

Dogs (Amendment) Bill 2011
Clauses considered

The Speaker: We turn to Item 4, Bill for consideration of clauses, the Dogs (Amendment) Bill, to which there are no amendments, and I call on Mr Gawne to move the clauses.

Mr Gawne: Gura mie eu, Loayreyder.

I beg to move clause 1. This clause will give the Act resulting from the Bill its short title.

I beg to move.

The Speaker: Mrs Cannell.

Mrs Cannell: Mr Speaker, I beg to second and reserve my remarks.

The Speaker: Hon. Members, I put the question that clause 1 do stand part of the Bill.

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

Clause 2 please.

Mr Gawne: Gura mie eu, Loayreyder.

Clause 2 provides that the Act will come into force on a particular day or days provided for in an Order. The Appointed Day Order may contain provisions which are incidental, transitional, or transitory, where appropriate and that the Department must consult with the Department of Infrastructure before making an Appointed Day Order.

I beg to move clause 2 stand part of the Bill.

The Speaker: Mrs Cannell.

Mrs Cannell: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 2 do stand part of the Bill.

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

Clause 3.

Mr Gawne: Gura mie eu, Loayreyder.

Clause 3 introduces the amendments made to the Dogs Act 1990.

I beg to move clause 3 stand part of the Bill.

The Speaker: Mrs Cannell.

Mrs Cannell: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 3 stand part of the Bill.

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

Clause 4, Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

Clause 4 inserts a new subsection 3A into section 1 of the Dogs Act 1990, which enables secondary legislation to contain an exemption from duty for the imposition of a reduced rate of duty in respect of the dog licence, where a dog is microchipped.

I move that clause 4 stand part of the Bill.

The Speaker: Mrs Cannell.

Mrs Cannell: I beg to second and reserve my remarks.

The Speaker: Hon. Member for Ramsey, Mr Singer.

Mr Singer: Could I ask Mr Gawne why this is necessary. Surely if a person has an electronic transponder put in the dog, that is for the dog's safety, his own safety, being able to trace the dog. Why should the possibility be, therefore, that they should not have to pay a duty? I do not really link the two together. Surely anybody with

a dog should pay the duty, especially when we are short of money.

The Speaker: I call on the mover to reply.

Mr Gawne: Gura mie eu, Loayreyder.

The overall cost of administering the licence fee does generate a very modest return. I think the Isle of Man Post Office takes that return. However, the general view, certainly in Scotland, Northern Ireland – sorry, Scotland, Wales and England and most of Europe is that dog licences have been done away with. They do still exist in some parts of the world, certainly Northern Ireland, Ireland have dog licences.

This clause enables us to consider giving a reduction for dogs that have these microchips inserted, which are apparently the size of a grain of rice. They are relatively small things, it is a painful – painless, I should say, (*Laughter*) – operation to insert this and, of course, the thing with the microchip is once the microchip has been put in the dog, that is it, effectively, you do not have to go and get a new licence disc every year. So in terms of administration it massively reduces the overall administration cost. Therefore, it may be – and this would be a consideration that would have to come back to Tynwald, if the Department chose to do this – that it is considered that we could offer reduced licence fees or no licence fees, bearing in mind that you do not actually require the person to go back and get discs and all that sort of thing, which are clearly an additional cost.

The Speaker: I put the question that clause 4 do stand part of the Bill.

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

Clause 5, please.

Mr Gawne: Gura mie eu, Loayreyder.

Clause 5 substitutes section 2 of the Dogs Act 1990, which currently lists the exemptions for the payment of duty for dogs. This change will, in the future, enable the Department to specify exemptions by Order.

Initially, the intention is that the Department will produce an Order specifying exemptions based on the current list in section 2 of the 1990 Act, and then, at a later date, introduce exemptions for other categories as felt necessary. Any Order would be the subject of a consultation process and require Tynwald approval.

I move that clause 5 stand part of the Bill.

The Speaker: Mrs Cannell.

Mrs Cannell: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 5 do stand part of the Bill: those in favour, please say aye; against, no. The ayes have it.

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

FOR	AGAINST
Mr Quirk	None
Mr Hall	
Mr Karran	
Mr Ronan	
Mr Crookall	
Mr Singer	
Mr Quayle	
Mr Teare	
Mr Cannan	
Mrs Beecroft	
Mrs Cannell	
Mr Robertshaw	
Mr Shimmin	
Mr Corkish	
Mr Cretney	
Mr Skelly	
Mr Gawne	
The Speaker	

The Speaker: With 18 votes for, no votes against, the motion therefore carries.

Clause 6, Mr Gawne, please.

Mr Gawne: Gura mie eu, Loayreyder.

Clause 6 amends section 24 of the 1990 Act in several places and provides additional powers for local

authorities, when making byelaws under that Act. 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 amendments made by this clause include the addition of definitions of a 'car park' and 'open spaces'. The definition of 'open space' goes on to say that it does not include lands vested in the Department which are already subject to dog control provisions contained in byelaws.

I beg to move that clause 6 stand part of the Bill.

The Speaker: Mrs Cannell.

Mrs Cannell: I beg to second and reserve my remarks.

The Speaker: Hon. Member for Onchan, Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

Can I just ask the Minister, regarding 'under control', the definition of 'control', because there has been some concern in the past where some dogs can be called 'under control' and those that can be on a lead, and I am just wondering whether the Department have had any representation from anybody.

The Speaker: Mover to reply, Mr Gawne.

Mr Gawne: Gura mie eu.

I am happy to come back to the Hon. Member on that. Obviously, clause 6 does not refer in any way, shape or form to dogs being under control and I do not think dogs under control was mentioned at all in this Bill, but I am happy to come back to the Hon. Member on that.

The reason I am not fully up to speed on whether or not someone is to come back at some point is that this seems to have been being consulted on for many, many years now, so it may well be that at some point during a consultation of what originally, I think, was the... was it the Local Government Act? I think it was. It may well be that someone had just dropped that little piece in and I will get back at Third Reading to confirm, or otherwise, whether that was the case.

I beg to move.

The Speaker: I put the question that clause 6 do stand part of the Bill.

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

Clause 7, Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

Clause 7 amends paragraph 5 of Schedule 1 to the 1990 Act to allow the Department of Infrastructure to specify the colour of a dog licence without the need to do so through secondary legislation.

I beg to move that clause 7 stand part of the Bill.

The Speaker: Mrs Cannell.

Mrs Cannell: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 7 do stand part of the Bill.

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

Finally, clause 8, Mr Gawne, please.

Mr Gawne: Gura mie eu, Loayreyder.

Clause 8 makes minor amendments to clarify where the responsibilities lie with either the Department or the Department of Infrastructure.

I move that clause 8 stand part of the Bill.

The Speaker: Mrs Cannell.

Mrs Cannell: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 8 do stand part of the Bill.

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

Thank you, Hon. Members.