

# South Dublin County Council

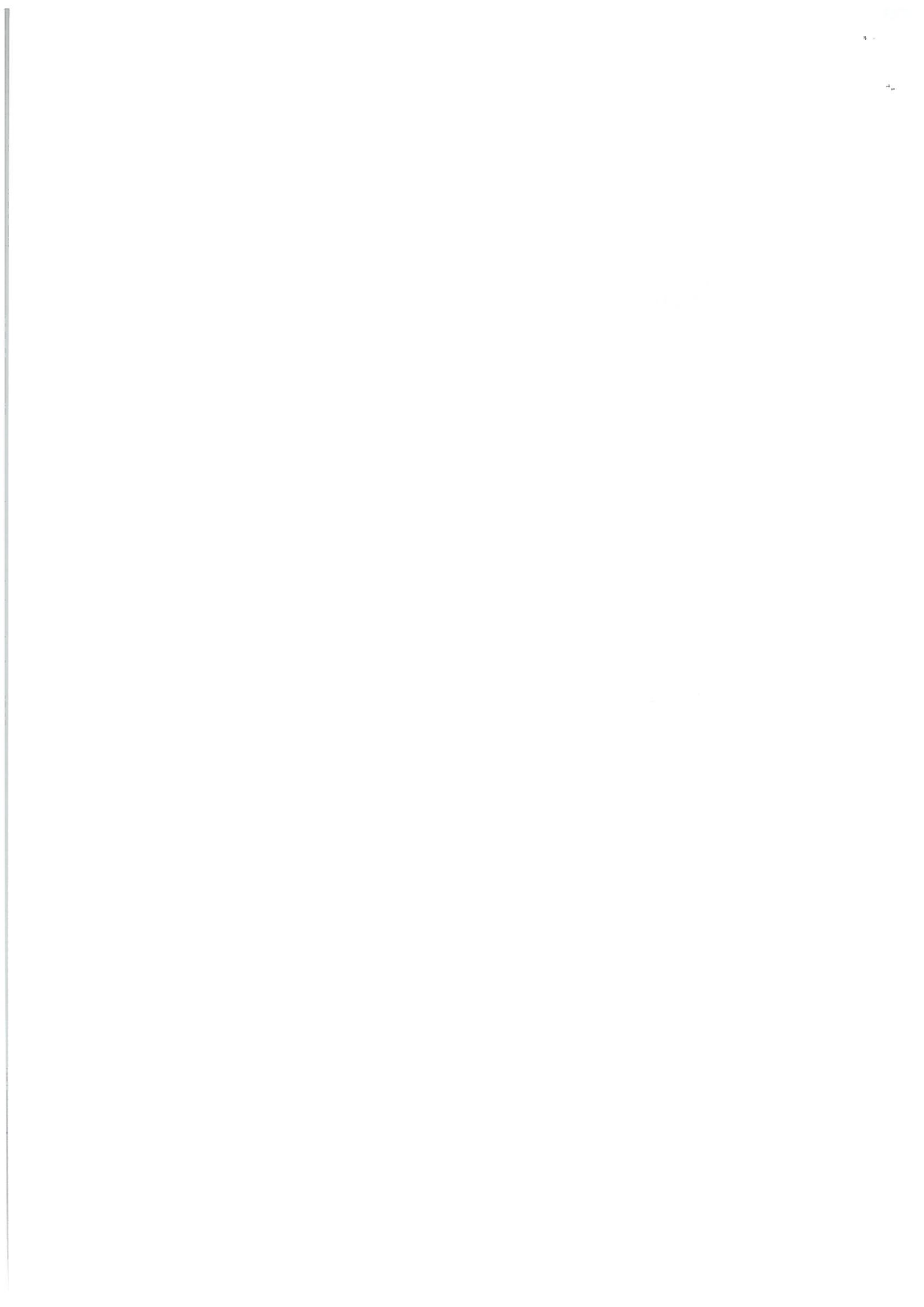


## CONTROL OF HORSES ACT, 1996

### BYE-LAWS

## South Dublin County Council

**Bye-Laws 2014**



The County Council of the County of South Dublin, in exercising of the powers conferred on it by Sections 13, 17, 39 and 40, 46 and 47 of the Control of Horses Act, 1996 (No. 37 of 1986), hereby makes the following Bye-Laws in respect of the administrative county of South Dublin.

## **PART I**

### **CITATION AND COMMENCEMENT**

1. These Bye-Laws may be cited as South Dublin County Council (Control of Horses) Bye-Laws, 2014.
2. These Bye-Laws shall come into operation on the \_\_\_\_\_ day of \_\_\_\_\_ 2014.

### **DEFINITIONS**

3. In these Bye-Laws, except where expressly stated to the contrary, the following words have the meanings hereby respectively assigned to them, that is to say:

“Authorised Person” means a person appointed as an authorised person by the Council under Section 3 of the Act.

“the Act” means the Control of Horses Act, 1996. References to any statute or other similar legislative instrument shall be construed as a reference to the statute or instrument as amended, modified, consolidated or extended.

“the Council” means South Dublin County Council or agent acting on behalf of South Dublin County Council.

“Control area” means the functional area of the Council declared by the Council to be a control area for the purposes of section 17 of the Act.

“Dispose of “ includes to sell or to give away or have destroyed and cognate words shall be construed accordingly.

“Dual Carriageway” means a road the roadway of which is divided centrally so as to provide two separate carriageways, on each of which traffic is required by a road regulation to proceed in one direction only.

“Drive a Horse”	means to use a horse that is harnessed in order to pull a trap, carriage, cart or any other vehicle which is intended to be drawn by a horse.
“Dwelling”	does not include any stable, out office, yard, garden or other land appurtenant to the dwelling or usually enjoyed therewith.
“Horse”	includes a donkey, mule and hinny.
“Horse Licence”	means a licence granted by a local authority under section 20 of the Act.
“Keeper”	means any person having possession or control of a horse whether he/she be the owner of the horse or not.
“Landowner”	means a person who is entitled to an estate, in fee simple, in possession, in lands or to a leasehold interest of not less than three years
“Motorway”	means a public road or proposed public road specified to be a motorway in a motorway scheme approved by Minister for the Environment under Section 49 of the Roads Act, 1993.
“Pound”	means a pound provided under the Pounds (Provision and Maintenance) Act, 1935 or a private pound (within the meaning of Section 5 of the Animals Act, 1985).
“Premises”	Includes any house or land or water and any fixed or movable structure therein and also includes vessels, vehicles, trains, aircraft and other means of transport.
“Public Place”	means any street, road, seashore, 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.
“Public Road”	means a road the responsibility for the maintenance of which lies with the Council.
“Regulations”	means regulations made by the appropriate Minister in accordance with his / her powers under the Act.
“Re-homing”	means to dispose of by giving away.
“Stray Horse”	means a horse apparently wandering at large, lost, abandoned or unaccompanied (whether tethered or untethered) by any person

apparently in charge of it in a public place or on any premises without the owner's or occupier's consent.

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

"Veterinary Practitioner" means any person who is for the time being registered in the Register of Veterinary Practitioners established and maintained under the Veterinary Practice Act, 2005.

## **PART II**

### **CONTROL AREA**

4. The Council being satisfied that horses in its functional area should be licensed having regard to the need to prevent nuisance, annoyance or injury to persons or damage to property by horses hereby declares the entire administrative area of South Dublin County Council to be a Control Area for the purposes of the Act and these Bye-Laws pursuant to the provisions of section 17 of the Act.

### **LICENCE**

5. No person shall keep or have charge or control of a horse in the Control Area without a valid licence issued by South Dublin County Council being in force in respect of the said horse, save for the following exemptions:
  - (1) Keepers of horses currently registered or stabled at riding clubs and equestrian centres registered with Association of Irish Riding Establishments (AIRE).
  - (2) Keepers of thoroughbred horses which are kept for participation in, training for participation in or breeding for participation in race meetings held under the Rules of Racing as laid down by the Turf Club or the Irish National Hunt Steeplechase Committee.
  - (3) The prohibition shall not apply to the following classes of persons:
    - (a) members of the Garda Síochána
    - (b) members of the Defence Forces
    - (c) Authorised Person

## EXCLUSIONS OF HORSES FROM CERTAIN PUBLIC PLACES

6. (1) The Council considering that horses are causing a nuisance or danger to persons or damage to property within its functional area, hereby prohibits a person from having, keeping, riding or driving a horse in a public place, other than in the circumstances and places described in column (1) of Schedule A to these Bye-Laws by a person of a class of persons mentioned in column (2) thereof, opposite the description to which it relates.
- (2) Paragraph (1) of this Bye-Law does not apply to the following classes of persons:
- (a) members of the Garda Síochána
  - (b) members of the Defence Forces
  - (c) Authorised Person

## RIDING OR DRIVING A HORSE IN A PUBLIC PLACE

7. (1) Where a person is permitted to ride or drive a horse in a public place in accordance with Schedule A, they shall exercise due care and attention and ensure that the horse is under their control at all times so as to prevent injury or nuisance to persons or damage to property. No person shall ride or drive a horse in a public place in a manner which could cause injury to persons or damage to property.
- (2) Where a person is permitted to ride a horse in a public place in accordance with Schedule A, they shall ensure that the horse is at all times wearing a bridle (including reins) made from suitable materials (not rope), and fitted with a metal bit. A person who is under 16 years of age riding a horse must be accompanied by an adult.
- (3) Where a person is permitted to drive a horse in a public place in accordance with Schedule A, they shall ensure that the horse is fitted with a suitable harness which is in good condition and made of suitable materials. The vehicle being drawn by the horse must be compatible with the type and size of the horse and must be in a road worthy condition. A person who is under 16 years of age driving a horse must be accompanied by an adult.

## GRAZING IN A PUBLIC PLACE

8. No person shall at any time place, turn out to graze or feed or allow to stray or remain in or upon any public place any horse without the written consent of South Dublin County Council.

## KEEPING OF HORSES IN A CONTROL AREA

9. Where a horse is kept under a horse licence granted by the Council at a premises within the control area the following shall apply:

- (1) the premises shall at all times be suitable as regards construction, size, number of occupants, lighting, ventilation, drainage and cleanliness
- (2) an exercising area of adequate dimension shall be provided for the horse
- (3) an adequate supply of potable water shall be constantly available
- (4) an adequate amount of wholesome and suitable food shall be supplied regularly to the horse
- (5) where the horse is not at grass, food shall be stored in a dry, secure and suitable place and suitable bedding material shall be provided
- (6) where the horse is kept at grass, there shall be maintained at all times adequate pasture and shelter for the horse
- (7) the horse shall be adequately exercised and rested and visited at regular intervals
- (8) all reasonable precautions shall be taken to prevent and control the spread among horses of infectious or contagious disease
- (9) sufficient care shall be taken of the horse, including veterinary care
- (10) adequate precautions shall be taken for the protection of the horse in the event of fire
- (11) only equipment and tackle suitable for the purposes shall be used in connection with the horse
- (12) adequate accommodation shall be provided for storage of forage, bedding, stable equipment and saddlery
- (13) manure or other noisome or offensive material shall be removed and disposed of in an appropriate manner as soon as possible to avoid causing a nuisance to adjoining owners or occupiers

## SEIZURE AND DETENTION

10. Where a horse is seized and detained within the control area, pursuant to Section 37 of the Act, the following provisions shall apply:
- (1) Notice of the seizure and detention of the horse as set out in Form 1 of Schedule B shall be served on the owner or keeper of the horse, where known and can be found as soon as possible and within five days of the date of seizure and detention of the horse.
  - (2) Where the owner or keeper of the horse is not known, notice of the seizure and detention of the horse as set out in Form 2 of Schedule B shall be displayed at the County Hall, Tallaght, Dublin 24 and on the Council's website [www.sdcc.ie](http://www.sdcc.ie).
  - (3) Appropriate services of a Veterinary Practitioner, where required, may be provided.
  - (4) The Council or a Superintendent 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 costs and expenses, including fees for seizure, detention, keep, maintenance, care, sustenance, disposal, veterinary fees, microchipping, transportation and administration fees incurred by the Council or the Superintendent. Without prejudice to the generality of the foregoing, the rate at which standard and unexceptional fees will be charged shall be prescribed from time to time by Managers Order.
  - (5) Subject to section 39 (1) (a),(b) and (c), section 39 (5) and section 41 of the Act a horse seized under section 37 of the Act may be released to the owner or keeper of the horse upon provision of the following to the Council:
    - (a) proof of identification of owner or keeper by passport, drivers licence or other form of legitimate official photographic identification which the Council in its absolute discretion deems to be acceptable
    - (b) proof of ownership of the horse
    - (c) a valid passport of the horse where such passport has been issued
    - (d) proof of permission from the landowner where the horse is to be kept
    - (e) proof of entry on the Register of Horse Premises of the premises where the horse is to be kept, in accordance with the provisions of the Diseases of Animals Act 1966 (Registration of



- Horse Premises) Order 2012, S.I. No. 8 of 2012
- (f) a horse licence for the time being in force granted by the Council if the horse is kept in the control area or by another local authority if the horse is proposed to be kept in the control area of that authority
  - (g) evidence that the horse is microchipped and registered in accordance with the provisions of the European Communities (Equine) Regulations 2011, S.I. No. 357 of 2011 and
  - (h) payment of all fees due to the local authority arising from the seizure and detention of the horse demanded pursuant to the provisions of these Bye-Laws
- (6) If the owner or the keeper of the horse shall fail to make himself or herself known to the Council or cannot be found within a period of five days from the date of seizure and detention the Council or the Superintendent may dispose of the horse in accordance with these Bye-Laws and the Act.
- (7) If the owner or the keeper of the horse is known and can be found within five days of the date of seizure and detention of the horse but on request by the Council or the Superintendent or the person in charge of the place where the horse is kept, within five days of the notice provided for under Article 10 (1) being served upon him (excluding the date of service) fails to provide to the Council:
- (a) proof of identification of owner or keeper by passport, drivers licence or other form of legitimate official photographic identification which the Council in its absolute discretion deems to be acceptable
  - (b) proof of ownership of the horse
  - (c) a valid passport of the horse where such passport has been issued
  - (d) proof of permission from the landowner where the horse is to be kept
  - (e) proof of entry on Register of Horse Premises of the premises where the horse is to be kept, in accordance with the provisions of the Diseases of Animals Act 1966 (Registration of Horse Premises) Order 2012, S.I. No. 8 of 2012
  - (f) a horse licence for the time being in force granted by the Council if the horse is kept in the control area or by another local authority if the horse is proposed to be kept in the control area of that authority
  - (g) evidence that the horse is microchipped and registered in accordance with the provisions of the European Communities (Equine) Regulations 2011, S.I. No. 357 of 2011 and
  - (h) payment of all fees due to the local authority arising from the seizure and detention of the horse demanded pursuant to the

provisions of these Bye-Laws

or thereafter fails to remove the horse upon request by the Council, the Council or the Superintendent may dispose of the horse in accordance with Bye-Law 11 of these Bye-Laws and the provisions of the Act.

#### **DISPOSAL OF DETAINED HORSE**

11. (1) Where the Council or the Superintendent decides to dispose of a horse they may do so by way of sale, destruction or re-homing. Sale may be by market or public auction or in any other manner considered appropriate by the Council or the Superintendent.
- (2) Where it is proposed to dispose of a horse under this Bye-Law the Council or the Superintendent shall display a notice as set out in Form 1 of Schedule C describing the animal and stating where it was seized and where it is being held at the County Hall, Tallaght, Dublin 24 and on the Council's website [www.sdcc.ie](http://www.sdcc.ie) as soon as possible. And the said notice shall continue to be exhibited as far as practicable until the horse has been disposed of or has lawfully been removed from its place of detention.
- (3) Where a horse has been disposed of under this Bye-Law, the Council or the Superintendent shall retain out of the proceeds of sale an amount equivalent to all costs, fees and expenses of any kind in relation to the horse, incurred by the Council or the Superintendent in relation to the seizure, detention and disposal of the horse and any balance shall be remitted to the keeper of the horse if known, or if unknown shall be retained by the Council.

#### **DISPOSAL OF HORSE PREVIOUSLY DETAINED ON TWO OR MORE OCCASIONS**

12. (1) On the disposal of a horse under section 40 (1) of the Act, the Council or a Superintendent may recover from the owner or the keeper of the horse all pound fees payable in respect of the horse, together with all or any other costs and expenses, including fees for seizure, detention, keep, maintenance, care, sustenance, disposal, veterinary fees, microchipping, transportation and administration fees incurred by the Council or the Superintendent. Without prejudice to the generality of the foregoing, the rate at which standard and unexceptional fees will be charged shall be prescribed from time to time by Managers Order.
- (2) Where it is proposed to dispose of a horse under section 40 (1) of the Act the Council or the Superintendent:

- (a) shall display a notice as set out in Form 1 of Schedule C (with such amendment as may appear to be necessary to comply with the provisions of section 40 (3) of the Act) publicly at the place where the horse is detained, at the County Hall, Tallaght, Dublin 24 and on the Council's website [www.sdcc.ie](http://www.sdcc.ie) as soon as possible and
  - (b) shall issue a notice in writing to the owner or keeper of the horse (whose whereabouts is known and can readily be found) as set out in Form 2 of Schedule C.
- (3) Where a horse has been disposed of under section 40 (1) of the Act, the Council or the Superintendent shall retain out of the proceeds of sale an amount equivalent to all costs (including legal costs), fees and expenses of any kind in relation to the horse, incurred by the Council or the Superintendent and any balance shall be remitted to the keeper of the horse if known, or if unknown shall be retained by the Council.

#### **REPEAL**

13. The South Dublin County Council (Control of Horses) Bye-Laws, 1997 are hereby repealed.

**SCHEDULE A**

**SOUTH DUBLIN COUNTY COUNCIL  
(CONTROL OF HORSES) BYE-LAWS 1997**

Description of circumstances and places Column 1	Class of persons Column 2
<p>Riding or leading a horse by a bridle and under the supervision of a person over 16 years of age along a public road (other than a motorway or dual carriageway) or a bridle path.</p>	<p>Owners, employees or persons registered with Association of Irish Riding Establishments (AIRE) approved by the Council.</p>
<p>Riding or leading a thoroughbred horse by a bridle or when having a thoroughbred horse in a horse box or trailer being drawn by a mechanically propelled vehicle and under the supervision of a person over 16 years of age along a public road (other than a motorway or dual carriageway) or a bridle path.</p>	<p>Owners or keepers or employees of owners or keepers of thoroughbred horses which are kept for participation in, training for participation in or for breeding for participation in race meetings held under the Rules of Racing as laid down by the Turf Club or the Irish National Hunt Steeplechase Committee.</p>
<p>Riding or leading a horse by a bridle or driving a horse and carriage or cart and under the supervision of a person over 16 years of age along a public road (other than a motorway or dual carriageway) or a bridle path.</p>	<p>Persons who derive their livelihood from farming</p>
<p>Driving a horse and carriage or cart and under the supervision of a person over 16 years of age in relation to a trade or business (including temporary stops connected therewith) on a public road.</p>	<p>Owners or employees of coal merchant businesses.</p>
<p>Riding a horse or driving a horse and carriage or cart and under the supervision of a person over 16 years of age whilst participating in a public parade, procession or a hunt with the permission of the Council on a public road or public place.</p>	<p>A person participating in such a trade or business.</p>
<p>When having a horse in a horse box or trailer being drawn by a mechanically propelled vehicle and under the supervision of a person over 16 years of age.</p>	<p>Owners or employees of circus companies in pursuit of their employment or business.</p>

## South Dublin County Council

Control of Horses Act, 1996 and South Dublin County Council  
(Control of Horses) Bye-Laws 2013 made thereunder

NOTICE OF SEIZURE AND DETENTION OF HORSE(S)

Name:  
Address:

Date:

Dear \_\_\_\_\_

Notice is hereby given that No. horse(s) understood to be in your ownership was/were seized by the Council on **(insert date)** at the **(insert location)**

The horse(s) may be reclaimed on production of:

- (a) proof of identification of owner or keeper by passport, drivers licence or other form of legitimate official photographic identification which the Council in its absolute discretion deems to be acceptable
- (b) proof of ownership of the horse
- (c) a valid passport of the horse where such passport has been issued
- (d) proof of permission from the landowner where the horse is to be kept
- (e) proof of entry on Register of Horse Premises of the premises where the horse is to be kept, in accordance with the provisions of the Diseases of Animals Act 1966 (Registration of Horse Premises) Order 2012, S.I. No. 8 of 2012
- (f) a horse licence for the time being in force granted by the Council if the horse is kept in the control area or by another local authority if the horse is proposed to be kept in the control area of that authority
- (g) evidence that the horse is microchipped and registered in accordance with the provisions of the European Communities (Equine) Regulations 2011, S.I. No. 357 of 2011 and
- (h) payment of all fees due to the local authority arising from the seizure and detention of the horse demanded pursuant to the provisions of these Bye-Laws

If you fail to comply with the requirements of paragraphs (a) to (h) above within 5 days of the date of service of this notice (excluding the date of service), the Council will dispose of the horse(s) in accordance with the provisions of the Control of Horses Act, 1996 and the Bye-Laws above mentioned.

Yours Sincerely,

\_\_\_\_\_  
**Authorised Person**  
**on behalf of South Dublin County Council**

South Dublin County Council

Control of Horses Act, 1996 and South Dublin County Council  
(Control of Horses) Bye-Laws 2013 made thereunder

NOTICE OF SEIZURE AND DETENTION OF HORSE(S)

To Whom It May Concern

Date:

Notice is hereby given that No. horse(s) described as follows (**Insert description**) was/were seized on (**insert date**) from (**location**). The identity of the owner or keeper(s) of the horse(s) is not known to the Council.

The keeper(s) of the horse(s) may collect the horse(s) on production of:

- (a) proof of identification of owner or keeper by passport, drivers licence or other form of legitimate official photographic identification which the Council in its absolute discretion deems to be acceptable
- (b) proof of ownership of the horse
- (c) a valid passport of the horse where such passport has been issued
- (d) proof of permission from the landowner where the horse is to be kept
- (e) proof of entry on Register of Horse Premises of the premises where the horse is to be kept, in accordance with the provisions of the Diseases of Animals Act 1966 (Registration of Horse Premises) Order 2012, S.I. No. 8 of 2012
- (f) a horse licence for the time being in force granted by the Council if the horse is kept in the control area or by another local authority if the horse is proposed to be kept in the control area of that authority
- (g) evidence that the horse is microchipped and registered in accordance with the provisions of the European Communities (Equine) Regulations 2011, S.I. No. 357 of 2011 and
- (h) payment of all fees due to the local authority arising from the seizure and detention of the horse demanded pursuant to the provisions of these Bye-Laws

Please take notice that if the owner or keeper does not identify him or herself and satisfy the requirements of paragraphs (a) to (h) above within 5 days from the date of seizure and detention, the Council will dispose of the horse(s) in accordance with the Control of Horses Act, 1996 and the Bye-Laws above mentioned.

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**Authorised Person**  
**on behalf of South Dublin County Council**

**CONTROL OF HORSES BYE-LAWS 2013**  
**NOTICE OF THE PROPOSED DISPOSAL OF DETAINED HORSE(S)**  
Queries may be referred to Control of Horses Section  
Ph: 4149000

Notice is hereby given that South Dublin County Council proposes to dispose of the horse(s) described below, which was/were detained under the Control of Horses Act 1996, pursuant to the provisions of section 40 (1) of the said act after the expiration of \_\_\_\_ days from the date hereof.

Date Impounded	Colour	Sex	Height	Description	Microchip Number*	Location of seizure	SDCC Ref. No.

The above horse(s) are held at the Council's pound.

\* All horses seized and detained are microchipped on entry to the pound, where no microchip is identified at time of seizure.

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**Authorised Person,**  
**On behalf of South Dublin County Council**

South Dublin County Council

CONTROL OF HORSES BYE-LAWS 2013

NOTICE OF THE PROPOSED DISPOSAL OF DETAINED HORSE(S)  
Pursuant to section 40 (1) of the Control of Horses Act, 1996

Queries may be referred to Control of Horses Section Ph: 4149000

Name:  
Address:

Date:

Dear \_\_\_\_\_

Notice is hereby given that \_\_\_\_\_ No. horse(s) understood to be in your ownership or keep was/were seized by the Council on **(insert date)** at the **(location)**

Take notice that is proposed to dispose of the horse(s) after the expiry of 5 days from the **(insert date)**, being the date of the publication of the enclosed public notice at the place where the horse(s) are detained. Destruction is the proposed method of disposal.

And take notice that the reasons for the proposed disposal are that the said horse(s) was/were previously detained under section 37 of the said Act on \_\_\_\_\_ previous occasions within 12 months of their seizure on the (insert date) and South Dublin County Council is of the opinion that the owner or keeper of the horse(s) is not exercising adequate control over the horse(s) so as to prevent it/them straying, causing a nuisance, or posing a danger to persons or property.

Such horse(s) is/are likely to be in a public place whilst not under adequate control

Identifiable or capable of identification as required by Regulations made under the said Act

**(Delete as appropriate)**

And take notice that you the reputed owner or keeper of the said horse(s) may within that ..... day period make representations against the proposal, including representations to the effect that the owner of the horse(s) was not the owner of the horse(s) on any previous occasion when it was detained under section 37 of the Act above mentioned during the period of 12 months, to South Dublin County Council against the proposal.

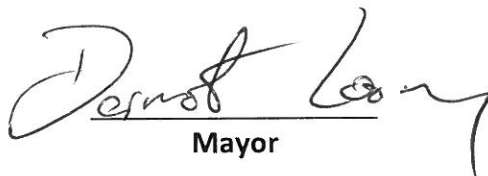
Yours Sincerely,

\_\_\_\_\_  
**Authorised Person**  
**on behalf of South Dublin County Council**



MADE AND ADOPTED UNDER THE COMMON SEAL OF THE COUNTY COUNCIL OF THE COUNTY OF SOUTH  
DUBLIN

THIS 12th. DAY OF March 2014

  
**Mayor**

Please note Section 13(9) where the making of Bye-Laws under this Act is a Reserved Function

