



CONTROL OF HORSES BYE LAWS 2014

PART I

Definitions:

1. 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:
 - "the Act" means the Control of Horses Act, 1996
 - "the Council" means Dublin City Council.
 - "Control Area" means any place declared by Dublin City Council in these Bye-Laws to be a control area for the purposes of the Act.
 - "Authorised Person" means a person appointed by Dublin City Council under Section 3 of the Act.
 - "Horse" means a horse, donkey, mule or hinny.
 - "Public Place" means any street, road, seashore, park, land, field or other place to which the public have access whether by right or permission and whether with or without vehicles and whether subject to or free of charge, and includes a market or fair.
 - "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.

PART II

CONTROL AREA

- 2 (a) The entire Dublin City Council administrative area 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 fore shore (within the meaning of the Foreshore Act, 1933) in all areas where the County Borough boundary is the line of high water of the sea, or a tidal river or tidal lake.

LICENCE

- 3 No person shall (subject to Articles 3(a), 3(b) and 3(c) of these bye laws) keep or have charge or control of a horse in the control area without a current licence issued by Dublin City Council being in force in respect of the said horse.
- (a) The prohibition under Section 18 of the Act on keeping a horse in a Control Area without a horse licence shall not apply in respect of horses brought into the Control Area for the purposes of a gymkhana, sale or showing of horses, or any event of an equine nature, for which the City Council has given written permission, on the day of the event and from noon the previous day and until noon on the day following the event, provided such adequate facilities similar to those set out in Bye-Law 8 of these Bye-Laws are in place.
- (b) The prohibition shall not apply in any event to horses kept within the Dublin Zoological Gardens at the Phoenix Park, Dublin.
- (c) The prohibition shall not apply to the following classes of persons
- a. Members of the Garda Síochána
 - b. Members of the defense forces
 - c. Authorised Persons

PUBLIC PLACE

- 4a. No person shall at any time have, keep, ride or drive a horse in a public place except in such portion thereof as may for the time being be set apart to be used as an equestrian ride or carriageway or market or fair area and is clearly identified as such.
- 4b. Notwithstanding the provisions of 4(a) a person may have a horse on a public road provided the horse is licensed under the provisions of the Act, is fitted with a bridle and is adequately controlled by a person over 16 years of age.

GRAZING IN A PUBLIC PLACE

5. No person shall at any time in a public place turn out to graze or feed or allow to stray or remain any horse without the written consent of Dublin City Council

CONTROL

6. Where a person is permitted to have, keep, ride or drive a horse in a public place he shall at all times ensure that the horse is wearing a bridle and is under his/her control so as to prevent injury or nuisance to persons or damage to property.

KEEPING OF HORSES IN A CONTROL AREA

7. 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:
 - a. A valid horse passport shall be in force at all times for any horse kept, in accordance with relevant legislation.
 - b. The person keeping the horse shall be the owner or legal occupier of the premises in which it is kept.
 - c (i). Stabling shall be provided for a horse and shall at all times be suitable as regards construction, size, number of occupants, lighting, ventilation, drainage and cleanliness and shall comply with the standards of construction outlined in Schedule A hereof. Access to site of stable must be by means of passageway/road/street/driveway which measures at least 5 ft at its narrowest point.
 - c (ii). Dublin City Council, on veterinary advice, reserves the right to issue licences for horses, where the dimensions of the stabling provided do not meet the standards in c(i) and where, in all the circumstances of the case, including the working conditions of the horses and the alternative accommodation, Dublin City Council approves the accommodation is adequate for the proper keeping of horses.
 - d. Potable water shall be constantly available.
 - e. An adequate amount of wholesome and suitable food shall be supplied regularly.
 - f. 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.
 - g. Where the horse is kept at grass there shall be maintained at all times adequate pasture and shelter for the horse. Where from time to time adequate pasture is not available, there shall be an adequate amount of wholesome and suitable food supplied regularly to the horse.
 - h. The horse shall be adequately exercised and rested and visited at regular intervals. Evidence of access to adequate exercise facilities shall be provided.
 - i. All reasonable precautions shall be taken to prevent and control the spread among horses of infectious or contagious diseases.
 - j. Sufficient care, including veterinary care, shall be taken of the horse.

- k. Adequate precautions shall be taken for the protection of the horse in the event of fire.
- l. Only equipment and tackle suitable for the purpose shall be used in connection with the horse.
- m. Adequate accommodation shall be provided for storage of forage, bedding, stable equipment and saddlery.
- n. 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.
- o. Preventing any injury or unnecessary suffering to a horse either through the use of spurs, goads or sticks or by the improper tethering of the horse.

HORSE AT MARKET OR FAIR

- 8. Where a horse is brought to a market or fair the owner or keeper of the horse shall be responsible for the following:
 - a. Adequate food and potable water shall be available at all times.
 - b. All equipment and tackle used in connection with the horse shall be suitable for the purpose.
 - c. All reasonable precautions shall be taken to prevent and control the spread among horses of infectious or contagious diseases.
 - d. Sufficient care, including Veterinary care, shall be taken of the horse.
 - e. Adequate precautions shall be taken for the protection of the horse in event of fire.
 - f. Preventing any injury or unnecessary suffering to a horse either through the use of spurs, goads or sticks or by the improper tethering of the horse.

HORSE DETAINED UNDER SECTION 37

- 9. Where a horse is seized and detained within the Control Area pursuant to Section 37 of the Act the following provisions shall apply:
 - a. Notice of the seizure and detention of the horse in the Form 1 set out in Schedule B hereof shall be served on the owner or keeper of the horse, where known, as soon as possible.
 - b. Where the owner or keeper of the horse is not known, notice in the Form 2 set out in Schedule B hereof shall be displayed in the Civic Offices, Wood Quay, Dublin 8 as soon as possible.

- c. Appropriate services of a Veterinary Surgeon, where required, may be provided.
- d. The City Council may recover from the owner or the keeper of the horse all fees payable in respect of the horse, including fees for keep, veterinary fees and transportation fees incurred by the Council.
- e. The horse may be released to the owner or keeper of the horse, on proof being tendered of his ownership or right to keep the horse, on production of an appropriate horse passport and current horse licence and on payment of all outstanding fees, expenses and charges in respect of the horse provided that detention of the horse is not required by Dublin City Council in accordance with Section 39 (1) (a) (b) or (c) of the Act, and provided that the Council is satisfied that adequate accommodation and sustenance and, if necessary, adequate Veterinary attention will be provided for the horse and is satisfied that the horse will not be cruelly treated.
- f. If the owner or keeper of the horse shall fail to make himself/herself known to the City Council or cannot be found within a period of five days from the date of seizure and detention Dublin City Council may dispose of the horse in accordance with these Bye-Laws and the Act.
- g. If the owner or keeper of the horse is known and can be readily found but on request by the Council fails to pay fees due hereunder or fails to produce a current appropriate horse licence, horse passport and any other documentation required or fails to remove the horse within 5 days or such longer period as may be specified in the request of demand being made, or where the release of a horse is refused under Section 39(5) the Council may dispose of the horse in accordance with these Bye-Laws and the Act.
- h. Where Dublin City Council decides to dispose of the horse it may do so by way of sale or destruction or by disposing of the horse free of charge. Sale may be by way of public auction or at a market or in any other manner considered appropriate by the Council.
- i.
 - (i) Where it is proposed to sell a horse under this Bye-Law the Council shall cause a notice describing the animal and stating where it was seized, where it is being held, and the time and place of the proposed sale, to be displayed at the Civic Offices, Wood Quay, Dublin 8, at the pound or place where the horse is detained and at the place where it is to be sold.
 - (ii) If the proposed sale is otherwise than 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 Council declares the sale abortive.
 - (iv) Where the horse has been sold under this Bye-Law, the Council 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 and any balance shall be remitted to the owner or keeper of the horse, if known, or if unknown, shall be retained by the Council.

DISPOSAL OF HORSE DETAINED UNDER SECTION 37

10. Where a horse is detained under Section 37 of the Act and has been so detained on two or more occasions within the previous twelve months and where the Council is of the opinion that:-
- (a) The owner or keeper of the horse is not exercising adequate control over the horse so as to prevent it straying, causing a nuisance, or posing a danger to persons or property, or;
 - (b) Such horse is likely to be in a public place whilst not:
 - (i) under adequate control, or
 - (ii) Identifiable or capable of identification as may be required by Section 28 of the Act,

The City Council may decide to dispose of the horse. On the disposal of the horse under this Bye-Law, the owner or keeper shall pay to the Council all or any expenses including fees for keep, veterinary fees, transportation fees and fees of sale.

AUTHORISED PERSON

- 11a. Where an authorised person or a member of the Garda Síochána suspects that a person is in breach of these Bye-Laws and directs the person to desist from so offending, the person shall obey the direction of the authorised person or a Garda Síochána.
- 11b. An authorised person or a member of the Garda Síochána may seize and detain any horse where he has reason to suspect that the horse is being kept, or ridden or driven in an area contrary to these Bye-Laws.

OFFENCES

12. A person who contravenes a bye-law shall be guilty of an offence.

PENALTY

13. Every person who shall offend against any of the foregoing Bye-Laws shall be liable for every such offence on summary conviction to a fine not exceeding €1,500.00 or to imprisonment not exceeding six months or to both.

PART III

SCHEDULE A

STANDARDS FOR CONSTRUCTION OF STABLING FOR A HORSE

Height = 3.7m (12ft), if sloping, lowest point = 3m(10ft). Width x Length = for smaller horses, i.e up to 14 hands, 3.7 x 3m (12ft x 10ft), for horses from 14 hands up to 16 hands 3.7m x 3.7m (12 x 12ft), for larger horses i.e. over 16 hands, 3.7 x 4.3m (12ft x 14ft). Roof; weatherproof, durable, non flammable, giving rise to no marked variation in temperature of stable. Floor; impervious, slip proof, slope towards door of 1 in 60 to external drain. Internal surfaces of walls; impervious and easily cleaned. Stable to be dry. Doors 1.2m (4ft) wide and 2.1m (7ft) height in two halves, strong and secure. Top of lower half safely protected against horse chewing it. No internal protrusions in stable by which horse could injure itself. Adequate and safe lighting. Adequate ventilation - minimum of 42m³ (1500 cub ft) per horse with 6 complete air changes every hour and no draughts.

SCHEDULE B

FORM 1

CONTROL OF HORSES ACT, 1996

Bye-Laws made thereunder by Dublin City Council

A. Notice is hereby given under Bye-Law 9a that a horse bearing the identification number _____ was detained on the _____ day of _____, 20____ at _____ pursuant to Section 37, Control of Horses Act, 1996.

According to our Register of Horse Licences maintained under Section 24 of the Act, a licence in respect of the said horse has been issued to _____ with an address at _____

B. Notice is hereby given under Bye-Law 9a that a horse described below of which you have claimed ownership

COLOUR	SEX	HEIGHT	BREED	OTHER DETAILS
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_____ was detained on the _____ day of _____, 20____ at _____

The horse may be reclaimed within five days and no later than _____ at _____ on proof being tendered of your ownership or right to keep the horse, on production of an appropriate current horse licence, horse passport and on payment of all outstanding fees, expenses and charges in respect of the horse, provided that detention of the horse is not required by the Council or the Superintendent, in accordance with Section 39 (1)(a), (b) or (c) of the Act and provided that the Council or the Superintendent is satisfied that adequate accommodation and sustenance and, if necessary, adequate veterinary attention will be provided for the horse and if satisfied that the horse will not be cruelly treated.

DATED THE _____ DAY OF _____, 20____ .

SIGNED on behalf of Dublin City Council by:

being an Authorised Person
for the purposes of the Act.

SCHEDULE B

FORM 2

CONTROL OF HORSES ACT, 1996

Bye-Laws made thereunder by Dublin City Council.

Notice is hereby given under Bye-Law 9b that a horse described below:

COLOUR	SEX	HEIGHT	BREED	OTHER DETAILS
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was detained on the day of , 20 at
pursuant to Section 37 of the Control of Horses Act, 1996. Within a period of five days from the date of detention of the said horse, the horse may be released to the owner or keeper of the horse, on proof being tendered of his ownership or right to keep the horse, on production of an appropriate current horse licence, horse passport and on payment of all outstanding fees, expenses and charges in respect of the horse, provided that detention of the horse is not required by the City Council or the Superintendent in accordance with Section 39 (1)(a), (b) or (c) of the Act and provided that the City Council or the Superintendent is satisfied that adequate accommodation and sustenance and, if necessary, adequate veterinary attention will be provided for the horse and if satisfied that the horse will not be cruelly treated. Failing this the horse may be disposed of in accordance with Bye-law 9f, g, h and i.

DATED THE DAY OF , 20 .

SIGNED on behalf of Dublin City Council by:

being an Authorised Person
for the purposes of the Act.

These Bye-Laws shall come into effect on 7th April 2014

Dated this day of March 2014.

PRESENT when the Corporate Seal of Dublin City Council was affixed hereto.