



Northern Ireland
Assembly

**COMMITTEE FOR
AGRICULTURE AND
RURAL DEVELOPMENT**

OFFICIAL REPORT
(Hansard)

Dogs (Amendment) Bill

16 November 2010

NORTHERN IRELAND ASSEMBLY

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RURAL DEVELOPMENT**

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Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)
Mr Roy Beggs (Deputy Chairperson)
Mr P J Bradley
Mr Trevor Clarke
Mr Willie Clarke
Mr Pat Doherty
Mr William Irwin
Mr Francie Molloy
Mr George Savage

Witnesses:

Ms Colette McMaster)	Department of Agriculture and Rural Development
Mr Martin Mooney)	
Mr John Terrington)	

The Chairperson (Mr Moutray):

I welcome Colette McMaster, John Terrington and Martin Mooney from the Department of Agriculture and Rural Development.

We have received some correspondence from the Department in relation to the costs of microchipping. Before I ask the officials to talk to us about that, I want to pose a question. The proposed legislation will prohibit councils from issuing a licence unless a dog is microchipped. Therefore, in order to prove that a dog is microchipped, the animal will have to be brought to the council office each year. Boarding facilities will have to be made available and a warden will have to scan the dog before confirming that a chip is available. Is that not an additional administrative burden on councils, and is it not also an additional cost to be borne by councils?

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

The Bill requires that owners microchip their dogs. That is all that it requires. The current process for applying for a dog licence involves writing your name, address and details, along with a description of the dog. We see that process being exactly the same; you will record the microchip number as well. Councils may want to run risk-based checks, but there is nothing in the Bill that requires them to do that.

Only if a dog comes to the attention of a dog warden because it is straying or has been involved in an attack will the council be required to scan it. If the dog is not microchipped or if the microchip information is not the same as the information that the council has, that is an unlicensed dog. There is nothing in the Bill that requires councils to do that.

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

There are a range of checks that councils can do, short of scanning the dog. It is not that someone could just write down any number; there is a particular format to these numbers. That number can then be checked online with the database to check that the details recorded match those on the application form. You only need to check the dog if you have grounds to believe that something is going on.

The Chairperson:

How is a local authority going to know that a dog has been microchipped before it issues a licence?

Mr Terrington:

When you apply for the licence, you put down the microchip number in the same way as you would claim for a reduction in the price of your licence because you are a pensioner. The council will record that information in the same way as it does now. As Martin said, the numbers will be in a format that will show that the code is legitimate. If you have recorded information on your licence application that does not match the database or your licence fee, you have an invalid licence and, if you ever come to the attention of the council, action will be taken. Nothing more is required of the council other than recording the information, as it does now, in good faith.

Mr Molloy:

Thank you for the presentation. The Bill says that the dog has to be microchipped; it does not say that the microchip has to be registered with any particular authority. If you are saying that the council does not have to check out that microchip before it issues a licence, surely we are back to the dual system. If you can get all the information that you say from just a number, surely there is no need for the tag. If I go in to licence my dog and I tell the council the number and the council can bring up the data from that number, what is the purpose of a dual system? A tag on the collar would not give you any less information.

The onus for microchipping is being transferred to local government, but with very little regulation or control. It seems to be bureaucracy more than anything else. The documentation that we got today repeats that there will be no extra cost or resources. Armagh City Council raised the issue of resources, but we had a number of councils in yesterday that raised the issue of resources and said that there had been no consultation. The Department's line that there has been adequate consultation fell flat on its face yesterday. There is no way of checking the microchip

unless the scanner is put on the dog. The council, therefore, in licensing that, cannot guarantee that the dog is microchipped at all.

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

With the dual system, basically you are talking about the visual identification. Some councils did raise concern that there would be duplication. However, others said that the visual identification helps because it makes it possible to know straight away whether a dog is licensed or not. That is like a first indicator to both dog wardens and any other people who come across a dog as to whether it is licensed. In future, if a dog is licensed, it will be microchipped. The fact that a dog has a tag will mean that it will be licensed and microchipped.

Mr Mooney:

The only other thing that I will pick up on is the notion that there is a willy-nilly system of recording microchip details. Some weeks ago, we sent up a draft of the subordinate legislation that will regulate what “a microchip” means for the purposes of this legislation. While it will not require an owner to register with one particular microchip database provider, it will require that, wherever an owner has registered, certain details will be recorded.

Mr Molloy:

I was talking to a vet yesterday, and he said that there is a problem with horses, because microchips are registered with different databases and it can take a variety of scans to pick the information up. There is no scanner that will scan all chips.

Mr Mooney:

There is.

Mr P J Bradley:

There is one, is there not? The iMax.

Mr Mooney:

There are two main types of microchip in use across the world. In Europe and most countries in the world, there is one international standard, which scanners will read. There is a chip used in America which older scanners sometimes do not read, and a scanner based on that system will not always pick up an ISO standard microchip. However, most scanners that are available now will pick up any chip in use in western Europe and other countries.

Mr Molloy:

I am sure that the vet was not telling lies. If a dog is microchipped, there is no necessity to register that with any direct database. You can pick and choose, but dog wardens will have to have a scanner that picks up that microchip.

We will go back to the main point, which is really about double tagging and the bureaucracy that it will bring for councils. You have just told us that all you have to do is bring in the number of the microchip, and any council official can track that down and find out who owns the dog. Therefore, what is the purpose of the tag, except to see that the dog is licensed? Is it going to be compulsory for the dog to have a tag as well as a microchip? Someone at the council will have to read these and ring up to find out whether they are accurate. Council officials do not stand at counters waiting for something to come in; people will have to be paid to do that job. That is an extra resource on councils.

Ms McMaster:

The proposal is that microchipping is a new technology that will be used to help with identification. The tag is there currently, and this builds on the existing system. Therefore, the

proposal is that the tag will remain there. Councils have said that there are advantages in that, and we have also heard that from other people.

You mentioned that Armagh council had raised the resource concerns. We sought to deal with that in a letter that was sent to the Committee. Armagh City and District Council had concerns about who updates, maintains and administers the database and who provides the resources required at council level to insert and read the microchips. We have sought to clarify that those are not going to be requirements that will fall to local authorities. The Bill simply requires owners to microchip their dogs. The Bill — and this is to clarify the concern that Armagh had — does not require local authorities to do anything about microchipping. They will not be required to maintain or administer the database, or to insert the microchips, which was the concern that Armagh raised.

When the consultation with councils was carried out earlier this year, all the responses were ratified by the elected representatives. We got a very full response from councils to the consultation.

Mr Terrington:

The tag requirement is set out in subordinate legislation made under the Dogs (Northern Ireland) Order 1983. There is a case for saying that having two types of identification, as opposed to registration, is doubling up, and some councils said that. As Colette said, some councils also said that tags are worthwhile, because if a warden in a van is able to see that the owner is entirely compliant, it means that they do not have to do anything else. However, that is in subordinate legislation and could certainly be looked at in the future if it was felt that there was not a need.

A question was raised last week or the week before about who pays for the tag. The cost of the tag comes out of the £5 licence fee, and is about 37p, which is quite a lot when the licence is

£5. On the other hand, it is not an awful lot, and that would be the likely cash saving if the tag was not there. That is offset against some councils saying that the tag provides a useful visual identification, as well as providing any of us with identification to be able to return a dog, and not have to report it as a stray or lost.

Mr Molloy:

I have just one point about clause 2. You say that an additional £1 million will be provided to local councils out of the licence fee. Who is going to pay for the concessions? Will the Department recompense councils? Who will make it up to the councils if, for example, there are so many pensioners or other variations of people in an area who do not pay a full licence fee? Will it be the Department, or the Finance Department, or who will make up the difference?

Ms McMaster:

The concessions are built into that estimate of the increased income. That up to £1 million takes account of the estimated number of concessionary licences. Even with the concessions, that is increasing quite significantly the income that is taken from —

Mr Molloy:

Sorry, but you have based the legislation on £12.50 being needed to cover the licence. If there are to be concessions — if, in some councils, 50% of dog owners happen to be pensioners and will get a £5 licence — who will make up the difference?

Ms McMaster:

It is just the licence fee. Nobody will make up the difference. That was the basis of the consultation, and that was welcomed and broadly supported by everyone. So, regardless of the concessions, it is still increasing the income —

Mr Molloy:

Let us clarify that one, Colette, that it was widely welcomed by everyone. It says here that you consulted certain officials in councils and local government. I have queried that from the start; there was actually no consultation. As for the idea that councils are happy, I repeat again that local government as a body was never informed of this. The issue about who will make up the difference has never been discussed with councils at all.

If a council is not collecting rates from a number of areas — Government buildings and all the rest of it — the Department of Finance makes that up in the general grant. However, there is nobody to make up the difference in this situation, so there is no benefit at all to councils.

Ms McMaster:

It was built into the regulatory impact assessment that went out to consultation with the consultation proposals.

Mr Terrington:

The current licence fee is £5, with reductions for some groups of pensioners. The proposal to increase the licence fee was consulted on. There were other options, but the key option, as is set out in the Bill, was to increase the licence fee to £12.50 with reductions for a number of types of dog owners. That option was widely accepted by a range of stakeholders. We accept that some councils said that £12.50 was insufficient and suggested £25 as a better level. However, given that the licence fee has not been increased since 1983, the Department's view is that £12.50 is a balance between increasing it and keeping it affordable. I accept that, without the Bill as it stands, councils would call for an increase in the licence fee.

Mr P J Bradley:

I will go back to Francie's point. Your letter tells us that you are satisfied that the councils were

well enough consulted. However, it is important to tell the officials that we heard completely different evidence at yesterday's meeting. I will say that both sides are right; I will not say that anyone is wrong.

Mr W Clarke:

I would like clarification about the tag. Like Francie, I felt that it should be one system. However, I understand that having the visual identification tag will cut enforcement costs. You cannot run about scanning every dog that walks down the street with its owner. A dog warden cannot jump out and scan a dog that being walked by an old lady. I buy into that. There is a need for some sort of visual identification. Is it correct that an enforcement officer can only scan a dog that has an identification tag?

Mr Terrington:

Sorry?

Mr W Clarke:

Can an enforcement officer only scan a dog that does not have an identification tag?

Mr Terrington:

If the dog is involved in an attack —

Mr W Clarke:

It is just walking down the road.

Mr Terrington:

If the dog owner is apparently compliant — the dog is accompanied, under control, on a leash, with its owner and there has been no straying or attacking offence — there would not seem to be any value in an enforcer doing anything with that owner. The belt and braces approach to licence enforcement is that the existence of the tag proves that the dog is licensed and that the owner is compliant with the issues of straying and attacks. A dog warden would have no reason to approach that owner. If a dog is involved in an attack or is a stray, a tag is identification enough to deal with those offences and the owner. If there is some dispute about ownership or something else is wrong, the microchip provides backup if the dog is not tagged.

Mr W Clarke:

It is fundamental to clarify the need for the identification tag, and I think that that does it.

The Chairperson:

You estimate that it will raise £1 million a year. Forty-something per cent of dogs are not licensed, and the Department does not know how many dogs are out there. What happens if we raise £500,000 a year? Where does the shortfall come from?

Ms McMaster:

It is an increase, whatever happens. There is a range. You are quite right: the amount of income raised will depend on the number of dog owners who license their dogs. Even based on the existing numbers of dog owners that have a licence, this will increase overall income, taking account of concession fees.

Mr Terrington:

The redirection of the fixed penalties to councils is also additional income for councils.

The Chairperson:

I accept that. However, given that 48% of dog owners do not have a licence when it costs £5, if we have compulsory microchipping and the cost of the licence rises to £12.50, is it likely that there will be a rise in the number of people who have licences? It will have to be very well enforced.

Ms McMaster:

It is unlikely that people who already have a licence will cease to be licensed. Our previous experience, when the licence fee was introduced, is that the number of owners who had their dogs licensed actually increased, despite the increase in the fee.

Mr Terrington:

From 37p to £5, yes. There was an increase, partly due to the increased enforcement that the 1983 Order also introduced — the dog wardens. We think that the same thing will apply here. The additional resource that the Bill gives will allow for improved enforcement. However, as Colette says, we start from the basis that the majority, if not all, of those who are currently licensed will re-licence their dogs.

Mr Molloy:

Your letter says that:

“In fact, the introduction of compulsory universal microchipping will reduce the number of unidentifiable dogs in local authority pounds, reducing kennelling costs”.

Why, if the dogs are tagged, and with the microchip you have to catch the dog before you can measure it? I had this impression, and I think others had it, that you can scan a dog’s microchip from a distance. However, you have to have the scanner up against the dog before you can actually read it. There is no benefit of having stray dogs identified on the street. Where is the fact that that will actually happen in that situation?

Secondly, why do they not have a licence system in England? Why do we need two systems here and they do not have one in England?

Mr Terrington:

I will address the first issue: why we think this will save money in the long term.

Say, for example, a dog is picked up as a stray. If it has a tag, the council may return it to its home straight away or impound it and contact the owner. If it has a microchip, the same thing will apply. If it has no tag and is not licensed, or if it has been abandoned and the tag taken off or dislodged, the dog ends up in the pound and stays there until the owner is found. The cost of kennelling that dog falls on the ratepayer. Ultimately, in some cases, the ratepayer will have to pay to destroy that dog. The more dogs can be permanently identified through microchipping, the fewer the cases where an owner cannot be found. When the dog is impounded and the owner is asked to come and collect it, the owner pays the kennelling charges until such time as he collects the dog. The only type of stray dog that costs the council is an unidentified dog — one for which the owner cannot be charged for kennelling costs.

Mr Molloy:

If the dog has a tag, that reduces the same problem. Why do they not have a licence system in England? What system has England?

Mr Mooney:

England had a licence system until the mid-1980s. The then Conservative Government looked at the licence fee, which was 37p; it had come down from 37½p when the ½p was abolished. It cost a great deal more to collect that 37p than the licence was bringing in. People were ignoring the licence; they were not paying it. It is worth pointing out that there is a strong campaign in Britain at present to restore the licence system.

Mr Terrington:

Unlike the 1983 Order, whereby the licence fee is collected and used purely for funding the enforcement of the legislation by councils, the money in England went into the central exchequer, so it had no impact on whoever was responsible for policing the legislation on strays and so on.

Mr Molloy:

The Committee has been told that there is a shortage of dogs in England and that the charities here are exporting them to England, selling them and getting good prices for them. There seems to be a contradiction.

Ms McMaster:

We have a licensing system here, and it has been here since 1983. It has been working well. There are no strong calls to do away with that system. It is supporting the dog warden services, and, as a result of it, we have seen improvements in dog control. It is not something that we are looking to discard. Obviously, this whole Bill —

Mr Molloy:

Why break it then?

Ms McMaster:

The Bill is about building on that system and improving dog control further in Northern Ireland. The intention of the Bill is to build on the system that we have.

Mr Molloy:

That wall over there is fairly solid and concrete. Talking to the Department is something similar, along the lines of trying to get any sort of concessions.

The Chairperson:

We keep trying.

Mr T Clarke:

There is a door in the wall as well, Chairman. There are other ways of doing things.

I actually agree with the Department on this. If you do away with the licence fee, you are, in a sense, asking people who are not dog owners to subsidise a service to look after dog wardens. I think —

Mr Molloy:

I am not talking about doing away with the licensing.

Mr T Clarke:

You referred to England having no fee.

Mr Molloy:

I was talking about the dual system.

Mr T Clarke:

The other thing is something that has been recognised. I think that Mr Terrington has answered my question, but I will try to tease it out again anyway. If a dog is seized by a dog warden — Mr Molloy thought that it could be scanned from a distance; that would be some system — and its tag has been removed, compulsory microchipping will be beneficial in the identification of the dog. The only bit that I still struggle with, and which I would like to see tightened up, is that if a

dog has neither it should not be kennelled while you look for its owner, because the owner has been irresponsible and has not registered the dog. The authorities should put the dog up for rehoming or, unfortunately, euthanise it, rather than look for its original home, because the dog has been brought about by illegal means. I would like to see that tightened up. At the end of the day, there are dogs roaming the streets, and there are people who will break the law. The sooner that they get the clear message that they cannot do that, the better. There is concern about doing two systems, and it may be down to cost, but you cannot remove the microchip; that is the long and the short of it. So I want that.

Mr Terrington:

The current rules are that councils must kennel the dog for five days. I am not sure whether that is in subordinate legislation or on the face of the Bill. The figures that the councils provide show that some dogs are returned, and the costs recouped. If it is an unlicensed dog under the Bill, which it will be if it is not microchipped, it is automatically an offence; there is no argument there. The costs will be recouped and the authorities will be able to put on whichever penalties they choose — the fixed penalty or the prosecution. It sits at five days, and that is not something that has been raised before.

Mr Beggs:

A comment was made earlier about the system that enables dogs to be moved to England to be rehomed. I picked up some resentment that they were taken there to be sold. Should we not be grateful that there are people who are happy to rehome our surplus dogs, rather than our having to put them down, and that they choose to do that, rather than go to breeders to buy dogs?

Mr Molloy:

You miss the point.

Mr Beggs:

I am grateful that many people give dogs a second chance in other parts of the United Kingdom. Is that not a more accurate interpretation, rather than some sort of profiteering by selling our homeless dogs?

Mr Terrington:

It certainly is a route to avoid, at the end of the five days, the destruction of any dogs which are not found a home.

Mr Beggs:

The other aspect that I want to address is dogs that cannot be identified. Following this legislation, what penalties will there be for those owners who do not have a licensed dog or, if it becomes compulsory, a microchipped dog?

Mr Terrington:

The Bill, as amended by the Committee's suggestion, will include a fixed penalty of up to £75 for having a non-valid licence, with a prosecution of up to £1,000.

Mr W Clarke:

Will you expand on why an amendment should not be included on compulsory microchipping of new pups at breeding establishments? There are a couple of paragraphs there. My rationale is that you can trace a dog through a microchip even if it is not licensed. Therefore, it would be very sensible to do it.

Mr Terrington:

I absolutely agree that it would be sensible. It is a route that has been taken in the South, and the

requirement for breeders to do it is out for consultation in Wales at the moment. The way the 1983 Order is written is that it is an offence to sell a dog that is not licensed. The Committee has heard evidence from professional breeders, and they are more than content to apply those rules. The nearest analogy that I can think of is buying a car and the car company arranging your tax for you. They arrange the licence, which means that the dog is licensed by the time you pick it up. If we make microchipping a requirement on the licence, they will have to ensure that it is microchipped before it can be licensed. Therefore, in effect, if you were selling a dog, the minimum requirement will be to ensure that it is microchipped. If that were brought in for all owners in one go, that would happen automatically.

Mr W Clarke:

If you were buying a dog at a breeding establishment, it would all be done for you, and the fee would be included in the cost of buying the dog. It just seems sensible to do that.

Mr Mooney:

The same would hold if you were buying a rehomed dog from a dog pound. It would already have been chipped, and you would not leave with it until your details were on the microchip.

Mr W Clarke:

There is nothing in the Bill that will make dog breeders microchip dogs.

Mr Terrington:

We say that there is, because, right now, they can only sell a dog that is licensed. If you make it a requirement that dogs be microchipped —

Mr W Clarke:

That automatically goes on.

Mr Terrington:

Yes.

Mr W Clarke:

That is dead on. That is clearer.

The Chairperson:

P J Bradley made the point earlier about yesterday afternoon's meeting with the councils. The evidence in relation to that will be presented at this afternoon's session, and the Department will have an opportunity to respond then.

Mr Savage:

I am glad to see this. It will make dog owners act responsibly if they want to keep dogs. It will bring the whole thing into line. It may not be possible to get it to 100%, but it will have come quite a long way. I think that you are moving in the right direction.

Mr Beggs:

Going back to the issue of breeders and compulsory microchipping, your scenario is that all dogs will have to be compulsorily microchipped. Is there not an argument for allowing some time to get to the stage where it becomes compulsory? In other words, by starting with ensuring that all breeders are compulsorily microchipping and using some incentives for people voluntarily to get their dogs microchipped — for example, giving them a discount for a limited time. You take some of the pressure off the system to prevent people panicking about where they can get their dog microchipped, and, after a limited period of time, whether it is a number of years or whatever, it becomes compulsory. I would have concerns if Big Brother just told them to do it after a very short period of time. I would much prefer a little bit of carrot and stick: go with the breeders, and give a positive incentive to people to voluntarily get their dogs microchipped.

Mr Terrington:

Those are good suggestions, and they are things that we have looked at. In the first term, the Minister stated that she would be content to allow a delay in this part of the Bill in order that owners can get used to the idea, rather than just commencing it straight away. The time issue is something with which we would be content. There is a requirement to bring in part of the microchipping clause to define “microchip” and so on and so forth. Any microchip that goes into a pup would be useless if it were not linked to the database, etc. There would be no powers to scan.

Some councils are comfortable with it, but for councils to become more comfortable with it, the issues start on the day that it is introduced for any set of dogs. Therefore the roll-in is better for everybody. If you put it onto registered breeders only, you are possibly impacting unfairly on responsible registered breeders and responsible owners who buy from responsible registered breeders, in advance of anyone else having to do it. Say that the Bill is enacted as it stands next summer. By the time that you make the subordinate legislation on what a microchip is and make it a minimum requirement under any new welfare legislation which will be regulating breeding establishments, you might be looking at a few months towards this time next year. That means that you are eating into the time in which you could be starting to roll out and make people aware that they need to do this at a given time a few months later, or whatever.

The incentive is helpful. Our concern — and it is a concern that the Committee has expressed — is about any burden on councils. The incentive is a burden on councils in the sense that it is taking the £12.50 out of their bottom line. There are incentives out there, in terms of what other organisations are already offering. As we said before, that may have hit a glass ceiling. If the incentive is to work, you definitely have to know that what they have got will become a requirement in a given time. For people to know that they are getting something, they will comply in a period. It is sensible to have all of those things as part of a roll-out. The question is about how long that value would be before you bring it in.

Ms McMaster:

We have outlined that that can happen. The Minister is saying that if that clause is commenced after 12 months, for instance, the preparation for it and the campaign to promote it and to encourage people to do it voluntarily can be done in that first 12 months. From the date that the clause is commenced, there is a requirement on a breeder or anyone who is selling or giving away a dog to have that dog microchipped. For the individual owners, it kicks in the next time that they get their dogs licensed after that. That will depend on when their licences are due. In that instance, there is an element of phasing in. Throughout that time, we will be working alongside councils.

Mr Terrington:

It is important to say that it would be within the councils' powers and rights to do that anyway, without the legislation making them do it. They could take the incentive out of the licence fee, raised or otherwise. At least one council does that. A lot of councils do it with dogs that they sell or pass on from pounds. That incentive model is helpful. I suspect that some councils will do that. They will say that this is going to come in in a year's time and that they are happy to provide some way of doing that by way of vouchers, for instance, alongside the subordinate legislation or the Dogs Trust. Rather than making that a statutory requirement, they could do that and, as I said, some do.

Mr Beggs:

I was not aware that it could be done already.

The Chairperson:

Will the commencement Order be subject to an affirmative process?

Ms McMaster:

The commencement Order is an Order that starts the clause. The Minister has said that she is prepared to give a firm commitment that that clause will not be commenced until 12 months after the Bill has passed into law. During that period, we will be doing preparation work and working with councils and others to ensure that arrangements are in place.

The Chairperson:

What form will that commitment take? Will it be written?

Ms McMaster:

We have set that out in the letter that has come to the Committee.

The Chairperson:

With respect, we are asking for the ministerial commitment.

Ms McMaster:

That is fine. How do you want that provided? The Minister will be here today.

Mr Savage:

Roy raised something there that I think is very important. Phased in over a period of time — if you came to the Committee next year and had not made a fair bit of progress, it would be pointless. You will have to set a timescale so that it cannot drag on forever. Any responsible dog owner who wanted to care for their dog could get it in in a very short space of time.

Mr Terrington:

We agree entirely. It is important to have a date set so that people know what they are working to. For that purpose, what has been suggested is that it should be 12 months after Royal Assent, which will allow campaigns and press and allows people the time to do it over that year. Indeed, the process can continue for another year because it is the next time that you license your dog. The ability to get all dogs microchipped will be rolled out over two years, but it will become a legal requirement in one year from the time that is tabled now.

Mr Molloy:

John said that one council was using both systems at the moment. It is interesting that a member of that council who was here yesterday had no recollection of any discussion by Omagh District Council in relation to any of this legislation. He certainly had no input from the cost of a dual system to the councils. It is very well for members to talk about how quickly it is going to be enforced and all the rest of it, but they would do well to talk to their council first and explain to ratepayers the cost to councils to do that. That bit is missing. It is very clear that there has not been adequate consultation or a full explanation of the added costs and responsibilities to local government.

Ms McMaster:

All that we have been able to do is set out the options that are available to us and the information that we got from the consultation process, the regulatory impact assessment and the responses to that, and the ongoing engagement with councils. We have not, as yet, heard the information from yesterday's meeting.

Mr Mooney:

Omagh District Council's environmental services committee discussed it on 8 December last year.

Mr Molloy:

A committee?

Mr Mooney:

Yes. It was then ratified by the full council.

Mr Molloy:

We had a councillor saying that there was no discussion on the council about it. There is a bit of a conflict between the two situations.

Mr Mooney:

Its minutes are published online.

Mr Molloy:

We will see the evidence.

The Chairperson:

We need to move on and see what path we are going to take. The Department has indicated that it will defer commencement for 12 months and introduce subordinate legislation, and that this will be confirmed by the Minister in writing.

Mr Molloy:

We have not yet got a clear explanation of the need for a dual system. Microchipping is grand if that will be the system, but we do not have a clear line about the need for both systems to be in place and the bureaucracy that surrounds them.

Mr T Clarke:

You are wanted in the Speaker's Chair.

Mr Molloy:

I see that you are dressed up for the Minister today, anyway.

Mr T Clarke:

I would have worn my Union Jack tie, but I could not find it.

Mr P J Bradley:

Could it happen that each council would order its supply of microchips from a different source? How many suppliers are there? It is back to the earlier question about the one reader to serve all council areas. It could cause a lot of problems if we do not allow for that at the early stages.

Mr Terrington:

It is worth saying that there is nothing in the Bill requiring them to order, buy or insert microchips. That would have been a burden on them. The burden falls on the owner to have a microchip. As long as that microchip is compliant with the legislation — it meets an ISO standard — then it will be able to be scanned by most normal readers. As long as the information held against that includes the information required to unite that dog with its owner, the database will be compliant.

These systems are in place across Europe. The very same model is used for welfare protection in England. *[Interruption.]*

The Chairperson:

Members, we have a witness speaking here.

Mr Terrington:

It is used for tail-docked dogs in England. It is used for linking dogs that have caused problems in Scotland, or will do when that legislation is commenced. The system of microchips linking to databases and being read by standard readers is a well-trodden path.

Mr P J Bradley:

It is just that I read somewhere that there is only one reader that is compatible with all microchips. I think it is called the iMax Black Label — it sounds like a drink.

The Chairperson:

Are we content with what the Department has brought forward, or do members have other proposals?

Mr T Clarke:

Content.

Mr Beggs:

Reluctantly content.

Mr Molloy:

Not content.

The Chairperson:

Do members have any other proposals, then?

Mr Molloy:

One system, very straightforward. If we introduce microchipping, let that be the one system. If we continue the licence, and if it is not broken, why try to fix it? You can put so much information on the microchip — all of the information that is on the tag. It is very seldom that a dog will actually hold on to its tag for the full year. Either it is not tagged for part of the year or it finishes up having to be renewed. The microchip cannot be taken out or lost — one system that is universal.

Mr T Clarke:

I propose that we accept what is here. It gives the council greater flexibility. We have had reassurance that the councils can actually reduce the fees if they wish. We have been given the most that it can be —

Mr Beggs:

In the short term.

Mr Terrington:

It is not so much reducing the fees as, if they decide to pay for the microchipping, in that sense, by providing a voucher or however they would do that, rather than —

Mr T Clarke:

At the end of the day, we are all aware that some dogs do not have tags and that some people can remove tags. While I appreciate what Francie is saying in relation to the two systems, the other

advantage of the tag is that a member of the public can observe whether a dog is licensed or not without having a scanner, and can report the dog if it does not have a tag. From that point of view, I think we should accept it.

The Chairperson:

We have a proposal from Mr Clarke. Do we have a proposal from you, Mr Molloy?

Mr Molloy:

Yes, for one system.

The Chairperson:

OK. We will take Mr Molloy's proposal first, as it was proposed first.

Mr Beggs:

Do you have to have a seconder?

The Chairperson:

No.

Mr T Clarke:

It is a direct negative.

The Committee Clerk:

For the record, we need to —

Mr T Clarke:

They are two counter-proposals.

The Committee Clerk:

Members could abstain from the vote.

Members indicated dissent.

The Chairperson:

And Trevor Clarke's proposal?

Members indicated assent.

The Chairperson:

OK. We are now going to move on to the formal clause-by-clause scrutiny. I thank the officials for their attendance; they are welcome to remain in the Gallery while we go through this.

Ms McMaster:

Thank you.

Clause 1 (Exemptions)

The Chairperson:

There have been no issues on this that I am aware of —

Mr Beggs:

Where are we?

The Chairperson:

Clause 1.

Mr Molloy:

There is a query that I raised that has not been answered: who pays the difference with regard to exemptions? In any other system — I pointed out the rates system — the exemptions are paid for out of the general grant. In this system, exemptions are being proposed by the Department, but the people who will pick up the costs will be local government. I do not think that that part has been thought out. If the majority of people in a council area are getting a £5 licence, we will be no further forward than we are at present.

The Chairperson:

OK, we will write to the Department and seek a response in relation to that.

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

Clause 1 agreed to.

Clause 2 (Microchipping)

The Chairperson:

This is subject to the receipt of correspondence.

Question, That the Committee is content with the clause, subject to the receipt of correspondence from the Minister confirming that the commencement of the clause will be deferred for 12 months from the date when the Bill is enacted, *put and agreed to.*

Clause 2, subject to the receipt of correspondence from the Minister confirming that the commencement of the clause will be deferred for 12 months from the date when the Bill is enacted, agreed to.

Clauses 3 to 5 agreed to.

Clause 6 (Setting on or urging dog to attack)

The Chairperson:

I remind members that the Department has agreed that the new article 28(3)(b) of the 1983 Order, as introduced by clause 6, as well as a number of consequential articles in respect of broadly parallel or linked Order-making powers under articles 25(2)(f) and 33(3)(c) and a further consequential amendment of article 54 of that Order, be subject to the affirmative process rather than the negative process. In addition, the Department agreed to extend the restriction in respect of people, livestock and other dogs to include other domesticated animals.

Question, That the Committee is content with the clause, subject to the amendment suggested by the Committee and agreed by the Department, *put and agreed to.*

Clause 6, subject to the amendment suggested by the Committee and agreed by the Department, agreed to.

Clause 7 (Attack by dog on a person or another dog)

The Chairperson:

The Department agreed to extend the restriction in respect of attacks on people, livestock and other dogs to include other domestic pets.

Question, That the Committee is content with the clause, subject to the amendment suggested by the Committee and agreed by the Department, put and agreed to.

Clause 7, subject to the amendment suggested by the Committee and agreed by the Department, agreed to.

Clause 8 (Control conditions on dog licences)

The Chairperson:

The Department agreed that guidance would be made available to, and agreed with, enforcement officers and their councils as soon as possible. In addition, the Department has agreed to amend article 30B as introduced by clause 8 to consider education or training courses as a control condition.

Question, That the Committee is content with the clause, subject to the amendment suggested by the Committee and agreed by the Department, put and agreed to.

Clause 8, subject to the amendment suggested by the Committee and agreed by the Department, agreed to.

Clauses 9 and 10 agreed to.

Clause 11 (Fixed penalty notices)

Mr Molloy:

There is enough draconian stuff in the thing, without the bill as well.

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

Clause 11 agreed to.

Clauses 12 and 13 agreed to.

Clause 14 (Amount of fixed penalty)

The Chairperson:

The Department agreed that it should align the fee system with that contained in the Clean Neighbourhoods and Environment Bill.

Mr T Clarke:

What happens if that does not come in before this one?

The Committee Clerk:

It will still be on the face of the Bill that it should be £75.

Mr T Clarke:

Francie thinks it is not dear enough.

Mr Molloy:

Your former Chairman actually disagreed with the licence fee that the Department was proposing of £50.

Mr T Clarke:

Ah, but he is former.

Mr Molloy:

This is a similar situation, so maybe a wee bit of consistency from your party —

The Chairperson:

OK members, we will move on.

Mr T Clarke:

It must be something in the water in Mid Ulster.

Mr Beggs:

Take this outside if you want.

The Chairperson:

Absolutely.

Question, That the Committee is content with the clause, subject to the amendment suggested

by the Committee and agreed by the Department, *put and agreed to.*

Clause 14, subject to the amendment suggested by the Committee and agreed by the Department, agreed to.

Clauses 15 to 18 agreed to.

Schedule 1 agreed to.

Long title agreed to.