Committee can take your views on that at a later date.

**Ms McMaster:**

We will take a note of the articles you referred to and will take that away and look at it.

**The Chairperson:**

That is fine.

**Mr Mooney:**

One broad sweeping and very quick point to make is that it would not be a case of the Department tinkering with those individual articles. Rather, it would be an amendment to article 2 of the Dogs Order, which defines the Assembly's powers. It would not be a huge amendment.

**The Chairperson:**

OK; that concludes the session. Thank you all for your attendance today.