

## 5. BILL FOR SECOND READING

### 5.1. Dogs (Amendment) Bill 2016 – Second Reading approved

Mr Boot to move:

*That the Dogs (Amendment) Bill 2016 be read a second time.*

**The Speaker:** Moving now to Item 5, Bill for Second Reading, Dogs (Amendment) Bill, and I call on the Hon. Member for Peel and Glenfaba, Mr Boot.

**Mr Boot:** Thank you, Mr Speaker.

I am slightly worried now! (*Laughter*) A resounding defeat!

The main objective of this small Bill is to amend the Dogs Act 1990 to require the keeper of every dog in the Island to ensure that their pet is microchipped and to abolish licensing and duty regimes for dogs in the Island.

The Dogs Act 1990 currently requires every dog, subject to certain exemptions, to be licensed, which requires it to wear a collar and identification disk when away from its place of residence. In practice, however, these legal requirements do not provide a failsafe way to identify and trace the owner.

The fitting of an electronic transponder to the pet – commonly referred to as ‘microchipping’ – is now recognised by animal welfare agencies, including the MSPCA, as the most effective and secure way of permanently identifying a pet and the proposed changes in the 1990 Act contained in this Bill will accommodate that.

Owners of dogs are currently required to pay a fee of £20 annually for a licence for their dog. This amount is halved in respect of microchipped dogs, and there are certain dogs that are exempt from payment, such as guide and assistance dogs. Whilst it is acknowledged that the current licensing system generates income for Government, it is also true to say that there are costs involved in producing the paper-based licences and the tags required for the system.

In addition to the staffing costs to operate the system, it is accepted there will be a reduction in income to the Government should the mandatory microchipping being introduced. This will in part be offset by enforcement efficiencies and the fact that annual reminders will not need to be sent out. Microchips are inserted once; there is no need for costs associated with re-applications or insertions.

The current licensing system is somewhat antiquated and does not fully address problems associated with irresponsible dog ownership. Accessing details of ownership of dogs on the existing database is slow and unreliable, and there are no records of ownership of all dogs due to the aforementioned exemptions. There can, therefore, be delays in returning stray dogs to their owners. The current licensing system database is no longer supported by Government technology services and any malfunction or failure could result in significant operational difficulties with the likely cost of thousands of pounds to replace it.

Compulsory microchipping has been introduced in the devolved jurisdictions of the United Kingdom, which means animals coming to the Island should be microchipped and their owners identifiable through the data systems available under various microchipping companies. This follows on from the legal requirement to have pets microchipped which are moving between the United Kingdom, the EU and other countries. Animals moving to the United Kingdom presently are not required to be microchipped on the Island.

It is expected that compulsory microchipping will improve animal welfare by making it easier to reunite a stray dog with its owner. The period of confinement for microchipped stray dogs may be reduced, which will subsequently reduce the level of stress for a dog when separated from its

owner. It will also develop further responsible ownership by introducing improved traceability of owners as well as assist in establishing liability and proving ownership.

The ability of the Department to access databases provided in the Bill will assist control measures in any instances of diseases that may be transferred to humans from dogs. This new regime should also act as a deterrent against dog theft. The microchip relates the dog to its owner and therefore it can be determined if the dog is stolen.

The new provisions are expected to relieve pressure on DEFA's dog wardens and the MSPCA, who provide kennelling and a limited out-of-hours service in the short to medium term. This should subsequently help to reduce costs involved and the number of strays and dogs that will require rehoming. All dog owners will have a greater chance of getting their dogs back, if lost.

The current contractual arrangements with the MSPCA to provide kennelling and an out-of-hours dog warden service to complement the service provided by DEFA's officers in working hours is to continue. Any investigations into dangerous dogs, urging dogs to attack and dogs worrying livestock will continue to be carried out by the Isle of Man Constabulary.

My Department undertook lengthy and detailed consultation on the proposal to introduce compulsory microchipping and received majority support for the initiative.

Mr Speaker, I beg to move this Bill be read for a second time.

**The Speaker:** I call on the Hon. Member for Garff, Mr Perkins.

**Mr Perkins:** Mr Speaker, I second the motion and reserve my remarks.

**The Speaker:** I call on the Hon. Member for Douglas North, Mr Ashford.

**Mr Ashford:** Thank you, Mr Speaker.

It is in relation to clause 4 and I wonder if the Department may wish, before we get to clauses stage, to actually consider the wording. It is a bit of a pedantic point, but when you are dealing with the law I do not think anything can be too pedantic.

Currently under clause 4, Power to Seize Dogs, it states in part 1:

A constable, dog warden or authorised officer shall –

– not 'may', 'shall' –

– seize any dog found outside the curtilage of a dwelling house.

Surely it should read, 'seize any *unaccompanied dog*'! (*Laughter*) Otherwise dog walking is going to become an extreme sport if this passes in its current format, to be done at about 11 o'clock at night in pitch black – if you see anything light you run for cover.

So I would hope that the Department will take that on board and before we come back that it might consider an amendment there, particularly since this is replacing part 1 of the 1990 Act, which to my mind, actually having read that, is a bit more clear.

Other than that, I am fully supportive of the Bill. I think it does move us into the 21st century, but that clause might move us a few centuries ahead of that.

**Mr Cregeen:** Move to committee. (*Laughter*)

**The Speaker:** I call on the Hon. Member for Ramsey, Mr Hooper.

**Mr Hooper:** Thank you, Mr Speaker.

I am glad the Hon. Member for Douglas North has identified that particular clause. It has made my speech a heck of a lot shorter, I can tell you.

There is one concern I have with the Bill as currently drafted, actually which again is in clause 4. It is to do with the £50 fine that is being suggested. The explanatory notes suggest that this fine will be raised for anyone who does not collect a dog within three hours, but the Bill is the exact opposite of this, so that everybody will be fined £50 on collecting a dog. I think the Minister might want to look at this to make sure it is what they intended.

The first thing that did strike me about this Bill when I read it, which was a little while back now, was the creation of a centralised dog data base. *(Laughter)* I did wonder if this was Government's plan to try it out on the dogs and then move on to people. *(Laughter)*

In all seriousness though, it did get me thinking about the kind of information that would be contained and stored in this database. I am not overly concerned about the dogs' privacy here but more that it could be an opportunity to introduce recording of dogs' DNA in order that dogs that worry sheep, as the Minister has already identified, or cause any other such damage can be tracked. As an aside, it could also be used towards tracking dog fouling, as is happening in a few UK councils and much further afield.

As I say that, it just occurs to me that I have become the first MHK of this new House to talk about dog fouling at a national level! *(Laughter)* **(A Member: Shame!)**

My understanding of that part of the process is that it is actually quite cost effective, reasonably cheap and the cost could be recovered from the dog owners themselves. I did not see anything relating to this in the notes themselves and I just wonder if the Minister would be considering that as part of the regulations that will be brought forward at a later stage.

Thank you, Mr Speaker.

**The Speaker:** I call the Hon. Member for Garff, Mr Perkins.

**Mr Perkins:** Thank you, Mr Speaker.

While we are bringing dog fouling to the floor of the House, *(Laughter)* **(Mr Hooper: I apologise!)** I would say it is essential we challenge all aspects of anti-social behaviour, wherever they occur on the Island.

It could be in the Bill. By way of introduction of the regulations, we could possibly introduce DNA profiling. This is being currently discussed and could, if adopted, undoubtedly have a big impact on the realities of dog fouling enforcement.

To date, the dog wardens have been largely ineffective in this area. In the UK the Anti-social Behaviour, Crime and Policing Act 2014 and the introduction of the Public Space Protection Orders (PSPOs), amongst other things, enables local authorities to identify the offending dog through faeces and prosecute the irresponsible dog owners who do not pick up after their dog.

Internet research indicates – and I kid you not, Mr Speaker – the London Borough of Barking *(Laughter)* are becoming the first local authority to introduce DNA testing, along with other areas in Singapore and the United States. I also understand Gibraltar has introduced compulsory dog chipping and DNA testing. The mere threat of which has reduced dog fouling greatly.

The law of unintended consequences mean we must fully evaluate all aspects of any new proposed regulation. Some dog owners will undoubtedly say, 'Big Brother is watching,' but many responsible dog owners will welcome this as they are sick and tired of being tarred with the same brush – some even removing and disposing other owners' bags.

In the spirit of the UNESCO biosphere and the Programme for Government's 'A special place in which to work and live', if we can reduce fouling and identify individual dogs that attack farm stock by the implementation of DNA profiling for a reasonable cost to the owners, I believe we should.

**The Speaker:** No other Member wishes to speak. I call on the Minister to reply.

**The Minister:** Thank you, Mr Speaker.

That was not a lengthy debate, but thank you very much for your contributions.

First of all, I would like to thank the Member for Douglas North, Mr Ashford, for his observation and I am sure that will be addressed in due course and I hope we will be on the case, as they say.

Then Mr Hooper, Member for Ramsey, the £50 and the intentional consequence – I will look at that.

I will try to deal with the DNA testing raised by Mr Perkins at the same time. To be honest, this was not considered as part of the Bill. We have not consulted on this and it is not our intention to bring this in at the same time or make any amendments at the moment. This Bill is primarily about the animal's welfare and the owner being able to trace their dog and have them returned – and at the same time abolish a system that is antiquated.

I am quite happy to commit to look at DNA testing at a later date and look at the problems surrounding that, because I think it does require some detailed consultation with dog owners. There will be some that favour it; some that do not; there are costs involved, and it is a complex subject. I have looked at evidence on the aspect of enforcement as a result of DNA: it is not quite as clear-cut as it seems. We will look at it, but it requires a different approach to this particular Bill.

With that said, thank you very much for your contributions and I beg to move.

**The Speaker:** The question is set out at Item 5 on your Order Paper, Hon. Members: Bill for Second Reading, Dog (Amendment) Bill 2016. Those in favour, say aye; those against, no. The ayes have it. The ayes have it.