

BRAY URBAN DISTRICT COUNCIL
(Comhairle Bhailecheanntair Bhrí Chualann)

CONTROL OF HORSES ACT, 1996

BYE-LAWS 1998

Bray Urban District Council in exercise of the powers conferred upon it by sections 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:

Citation and Commencement

- 1 (1) These Bye-Laws may be cited as the Bray Urban District Council (Control of Horses) Bye-Laws, 1998.
- (2) These Bye-Laws shall come into operation on the 01/04/1998 (to be fixed)

Definitions

- 2 In these Bye-Laws -
- “horse” means a horse, donkey, mule or hinny;
- “authorised person” means a person appointed by the Council under the Section 3 of the Act;
- “the Act” means the Control Of Horses Act, 1996 (No 37 of 1996);
- “The Council” means Bray Urban District Council;
- “the declared control area” means that part of the functional area of the Council declared by the Council to be a control area for the purposes of Section 17 of the Act.
- “public road” Means a road, the responsibility of which lies on the Council;
- “public place” Means any street, road, seashore, park, land, or other 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 the horse is seized or detained under the provisions of the Act.

Declared Control Area

- 3 The Council being satisfied that the horses in its functional area should be licenced having regard to the need to prevent nuisance, annoyance or injury to persons or damage to property hereby declares the entire functional area of Bray Urban District Council to be a control area.

Exclusion of horses from certain public places, etc.

- 4 (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 person:
- a. members of the Garda Siochana
 - b. members of the Defence Forces, and
 - c. authorised officers
- (3) A person shall not at any time or place, turn out to graze, feed or allow to remain or stray a horse in a public place.

Keeping of horses in a declared control area

- 5 Where a horse is kept under a horse licence granted by the Council at a premises within the declared control area the following shall apply;
- a. the person keeping the horse shall be the owner or legal occupiers of the premises in which the horse is kept
 - b. the premises shall at all times be suitable as regards construction, size, number of occupants, lighting, ventilations, drainage and cleanliness and shall comply with the standards of construction as outlined in Schedule B to these Bye-Laws;
 - c. an exercising area of adequate dimension shall be provided for the horse;
 - d. an adequate supply of potable water shall be constantly available.

- e. An adequate amount of wholesome and suitable food shall be supplied regularly to the horse.
- f. Where the horse is not at grass, food 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.
- h. The area where the horse is grazing shall be adequately, properly and securely fenced to avoid wandering onto public areas.
- i. The horse shall be adequately exercised and rested and visited at regular intervals
- j. All reasonable precautions should be taken to prevent and control the spread among horses of infectious or contagious disease.
- k. Sufficient care shall be taken of the horse, including veterinary care
- l. Adequate precautions shall be taken for the protection of the horse in the event of a fire.
- m. Only equipment and tackle suitable for the purposes shall be used in connection with the horse.
- n. Adequate accommodation shall be provided for storage of forage, bedding, stable equipment and saddlery.
- o. Manure or noisome or offensive material shall be removed and disposed of as soon as possible to avoid causing a nuisance to adjoining owners or occupiers.

Horses Detained Under Section 37 of the Act

- 6 Where a horse is seized under Section 37 of the Act within the declared control area and detained pursuant to that section the following provisions shall apply:
 - a. Notice of the seizure and detention of the horse in the Form 1 set out in Schedule C 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 Form 2 set out in Schedule C hereof shall be displayed in the office of the Garda Siochana for the area in which the horse was seized and in the place where with the horse is detained, as soon as possible.
- c. Appropriate services of veterinary surgeon, where required, may be provided,
- d. The Council or the Superintendent may recover from the owner or the keeper of the horse all fees in respect of the seizure and detention of the horse, together with all or any other expenses, including fees for keep, veterinary fees and transportation fees incurred by the Council or the Superintendent.
- e. Subject to Section 39(5) of the Act a horse seized under Section 37 of the Act may be released to the owner or keeper of the horse, on proof being tendered of his ownership or right to keep the horse and on production of a horse licence for the time being in force granted by the Council if the horse is kept in the declared control area or by another local authority if the horse is kept in the control area declared by that local authority.
- f. If the owner or keeper of the horse fails to make himself known to the Council or cannot be found within a period of 5 days from the date of seizure and detention of the horse the Council or the Superintendent may dispose of the horse in accordance with Bye-Law 7 of 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, the Superintendent or the person in charge of the place where the horse is kept, within five days of demand being made, or such longer period as may be specified, fails to pay fees due hereunder or fails to produce a horse licence for the time being in force granted by the council if the horse is kept in the declared control area or by another local authority if the horse is kept in the control area of that authority and fails to remove the horse the Council or the Superintendent may dispose of the horse in accordance with Bye-Law 7 of these Bye-Laws and the Act.

Disposal of a detained horse under Section 37

7. a. Where the Council or the Superintendent decides to dispose of a horse they may do so by way of sale or destruction. Sale may be by market or public auction or in any other manner considered appropriate by the the Council or the Superintendent.
- b.
 - (i) Where it is proposed to dispose of a horse under this Bye-Law the Council or the Superintendent shall cause a notice as set out in Schedule D describing the animal and stating where it was seized, where it is being held, and the nature of the proposed disposal, to be displayed at the Garda Station for the area in which the horse was seized and at the place where it is to be disposed of.
 - (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 as far as practicable until the horse has been disposed of or until the owner shall have paid all sums due by him/her in respect of the seizure, detention, veterinary care (if any) and proposed disposal of the said horse and has complied with all conditions attached to the release of the said horse and has lawfully removed the horse from its place of detention.
 - (iv) 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 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.
 - (v) Where a horse is detained under Section 37 of the Act and has been detained on two or more occasions within the previous twelve months and where the Council or the Superintendent 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 a 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 Council or Superintendent may decide to dispose of the horse.

- c. 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 the keep, veterinary fees, transportation fees, fees of sale and pound fees.

Authorised Person

- 8 a. Where an authorised person or a member of the Garda Siochana 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 the Garda Siochana.
- b. An authorised person or a member of the Garda Siochana may seize and detain any horse where he has reason to suspect that the horse is being kept, or ridden or driven in the control area under these Bye-Laws.

Offences

- 9 a. A person who contravenes a Bye-Law shall be guilty of an offence.

Penalty

- 10 a. 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 or to imprisonment not exceeding six months or to both.

SCHEDULE A

BRAY URBAN DISTRICT COUNCIL (CONTROL OF HORSES) BYE-LAWS 1998.

Description of circumstances and places (1)	Class of persons (2)
Riding or leading a horse by the 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.	Owners, employees or persons registered with riding establishments approved of by the Council.
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 a dual carriageway) or a bridle path.	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.
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 a dual carriageway) or a bridle path.	Persons who derive their livelihood from farming.
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.	Owners or employees of a coal merchant business
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 hunt with the permission of the Council on a public road or public place.	A person participating in such.+
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.	Owners or employees of circus companies in pursuit of their employment or business.

SCHEDULE B

BRAY URBAN DISTRICT COUNCIL (CONTROL OF HORSES) BYE-LAWS 1998.

STANDARDS FOR CONSTRUCTION OF STABLING A HORSE PURSUANT TO SECTION 5 (a)

<i>Height:</i>	= 3.7m (12ft) If sloping, lowest point 3m, (10ft)
<i>Width x Length:</i>	= 3.7m x 3.7m (12ft x 12ft) for horses of 16 hands; smaller horses, i.e. up to 14 hands, 3.7 x 3m (12ft x 10ft), larger horses i.e. over 16 hands, 3.7 x 4.3m (12ft x 14ft).
<i>Roof:</i>	Weatherproof, durable, non flammable, giving rise to no marked variation in temperature of stable.
<i>Floor:</i>	Impervious, slip proof, slope towards door of 1 in 60 to external drain.
<i>Internal Surfaces of walls:</i>	Impervious and easily cleaned. Stable to be dry.
<i>Doors:</i>	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 protusions in stable against which horse could injure itself.

Adequate and safe ***lighting***.

Adequate ***ventilation*** – minimum of 42m³ (1500 cubic ft) per horse with 6 complete air changes every hour and no draughts.

SCHEDULE C

**BRAY URBAN DISTRICT COUNCIL
(CONTROL OF HORSES) BYE-LAWS 1998.**

NOTICE OF THE SEIZURE AND DETENTION OF A HORSE

Name: Date:

Address:
.....

Dear Sir/Madam,

Please take notice that a horse understood to be in your ownership was seized by the Council at _____ and is being detained at _____ pound at _____.

You may collect your horse from the pound on payment of all fees in connection with the detention of the horse and on the production of a current horse licence.

If you fail to pay the fees due, fail to produce a current horse licence and fail to remove the horse from the pound **within 5 days** of the date of this notice, the Council will dispose of the horse in accordance with the Bye Laws and the Control of Horses Act 1996.

Yours Faithfully,

TOWN CLERK

**COMHAIRLE BHAILECHEANNTAIR
BHRI CHUALANN**

BRAY URBAN DISTRICT COUNCIL

BYE-LAWS 1998

MADE UNDER

CONTROL OF HORSES ACT, 1996

Present when the Seal of the Council was affixed hereto:-

ASSISTANT COUNTY MANAGER

CATHAOIRLEACH / NOMINATED MEMBER

TOWN CLERK / APPROVED OFFICER

**BRAY URBAN DISTRICT COUNCIL
(CONTROL OF HORSES) BYE-LAWS 1998.**

NOTICE OF THE SEIZURE AND DETENTION OF A HORSE

To Whom It May Concern:

Date:.....

Notice is hereby given that a horse described as follows:

Colour: Breed:

Height: Sex:

Was seized by the Council at _____ on _____
and is being held at _____ pound _____.
The Council is not aware of who the owner of the horse may be.

The owner of the horse may collect the horse on production of identification, on payment of all fees in connection with the detention of the horse and on the production of a current horse licence.

Please take notice that if the owner does not collect the horse **within 5 days** of the date of this notice, pay the fees due and produce a current horse licence in respect of the horse, the Council will dispose of the horse in accordance with the Bye Laws and the Control of Horses Act 1996.

TOWN CLERK

SCHEDULE D

**BRAY URBAN DISTRICT COUNCIL
(CONTROL OF HORSES) BYE-LAWS 1998.**

NOTICE OF PROPOSED DISPOSAL OF A DETAINED HORSE

Notice is hereby given that Bray Urban District Council proposes to dispose of a horse described below which was detained under the Control of Horses Act 1996.

Colour: Breed:
Height: Sex:

Was seized by the Council at _____ on _____
and is being held at _____ pound _____.
It is proposed to dispose of the horse by _____ at
_____.

TOWN CLERK