



**LEGISLATIVE COUNCIL  
OFFICIAL REPORT**

**RECORTYS OIKOIL  
Y CHOONCEIL SLATTYSSAGH**

**P R O C E E D I N G S**

**D A A L T Y N**

**HANSARD**

**Douglas, Tuesday, 7th February 2012**

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**Present:**

**The President of the Council (Hon. C M Christian)**

Mr R P Braidwood, Mr D M W Butt, Mr D A Callister,  
Mr E A Crowe, Mr E G Lowey, Mr J R Turner and Mr T P Wild,  
with Mr J King, Clerk of the Council.

**Business Transacted**

	<i>Page</i>
Leave of absence granted .....	41
<b>Orders of the Day</b>	
1. Dogs (Amendment) Bill 2011 – First Reading approved .....	41
Dogs (Amendment) Bill 2011 – Standing Order 4.3(2) suspended to take Second Reading .....	45
Dogs (Amendment) Bill 2011 – Second Reading approved.....	46
Dogs (Amendment) Bill 2011 – Consideration of clauses deferred.....	51

*The Council sat in private at 11.22 a.m.*

# Legislative Council

*The Council met at 10.30 a.m.*

[MADAM PRESIDENT *in the Chair*]

**The President:** Moghrey mie, Hon. Members. Please be seated.  
The Chaplain will lead us in prayer.

## PRAYERS

*The Chaplain of the House of Keys*

### Leave of absence granted

5 **The President:** Hon. Members, the Lord Bishop, the Attorney General and Mr Downie all have leave of absence this morning.

### Dogs (Amendment) Bill 2011 First Reading approved

1. Mr Turner to move:

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

10 **The President:** We turn now to the first Item on our Order Paper, the Dogs Bill and I call on Mr Turner, please, to take the First Reading.

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

15 This Bill makes various minor amendments to the Dogs Act 1990 and also simplifies the procedure for granting of exemptions from the need for a dog licence.

The main objective of this amendment will be to enable the Department to specify exemptions by Order, instead of them being laid down in primary legislation. This will allow the Department to, firstly, make an Order specifying exemptions based on the current list of exemptions, such as dogs under six months, dogs used by blind persons and, for example, Police dogs. Then at a later date the Department will be able to introduce exemptions for dogs that were, for example, microchipped. Any Order would be subject to initial consultation and would require Tynwald approval.

20 The amendments in the Bill also provide that the colour of the tokens issued for licensed dogs shall be specified by the Department of Infrastructure, rather than through regulations. A further amendment made by the Bill relates to dog fouling and extends the provisions relating to fouling of land by dogs to car parks, cemeteries and churchyards. This will enable local authorities to include such places in any new byelaws that they choose to make and enforce.

25 The amendments contained in the Bill were subject to extensive consultation as part of the Local Government and Housing Bill in 2009. Restructuring of Government in April 2010 meant that the remit for this particular issue fell to the Department of Environment, Food and Agriculture, which resulted in the need to remove the provisions concerning dogs and for a separate Bill to be prepared.

30 Madam President, I beg to move that this Bill be read a first time.

35 **Mr Braidwood:** I beg to second, Madam President, and reserve my remarks.

**The President:** The Hon. Member, Mr Callister.

**Mr Callister:** Thank you, Madam President.

40 There are just a few things in order to make this make some sense of what is happening with dogs in the Isle of Man, how many we have got and what is going on. I do have a number of questions I would like to put to the mover – perhaps he may not be able to answer at this stage, but certainly at a later stage.

45 First of all, I would like to know what the cost of a dog licence is; secondly, how many licensed dogs we have on the Isle of Man; thirdly, what is the estimate of the number of unlicensed dogs we have on the Isle of Man, because I am sure there must be a lot of them; how many persons have been fined in the past three years for keeping an unlicensed dog; what is the cost of micro-chipping a dog; and what is the estimated loss of revenue to the Department? I will send a copy of those questions to the mover.

50 It seems to me that the main objective of the Bill is to simply reduce the paperwork and the administration costs for the Department, rather than anything else, and also the micro-chipping of these dogs is only on a voluntary basis, anyway. So perhaps that ought to become compulsory in due course – I do not know, not being a dog owner.

55 I noted, also, the Bill is not applicable to the Department's own lands. I presume that is covered in some other legislation somewhere, but with those questions and with the whole dog situation as it is elsewhere and whether we should be moving to just freedom to have a dog in the same way as you have a cat, goodness knows! That is something, perhaps, for the future, but for the time being to get some background into this, it would be just interesting to know what the statistics are.

60 Thank you, Madam President.

**The President:** Mr Lowey.

65 **Mr Lowey:** Something along the lines of Mr Callister. When I read the Bill I thought to myself what on earth is this all about? A song came to mind – I am not going to sing it: 'What's it all about Alfie?' Really, truly, I mean, the dogs.

70 Well, I notice the mover of the Bill says it is going to reduce the role of the Department. I see Tynwald is not going to be clotted up with what colour tags we are going to have. By gum, I have been in Tynwald 40 years and I cannot remember ever having had the choice of a coloured tag for a dog to be worn. (*Laughter*) However, we are getting rid of that, so that must be a good thing! My biggest concern is who is going to enforce what? I know the aim of the Bill is to get rid of enforcement, but then what is the point of having a microchip in a dog's ear unless it has got an end use? Is the dog... let's face it, dogs are mainly pets; dogs are useful as a working animal, they have always been exempt on farms, in particular, but what I would call the private dog has been a nuisance to farmers, especially at lambing time; I have seen the results of that and somehow that has got to be curbed. Nothing in this Act will prevent that from happening.

75 So it is an enforcement issue for me. What are we – if you will pardon the expression – fiddling about with a Dogs Amendment Bill if it has not got an end purpose? Really, there does not seem to be an end purpose in this, but then that is me just being critical for the sake of being critical. I am sure the Department must have a reason for wanting this particular piece of legislation, other than moving with technological changes in how we tag animals. To again misquote Shakespeare, it is 'much ado about nothing'.

**The President:** The Hon. Member, Mr Butt.

85 **Mr Butt:** Thank you, Madam President.

My query is one to which Mr Callister alluded briefly: the definition of open space. It has been extended to include churchyards and cemeteries, but again it does say that land owned by the Department – which I presume, from the Bill, is the Department of Environment, Food and Agriculture – is not included as open space.

90 When you read it that way, it seems to be that you can have a dog in that area and it can foul, if necessary, so I would just like to know where the regulations come from. Every plantation, every part of land that is owned by the Department –

95 **Mr Lowey:** The hills.

**Mr Butt:** And the hills, yes, of course.

The other point is this Bill is brought forward by that Department, but then it is the Department of Infrastructure which is going to make the Orders, and I wonder where the link with that is – why Infrastructure are making the Orders, when it is a Department of Agriculture, in effect, Bill.

100

If he could answer those queries, I would be grateful.

**The President:** The Hon. Member, Mr Crowe.

**Mr Crowe:** Thank you, Madam President.

105

I would just add a comment about microchipping. This seems to be a very vogue thing in the UK at the minute, because of the advantage it gives to ownership of dogs that, if a dog is stolen or lost, a vet or whoever can check that it is microchipped and it goes back to the rightful owner, so –

**Mr Lowey:** A problem in the Isle of Man?

110

**Mr Crowe:** I am not sure that it is a problem, but it is something that helps to trace a dog if it is lost. So, that was the only comment I would make about microchipping. As to whether it is of value, that is subjective, I suppose.

115

**The President:** The Hon. Member, Mr Braidwood.

**Mr Braidwood:** Thank you, Madam President.

120

Following on from the Hon. Member of Council, Mr Crowe, on microchipping for animals – which normally goes into the skin at the back of the neck, and not in the ear like cows – the way I look at it, Madam President, is that if the Department is reducing the cost of a dog licence for those people who have microchipped their dogs, because it is quite expensive to microchip a dog, and I think this is one where the Department is looking to try to compensate the people over a number of years, that if they are not paying the licence then, basically, it will go towards the cost of having the dog microchipped.

125

For the benefit of Mr Callister, a dog licence is £16. If a person is over 60, then it is reduced to £8, and if a dog is neutered or spayed it is £8.

**Mr Callister:** What if the dog is over 60? *(Laughter)*

130

**Mr Braidwood:** So, I agree with the Bill. It will make it simpler for the Department to change, instead of going to primary legislation and, of course, there are dog wardens which actually go around: if they see any loose animals, at least they can see if they have a licence. If not, they go into a pound and if the owner comes looking for the dog, they can be fined, then, for letting the dog roam round the streets.

135

**Mr Callister:** May I – ?

**The President:** Yes, Hon. Member, Mr Callister.

140

**Mr Callister:** Just in reference to what Mr Crowe said about ownership, I see from the Dogs Bill, there is no such thing as an ‘owner’ of a dog, simply a ‘keeper’ of a dog. I wondered why that... I have no idea why that is. Perhaps they pass from so many people so rapidly that you could never find an owner!

145

The other point is – and it may well be a point to take back to the Department – why here, as we are in these financial straits at the present time, why this is not an opportunity to increase the cost of dog licences and bring further income in. Has that not been really seriously considered?

**The President:** Hon. Mr Lowey.

150

**Mr Lowey:** The benefits of licensing was to keep the thing under control. This Bill does the opposite. It de-regulates – no ifs and buts about that – and any income that will be derived will be by the veterinary surgeons. These things are installed by them – whether it is in the ear or the neck, immaterial. They have got to be implanted and then to be checked, there will be a cost of the machine to do that. It will still need a human being to be at the end of that machine to press the buttons, so there is no saving on the dog wardens.

155

So I look for the benefits. And is it a problem? That is the point. We are often told, we should get involved if there is a problem, pressing need and all the rest of it. Where is the pressing need?

160 We still have a dog problem with fouling and all the rest of it. In fact, we spend far too much time in a national government talking about this. This is a local byelaw. This is a local issue which should be dealt with by local people – not at national level. I really do feel that that is... We spend far too much time on dogs.

165 My own view is simply that this Bill is much ado about nothing. It will achieve very little. But then I think, in defence of the mover of the Bill who has put up a mighty fine showing with very little... He is baking a cake with very little ingredients, I must say! I look forward to the finished result. Will it be satisfying? I doubt it!

**The President:** I call on the mover to reply, please.

170 **Mr Turner:** Thank you, Madam President.  
As for the case I have put up, I have not even started yet!

**Mr Lowey:** Neither have I!

175 **Mr Turner:** I am pretty confident I can answer most, if not all, of the queries that have been raised this morning, and I thank Hon. Members for their contributions.

180 I am no longer in the Department; however, they have asked me to move this piece of legislation. I must say that during my time in DEFA this never came... This has surfaced since the change of administration, so it is new to me also, but its roots go back to the days of DoLGE, and they identified, as I said in the opening speech... when they split the Department, part of where this originally sat was with the Housing Bill, so it has moved apart.

185 All the Departments have been challenged with a reduction in budgets and therefore are looking at ways where savings can be made. Mr Callister said: why didn't we just put the fees up? Well, I think it would be a pretty poor show to actually effectively put a tax on people's pets just to raise revenue for Government, when the revenue was fairly marginal that it raised, anyway. So I do not think that was the way to go, particularly where, in other jurisdictions, they have done away with dog licensing altogether, apart from, I think, in Northern Ireland, where they have a fee, which is £5.

190 Mr Braidwood is quite right in saying that the annual licence is £16, with £8 for a neutered dog or for a person over 60 who has a pet. There were 5,800 licences issued last year. However, there is no real figure of how many unlicensed animals are out there. I think that is part of the root of the problem, and this is where the savings may well come in that Mr Lowey is looking for.

195 The Department currently employs a dog warden, which is on a contract basis. I am not entirely familiar with the terms of that contract, but one would imagine, and I can find out... I do not think they are employed 24/7. I think there will be a basic retainer fee – I would imagine how it works – with charges levied when they are actually out doing the job, but I will find out for the next reading. If the dog warden picks up a stray dog, there is a lot of work required for him to deal with that dog, because if it has not got a tag on it – and many dogs do not, because they lose them, they go scratching through bushes and the collars come off – the dog warden then has to take that animal back and kennel it. They ask around, somebody then... eventually the owner might ring up.  
200 So it is a very long process, dealing with the animal. The benefit of micro-chipping is, and the hope is, that most responsible dog owners would actually see it as a positive benefit, in that the dog warden, with a transponder, which is possibly no bigger than a mobile phone, can 'ping' the standard area where animals get chipped – I know my cat has actually got a microchip in it, at the back of its head – and immediately the animal could be returned to the owner without all the  
205 kennelling and everything else that goes on. So there have got to be savings there.

210 The irresponsible dog owners – and part of the consultation was the most problems the dog warden was facing were in housing estates, where he was finding, during the consultation, that is where most of the animals that were unlicensed, breeding going on and so forth. So that I think is not going to be a problem that is going to be solved by this legislation at all. I think if we think that this is going to solve it we are foolish to think so. But I hope I have explained the benefits of the microchips. They are about £20 or £30 to fit, and more and more dog owners and, indeed, cat owners are having these chips in.

215 Mr Lowey does not appear convinced yet. I hope by the end of the process, I may be able to convince him.

If I can turn to some of the other points raised, as I have said there are just shy of 6,000 licences. The cost of administering the process was thought to be in the region of £30,000. Most of that administration was carried out by the Post Office. There was all sorts of... obviously, the costs of producing the duplicate booklet for the licence document. There were the tags. There were

220 all these other things they had to do and, of course, administer on some sort of database. The big  
question is do we really need to be doing it? The Department has decided that this is such a  
minority problem – Mr Lowey’s example of ‘is this a problem?’ – we may as well fix it and do  
away with this system, and that is the way the Department was moving.

225 Now, there is a query about why the DOI, why DEFA? DOI, of course, is responsible for local  
authorities, who will be engaging in making their byelaws for a variety of things – dog fouling will  
be one of them. So that is why there is involvement of the DOI in this process. Whilst the control  
of dogs is under DEFA, the making of the byelaws, etc will be down to the local authorities in  
consultation with DOI Local Government Unit. So I hope I have answered that one.

230 Open spaces: DEFA land is covered by their own byelaws and legislation. Therefore, they have  
their own process, and I think dog fouling is already controlled. Certainly, the exercising of dogs  
on DEFA land is controlled at present.

235 There were queries from Mr Callister about the estimate of unlicensed dogs. They do not have  
an estimate, other than saying probably hundreds who do not get their dogs licensed. As it is not a  
huge problem, the Department obviously does not feel it necessary to employ the dogs police to go  
round and investigate that. However, the legislation is still in force that if that does become a  
problem, they can still enforce, because the provisions of the Dogs Act that remain still require all  
the other responsibilities that were in place before. It just enables them to change the rules by  
Orders, rather than having to go through primary legislation.

I think I have answered all the queries, although Mr Lowey, I think, appears –

240 **The President:** Mr Lowey.

245 **Mr Lowey:** With your permission, I do not want to make the Hon. Member... because he is  
answering a question and I can ask another at the Second Reading. However, I admire his honesty  
in saying that we are not going to resolve all the problems with this piece of legislation, unless you  
are going to make it compulsory for all dogs to be tagged. You are not going to solve the problem  
and he accepts that and I accept it too.

250 But I cannot accept his argument that Mr Callister is putting up the price and raising some  
revenue, because you are putting up the cost to the dog owner because, instead of paying £16 a  
year, if you go to the vet and get it tagged you do not pay it, but you have to pay for the vet and  
anybody that has had an animal that has had to go to the vet, including... I do not know what the  
cost was when he got his cat tagged, but whatever it is, it is going to be more than £16. It costs you  
£25 to go in through the door and say hello. Not that I am doing a disservice to the veterinary  
service on the Isle of Man, but it is expensive. So you are putting the cost up on responsible  
owners, because it is responsible owners who will get their dogs or animals tagged. That is the  
point I am making; we are increasing the cost to the owner.

**The President:** We have had the winding up!

260 **Mr Lowey:** But it is clarity I am after and we have only started this...

**The President:** I could argue the contrary to that!

265 **Mr Lowey:** I appreciate that, Madam President and thank you for your forbearance. I should  
be tagged!

**The President:** The hon. mover has wound up, so we will conclude the debate on the First  
Reading.

270 The motion before Council is that the First Reading of the Dogs (Amendment) Bill 2011 be  
moved.

Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

That – I can see a glint in the eye of the Hon. Member, Mr Braidwood.

**Dogs (Amendment) Bill 2011**  
**Standing Order 4.3(2) suspended to take Second Reading**

**Mr Braidwood:** I move the suspension of Standing Orders so that the hon. mover could go  
into the Second Reading and clauses.

275 **The President:** Of course you may, sir. A seconder?

**Mr Callister:** No, I am not seconding, sorry. I wish to speak on it.

**The President:** Is there any seconder to the motion that Standing Orders be suspended?

280 **Mr Turner:** If it is helpful, I am ready, but I will leave that in the hands of the...

**The President:** We need it to be seconded and have a vote on it, so is it seconded?

285 **Mr Butt:** I will second that, Madam President.

**The President:** Those in favour of suspension of Standing Orders, please say aye; against, no. The ayes have it.

290 **Mr Crowe:** Can I give a qualified 'for'?

**The President:** No, you cannot give a qualified 'for'. *(Laughter)*

295 **Mr Crowe:** I was going to say a qualified 'for' for the Second Reading but not the clauses stage, so I do not know quite how you would anticipate –

**The Clerk:** I think you are voting at the moment on the Second Reading.

**Mr Crowe:** I would vote to allow the Second Reading, but not the clauses.

300 **The Clerk:** If the Second Reading is carried, then it is open to the Council to decide not to take the clauses. That comes later.

**Mr Crowe:** I would vote for the Second Reading, but not the clauses then.

305 **The President:** I think a vote at this stage implies continuation, but you can agree between yourselves later not to.

*A division was called for and voting resulted as follows:*

<b>FOR</b>	<b>AGAINST</b>
Mr Butt	Mr Lowey
Mr Turner	Mr Callister
Mr Braidwood	
Mr Crowe	
Mr Wild	

**The President:** With 5 votes for and 2 votes against, the motion therefore carries.

### **Dogs (Amendment) Bill 2011 Second Reading approved**

**The President:** I call on Mr Turner to move the Second Reading, please.

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

The Second Reading. The Bill makes various minor amendments to the Dogs Act 1990. It simplifies the procedure for granting exemptions for the need for a dog licence.

315 The main objective of the amendment is to enable the Department to specify exemptions by Order, instead of them being laid down in primary legislation. This would allow the Department to, firstly, make an Order, specifying exemptions based on the current list of exemptions, such as, as I mentioned earlier, dogs under six months old and dogs used by blind persons, law enforcement agencies etc. At a later date the Department would be able to introduce exemptions for dogs that were, for example, microchipped. Any Order of this type would be the subject of

consultation and require Tynwald approval. The proposals do have the support of various charities, including the MSPCA, and also the current dog warden.

Further amendments made by this Bill relate to dog fouling and extend the provisions relating to the fouling of land by dogs to car parks, cemeteries and churchyards. There were some cases where some of these areas, although public access, were not deemed public places and therefore outside the remit of certain local byelaws. It will enable the local authorities to include these places in any new byelaws they choose to make and enforce.

The amendments contained in the Bill were subject to extensive consultation as part of the Local Government Housing Bill, which was a consultation in 2009. The restructure of Government in April 2010 meant the remit for this issue fell to DEFA, which resulted in the need to remove the provisions and separate this item out from the housing legislation.

The Bill itself. The first clause gives the Bill its short title, the second clause provides that the Act will come into force on a particular day provided for in an Order. The Appointed Day Order may contain provisions which are incidental, transitional or transitory, where appropriate, and the Department must consult the Department of Infrastructure before making the Appointed Day Order.

The third clause simply introduces the amendments to the Bill.

The fourth clause introduces a new subsection into the Dogs Act, and that will be subsection (3A) into section 1, which enables secondary legislation to contain an exemption from duty, or the imposition of a reduced rate of duty, in respect of a dog licence where a dog is microchipped.

The fifth clause substitutes section 2 of the Dogs Act, which lists the exemption of the payment of duty for dogs. This change will, in future, enable the Department to specify exemptions by Order. Initially, the intention is the Department will produce an Order specifying exemptions based on the current list, which is in section 2 of the 1990 Act, and then, at a later date, they will be able to bring in exemptions for dogs that are microchipped. So, again, this is enabling. This is not actually making the changes straight away. Again, I say that the Order would require Tynwald approval.

The sixth clause amends section 24 of the 1990 Act in several places and provides additional powers to local authorities when making byelaws under the Act. Again, this has got the support of local authorities, who desire these extra provisions. The changes to section 24 will provide for the inclusion of areas such as car parks and additional open spaces, such as churchyards, where dogs should be controlled. The amendment of this clause includes those definitions. The definition of open space goes on to say that it does not include lands vested in the Departments which are already subject to dog control provisions contained in byelaws. Clause 7 is dealing with the specifying of the colour of dog licences without the need for it to go through secondary legislation. That is obviously more of an operational matter and do we really need to be clogging up drafters' time, valuable time drafting legislation to come to Tynwald regarding the colour of a licence?

**Mr Lowey:** And for this.

**Mr Turner:** Clause 8 is making minor amendments to clarify where the responsibilities lie between the Department of Environment, Food and Agriculture or the Department of Infrastructure.

There are pros and cons of the current situation, Madam President. The Post Office does administer a reasonably efficient system, which the public are familiar with. Dog tags are provided each year; a different colour for each year. The database maintained by the Post Office is fairly basic, but it does at least assist the Dog Warden in identifying the owners of those dogs which he picks up as strays. However, for dogs that are not licensed, the Warden can issue a fixed penalty notice, or give them a warning, depending on the circumstances. Because of the current situation, the licensing system does appear to generate some cash for the Post Office as they make a very small profit from the current system. Some local authorities have said that any money made should go towards the community, perhaps for dog bins or dedicated dog walking areas.

There appears to be little evidence of making sure the information on the database remains accurate. For example, when a dog licence lapses and is not renewed and a dog is sold or dies, then pet owners very rarely pass that information on. It is also not referred to in the Dogs Act, so it may be solved by the introduction of compulsory microchipping and that has various advantages, which I outlined in the previous Reading.

If I may give an example. There could be various other regulations brought in in the future to assist people, including... show dogs, for example, could be exempt from wearing a collar but, again, most dogs in time should be implanted with the microchip, therefore doing away with the need for such collars. The microchipping system would be seen as cutting down on bureaucracy.

380 The current system is seen as bureaucratic, it is labour intensive and it is expensive for what it achieves.

So I hope in the Second Reading I have outlined a little more detail about this Bill, and hope that Members will support this as the Department endeavours to make the system simpler, cheaper and more effective for the animal owners.

385 Madam President, I beg to move the Second Reading.

**Mr Braidwood:** I beg to second, Madam President, and reserve my remarks.

390 **The President:** Hon. Member, Mr Lowey.

**Mr Lowey:** I am not convinced by the last part of his sentence, where he says it is going to make it cheaper: it is going to be dearer in the short term; it may be cheaper in the long run. I do not accept that it will be cheaper and I do not think it will resolve the problem that we identify with dogs, and this administration is the least of the problems that we have with dogs.

395 My own view is he also said that it will save draughtsmen's time in doing Orders. All I can say is we have been told that the draughtsmen's department cannot produce legislation because of the overwork in the Department. Still they have found time to produce this. I know it is not a big Bill, but it still demands a bit of time and effort, and I would say that if this is the priority that is being given to Government legislation in these difficult times, then I am afraid the priorities have not got over the road to the Attorney General's office at all, or we are not giving them the right message.

400 So while the Bill, I think, has good intent – that is why I did not oppose the First Reading – I do not think it is going to resolve one little bit of the problems that we associate with dogs.

405 **The President:** Hon. Member, Mr Callister.

**Mr Callister:** Thank you, Madam President.

I am not saying I will not support the Second Reading, but the reason I wanted the Second Reading to wait until next week was the absence of Mr Downie today, because I did have a conversation with him about this Bill and I think he was certainly mindful of moving amendments during the course... He will, of course, be back, hopefully... He may be back for clauses or he may not, but if he is he will have that opportunity.

415 I think what we are doing here is moving towards what is happening in Europe and the UK in general – perhaps not Northern Ireland – which is to just abandon the whole licence system altogether. I think that is probably the endgame here, and whether that is good or bad I do not know. What it would do, in my opinion, is bring us a lot more dogs if we did not have a licensing system. There would be dogs all over the place, chipped or unchipped, far more of them and, in my opinion, there are too many now, certainly in the towns.

420 The real problems with dogs, as referred to by my good friend, Mr Lowey, are things like dog fouling – that is one thing; unlicensed dogs are another; dangerous dogs are another, and there is not very much in legislation that I can see that has been dealing with dangerous dogs. But it is nothing to do with this Bill, of course.

425 The question that was not answered by the mover was the estimated loss of revenue to the Department. If you multiply 5,800 licences by £16 – which it would not be, obviously, because a lot of the over-60s will own dogs, but take it down to... £60,000 or £70,000 income is being lost. If you added another £4 to that £16, you would have an increasing income, whether it is going to the Department or Treasury, at a time when money is being looked for. So the saving to the Department... I cannot accept that argument – it does not run right with me, I am afraid.

We have had no details whatsoever of any consultation. Apparently, consultations, I am told, have been going on for years, but we did not get anything from the mover on that.

430 There will be losses to sub-postmasters, presumably. They are the people who will be administering the licence system. They keep getting trimmed back little by little. Nevertheless, the Post Office may be making £2 million profit a year, but I think the sub-postmasters' income is probably reducing, as far as I can tell.

435 So it is much ado about nothing, this Bill, and I would agree with Mr Lowey on that matter: it is not going to do anything, really.

**The President:** The Hon. Member, Mr Crowe.

**Mr Crowe:** Thank you, Madam President.

440 I think we should just look at some of the benefits of this. I think widening the scope of the legislation to include car parks and sports fields and cemeteries, etc will help enforcement, so I think that is a good point of the Bill.

I think if Mr Turner, the hon. mover, can justify this, saying it will be simpler to administer, simpler to implement, cheaper and more efficient, then we would have a better product, shall we say.

445 So, again, I would support the Second Reading – the broad thrust of this – but I would not want to see the clauses read at this stage. I would rather move that they be debated next week, Madam President.

450 **The President:** The Hon. Member, Mr Butt.

**Mr Butt:** Thank you.

I just think we should look carefully at this and ask what the real problem is. As far as I can see these days, the only problem with dogs is dogs fouling. It is very rare you see a dog on the streets now on its own – very rare. Go back 30 years ago, it was a common sight.

455 The problem areas which the mover mentioned, about the estates where there are irresponsible dog owners, they will still be a problem. This does not address that, but we still have the 1990 original Act to come back to, to deal with those matters. That is still intact, so those things can still be dealt with, as they always have been dealt with.

460 I think the cost of the chipping, if the mover is correct, is £30. The owner, as long as the dog lives more than two years, will have got his money back within two years, so I do not think the cost of chipping is that big a problem.

The irresponsible owners, of course, probably will not chip, and they will not perhaps even licence, but we still have the original legislation. This purely, I think, sets the course on the way towards chipping as a better option and it is probably the more responsible owners who actually use this, because they want to know, to trace the dogs, anyway.

465 So I think we should support this. I do not see any great problems with it at all. We may have important things to deal with in legislation – I am sure we have – but this is a step forward to, in effect, deregulating the dogs of those who are responsible and the way they treat their dogs.

470 **The President:** The Hon. Member, Mr Braidwood is next.

**Mr Braidwood:** Thank you, Madam President.

475 In the UK, apart from Northern Ireland, they abandoned dog licences a number of years ago, but I think what the Department is trying to do is put a caveat, if they are going to move down this path and, as I said in the First Reading, it has just been highlighted by the Hon. Member of Council, Mr Butt. If a dog is microchipped, then they will have – if they are not charged a licence fee, they will get that money back within the next couple of years.

480 I thought it was more expensive than £30 for a microchipping, particularly when you go to the vet and pay your initial cost and then the chip, but if a dog does live for a number of years, then the money will be recouped. I think this is the way forward and I will support the Second Reading of the Bill.

485 **The President:** The Hon. Member, Mr Wild.

**Mr Wild:** Just to make the comment that I think the Bill brings the existing legislation into the 21st century and recognises technology in terms of chips, and I think it is encouraging responsible dog ownership. In reality, it is a good thing to have animals tagged and you do not necessarily have to provide a full exemption, you could just reduce the fee to reflect that.

490 So perhaps from an income perspective, some balance could be achieved. From my perspective, this feels like good sound common sense; I will not... I cannot comment on how it is positioned in terms of other legislation coming through, and other priorities, but as a Bill, to me, it is a practical way forward, which I support.

495 **The President:** Mover to reply.

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

I thank Hon. Members for their contribution again this morning. I think this is exactly the right time for the Department to bring the Bill through, because the legislative programme at the

500 moment is relatively light, and I think, as the new administration starts to gather momentum with its policies, things are going to get a lot busier.

This legislation has been kicking around now for a number of years – 2009 was when it started out life as part of the Housing Bill, as I mentioned before. Mr Callister mentioned consultation. I did touch on that and say that it was the subject of consultation and it had the support of the animal  
505 charities, the likes of the MSPCA. Other organisations that played an active part in this was the Douglas Corporation, the byelaws officer there who submitted views, the Clerks of – I am not going to read them all out, I will just give you a flavour – Port St Mary, Kirk Michael, Maughold, Rushen, the Municipal Association, Pro Dogs Isle of Man, the MSPCA, and indeed some  
510 ‘privateers’ getting in touch and also the current Dog Warden, Mr Shearman. So there was consultation, but like many consultations, people tend to only pick up on the ones they have an interest in, so it may be that – I do not know whether Mr Callister is a dog owner himself –

**Mr Callister:** No, he isn’t.

515 **Mr Turner:** He says he isn’t. *(Laughter)* Therefore he, obviously, when this was around, would not probably have gone onto his radar. He did talk about the cost and, of course, I do not have the information before me, but I will endeavour to find out how many dogs were neutered, because they have a much reduced fee. To use the example that the dog licence is £16 and multiply that by the number, I think is rather inaccurate at the moment and I will endeavour to get  
520 from the Department a breakdown of how many they have had. Whether they have that on their database, because they have any information I have, it is a very basic database, I do not know, but I will find that out for Hon. Members.

Mr Lowey is still a Dogs (Amendment) Act sceptic. I do my best to convince him. This is going to be a big battle, but I hope by the end I can convince him, because the provisions in here are designed by the local authorities. There is nothing worse, particularly families with children, of going to open spaces and finding that dogs have been fouling and if it does give these local authorities a bit more scope to restrict areas, then that has to be a good thing. Mr Lowey talks about priorities. I think, as this was drafted some time ago and is effectively ready to go, this is probably the best time to bring it through before the more important issues, as he says, start to  
530 come across the branches.

I thank Mr Wild for his comments. He is absolutely right, it is modernising the system, but he is also right that the Department should encourage people to be responsible. It may be that many people who are avoiding the licence do so for a number of reasons. If I just briefly mention the reasons why, this may explain to Mr Callister about the way the funding has been working. With a  
535 dog licence, they run out on 31st March, but no reminders are sent out, so many people – and I know this – the licence runs out and then they forget, and then it is only when something else happens they go and buy another licence. That happens frequently, so again the system just is not perfect and, under the current system, they can have a reduced fee for part of the year. So the system is not ideal and I think the Department is taking the right step.

540 I would prefer to see compulsory microchips. That is my own view. I think that would be a lot simpler. If you have an animal, a dog, then it should be compulsory to have it microchipped, and that, I think, may go some way... And it will not solve all the problems – before Mr Lowey informs me.

545 **Mr Lowey:** No. It would be an improvement, I agree.

**Mr Turner:** It would be an improvement.

550 **Mr Lowey:** Let us finish on an agreement, because I agree with you on that. *(Laughter)*

**Mr Turner:** I have got Mr Lowey to agree, Madam President, that is something. I should quit while I am ahead –

555 **Mr Lowey:** That Bill does not do it.

**Mr Turner:** It enables it, I think, is the principle behind it and I thank Members for their cautious support.

I beg to move.

560 **The President:** The motion before Council, Hon. Members, is that this Bill be now read a second time.  
Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Dogs (Amendment) Bill 2011**  
**Consideration of clauses deferred**

565 **The President:** Now, Hon. Members, it is normal to continue to clauses, unless Council shall otherwise decide. So, it is over to you, Hon. Members.

**Mr Crowe:** I would move that we do not take clauses at this stage, if somebody would second.

**Mr Callister:** I will second that, Madam President.

570 **Mr Lowey:** I would agree. Standing Orders, Hon. Member are there for a purpose.  
There is no pressing need for this, there is no urgency about it. Therefore, there is no justification for rushing. We have already gone half way and we can finish it next week in the one sitting, so there is no justification to suspend Standing Orders. There should always be a positive reason for Standing Orders to be breached and we have not heard a case against yet, but I cannot  
575 see any logic, why –

**Mr Callister:** Sorry, if I might add, Madam President, we have two Members absent as well.

580 **The President:** Mr Turner, you wished to comment.

**Mr Turner:** Yes, Madam President, I would like to support not taking the clauses today. I think, in fairness to the other Members who are absent, it was scheduled for First Reading today. Mr Lowey is right, that there is not an urgent loophole that needs plugging here, this is a desire of the Department and therefore I would support bringing this to a conclusion today and doing the clauses next week.  
585

**The President:** I think we have unanimity, Hon. Members? In that case, clauses will be considered next week.

That concludes our public sitting this morning and Council will now sit in private.

*The Council sat in private at 11.22 a.m.*