

DUN LAOGHAIRE-RATHDOWN COUNTY COUNCIL
(Chontae Dhun Laoghaire-Rath an Duin)

CONTROL OF HORSES ACT, 1996

BYE-LAWS

Dun Laoghaire-Rathdown County Council in exercise of the powers conferred upon it by section 13, 17, 39 (2), 40 (2), 46 and 47 of the Control of Horses Act, 1996 (No 37 of 1996), hereby makes the following bye-laws:-

1. Citation and Commencement

- (a) These bye-laws may be cited as the Dun Laoghaire-Rathdown County Council (Control of Horses) Bye-Laws, 1998.
- (b) These Bye-Laws shall come into effect on 10th March 1998.

2. Definitions

- (a) In these Bye Laws except where expressly stated to the contrary the following words have the meaning hereby respectively assigned to them, that is to say:

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| “The Act” | means the Control of Horses Act, 1996 |
| “The Council” | means Dun Laoghaire-Rathdown County Council |
| “Control Area” | means any place declared by the Council in these Bye-Laws to be a Control Area for the purposes of the Act. |
| “Authorised Person” | means a person appointed as Authorised Person for the Council under Section 3 of the Act. |
| “Horse” | includes a donkey, mule and hinny |
| “Minister” | means the Minister for Agriculture, Food and Forestry |
| “Public Place” | means any street, road, sea-shore, park, land, field or other place to which the public have access whether by right or by permission, whether with or without vehicles and whether subject to or free of charge. |

“Superintendent” means the Superintendent of the Garda Síochána for the area in which a horse is seized or detained under the provisions of the Act.

3. Control Area

- (a) The entire Administrative Area of Dun Laoghaire-Rathdown County Council is and is hereby declared to be a Control Area for the purposes of the Act and these Bye-Laws.
- (b) For the purposes of the Act and these Bye-Laws the Control Area shall include the foreshore (within the meaning of the Foreshore Acts, 1933 and 1992) in all areas where the boundary of the County Council is the line of high water of the sea or a tidal river or a tidal lake.

4. Licence

- (a) No person shall keep or have charge or control of a horse in a Control Area unless there is a horse licence for the time being in force issued by the County Council in respect of the horse entitling the person to keep the horse in the Control Area.

5. Exemptions

- (a) The prohibition under section 18 of the Act on keeping a horse in a Control Area without a horse licence for the time being in force issued by the County Council shall not apply in respect of a horse brought into the Control Area for the purposes of:-
 - (i) Being kept by a local authority in respect of any of its functions.
 - (ii) Being kept by the Garda Síochána and used by a member of the Garda Síochána in the execution of the members duty.
 - (iii) Being kept by the Minister for Defence and used by a member of the Defence Forces in execution of the members duties.
 - (iv) Attending at Leopardstown Racecourse for a race or event.
 - (v) Attendance at the Dun Laoghaire Horse Show.
 - (vi) Attendance at other events which may be authorized from time to time by the County Council.

6. Public Place

- (a) No person shall at any time have charge or control, keep, ride or drive a horse in a public place within the Control Area except in such portion thereof as may from the time being be set apart to be used as an equestrian ride or carriageway or market or fair and is clearly identified as such by the County Council.
- (b) Notwithstanding the provisions of Bye-Laws 6a hereof a person may ride or drive a horse which is licenced in accordance with the Act on a public road provided the horse is fitted with a bridle by a person over the age of 16 years.
- (c) No person shall at any time cause or permit a horse to be turned out to graze or feed, or allow to stray, or remain in a public place in a Control Area.

7. Control

- (a) Where a person has charge or control, keeps, rides, or drives a horse in a public place he or she shall at all times ensure that the horse is wearing a head collar and is adequately under his or her control so as to prevent injury or nuisance to persons or damage to property.

8. Keeping of Horses in the Control Area

- (a) Where a horse is kept at a premises (not being a market or fair) within the Control Area the owner or keeper of the horse shall be responsible for the following:-
 - (i) The horse shall be kept by a person who is the owner or legal occupier of the premises.
 - (ii) The stable shall at all times be suitable as regards construction, size, number of occupants, lighting, ventilation, drainage, cleanliness and shall comply with the standards of construction outlined in Schedule A hereof.
 - (iii) Potable water shall be constantly available.
 - (iv) An adequate amount of wholesome and suitable food shall be supplied regularly.
 - (v) The horse shall be adequately exercised and rested and visited at regular intervals.
 - (vi) All reasonable precautions shall be taken to prevent and control the spread among horses of infectious or contagious diseases.

- (vii) Sufficient care including veterinary care, shall be taken of the horse
- (viii) Adequate precautions shall be taken for the protection of the horse in the event of fire.
- (ix) Only equipment and tackle suitable for the purpose shall be used in the connection with the horse.
- (x) Adequate accommodation shall be provided for the storage of forage, bedding, stable equipment and saddlery.
- (xi) Manure or other noisome or offensive material shall be removed and disposed of as soon as possible to avoid causing a nuisance to adjoining owners or occupiers.
- (xii) Adequate measures shall be taken to ensure that horses do not stray onto a public road or public place.
- (xiii) Adequate measures shall be taken to ensure injury or nuisance is not caused to persons.
- (xiv) There shall be maintained at all times adequate pasture and shelter for the horse while kept at grass.

9. Horses at Market or Fair

- (a) Where a horse is brought to a market or fair the owner or keeper of the horse shall be responsible for the following:-
 - (i) Potable water shall be constantly available
 - (ii) An adequate amount of whole some and suitable food shall be supplied regularly
 - (iii) Only equipment and tackle suitable for the purpose shall be used in connection with the horse.
 - (iv) All reasonable precautions shall be taken to prevent and control the spread among horses of infectious or contagious diseases.
 - (v) Sufficient care, including veterinary care, shall be taken of the horse.
 - (vi) Adequate precaution shall be taken for the protection of the horse in the event of fire.

10. Horse Detained under section 39

- (a) Where a horse is seized or detained within the Control Area pursuant to Section 37 of the Act the following provisions shall apply:-
- (i) Notice of seizure and detention of the horse in accordance with form 1 in Schedule B to these Bye-Laws shall be served on the owner or keeper of the horse, where known as soon as possible thereafter.
 - (ii) When the owner or the keeper of the horse is not known then a notice in accordance with Form 2 in Schedule B of these Bye-Laws shall be displayed in the office of the Garda Síochána for the area in which the horse was seized and displayed in the pound or place where the horse is detained as soon as possible thereafter.
 - (iii) Appropriate services of a veterinary surgeon, where required, shall be provided.
 - (iv) The County Council may recover from the owner or keeper of the horse all pound fees payable in respect of the horse together with all or any other expenses including fees for keep, veterinary services and transportation fees incurred by the County Council.
 - (v) The horse may be released to the owner or keeper thereof on proof being tendered of ownership or right to keep the horse, on production of a current horse licence and on payment of all outstanding fees expenses and charges in respect of the detention of the horse provided that the detention of the horse is not required by the County Council or a Superintendent in accordance with section 39 (1) (a), (b) or (c) of the Act and provided that in accordance with section 39 (5) of the Act the County Council or Superintendent is satisfied that adequate accommodation and sustenance are provided and, if the detention is pursuant to Section 37 (2) of the Act, that adequate veterinary attention will be provided for the horse and are satisfied that the horse will not be cruelly treated.
 - (vi) Where the owner or keeper of a horse is known and can be readily found and where such owner or keeper, on request of the Council, the Superintendent or a person in charge of a pound or place where a horse is detained within a period of days from the service of a notice in accordance with Bye-Law 10 (i) and (ii) hereof-either fails to pay fees specified in schedule or fails to produce a horse licence for the time being in force in respect of the horse or fails to remove the horse, the horse shall be disposed of as directed by the County Council or the Superintendent, as the case may be in accordance with these Bye-Laws.

- (vii) Where the County Council or Superintendent direct that a horse shall be disposed of in accordance with these Bye-Laws and the Act the County Council or Superintendent may do so by way of sale or destruction. Sale shall be by way of public auction or at a market or in any other manner considered appropriate by the County Council or Superintendent.

11. Sale of Horses

- (a) Where it is proposed to sell a horse under these Bye-Laws and the Act by the County Council or Superintendent the following provisions shall apply:-
 - (i) A notice describing the animal shall be displayed at the Garda Station for the area in which the horse was seized and at the place where it is to be sold. The notice shall describe the animal and shall state where it was seized, where it is being held and the time and place of the proposed sale.
 - (ii) If the proposed sale is otherwise by way of auction or at a market the time and place of sale may be omitted from the said notice.
 - (iii) The said notice shall continue to be exhibited until the horse has been sold or the County Council or the Superintendent declares the sale to be abortive.
 - (iv) Where the horse has been sold the County Council or Superintendent shall retain out of the proceeds of the sale any amount due and owing to it under the provisions of these Bye-Laws and the Act and in particular all costs, fees and expenses of any kind relating to the horse incurred by the County Council or the Superintendent. Any balance then remaining from the proceeds of the sale shall be remitted to the owner or keeper of the horse if known or if unknown, shall be deemed to be the property of the County Council.

12. Disposal of a Horse under Section 37 of the Act

- (a) Where a horse is detained under section 37 of the Act and has been so detained on two or more occasions within the previous 12 months and where the County Council or the Superintendent is of the opinion that:-
 - (i) the owner or keeper of the horse is not exercising adequate control over the horse so as to prevent it from straying, causing an injury to persons or causing a danger to persons or property, or
 - (ii) such horse is likely to be in a public place while not kept under adequate control in accordance with Bye-Law 6 hereof or is not identifiable or capable of being identified as the case may be, in accordance with the provisions of regulations made by the Minister in accordance with section 28 of the Act,

then the County Council or the Superintendent may decide to dispose of the said horse in accordance with these Bye-Laws and the Act.

- (b) On the disposal of a horse pursuant to this Bye-Law, the owner or keeper of the horse shall pay to the County Council all or any expenses incurred by the County Council, including fees for keep, veterinary services, transportation fees, pound fees and all expenses incurred in the disposal of the horse.

13. Offences

- (a) A person who contravenes a Bye-Law shall be guilty of an offence

14. Penalty

- (a) A person guilty of an offence under these Bye-Laws shall be liable on summary conviction to a fine not exceeding €1,900.00 or to imprisonment for a term not exceeding 6 months or both.