

**2. Dogs (Amendment) Bill 2016 –  
First Reading approved**

Mr Cretney to move:

*That the Dogs (Amendment) Bill 2017 be read a first time.*

**The President:** We turn now to the Dogs (Amendment) Bill for the First Reading and I call on the mover, Hon. Member, Mr Cretney.

**Mr Cretney:** Thank you, Mr President.

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

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

15 The fitting of an electronic transponder to a 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 to the 1990 Act contained in this Bill will accommodate that.

20 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 staff costs to operate the scheme. It is accepted there will be a reduction of Government income should mandatory microchipping being introduced; this will in part be offset by enforcement efficiencies and the fact that annual reminders will not need be required. Microchips are inserted once, therefore there is no need for costs associated with re-

25 application.

30 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, etc. 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 a likely cost of thousands of pounds to replace it.

35 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 from the various microchipping companies. This follows on from the legal requirement to have pets microchipped which are moving from the UK, the EU and other countries. Animals moving to the UK presently are not required to be microchipped on the Island.

40 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.

45 The ability of the Department to access databases provided in the Bill will assist control measures in any cases 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 dog wardens and the MSPCA, who provide kennelling services in the short- to medium-term. This should subsequently help to reduce costs involved and to the number of strays and dogs that require rehoming. All dog owners will have a much greater chance of getting their dogs back, if lost.

The current contractual arrangements with the MSPCA to provide kennelling services 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.

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

The Bill has been subject to a couple of minor amendments in the other place and these amendments were moved by the Department following a question of interpretation raised during Second Reading there. The amendments made clarified the fact that it is a stray dog that may be picked up by a dog warden, a constable or authorised officer and not just any dog which may well be attached to a lead which is subsequently attached to an individual. *(Laughter)* I understand it was recognised that such persons do not always manage to seize stray dogs – this is despite them having done their best in every instance.

The amendments made imposed a duty on wardens and others to do their best to seize dogs in the relevant circumstances while simultaneously recognising the fact that in some cases a stray dog may well escape from them, which is due to no lack of effort on their part.

Mr President, I beg to move that the Dogs (Amendment) Bill be read for a first time and apologise for my bark this morning. *(Laughter)*

**The President:** Mr Coleman.

**Mr Coleman:** Thank you, Mr President.  
I beg to second and reserve my remarks.

**Mr Anderson:** Thank you, Mr President.

I was reassured by a lot of what the hon. mover who is a very experienced politician and obviously has done his homework in this area and like me is a dog lover. I quite often see him out with two leads and two dogs and so I am sure he has looked into this Bill quite closely. However, I do still have a few questions for the hon. mover. He is a very experienced mover and not just on his own but with his dog.

I would like to ask about microchipping. Obviously it has worked well in UK and I can understand the advantages of it – my daughter has a dog which she exercises on Clapham Common where there are hundreds, or possibly thousands, of dogs being exercised on a daily basis and you can understand if one dog gets frightened and runs away how useful this tracking, having had a microchip is to determine where the dog ... And that is one of my questions. Can we find through the microchip where the dog is? I understand these days on modern mobile phones you can have a tracking device and people can know where you are. I think it is a bit scary myself. *(Interjections)*

I just wondered, with this microchip, will the Department, Government vets and MSPCA be able to tell where a particular dog is at a particular time? So if a dog goes missing can they do something electronically to find out if it is in Arrasey Plantation or wherever? That is just one example. In a way, if you know who owns the dog it could be a Big Brother issue, because you will know where that person is. I will leave that with the Hon. Member.

I just wondered also who has control of the readers of the microchips. Is it the MSPCA? Is it Government vets? It is the Police? *(Interjection)* I think it is something we need to know.

I have one or two other questions but I think I will leave that with the Hon. Member for the time, and maybe come back.

**The President:** Shall we deal with that point first?

100 **Mr Cretney:** Yes, of course, Mr President.

Can I just say, in relation to the tracking devices which the Hon. Member described as a bit scary, I actually think they are a good thing inasmuch as helping the forces of law in terms of criminal investigations – I think they can be very good.

105 If a dog is found then we can only identify ownership location of the dog. We are not able to track a dog using the microchip. I thought that was the answer but I wanted to make sure. And readers are held by dog wardens and the Police. And it is not only dogs that sometimes are chipped. I once found a cat that had been knocked and was very ill. I took it to the vet's and unfortunately the vet had to make a decision to put the animal down; but the fact that the cat, in this case, had a microchip in it, the vet was able to identify the owner and at least the owner  
110 would then know what had happened and they would not worry about the cat being lost in Arrasey, or wherever – at least they knew what had happened. So I really think these are a useful device.

**The President:** Mr Turner.

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**Mr Turner:** Thank you, Mr President.

I would just like to ask a couple of questions with regard to the database because in clause 5 it says that it introduces the duties for dog keepers in respect of approved databases, where they must ensure the details – and I am reading from the explanatory notes, not the clause –  
120 where the details contained on the database are accurate. So who is the keeper of the database, because it does say 'in respect of approved databases'? Does that mean that there could be a variety of places that hold these databases? Do they become consolidated in any form, or is it that the readers that the Police and the Department have can access them all? Could you maybe explain that?

125 Whilst I think the microchipping is a great idea, I think it is going to help animal owners. The mover mentioned cats – our cat was microchipped. So it is a very good idea but obviously it has got to work in practice. I cannot imagine any dog owner not wanting to have their pet on the database and the correct details there, but what we do not want to see is them falling foul of a regulation through not knowing how to keep their details up-to-date and then finding they have  
130 been prosecuted or something. So could he maybe go into those details about the databases?

As I said, I think that the Bill is a good idea. The old dog licence system has not worked for many years and a proportion of dogs probably were not licensed, if the truth be known. So this is a very positive step forward.

135 I wonder though if the mover could also explain consultation carried out with the Police, because I seem to remember that they were not overly keen when the dog warden service was ceased, and I know from talking to people who have lost animals in the past they have not been overly keen on getting involved with stray dogs. So could he just bring us up-to-date as to how they are dealt with now because it has been a few years, probably three years maybe since the dog warden service was ended by the Department?

140 Is it currently working and what process is going to happen once this comes into force? And is there a need for a dog warden service?

**The President:** Mr Cretney.

145 **Mr Cretney:** Yes, thank you.

In relation to the database there are numerous companies that offer microchip database services – a lot of them – and they all feed into one big database. In the Isle of Man context, the vets here on the Isle of Man used two providers. So as I said when I explained earlier, when I

150 went up they were able to identify where the owner of the cat which I was involved with was from.

In relation to Police consultation, the only remit from them is to deal with dogs that are considered dangerous to such as people or vehicles, and they will pick up dogs when they are asked. I think there is a general point here that the Police are exceptionally busy and there are a number of areas where they have to prioritise where their expertise is aimed – and I think this would not be their top priority.

**The President:** Mr Anderson.

**Mr Anderson:** Thank you, Mr President; and I thank the Hon. Member for his answers.

160 Can I ask on the costings, does the cost include the fee of the veterinary surgeon to insert the microchip? And is it only the veterinary surgeons who are licensed, or whatever you would like to call it, who put these in? I remember years ago in agricultural college actually putting something similar into cattle behind the ear – in those days, in the 1970s, it was a growth promoter, something now that is frowned upon. But obviously one of the parts of the course that we did was animal husbandry and we did the course so that we were able to administer it. Obviously the equipment used would be specific in this instance, but I just wondered was it just vets that are allowed to – and is there an extra charge on top of the charge for administering the chipping of the dog?

165 And another one on consultation, if you do not mind? (**Mr Cretney:** No.) When you said there was a majority in favour of this, I just wondered what the reaction of the Manx National Farmers' Union was to the consultation?

**The President:** Mr Cretney.

175 **Mr Cretney:** Thank you.

In relation to local costs, they vary from £10 to £29 per microchip which is charged by the vet and passed on to the company by paying for the chip. It is a one-off payment so there are no additional costs for the owner or the keeper.

180 As the licensing regime is to be dispensed with, there will be no need to pay for a dog licence. There may, however, be a need to pay for a change of ownership actioned on the database by a person who takes ownership of a microchipped dog. Costs vary with different providers with some making no charge and the Kennel Club charging £16 for new information being registered.

185 I am pleased to say the Manx National Farmers' Union were in favour of the microchipping proposals. We have been working very closely with the Manx National Farmers' Union not only in relation to this but also in relation to sheep worrying where the Department, the Manx National Farmers' Union and the Police have worked very closely together to try and tackle that unacceptable situation. There are also police representatives working with me on an Animal Welfare Bill which followed on from a Select Committee in Tynwald which I was a member of; and the Police, the Manx National Farmers' Union and others are working with us, so it is a collaborative approach and as I say I am glad to say the Manx National Farmers' Union were in favour.

190 The licence is £20 and it is £10 if microchipped. It is also half price if your dog is spayed. My poor dog no longer is complete, and so my wife has been able to take advantage (*Interjections and laughter*) of a half price offer for some years now. But this is obviously a better system and it is traceable and it is just common sense way forward.

I hope I have answered the points, Hon. Member?

**Mr Anderson:** You have.

200 **The President:** Mr Anderson.

**Mr Anderson:** I thank the Member for answering those questions I have raised. I am just wondering: within the explanatory memorandum it says that where microchipping would pose a danger to the dog's health, it would not take place.

205 I am also a bit about concerned about elderly people who have elderly dogs. I presume the interpretation would be if the dog is terminally ill, it would not have to be microchipped? But I am concerned that this needs to be explained quite clearly to elderly people because it could be a worry for them, because for a lot of elderly people the dog is their best friend – probably to you, Mr Cretney, as well. *(Laughter)*

210 **Mr Cretney:** Well, I like to think that my wife is my best friend, but the dog comes a close second!

I do accept, without being too jovial, that for elderly people a companion dog is such an important part of their life, so I understand the point the Hon. Member is asking. There is a certificate which is issued by the vet where the dog cannot be microchipped for whatever reason, if there are health grounds, or whatever the situation is. Obviously we have got education and media proposals planned so that everybody understands what is involved in the Bill and **(Mr Anderson: Lead-in time.)** lead-in time, etc. *(Laughter)*

220 **The President:** Mr Corkish.

**Mr Corkish:** Thank you, Mr President.

I commend the mover for taking the lead on this Item. He would agree with me surely that the majority of dog owners are responsible, caring people who are already abiding by the rules of keeping a dog. The point I was going to make was that a large number of people owning dogs would be senior citizens to whom the dog would be a great friend. And I think you did explain in your opening remarks the cost of microchipping and I did not make a note of it. So one concern of mine would be: would the cost of microchipping be problematic to senior citizens?

225 We made mention too of costs, and we always look towards costs of anything that we introduce, and in addition to the cost of microchipping would the introduction of this Bill resulted in what staff resources would be needed for this? And also when we are looking for dogs – and we do not want to hound the public – but would there also be vehicles and equipment needed for the purpose of collecting dogs and stray dogs?

And as a final question, mention was made of farmers and agricultural college: would farm dogs fall into this Bill or would they be exempt, as are the dogs for the blind, etc.?

235 Thank you, Mr President.

**Mr Cretney:** Okay, the fee for the microchip will be £20 for a dog or £10 if microchipped. There is no charge for assistance dogs such as guide dogs or those used solely for sporting purposes or working dogs – so I think that answers the question.

240 **Mr Corkish:** A working dog would be a farm dog?

**Mr Cretney:** Absolutely.

245 In relation to the charges for senior citizens for whom a companion dog is so important, I think the point here is that it is a one-off and once it is done, it is done, whereas on an annual basis they have had to pay for their dog licence.

In terms of staffing resources, we already have dog wardens and this will not increase. All dogs will require microchips, including farm dogs – I am sorry I got that wrong, *all* dogs will require microchips. I guess that is in case they escape from the farm which is always entirely possible. I do apologise for getting that part wrong.

250 **The President:** Mr Coleman.

**Mr Coleman:** Thank you, Mr President.

255 I just have a couple of observations. I have been in contact with the Department with reference to this and I am in fact putting in a friendly amendment through at the clauses stage to this Bill, which I suggested, to be perfectly frank.

260 I think there are a couple of things that have come up. As far as tracking a dog, you can go on eBay and get a device that you can just put round their collar, it is about that size, and you can track your dog using your phone. So it does not need to be in the microchip if you wish to have that control. One of the other things which has been agreed, I think ... and I questioned that we have three categories of individuals involved here: we have the Police, we have dog wardens and we have authorised individuals within the Bill.

265 Now, I know for a fact – because he turned up at my other half's house – that the rodent exterminator in Braddan is also the dog warden, because he comes in a van with 'Dog Warden' on the side. So I think the point I was making is that it is mentioned, and we have not yet been given the definition of what each one's responsibilities will be and the differences between them. The response I got from the Department is that it is in the next set of legislation with reference to this, probably secondary legislation or regulations, where it will actually say what the Police can do, what the dog warden can do and what the authorised individual can do.

270 So this is the first step and I think it is a laudable initiative. I had two Manx ginger toms, both microchipped. One of them got locked in a garage about half a mile away and was there for some considerable time, and the only way I got it back was that the caring person who opened the garage and found the cat went to a vet and found out who the owner was. So I was very grateful for that because basically they were my family at the time.

275 Thank you, Mr President.

**The President:** Mr Cretney.

280 **Mr Cretney:** Again, I thank the Hon. Member for his interest and for contacting the Department so well in advance about his concerns about a certain aspect; and it has moved from being an amendment to a friendly amendment. So I welcome friendly intervention and I welcome people who wish to discuss things in order to make things better – that is the purpose of consultation.

285 Were there any other specific points that you wish me to address? As you say, there will be further stuff in the regulations that have yet to be placed before Tynwald, subject to this being approved.

**Mr Coleman:** They were the only concerns that I had at that time, Mr President.

290 **Mr Cretney:** Thank you.

**The President:** Mr Henderson.

295 **Mr Henderson:** Gura mie eu, Eaghtyrane.

If I could just begin by saying I welcome the introduction of this legislation. Microchipping has got to be the way forward for pets – and indeed our feline friends as well, as Mr Coleman has indicated.

300 I am just wondering, Eaghtyrane, slightly tongue-in-cheek, but we have heard about a lot of consultation but we have not consulted the victims in all of this yet and I would like to hear their view some time –

**Mr Corkish:** Is that the dogs?

**Mr Henderson:** That is the furry friends.

305 Also, no mention of DNA database and I wonder what the Department's thoughts on that was?

Then on a more serious note, for reasons I will expand on in a minute, I also want to know the Department's feelings – and the Hon. Member may not have the information to hand just now and at a further stage of the Bill is fine – on farmers' rights in all of this. Has this legislation in its gestation taken into account the fact of sheep worrying and animals being killed by dogs and so forth, with special reference to the incidents at Greeba some time ago where thousands of pounds' worth of animals – lambs – were killed, when the farmer exercised his right to destroy the animals? Then he, in turn, found himself in court facing charges of wrongful destruction, or whatever it was, which was in the papers.

315 I am just wondering, surely we need to take that into consideration because a landowner must have some rights to protect his own land and livestock?

Lastly, and in connection with DNA, have we taken into consideration, or will we be taking into consideration with any associated future legislation, dog fouling? We have all heard today that most dog owners are responsible, but unfortunately there is a proportion of them who are not responsible. And those of us who like walking in the Manx countryside with our families have to experience the disgraceful mess that is left in the likes of the Marine Drive which spoils it for everyone and the likes of Millennium Oakwood which people actively avoid altogether now because of the irresponsible few. I just wondered if the Department would take on board what ways they could move anything forward to try and discourage this kind of anti-social behaviour? I am talking about the owners, not the dogs, because they are quite happy to launch their dogs out of cars, let them foul, take them for a walk and go home. I just think we need to be doing more to tackle this, what I would call antisocial behaviour basically.

325 I know some commissioners and local authorities try their best, but I think the imposition of heavier fines and the encouragement to use local authority dog wardens, or whatever staff, to actually videotape certain areas to get the evidence required and get a few people into court might actually help here to ram the message home that you should be responsible for your animal and not anti-social to the rest who use the area.

**The President:** Mr Cretney, there are a number of issues that are clearly outwith the scope of the legislation and you may or may not wish, but I will leave it up to you.

**Mr Cretney:** I am always happy to try and respond in the best way I can, Mr President.

340 What I would say is I am fully aware as a dog owner of a number of irresponsible dog owners. This legislation is no different than any other legislation. The legislation we pass through this place and another Branch is to deal with a minority – very often legislation is introduced to deal with the minority who do not comply with what would be deemed to be the norm.

345 I agree completely with him in relation to we live in a beautiful Island, and we are very lucky to live in a beautiful Island and yet in many beauty spots, not just the Marine Drive, you can see despoliation to the extent that when I am out walking – and I apologise, Mr President – I often pick up discarded plastic materials which have just been thrown in the hedgerows and put them in the bag that I have already got, because I just cannot understand the mentality of some people. (*Interjections*) And, as you say, it is nothing to do with the dogs.

350 We have just got a long route ahead of us in terms of encouraging responsible dog ownership. We live in a lovely Island and people should appreciate that a bit more than sometimes they do.

You describe the dogs as the victims: I am told that this is a painless procedure – although I am not going to volunteer myself to try it – and obviously once it has been applied, for the future it has got to be good for the dogs in case they do get lost, or whatever.

355 In relation to the DNA database, we have made a statement regarding this that we are waiting to see what happens in other jurisdictions first. Notably this would be something which will be carried out by local authorities, and local authorities have been consulted upon in this

and I think their view was that at this stage let's see how effective it is in other areas. My friend and colleague on the Department, Mr Martyn Perkins MHK, was very keen to have this added to the Bill but it was felt at this stage that further consideration was necessary.

360 Just back to the Marine Drive, which the Hon. Member and I both enjoy, the local authority responsible for the Marine Drive is Braddan Commissioners who recently – well, fairly recently, in the last 12 months, two years, or whatever – have installed additional bins along there. So there is no excuse for people to act in an irresponsible manner.

365 **Mr Henderson:** Fine them double! (*Interjections*)

**Mr Cretney:** In relation to livestock attacks, yes, as I said initially we have worked with the Manx National Farmers' Union and the Police to try and make a high-level campaign at springtime – and I noticed something on *Countryfile* the other night where they are talking about closing off certain areas. But what we have done is try to work with them to ensure the appropriate signage is in place and that people keep their dogs on their leads if they are going there. But there are so many places that people can go with their dogs here, that it would be sensible to try and avoid such places particularly in the lambing season. It is just common sense really.

375 The other thing is, one of my dogs is a poodle and people say a poodle would not do it – but he was once off his lead, he heard the sheep in the next field and he wanted to go after them. So even the least-offensive dog reverts to nature. We have to take this matter very seriously and as I say we have worked with the Manx National Farmers' Union. In relation to the incident you describe at Greeba, I am not convinced I want to get into that particular situation today, but all I would say is I think the law in that area could stand improvement – and that is something for the future.

**The President:** Mr Turner.

385 **Mr Turner:** Yes, thank you, Mr President.

My question is with regard to regulations that are going to be made in the amendment of section 28. It seems to be quite a wide-ranging power that the wording has committed down here:

The Department may by regulations prescribe anything which is necessary or convenient ...

This is not a phrase I have come across in legislation before.

... anything which is necessary or convenient for the administration of this Act, and such regulations shall be laid before Tynwald.

390 – so they do not even need approval.

I just wondered because on the surface it appears quite a wide-ranging power, that the Department can do pretty much anything the way this is worded. Whilst we accept that secondary legislation is important to enable the mechanics of primary legislation to work, it is where a lot of the detail is. The wording of this does seem to be quite wide and open. Now, obviously it says 'for the administration of this Act' so it would have to relate to the provisions that are in the Act, but nevertheless when it says 'anything which is necessary or convenient' it does seem an unusual wording that I have not seen before.

400 **The President:** Mr Cretney.

**Mr Cretney:** In relation to regulations: obviously whatever the legislation, regulations flow from the primary legislation, they are laid before Tynwald. Pardon? (*Interjection*) Yes, and so



405 what happens is you look at the laid-before Item and if you are unhappy about aspects of the laid-before Item then clearly you have got the opportunity at the next sitting to question them.

The amendment to section 28 is limited what the Act itself provides for; we cannot legislate for something beyond the powers of the Act. I understand the Hon. Member is cautious about the word which has been used. I am sure that the motives of the Department are not to do anything which you would be unhappy with.

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**The President:** Lord Bishop.

**The Lord Bishop:** Mr President, thank you.

415 I thank the hon. mover for this legislation which in principle I am delighted to support on grounds of animal welfare and also social accountability.

I think I would just like to ask for reassurance on a couple of points: one is that eight weeks seems to me quite young and whilst I would agree that a dog should be at least eight weeks old before being microchipped, my experience is that people often buy dogs in that window of eight to 10 or 11 weeks. I wonder if consideration was given to the idea that in fact we might ask that a dog should be microchipped within that window – in other words after eight weeks but before 420 10 or 11 weeks. I just wonder whether consideration was given to whether eight weeks is the right age for the microchipping to happen because it requires fairly prompt action on the part of the owner. So perhaps if I could just ask for reassurance on that point?

425 I had, if I may, one other thought which also comes from the explanatory memorandum in paragraph 4(a), where I read:

This means that the mere fact that the dog is not microchipped is sufficient basis for a conviction ...

– and that clearly is true,

... and the defendant's state of mind at the relevant time is immaterial.

Whilst I understand the sentiment for the latter part of that section, and clearly it must be the case, I wonder whether that wording is strictly necessary given the circumstances under which people can sometimes find themselves.

430 Thank you, Mr President.

**The President:** Thank you.  
Mr Cretney.

435 **Mr Cretney:** If I may be so bold, Mr President, I would like to join you in welcoming the Lord Bishop (**A Member:** Hear, hear.) to our Chamber and I hope he enjoys his time on the Isle of Man. I am sure you will enjoy the countryside and hopefully it will be less polluted than sometimes we find it to be. On the Island we are very proud of the countryside and we all have a duty to protect it, and sometimes we are over-sensitive but it is important matter.

440 Eight weeks is the weaning time and generally for the sale of puppies, so it will be likely to be carried out by the seller or the kennel – it is likely they will do the microchipping, we understand.

445 The second question, the regulations obviously as I said earlier will need approval by Tynwald, but would the Bishop be kind enough just to go back to your second point again because I do not think I have got the answer?

**The Lord Bishop:** Thank you.

450 From the explanatory memorandum, paragraph 4(a) which talks then of the new section 1, two-thirds of the way down that paragraph in the explanatory memorandum it refers to the defendant's state of mind at the relevant time as being 'immaterial'. Clearly, the fact that the

dog is not microchipped is sufficient basis for a conviction, but I just wonder whether we need to spell out that piece about the state of mind of the defendant rather than just leaving those words out?

455 **Mr Cretney:** Okay.

**The President:** To help the mover, of course, that is in the explanatory memorandum and is not the wording of the legislation.

460 **The Lord Bishop:** Indeed.

**Mr Cretney:** Yes.

My advisers who have dealt on a daily basis with the preparation of this legislation advise me that is the case, that is wording which has been used in the explanatory memorandum rather than the legislation, and I hope that satisfies the Lord Bishop.

**The President:** Mr Crookall.

**Mr Crookall:** Thank you, Mr President.

470 Can I just ask on clause 7 which amends section 14 subsection (4)? In there it says that it is a requirement where a dog is not microchipped that the buyer or donee – somebody who has been given a dog – is to ensure microchipping of the dog within 24 hours and provide evidence that has taken place to the Chief Constable or the Department. I think 24 hours is probably a bit too short a period if you get the dog on a Friday or a Saturday morning, you have then got  
475 Sunday and maybe a Bank Holiday Monday. Should you look at maybe extending that to 72 hours to give somebody a chance, because evidently if you stick to 24 hours by the letter of the law somebody would be breaking the law –

**Mr Corkish:** Such as an older person?

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**Mr Crookall:** Yes. So could you have a look at that for me?

And is there any way of updating the details, if you buy a dog off somebody, on a computer rather than going in physically to the Department or the Chief Constable?

485 **Mr Cretney:** Yes, in relation to the second point, you can update (**A Member:** Online.) the details without going in.

In relation to the first point I think I would like to consider that with the Department and it may be that we will come back at a later stage if that is all right, because it seems to me the Member is making a point which is worthy of further consideration.

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**Mr Anderson:** He is not barking up the wrong tree.

**The President:** Mr Coleman.

495 **Mr Coleman:** Thank you.

I would like to go back to the Bishop's point, and I have to say I agree with him. Strict liability offences are rather limited in the law, and they include being in possession of counterfeit money, being in possession of an unlicensed firearm, and things of that sort of seriousness. To put this as a strict liability offence is just over the top – it really is.

500 You are classing having an unmicrochipped dog with being in possession of an unlicensed weapon or being in possession of counterfeit currency, and that is a little bit severe in my own opinion.

Thank you, Mr President.

505 **Mr Cretney:** I note what the Hon. Member says. I believe it is very important that the details via the microchip are available but I acknowledge what the Hon. Member has said there.

**The President:** Mrs Poole-Wilson.

510 **Mrs Poole-Wilson:** Yes, thank you, I also welcome the legislation

I had one very small, and it may be completely a non-point, but I do wonder if it is something that could just be looked at before the Bill comes back, and that is that in the underlying Dogs Act throughout, pretty much, the legislation refers to the 'keeper' of the dog. 'Keeper' is defined in section 29 and it is defined to cover different situations, including where the owner of a dog  
515 might be under 16, but the keeper would be the head of the household in that instance. Under the current licensing regime it refers to the keeper being responsible to obtain a licence.

It is just a small point, but at the moment we refer in section 5 of the Bill to every 'dog owner' making sure that they microchip the dog. It may not be an issue but I just thought it was worth checking that by using the terminology 'dog owner' as opposed to 'keeper' that we are not  
520 creating any type of confusion and or any loopholes, and I just thought that was worth double checking – and it would be a very small and friendly, I hope, amendment if it was something that should be picked up.

**Mr Cretney:** We will happily consider that and respond back to all Hon. Members on that  
525 point, together with Mr Crookall's point, and that raised by the Lord Bishop and Mr Coleman. I think those three points are the principal ones; I think everything else as far as I can judge Members have accepted the explanations that I have been able to provide.

**The President:** If there are no other contributions, does the Hon. Member wish the right of  
530 reply to the debate?

**Mr Cretney:** Just to thank Hon. Members. It is very healthy that the Legislative Council is so active and they have been able to put so much time into their research of this legislation which I welcome.

535 I beg to move that the Bill is read for a first time.

**The President:** Thank you, Hon. Member.

I put the motion that the Dogs (Amendment) Bill be read for the first time. Those in favour, say aye; against, no. The ayes have it. The ayes have it.