Appendix 1

Consultation on

Additional protection for Service Animals in Northern Ireland

June 2021

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Department of
Agriculture, Environment and Rural Affairs
www.daera-ni.gov.uk

INVESTORS IN PEOPLE

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Ministerial Foreword

Service animals in Northern Ireland carry out invaluable work that can take them into very unpredictable and often dangerous situations. They play an essential part in keeping the brave men and women who protect us safe. As such, we owe them an enormous debt of gratitude and it is important that we recognise their contribution by ensuring that they are adequately protected by the law. Service animals can, in the course of their daily activities, be victims of violence and cruelty and the law must give them the protection they so rightly deserve. Put simply - we should be protecting those who protect us.

Like many others, I was concerned to learn of Finn; the police dog in England that was violently stabbed while on duty in 2016. Despite sustaining horrific injuries, Finn continued to intervene to save his handler – an amazing story of bravery on the part of this animal. I have no doubt that it is one with which many handlers of service dogs in Northern Ireland can resonate.

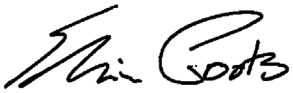
Unfortunately, Finn's attacker was able to claim that he was protecting himself during his arrest and prosecutors did not pursue animal cruelty charges. Instead, they prosecuted Finn's attacker for criminal damage. Treating service animals as property is entirely abhorrent. These animals are living, sentient creatures that bravely and loyally serve the public - they cannot and should not be compared to inanimate objects.

Following campaigns for change, animal welfare legislation in the rest of the United Kingdom now provides added protection for service animals. This consultation paper proposes that similar legislative changes are made here in Northern Ireland. This is not only needed but entirely sensible – it will ensure that service animals enjoy the same level of protection no matter where they are in the United Kingdom.

In 2016, my Department increased the sentences available for animal cruelty offences including those perpetrated against service animals. This was an important step forward in tackling crimes against animals. The change proposed in this consultation will go further and ensure that protection is available for service animals here that appropriately recognises the daily sacrifice they make to protect our community. It should make it more straightforward to prosecute under the Welfare of Animals Act (Northern Ireland) 2011 for the offence of causing unnecessary suffering to a service animal. Under the proposed change, an attacker will no longer be able to inflict suffering on a service animal and claim that they were simply protecting themselves. Changing the law in this way should also act as a serious deterrent to those who think that they can harm these animals without repercussion.

This consultation also invites views on whether or not the sentencing powers currently available for causing unnecessary suffering to service animals should be increased and on whether specific offences should be introduced to deal with injury to, or the death of, a service animal.

Service animals deserve appropriate recognition for the vital role they fulfil. I would, therefore, strongly encourage all those with an interest in this matter to respond to this consultation.



Edwin Poots, MLA

Minister for Agriculture, Environment and Rural Affairs

Chapter 1: Introduction

1.1. This consultation seeks views on a proposal to strengthen protection provided to service animals in Northern Ireland. It is aimed at those stakeholders who work with service dogs and those who have an interest in animal welfare. The list of consultees (**Appendix 1**) is not, however, meant to be exhaustive and responses are welcomed from anyone with an interest in or views on the matters covered by this consultation paper.

1.2. The consultation paper is divided into four chapters. Chapter 2 provides some background to the role of service animals in Northern Ireland, the current legal protections afforded to them and the developments that have taken place in other parts of the United Kingdom (UK). Chapter 3 details the Department's proposals for change with reference to a potential draft Bill (**Appendix 2**) to give effect to them. Chapter 4 outlines the procedure for providing responses to the paper. Equality and rural needs screening exercises have been carried out and are contained at **Appendices 3** and **4** respectively. **Appendix 5** details the list of questions for completion by respondents.

1.3. The consultation is being conducted using the online survey tool Citizen Space and will commence on 17 June 2021. It will run for 8 weeks closing on 11 August 2021. Following analysis of the responses received, the Department of Agriculture, Environment and Rural Affairs (the Department) will consider and publish a summary of the responses. If it continues to consider it appropriate, the Department will then take steps to introduce the Assembly Bill needed to secure the necessary changes to the Welfare of Animals Act (Northern Ireland) 2011 (the 2011 Act).

Chapter 2: Background

Service animals in Northern Ireland

2.1 Dogs are currently the only service animals in Northern Ireland. They are used by the Police Service of Northern Ireland (PSNI) and the Northern Ireland Prison Service (NIPS). Statistics supplied by the PSNI indicate that, in January 2021, it had 57 operational police dogs. Records indicate that in 2019, there were 44 service dogs in the NIPS. Service dogs are selected by the PSNI and NIPS on the basis of their natural abilities which are developed and enhanced by continuous training and assessment, designed to ensure that they are safe and efficient in any operational environment.

2.2. The PSNI's Operational Support Department has a 'Dog Section' which provides a 24 hour response service and consists of personnel who handle and patrol with police dogs. Dogs can follow a scent trail or identify a specific scent which is undetectable to humans. Despite developments in technology, dogs remain a most valuable asset in modern day policing. Their searching ability is economical and effective in that they can

cover large and inaccessible areas quicker than their human colleagues. Police dogs carry out a range of duties using their specialist abilities that cannot be fulfilled in any other way. For example, they are used by the PSNI to track suspects, locate missing people or human remains, search for illegal substances, stolen property, money, firearms and explosive substances. Police dogs also protect their handlers and other officers in dangerous situations and their presence can often be enough to discourage bad behaviour. In a typical week, police dogs respond to calls for assistance in cases involving stolen property, burglaries, the tracking of offenders and other incidents involving the containment of serious crime scenes.

2.3. The smuggling of contraband into prisons can put prison staff at risk and undermine attempts to rehabilitate offenders. Dogs are, therefore, used by the NIPS to stop prohibited items, such as illegal drugs, phones and tobacco, entering prisons. They are paired with dedicated handlers specifically trained in detecting contraband items. Inmates returning to prison from home leave and court appearances and visitors are checked by NIPS dogs. They and their handlers make prisons safer, more secure and ultimately a better environment for rehabilitation. PSNI and NIPS dogs have a unique relationship with their handlers. They live with them to ensure they remain bonded and when their working life comes to an end, many remain with their handlers as pets.

Current legal protections

2.4. Section 4 of the 2011 Act provides that it is an offence to cause unnecessary suffering to any vertebrae animal in Northern Ireland. The Act provides stringent penalties for the commission of the offence; the maximum penalty is imprisonment of up to five years and/or an unlimited fine. Local councils are responsible for bringing prosecutions under the 2011 Act in respect of service dogs and other non-farmed animals.

2.5. In deciding whether the suffering caused to an animal is unnecessary, the 2011 Act provides that there are a number of factors which must be considered. These are whether the suffering;

- could have been avoided, terminated or reduced;
- was caused in compliance with a relevant statutory provision, licence or code of practice;
- was caused for a legitimate purpose, such as:

  - benefiting the animal; or

  - protecting a person, property or another animal;
- was proportionate;
- was conducted by a reasonably competent and humane person.

A defendant charged with harming a service animal in Northern Ireland can, therefore, currently claim that his or her actions were necessary to protect him or herself or another person, property or an animal from the service animal and that, as such, no offence has been committed.

Developments in other jurisdictions

2.6. A campaign to provide greater protection for service animals began in England following an attack there in 2016 on a police dog named Finn who was stabbed and seriously injured whilst pursuing a suspect with his handler. The incident arose when a robbery suspect had absconded from police and was followed by Finn and his handler, Police Constable (PC) Wardell. Finn took hold of the suspect's lower leg to restrain him and the suspect subsequently lunged at Finn with a 10-inch blade hunting knife and stabbed him through the chest several times. The suspect then turned and aimed the blade at PC Wardell. Finn intervened to save PC Wardell. PC Wardell received a hand wound whilst Finn sustained serious head wounds, chest injuries (including lung punctures) and required a four-hour long operation to save his life. After eleven weeks, Finn returned to work with PC Wardell and on his first shift was involved in the arrest of a fleeing suspect.

2.7. There were two potential charges considered in respect of the injuries sustained by Finn; causing unnecessary suffering to an animal and criminal damage. Like the equivalent provision in Northern Ireland, section 4 of the Animal Welfare Act 2006 (the 2006 Act) which applies in England and Wales provides that it is an offence to cause unnecessary suffering to an animal and requires various factors to be taken into account in deciding whether the suffering can be considered unnecessary, including whether an animal was harmed by someone trying to protect a person, property or another animal. At the time of Finn's case, defendants charged under section 4 of the 2006 Act were able to argue that they were justified in applying force against a service animal in self-defence and that, as a result, they had not committed the offence of causing unnecessary suffering. This was an issue taken into consideration by the Crown Prosecution Service in England in its decision not to prosecute for the assault on Finn under the 2006 Act. Instead, charges of criminal damage were brought in Finn's case.

2.8. Utterly dismayed that Finn had been treated like a piece of property, PC Wardell started a campaign to create a new law that offered additional protection to service animals. His online petition attracted approximately one hundred and twenty seven thousand signatures. PC Wardell's MP, Sir Oliver Heald, subsequently introduced a Private Member's Bill in April 2019 to Parliament. The Animal Welfare (Service Animals) Bill, as it was named, proposed to amend the 2006 Act to provide that whether someone causing harm to a service dog was protecting a person, property or another animal is to be disregarded when considering whether or not the harm was unnecessary. The Bill made a swift passage through Parliament and came into force in England and Wales on 8 June 2019. Similar provision was made in Scotland in the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 and came into force on 30 November 2020.

Campaign for change in Northern Ireland

2.9. A campaign to introduce Finn's Law to Northern Ireland began in April 2018. An online petition attracted almost 45,000 signatories and attracted the attention of local media. Following the resumption of devolved government in Northern Ireland in January 2020, Alex Easton, MLA and Pam Cameron, MLA, tabled a motion in the Northern Ireland Assembly calling on the Minister for Agriculture, Environment and Rural Affairs to introduce legislation in Northern Ireland similar to Finn's law. The motion was subsequently debated and agreed by the Assembly on 10 February 2020 receiving cross-sectoral support.

Chapter 3: Proposals

3.1. This chapter sets out the Department's proposals to provide greater legislative protection to service animals in Northern Ireland.

Added protection for service animals

3.2. The Department considers that the manner in which section 4 of the 2011 Act applies to cases involving service animals has the potential to present difficulties. As noted, section 4 sets out the various factors that must be taken into account in deciding whether suffering inflicted on an animal can be considered unnecessary and those factors include the protection of a person, property or another animal. Service animals often need to restrain suspects or use their physical presence to support the actions of an officer acting in accordance with his or her duty. There is, however, currently no account taken of the role performed by service animals in the 2011 Act. The Department is concerned that, as the 2011 Act stands, it allows defendants to argue that they are justified in applying force against a service animal when it is acting in the course of its duty. It considers that the law currently demonstrates insufficient regard for the vital role that service dogs play in protecting the community in Northern Ireland. The Department is also of the view that prosecutions for attacks on service animals that cause unnecessary suffering may potentially be made more difficult due to the fact that the court must consider whether the defendant was acting in fear of harm.

3.3. During Parliamentary debates on Finn's law, it was claimed that Finn was one of hundreds of service dogs that are injured in the course of their duty in England and Wales each year. Data provided by the PSNI and NIPS suggests that attacks on service dogs in Northern Ireland are not as prolific; in response to a Freedom of Information request in 2016, the PSNI states that one dog had received an injury to its paw during rioting in 2013. In response to a more recent request from the Department, the PSNI confirmed that from 2019 to 2021 no police dogs died because of injuries sustained in service. The NIPS has indicated that from 2014 to October 2020, two NIPS dogs were injured in the line of duty. The Department is, however, aware of media reports that a police dog required stitches

for her hind leg after being attacked by thrown masonry during violent disorder in Belfast in April 2021. It considers that this incident demonstrates the very real dangers that face service dogs in the execution of their duties. It considers it appropriate that service animals here should be afforded the same level of protection in all parts of the UK and that legislative steps should be taken to put the position in Northern Ireland on all fours with that in Great Britain. The Department, therefore, proposes that the law should be changed to provide that whether someone causing harm to a service dog was protecting a person, property or another animal should not be a relevant factor when considering whether or not the harm was unnecessary. It is hoped that the proposed change will make it more straightforward to successfully prosecute people for attacking a service animal when they carry out their duties. The draft Bill at Appendix 2 purports to insert a new provision into the 2011 Act to give effect to this proposed change.

Q. Do you agree with the proposal to give service animals in Northern Ireland additional protection?

Q. Do you agree that, where service dogs are injured in the course of active duty, there should be no requirement to consider whether the conduct that caused the suffering was carried out in order to protect a person, property or another animal?

Scope of protection

3.4. Although dogs are currently the only type of animal used as service animals in Northern Ireland, the Department proposes that any added protection given should be broad enough to apply to all species of service animal. This should ensure adequate flexibility in the event that other animals are deployed to service duties in the future. The law in other parts of the UK is similarly framed to provide protection to service animals generally.

3.5. It is intended that all dogs used by the PSNI and NIPS should be provided with the proposed added protection. Belfast Harbour Police and the Belfast International Airport Constabulary are small, specialised police forces with responsibility for policing the Port of Belfast and Belfast International Airport respectively. They do not currently use dogs in their activities. However, the Department proposes that the law should be wide enough to provide added protection to any animals that might be deployed by harbour or airport police in the future. It also proposes that any dogs that might be used by military police should be provided with added protection as they are in England and Wales. The Department further proposes that the law should be sufficiently wide to provide protection to any dogs used by other persons that may from time to time have the powers of a police constable.

3.6. There are other dogs in Northern Ireland that perform extremely important services. For example, search and rescue dogs that are used by private companies or voluntary organisations to locate missing persons. These dogs operate in a passive and non-confrontational way. It is, therefore, considered unlikely that they would be involved in situations where individuals would attack them in order to protect themselves. The Department does not, therefore, propose that these animals should come within the ambit of the proposed protections. It notes that these animals are not within the scope of the added protection given to service dogs in other parts of the UK.

3.7. It is, however, proposed that search and rescue dogs would be afforded added protection when they are engaged for police purposes. For example, the Northern Ireland Fire and Rescue Service has an agreement with the Search and Rescue Dog Association (Ireland North) which supplies it with dogs to use when the PSNI asks it to aid in urban search and rescue environments. In those circumstances, it is suggested that the dogs involved should be afforded protection. To clarify, it is proposed that search and rescue dogs should have additional protection when they are carrying out tasks on behalf of the police. This would ensure alignment with the position in the rest of the UK where these dogs are afforded added protection in these circumstances.

3.8. In summary, it is proposed that any animals used by the PSNI, NIPS, harbour, airport or military police as well as any person that exercises the powers of a police constable or is employed for, or engaged to provide, a service for police purposes should have the proposed added protection.

3.9. It is, however, proposed that the Department should have the power to add to the animals that are to be provided with added protection. The draft Bill at **Appendix 2** achieves this by giving the Department the power to make regulations to add to list of officers under whose control an animal provided with the added protection may be. The intention is that this power should only be used to add officers in public service of the Crown and that the relevant regulations should be subject to the draft affirmative procedure before the Northern Ireland Assembly. A similar power to amend the list of relevant officers is available elsewhere in the UK.

Q. Do you agree with the Department's proposals regarding the animals that should be given additional protection?

Q. Do you agree with the Department's proposal that it should be able to add to the service animals that are to be given additional protection?

Safeguards

3.10. The Department accepts that it is at least conceivable that a service dog could behave less than impeccably during an incident. For example, during an incident, it is possible that a service dog might not be under full control of an officer, could become too aggressive, ignore his or her handler's commands or it might not be on active duty. The Department does not consider that additional protection should be afforded in these circumstances. It, therefore, proposes that added protection is afforded to service animals only when they are on active duty; that is where they are under the control of an officer and being used by that officer in the course of the officer's duties and in a way that is reasonable. Similar provision is made in respect of Finn's law as it applies in the rest of the UK.

3.11. The Department understands that there may be concerns that someone might be denied the opportunity to defend themselves lawfully if attacked by a service animal. The Department is, however, keen to ensure that defendants are not deprived of critical legal safeguards. It considers that a person should not be deprived of the self-defence consideration in section 4 of the 2011 Act if a service animal attacks them unduly. In those circumstances, the animal is unlikely to be under the control of an officer on duty or to be used in a way that is reasonable.

Q. Do you agree that the safeguards proposed by the Department are sufficient?

Penalties

3.12. The Department took important steps to help protect animals, including service animals, in 2016 when it increased the maximum penalty for causing unnecessary suffering to an animal from six months' imprisonment to five years. Similar steps to increase the relevant penalties for the same offence were taken in the rest of the UK in 2020. The penalties across the UK for causing unnecessary suffering to a service animal are, therefore, currently the same.

3.13. The Department is, however, interested to hear the views of respondents on whether or not the sentencing powers currently available for causing unnecessary suffering to service animals in Northern Ireland should be increased.

Q. Do you consider it necessary to increase the penalties for causing unnecessary suffering to a service animal?

Chapter 4: How to respond and when

Responses

4.1. You can respond to this consultation online by accessing the consultation at the following link: www.daera-ni.gov.uk/consultations

4.2. If you wish to respond in writing, you can request a copy of the written response template by e-mailing Animal.Welfare@daera-ni.gov.uk

4.3. Written responses should be sent to:

E-mail: Animal.Welfare@daera-ni.gov.uk

Postal address: Animal Identification and Welfare Branch
Department of Agriculture, Environment and Rural Affairs
Room 715
Dundonald House
Upper Newtownards Road
Belfast
BT4 3SB

4.4. When responding, please state whether you are doing so as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents, and where applicable, how the views of its members were assembled.

Closing date

4.5. Responses should be submitted by 11 August 2021.

Confidentiality

4.6. The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority; the Department in this case. This includes information provided in response to this consultation.

4.7. The Department will publish a synopsis of responses to the consultation. This will include a list of names of organisations that responded but not personal names, addresses or other contact details.

4.8. The Department cannot automatically consider information supplied to it in response to a consultation to be confidential. However, it does have a responsibility to decide whether any information provided by you in response to a consultation, including information about your identity, should be made public or be treated as confidential. If you do not wish information about your identity to be made public please include an explanation in your response. Please be aware that confidentiality cannot be guaranteed, except in very particular circumstances. Please note, if your computer automatically includes a confidentiality disclaimer, it won't count as a confidentiality request.

4.9. Should you respond in an individual capacity, the Department will process your personal data in accordance with the Data Protection Act 1998. This means that your personal information will not be disclosed to third parties should you request confidentiality.

4.10. For further information about confidentiality of responses please contact the Information Commissioner's Office (see its website at: http://www.informationcommissioner.gov.uk/

Appendix 1: List of Consultees

This consultation document has been sent to the statutory consultees and the following organisations:

- Almost Home Animal Rescue (Northern Ireland)
- Association of Veterinary Surgeons Practising in Northern Ireland
- Assisi Animal Sanctuary
- Belfast Harbour Police
- Belfast International Airport Constabulary
- Committee on the Administration of Justice
- Community Rescue Service
- Dogs Trust
- Fire Service of Northern Ireland
- Foyle Search and Rescue
- Human Rights Consortium
- Irish Cave Rescue Organisation
- K9 Search & Rescue NI
- Lagan Search and Rescue
- Liberty Human Rights UK
- Lough Neagh Rescue
- Maritime and Coastguard Agency
- Mid Antrim Animal Sanctuary
- Mourne Mountain Rescue
- Northern Ireland Ambulance Service
- Northern Ireland Fire and Rescue Service
- Northern Ireland Police Service
- Northern Ireland Prison Service

- Northern Ireland Veterinary Association
- North West Mountain Rescue
- Police Service of Northern Ireland
- Royal National Lifeboat Institution
- 7th Heaven Animal Rescue
- Search and Rescue Dogs Association Ireland North (SARDA IN)
- Service Animals Northern Ireland
- Sky watch NI
- Sport Northern Ireland
- The Society of Local Authority Chief Executives (SOLACE)
- VetNI
- Ulster Society for the Prevention of Cruelty to Animals (USPCA)

Appendix 2: Draft Bill

A

BILL

TO

Amend the Welfare of Animals Act (Northern Ireland) 2011 in relation to service animals.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Amendment of the 2011 Act [j001]

1. In the Welfare of Animals Act (Northern Ireland) 2011, after section 51 insert—

"**Service animals**

51A.—(1) Subsections (2) and (3) apply when it is being determined in connection with section 4(1) whether suffering is unnecessary in a case where the suffering was caused by conduct for the purpose mentioned in section 4(3)(c)(ii).

(2) The fact that the conduct was for the purpose mentioned in section 4(3)(c)(ii) is to be disregarded if—

(a) the animal was—

(i) under the control of a relevant officer at the time of the conduct, and

(ii) being used by the officer at the time of the conduct, in the course of the officer's duties, in a way that was reasonable in all the circumstances, and

(b) the conduct was that of someone other than the officer.

(3) A relevant officer is—

(a) a constable (but see subsection (4)),

(b) a person (other than a constable)—

(i) employed for the purposes of the police, or

(ii) engaged to provide services for the purposes of the police, or

1

(c) a prisoner custody officer as defined in Chapter 3 of Part 8 of the Criminal Justice and Public Order Act 1994.

(4) A reference in this section to a constable excludes a member of the Naval, Military or Royal Air Force Police as mentioned in paragraph (c) in the definition of a constable in section 43A of the Interpretation Act (Northern Ireland) 1954.

(5) The Department of Agriculture, Environment and Rural Affairs may by regulations amend this section so as to alter the meaning of a relevant officer in this section.

(6) Only a person in the public service of the Crown may be included within the meaning of a relevant officer in this section by virtue of regulations under this section.".

Commencement and short title [j997]

2.—(1) This Act comes into operation on the day after receiving Royal Assent.

(2) This Act may be cited as the Animal Welfare (Service Animals) Act (Northern Ireland) 2021.

Appendix 3: Equality Screening

Equality & Disability Duties Screening Template

Screening flowchart and template (taken from Section 75 of the Northern Ireland Act 1998 – A Guide for public authorities April 2010 (Appendix 1)).

Introduction

Part 1. Policy scoping - asks public authorities to provide details about the policy, procedure, practice and/or decision being screened and what available evidence you have gathered to help make an assessment of the likely impact on equality of opportunity and good relations.

Part 2. Screening questions - asks about the extent of the likely impact of the policy on groups of people within each of the Section 75 categories. Details of the groups consulted and the level of assessment of the likely impact. This includes consideration of multiple identity and good relations issues. This section also includes two questions related to the Disability Duties.

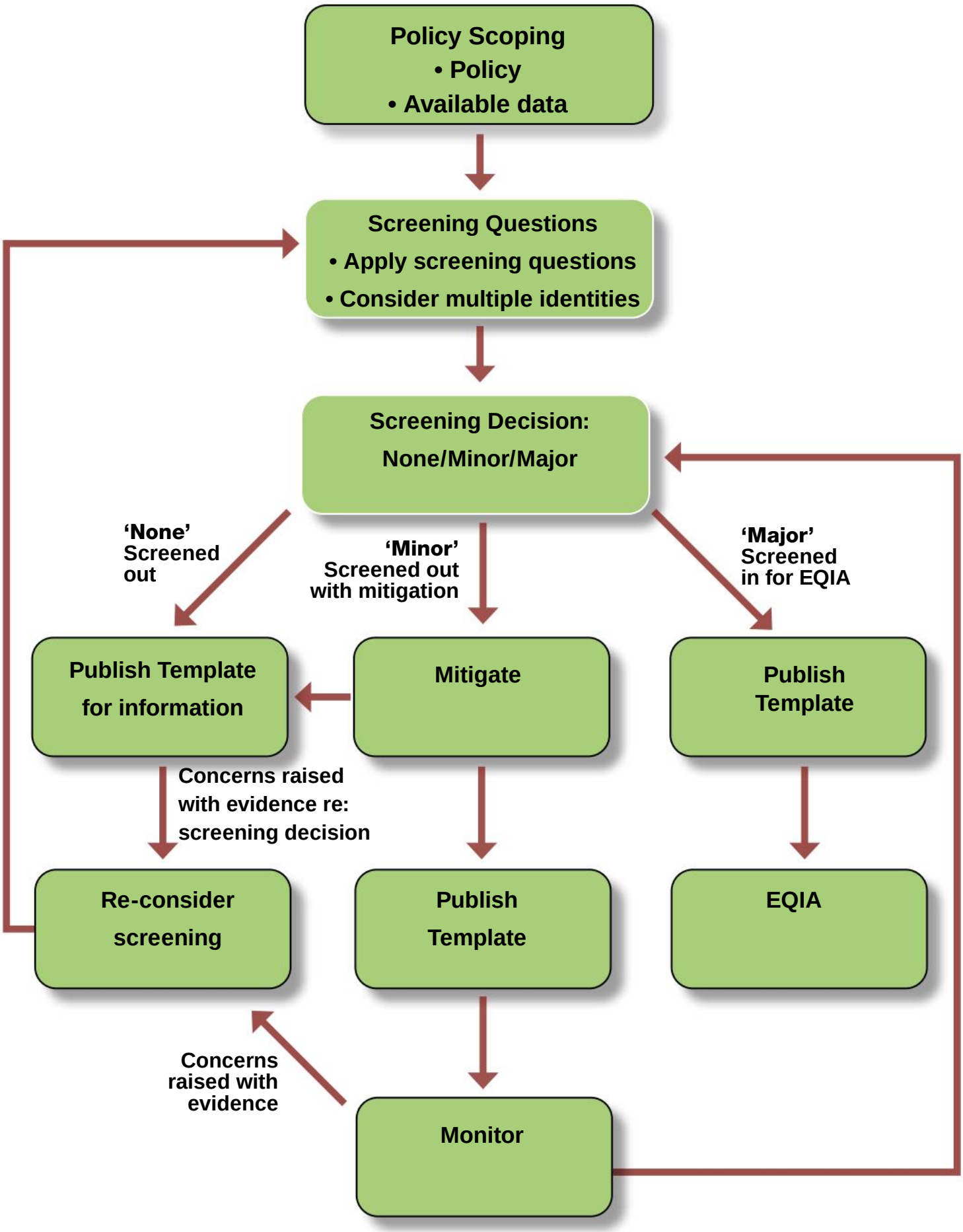
Part 3. Screening decision - guides the public authority to reach a screening decision as to whether or not there is a need to carry out an equality impact assessment (EQIA), or to introduce measures to mitigate the likely impact, or the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

Part 4. Monitoring - provides guidance to public authorities on monitoring for adverse impact and broader monitoring.

Part 5. Consideration of Human Rights - please note this is not a Human Rights Screening form but rather a prompt that impacts on Human Rights should be considered.

Part 6. Approval and authorisation - verifies the public authority's approval of a screening decision by a senior manager responsible for the policy.

A screening flowchart is provided on next page.


Policy Scoping
• Policy
• Available data
Screening Questions
• Apply screening questions
• Consider multiple identities
Screening Decision:
None/Minor/Major
'None' Screened out
'Minor' Screened out with mitigation
'Major' Screened in for EQIA
Publish Template for information
Mitigate
Publish Template
Concerns raised with evidence re: screening decision
Re-consider screening
Publish Template
EQIA
Concerns raised with evidence
Monitor

Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

Name of the policy

Amendment of the Welfare of Animals Act (Northern Ireland) 2011 to provide added protection to service animals.

Is this an existing, revised or a new policy?

New policy.

What is it trying to achieve? (intended aims/outcomes)

Service animals often need to restrain suspects or use their physical presence to support the actions of an officer acting in accordance with his or her duty. There is, however, currently no account taken of the role performed by service animals in the 2011 Act. The aim of the proposed legislative change is to ensure that the law demonstrates sufficient regard for the vital role that service dogs play in protecting the community in Northern Ireland and that they are provided with the same level of protection as they are afforded elsewhere in the United Kingdom.

Are there any Section 75 categories which might be expected to benefit from the intended policy?

If so, explain how.

No.

Who initiated or wrote the policy?

The Department of Agriculture, Environment and Rural Affairs.

Who owns and who implements the policy?

Department of Agriculture, Environment and Rural Affairs.

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

If yes, are they (please delete as appropriate)

Financial

Legislative – Assembly time will be required to progress the relevant Bill.

other, please specify _____

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon? (please delete as appropriate)

Other public sector organisations

Local councils are responsible for enforcing the 2011 Act in respect of service animals. Service dogs in Northern Ireland are currently used by the Police Service of Northern Ireland and the Northern Ireland Prison Service.

Other, please specify

The policy impact any person charged with causing unnecessary suffering to a service animal, such as a police or prison dog.

Other policies with a bearing on this policy

- **What are they? N/A**
- **Who owns them? N/A**

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data. The Commission has produced this guide to signpost to S75 data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this

policy? Specify details for each of the Section 75 categories.

Please ensure all data used is the most current and up to date available. You should verify this by contacting the Departmental Statisticians.

Religious belief evidence/information:

There is no evidence to suggest that the revised policy will impact negatively on people in this category.

Political Opinion evidence/information:

There is no evidence to suggest that the revised policy will impact negatively on people in this category.

Racial Group evidence/information:

There is no evidence to suggest that the revised policy will impact negatively on people in this category.

Age evidence/information:

There is no evidence to suggest that the revised policy will impact negatively on people in this category.

Marital Status evidence/information:

There is no evidence to suggest that the revised policy will impact negatively on people in this category.

Sexual Orientation evidence/information:

There is no evidence to suggest that the revised policy will impact negatively on people in this category.

Men & Women generally evidence/information:

There is no evidence to suggest that the revised policy will impact negatively on people in this category.

Disability evidence/information:

There is no evidence to suggest that the revised policy will impact negatively on people in this category.

Dependants evidence/information:

There is no evidence to suggest that the revised policy will impact negatively on people in this category.

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision?

Specify details of the needs, experiences and priorities for each of the Section 75 categories below:

Religious belief

None.

Political Opinion

None.

Racial Group

None.

Age

None.

Marital status

None.

Sexual orientation

None.

Men and Women Generally

None.

Disability

None.

Dependants

None.

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

a) The policy is significant in terms of its strategic importance;

b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;

c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;

d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;

e) The policy is likely to be challenged by way of judicial review;

f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;

b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;

c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;

d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

a) The policy has no relevance to equality of opportunity or good relations.

b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?

Please provide details of the likely policy impacts and determine the level of impact for each S75 categories below i.e. either minor, major or none.

Details of the likely policy impacts on Religious belief: (insert text here)

There is no evidence to suggest that the policy will impact on people in this category.

What is the level of impact? None

Details of the likely policy impacts on *Political Opinion*: (insert text here)

There is no evidence to suggest that the policy will impact on people in this category.

What is the level of impact? None

Details of the likely policy impacts on *Racial Group:* (insert text here)

There is no evidence to suggest that the policy will impact on people in this category.

What is the level of impact? None

Details of the likely policy impacts on *Age*: (insert text here)

There is no evidence to suggest that the policy will impact on people in this category.

What is the level of impact? None

Details of the likely policy impacts on *Marital Status*: (insert text here)

There is no evidence to suggest that the policy will impact on people in this category.

What is the level of impact? None

Details of the likely policy impacts on Sexual Orientation: (insert text here)

There is no evidence to suggest that the policy will impact on people in this category.

What is the level of impact? None

Details of the likely policy impacts on Men and Women: (insert text here)

There is no evidence to suggest that the policy will impact on people in this category.

What is the level of impact? None

Details of the likely policy impacts on *Disability*: (insert text here)

There is no evidence to suggest that the policy will impact on people in this category.

What is the level of impact? None

Details of the likely policy impacts on *Dependants*: (insert text here)

There is no evidence to suggest that the policy will impact on people in this category.

What is the level of impact? None

2. **Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?** No

<u>Religious Belief</u> - If Yes, provide details:

N/A

If No, provide reasons:

There is no impact envisaged on, or opportunity to promote equality of opportunity for people within this category. However, the responses to the consultation will be monitored to inform the position.

Political Opinion - If Yes, provide details:

N/A

If No, provide reasons:

There is no impact envisaged on, or opportunity to promote equality of opportunity for people within this category. However, the responses to the consultation will be monitored to inform the position.

Racial Group - If Yes, provide details:

N/A

If No, provide reasons:

There is no impact envisaged on, or opportunity to promote equality of opportunity for people within this category. However, the responses to the consultation will be monitored to inform the position.

Age - If Yes, provide details:

N/A

If No, provide reasons:

There is no impact envisaged on, or opportunity to promote equality of opportunity for people within this category. However, the responses to the consultation will be monitored to inform the position.

Marital Status - If Yes, provide details:

N/A

If No, provide reasons

There is no impact envisaged on, or opportunity to promote equality of opportunity for people within this category. However, the responses to the consultation will be monitored to inform the position.

Sexual Orientation - If Yes, provide details:

N/A

If No, provide reasons:

There is no impact envisaged on, or opportunity to promote equality of opportunity for people within this category. However, the responses to the consultation will be monitored to inform the position.

Men and Women generally - If Yes, provide details:

N/A

If No, provide reasons:

There is no impact envisaged on, or opportunity to promote equality of opportunity for people within this category. However, the responses to the consultation will be monitored to inform the position.

Disability - If Yes, provide details:

N/A

If No, provide reasons:

There is no impact envisaged on, or opportunity to promote equality of opportunity for people within this category. However, the responses to the consultation will be monitored to inform the position.

Dependants - If Yes, provide details:

N/A

If No, provide reasons:

There is no impact envisaged on, or opportunity to promote equality of opportunity for people within this category. However, the responses to the consultation will be monitored to inform the position.

3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?

Details of the likely policy impacts on Religious belief: (insert text here)

The policy does not impact on this group.

What is the level of impact? None

Details of the likely policy impacts on Political Opinion: (insert text here)

The policy does not impact on this group.

What is the level of impact? None

Details of the likely policy impacts on Racial Group: (insert text here)

The policy does not impact on this group.

What is the level of impact? None

4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

No.

Religious Belief - If Yes, provide details:

N/A

If No, provide reasons:

There is no available evidence to indicate such opportunities. However, the responses to the consultation will be monitored to inform the position.

Political Opinion - If Yes, provide details:

N/A

If No, provide reasons:

There is no available evidence to indicate such opportunities. However, the responses to the consultation will be monitored to inform the position.

Racial Group - If Yes, provide details:

N/A

If No, provide reasons:

There is no available evidence to indicate such opportunities. However, the responses to the consultation will be monitored to inform the position.

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities? If so, please detail below.

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

No. There is no available evidence to indicate potential impacts on such people. However, the responses to the consultation will be monitored to inform the position.

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

There is no available evidence to indicate potential impacts on such people. However, the responses to the consultation will be monitored to inform the position.

DAERA also has legislative obligations to meet under the Disability Discrimination Order. Questions 5 - 6 relate to these.

Consideration of Disability Duties

5. Does this proposed policy or decision provide an opportunity for DAERA to better promote positive attitudes towards disabled people?

The proposed policy is in respect of service animals on active duty. There is no evidence of additional opportunities to better promote positive attitudes towards disabled people. However, all responses to the consultation will be monitored for any such opportunities.

6. Does this proposed policy or decision provide an opportunity to actively increase the participation by disabled people in public life?

There is no evidence of additional opportunities to actively increase the participation of disabled people in public life. However, all responses to the consultation will be monitored for any such opportunities.

Part 3. Screening decision (Please delete as appropriate)

"Screened out" without mitigation or an alternative policy proposed to be adopted

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The policy will apply to all defendants equally and only when a service dog is under the control of an officer, is on duty and is used in a way that is reasonable.

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced - please provide details.

No mitigations or alternatives are needed. The policy will apply to all defendants equally.

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

N/A

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: A Practical Guide to Equality Impact Assessment

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations? No

If so, give the reasons to support your decision, together with the proposed changes/ amendments or alternative policy.

Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been **'screened in'** for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	
Total score	

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public

authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities?

If yes, please provide details.

Part 4. Monitoring

Section 75 places a requirement on DAERA to have equality monitoring arrangements in place in order to assess the impact of policies and services etc.; and to help identify barriers to fair participation and to better promote equality of opportunity. Please note the following excerpt from The Equality Commission for Northern Ireland in relation to monitoring:

A system must be established to monitor the impact of the policy in order to find out its effect on relevant groups. The results of ongoing monitoring must be reviewed on an annual basis. The public authority is required to publish the results of this monitoring. And they must be included in the public authorities´ annual review on progress to the Equality Commission. The Equality Scheme must specify how and where such monitoring information will be published. It is therefore essential that monitoring is carried out in a systematic manner and that the results are widely and openly published.

If the monitoring and analysis of results over a two year period show that the policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, the public authority must ensure that the policy is revised to achieve better outcomes for the relevant equality groups.

Further advice on monitoring can be found at: ECNI Monitoring Guidance for Public Authorities

Outline what data you will collect in the future in order to monitor the impact of this policy or decision on equality, good relations and disability duties.

Equality: N/A

Good Relations: N/A

Disability Duties: N/A

Part 5. Consideration of Human Rights

7. The Human Rights Act (HRA) 1998 brings the European Convention on Human Rights (ECHR) into UK law and it applies in N Ireland. Indicate below by deleting Yes/No as appropriate, any potential adverse impacts that the policy or decision may have in relation to human rights issues.

See **Annex A** for brief synopsis on each of the Human Rights Articles & Protocols.

Right to Life	**Article 2**	**No**
Prohibition of torture, inhuman or degrading treatment	**Article 3**	**No**
Prohibition of slavery and forced labour	**Article 4**	**No**
Right to liberty and security	**Article 5**	**No**
Right to a fair and public trial	**Article 6**	**No**
Right to no punishment without law	**Article 7**	**No**
Right to respect for private and family life, home and correspondence	**Article 8**	**No**
Right to freedom of thought, conscience and religion	**Article 9**	**No**
Right to freedom of expression	**Article 10**	**No**
Right to freedom of peaceful assembly and association	**Article 11**	**No**
Right to marry and to found a family	**Article 12**	**No**
The prohibition of discrimination	**Article 14**	**No**
Protection of property and enjoyment of possessions	**Protocol 1 Article 1**	**No**
Right to education	**Protocol 1 Article 2**	**No**
Right to free and secret elections	**Protocol 1 Article 3**	**No**

8. Please explain any adverse impacts on human rights that you have identified.

It is not intended that a person should be deprived of the argument of self-defence if a service animal attacks them unduly. It is proposed that added protection is afforded to service animals only when they are on active duty; that is where they are under the control of an officer and being used by that officer in the course of the officer's duties and in a way that is reasonable. No adverse impacts on human rights have, therefore, been identified.

9. Please indicate any ways which you consider the policy positively promotes human rights.

It is proposed that added protection is afforded to service animals only when they are on active duty; that is where they are under the control of an officer and being used by that officer in the course of the officer's duties and in a way that is reasonable.

Part 6 - Approval and authorisation

Screening Checklist

Before signing off this screening template please confirm that you have completed all the actions listed below.

I can confirm that all the actions listed below have been completed:

- I have explained any technical issues in plain English (easily understood by a 12 year old)
- I have used the most relevant, current & up to date data available
- I have added evidence and explained my assessments in full
- I have provided a brief note to justify my decision to 'Screen In' or 'Screen Out'
- A copy of this screening template and the final decision has been sent to the Equality Unit for their consideration before it has been forwarded for sign-off

Screening assessment completed by (Staff Officer level or above) -

Name: Brenda Kelly **Grade:** Deputy Principal (DP)

Branch: Animal Identification and Welfare Policy Branch

Signature: Brenda Kelly

Screening decision approved by (must be Grade 3 /Deputy Secretary or above) -

Name: Robert J Huey **Grade:** 3, Deputy Sec

Branch: VSAHG

Signature:

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made easily accessible on the public authority's website as soon as possible following completion and made available on request.

Please save the final signed version of the completed screening form in the CM container (AE2-19-11940) below as soon as possible after completion and forward the CM link to Equality Branch at equality@daera-ni.gov.uk. The screening template must be saved to the container in **HTML format** (not PDF) in order to comply with accessibility requirements. The screening form will be placed on the DAERA website and a link provided to the Department's Section 75 consultees.

For more information about equality screening, contact:

DAERA Equality Unit

Equality, Diversity & Public Appointments Branch

Ballykelly House

111 Ballykelly Road

LIMAVADY

BT49 9HP

Email: equality@daera-ni.gov.uk

Tel: 028 7744 2027

Annex A

Synopsis of Human Rights Act Articles & Protocols

ARTICLE 2

Right to life

1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

2. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:

   (a) In defence of any person from unlawful violence;

   (b) In order to effect a lawful arrest or to prevent the escape of a person lawfully detained;

   (c) In action lawfully taken for the purpose of quelling a riot or insurrection.

ARTICLE 3

Prohibition of torture

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

ARTICLE 4

Prohibition of slavery and forced labour

1. No one shall be held in slavery or servitude.

2. No one shall be required to perform forced or compulsory labour.

3. For the purpose of this Article the term "forced or compulsory labour" shall not include:

   (a) Any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;

   (b) Any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;

   (c) Any service exacted in case of an emergency or calamity threatening the life or well-being of the community;

   (d) Any work or service which forms part of normal civic obligations.

ARTICLE 5

Right to liberty and security

1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:

   (a) the lawful detention of a person after conviction by a competent court;

   (b) the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;

   (c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

   (d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;

   (e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;

   (f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

2. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.

3. Everyone arrested or detained in accordance with the provisions of paragraph 1(c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.

ARTICLE 6

Right to a fair trial

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

3. Everyone charged with a criminal offence has the following minimum rights:

   (a) To be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;

   (b) To have adequate time and facilities for the preparation of his defence;

   (c) To defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

   (d) To examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

   (e) To have the free assistance of an interpreter if he cannot understand or speak the language used in court.

ARTICLE 7

No punishment without law

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.

2. This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations.

ARTICLE 8

Right to respect for private and family life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

ARTICLE 9

Freedom of thought, conscience and religion

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

ARTICLE 10

Freedom of expression

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

ARTICLE 11

Freedom of assembly and association

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

ARTICLE 12

Right to marry

Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

ARTICLE 14

Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Protocol 1

ARTICLE 1

Protection of property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Protocol 1

ARTICLE 2

Right to education

> No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Protocol 1

ARTICLE 3

Right to free elections

> The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature

Please save the final signed version of the completed screening form in the HPRM container below as soon as possible after completion and forward the HPRM link to Equality Branch at equalitydiversitypublicappointments@daera-ni.gov.uk. The screening form will be placed on the DAERA website and a link provided to the Department's Section 75 consultees.

For more information about equality screening, contact:

DAERA Equality Unit

Equality, Diversity & Public Appointments Branch

Ballykelly House

111 Ballykelly Road

LIMAVADY

BT49 9HP

Email: equalitydiversitypublicappointments@daera-ni.gov.uk

Tel: 028 7744 2027

August 2019

Appendix 4: Rural Impact Screening

A Guide to the Rural Needs Act (NI) 2016 for Public Authorities
(Revised) April 2018

Appendix 1 - Rural Needs Impact Assessment (RNIA) Template

SECTION 1 - Defining the activity subject to Section 1(1) of the Rural Needs Act (NI) 2016

1A. Name of Public Authority.

Department of Agriculture, Environment and Rural Affairs

1B. Please provide a short title which describes the activity being undertaken by the Public Authority that is subject to Section 1(1) of the Rural Needs Act (NI) 2016.

Amendment of the Welfare of Animals Act (Northern Ireland) 2011 to provide added protection to service animals.

1C. Please indicate which category the activity specified in Section 1B above relates to.

Developing a	Policy ☐	Strategy ☐	Plan ☐
Adopting a	Policy ☒	Strategy ☐	Plan ☐
Implementing a	Policy ☐	Strategy ☐	Plan ☐
Revising a	Policy ☐	Strategy ☐	Plan ☐
Designing a Public Service	☐		
Delivering a Public Service	☐		

1D. Please provide the official title (if any) of the Policy, Strategy, Plan or Public Service document or initiative relating to the category indicated in Section 1C above.

Introduction of greater protection for service animals in Northern Ireland, colloquially known as 'Finn's law'.

1E. Please provide details of the aims and/or objectives of the Policy, Strategy, Plan or Public Service.

The aim of the proposed policy is to ensure that the law demonstrates sufficient regard for the vital role that service dogs play in protecting the community in Northern Ireland and that they are provided with the same level of protection as they are afforded elsewhere in the United Kingdom

1F. What definition of 'rural' is the Public Authority using in respect of the Policy, Strategy, Plan or Public Service?

Population Settlements of less than 5,000 (Default definition).	X
Other Definition (Provide details and the rationale below).	
A definition of 'rural' is not applicable.	

Details of alternative definition of 'rural' used.

N/A

Rationale for using alternative definition of 'rural'.

N/A

Reasons why a definition of 'rural' is not applicable.

N/A

SECTION 2 - Understanding the Impact of the Policy, Strategy, Plan or Public Service

2A. Is the Policy, Strategy, Plan or Public Service likely to impact on people in rural areas?

Yes [X] No [ ] If the response is NO GO TO Section 2E

2B. Please explain how the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas.

Section 4 of the Welfare of Animals Act (Northern Ireland) 2011 provides that it is an offence to cause unnecessary suffering to any vertebrae animal in Northern Ireland. In deciding whether the suffering caused to an animal is unnecessary, the 2011 Act provides that there are a number of factors which must be considered. These are whether the suffering was caused to protect a person, property or another animal. It is proposed that the 2011 Act should be amended to provide that no regard is to be given to whether or not the suffering caused was to protect a person, property or another animal where a service animal has been harmed when acting in the course of its duty. Similar legislative protection has already been afforded to service animals in other parts of the UK. The policy will apply to all cases involving injuries to service animals. It may affect people in rural areas but not disproportionately.

2C. If the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas *differently* from people in urban areas, please explain how it is likely to impact on people in rural areas differently.

N/A – the policy will affect people in rural areas in the same way as it will affect people in urban areas.

A Guide to the Rural Needs Act (NI) 2016 for Public Authorities
(Revised) April 2018

2D. Please indicate which of the following rural policy areas the Policy, Strategy, Plan or Public Service is likely to primarily impact on.

Rural Businesses	☐
Rural Tourism	☐
Rural Housing	☐
Jobs or Employment in Rural Areas	☐
Education or Training in Rural Areas	☐
Broadband or Mobile Communications in Rural Areas	☐
Transport Services or Infrastructure in Rural Areas	☐
Health or Social Care Services in Rural Areas	☐
Poverty in Rural Areas	☐
Deprivation in Rural Areas	☐
Rural Crime or Community Safety	X
Rural Development	☐
Agri-Environment	☐
Other (Please state)	

If the response to Section 2A was YES GO TO Section 3A.

2E. Please explain why the Policy, Strategy, Plan or Public Service is NOT likely to impact on people in rural areas.

SECTION 3 - Identifying the Social and Economic Needs of Persons in Rural Areas

3A. Has the Public Authority taken steps to identify the social and economic needs of people in rural areas that are relevant to the Policy, Strategy, Plan or Public Service?

Yes [ ] No [X] If the response is **NO** GO TO Section **3E**.

3B. Please indicate which of the following methods or information sources were used by the Public Authority to identify the social and economic needs of people in rural areas.

Consultation with Rural Stakeholders	[ ]	Published Statistics	[ ]
Consultation with Other Organisations	[ ]	Research Papers	[ ]
Surveys or Questionnaires	[ ]	Other Publications	[ ]
Other Methods or Information Sources (include details in Question 3C below).			[ ]

3C. Please provide details of the methods and information sources used to identify the social and economic needs of people in rural areas including relevant dates, names of organisations, titles of publications, website references, details of surveys or consultations undertaken etc.

3D. Please provide details of the social and economic needs of people in rural areas which have been identified by the Public Authority?

If the response to Section 3A was YES GO TO Section 4A.

3E. Please explain why no steps were taken by the Public Authority to identify the social and economic needs of people in rural areas?

The policy will affect people in rural areas in the same way as it will affect people in urban areas. The Department will consider any evidence of a particular need of people in rural areas that may be brought to its attention during the public consultation process.

SECTION 4 - Considering the Social and Economic Needs of Persons in Rural Areas

4A. Please provide details of the issues considered in relation to the social and economic needs of people in rural areas.

N/A

SECTION 5 - Influencing the Policy, Strategy, Plan or Public Service

5A. Has the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, been influenced by the rural needs identified?

Yes [ ] No [X] If the response is NO GO TO Section 5C.

5B. Please explain how the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, has been influenced by the rural needs identified.

N/A

If the response to Section 5A was YES GO TO Section 6A.

5C. Please explain why the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or the delivery of the Public Service, has NOT been influenced by the rural needs identified.

No rural needs have been identified. The Department will take account of any needs that might be identified during public consultation.

SECTION 6 - Documenting and Recording

6A. Please tick below to confirm that the RNIA Template will be retained by the Public Authority and relevant information on the Section 1 activity compiled in accordance with paragraph 6.7 of the guidance.

I confirm that the RNIA Template will be retained and relevant information compiled. X

Rural Needs Impact Assessment undertaken by:	Brenda Kelly
Position/Grade:	DP
Division/Branch	Animal Identification and Welfare Branch
Signature:	*Brenda Kelly*
Date:	6 May 2021
Rural Needs Impact Assessment approved by:	Naomi Callaghan
Position/Grade:	Deputy Director, Animal Health and Welfare Police
Division/Branch:	Animal Health and Welfare Policy Division
Signature:	*Naomi Callaghan*
Date:	7 May 2021

Appendix 5: Questions for Respondents

QUESTION 1. **What is your name?**
QUESTION 2. **What is your email address?**
QUESTION 3. **What is your organisation?**
QUESTION 4. **Do you agree with the proposal to give service animals in Northern Ireland additional protection?** **Yes / No / Don't know (please circle). Please give reasons for your answer.**
QUESTION 5. **Do you agree that, where service dogs are injured in the course of active duty, there should be no requirement to consider whether the conduct that caused the suffering was carried out in order to protect a person, property or another animal?** Yes / No / Don't know (please circle). Please give reasons for your answer.

QUESTION 6.

Do you agree with the Department's proposals regarding the animals that should be given additional protection?

Yes / No / Don't know (please circle). Please give reasons for your answer.

QUESTION 7.

Do you agree with the Department's proposal that it should be able to add to the service animals that are to be given additional protection?

Yes / No / Don't know (please circle). Please give reasons for your answer.

QUESTION 8.

Do you agree that the safeguards proposed by the Department are sufficient?

Yes / No / Don't know (please circle). Please give reasons for your answer.

QUESTION 9.

Do you consider it necessary to increase the penalties for causing unnecessary suffering to a service animal?

Yes / No / Don't know (please circle). Please give reasons for your answer.

Consultation on

Additional protection for Service Animals in Northern Ireland

Department of
Agriculture, Environment and Rural Affairs
www.daera-ni.gov.uk

INVESTORS IN PEOPLE

DMS 21.22.048

Consultation Question & Proposed Responses

Q1. Do you agree with the Department's proposals regarding the animals that should be given additional protection?

Information

(See main body of Council Report)

A. **Yes, Mid Ulster District Council agrees with this proposal.**

Q2. Do you agree that, where service dogs are injured in the course of active duty, there should be no requirement to consider whether the conduct that caused the suffering was carried out in order to protect a person, property or another animal?

Information

The Department considers that the manner in which section 4 of the 2011 Act applies to cases involving service animals has the potential to present difficulties. As noted, section 4 sets out the various factors that must be taken into account in deciding whether suffering inflicted on an animal can be considered unnecessary and those factors include the protection of a person, property or another animal. Service animals often need to restrain suspects or use their physical presence to support the actions of an officer acting in accordance with his or her duty. There is, however, currently no account taken of the role performed by service animals in the 2011 Act. The Department is concerned that, as the 2011 Act stands, it allows defendants to argue that they are justified in applying force against a service animal when it is acting in the course of its duty. It considers that the law currently demonstrates insufficient regard for the vital role that service dogs play in protecting the community in Northern Ireland. The Department is also of the view that prosecutions for attacks on service animals that cause unnecessary suffering may potentially be made more difficult due to the fact that the court must consider whether the defendant was acting in fear of harm.

A. **Mid Ulster District Council agrees that there should be no requirement to consider whether the conduct that caused the suffering of a service dog was carried out in order to protect a person, property or another animal.**

Q3. Do you agree with the Department's proposal that it should be able to add to the service animals that are to be given additional protection?

Information

In summary, it is proposed that any animals used by the PSNI, NIPS, harbour, airport or military police as well as any person that exercises the powers of a police constable or is employed for, or engaged to provide, a service for police purposes should have the proposed added protection. It is, however proposed that the Department should have the power to add to the animals that are to be provided with added protection. The draft Bill at Appendix 2 achieves this by giving the Department the power to make regulations to add to list of officers under whose control an animal provided with

the added protection may be. The intention is that this power should only be used to add officers in public service of the Crown and that the relevant regulations should be subject to the draft affirmative procedure before the Northern Ireland Assembly. A similar power to amend the list of relevant officers is available elsewhere in the UK.

A. **Mid Ulster District Council agrees with the Department's proposal that it should be able to add to the service animals that are to be given additional information.**

Q4. Do you agree that the safeguards proposed by the Department are sufficient?

Information

The Department accepts that it is at least conceivable that a service dog could behave less than impeccably during an incident. For example, during an incident, it is possible that a service dog might not be under full control of an officer, could become too aggressive, ignore his or her handler's commands or it might not be on active duty. The Department does not consider that additional protection should be afforded in these circumstances. It, therefore, proposes that added protection is afforded to service animals only when they are on active duty; that is where they are under the control of an officer and being used by that officer in the course of the officer's duties and in a way that is reasonable. Similar provision is made in respect of Finn's law as it applies in the rest of the UK. The Department understands that there may be concerns that someone might be denied the opportunity to defend themselves lawfully if attacked by a service animal. The Department is, however, keen to ensure that defendants are not deprived of critical legal safeguards. It considers that a person should not be deprived of the self-defence consideration in section 4 of the 2011 Act if a service animal attacks them unduly. In those circumstances, the animal is unlikely to be under the control of an officer on duty or to be used in a way that is reasonable

A. **Mid Ulster District Council accepts that the safeguards proposed by the Department are sufficient.**

Q5. Do you consider it necessary to increase the penalties for causing unnecessary suffering to a service animal?

Information

The Department took important steps to help protect animals, including service animals in 2016 when it increased the maximum penalty for causing unnecessary suffering to an animal from six months' imprisonment to five years. Similar steps to increase the relevant penalties for the same offence were taken in the rest of the UK in 2020. The penalties across the UK for causing unnecessary suffering to a service animal are, therefore, currently the same.

A.**Mid Ulster District Council would agree that the level of penalties for this offence in Northern Ireland should reflect that of the rest of the UK.**