



CARLOW COUNTY COUNCIL

COMHAIRLE CHONTAE CHEATHARLOCHA

Carlow County Council

Control of Horses Act 1996

Bye-Laws 2021

DRAFT

February, 2021

**Control of Horses
Bye-Laws 2021**

Carlow County Council in exercise of the powers conferred on it by the Control of Horses Act 1996 and the Control of Horses Regulations 1997 and the Local Government Acts 1925-2014 hereby makes the following Bye-Laws in respect of the parts of the County of Carlow outlined on the maps appended to this bye law that are outlined in red.

The County Council of County Carlow - Control of Horses - Bye-Laws, 1999 are hereby revoked.

Carlow County Council (Control of Horses) Bye-Laws 2021

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Carlow County Council (Control of Horses) Bye-Laws 2021

Carlow County Council, in exercise of the powers conferred on it by sections 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 are the Carlow County Council (Control of Horses) Bye-Laws 2021.
- (2) These bye-laws come into operation on _____;

Interpretation

2. In these bye-laws-

“Act” means Control of Horses Act 1996;

“Council” means the Carlow County Council.

Control area

3. The administrative area of the Council is declared to be a control area.

Restriction on keeping a horse, etc.

- 4 (1) A person shall not have, keep, ride or drive a horse in respect of the parts of the County of Carlow outlined on the maps appended to this bye law that are outlined in red.
- (2) This bye-law does not apply to an authorised person, or a member of An Garda Síochana or of the permanent Defence forces acting in the course of his or her duty.

Welfare of horses

5. A person shall not -
 - (a) do, or fail to do, anything or cause or permit anything to be done to a horse that causes injury (including disfigurement) or unnecessary pain or suffering to, or endanger the welfare of the horse, or

(b) neglect or be reckless regarding the welfare of a horse.

(2) Without prejudice to paragraph (1), a person who has a horse in his or her possession or under his or her control shall not -

(a) beat, kick, ill-treat, over-ride, over-drive, over-load, torture, infuriate, or terrify the horse, or cause or permit any horse to be so treated or terrified, or

(b) convey or carry, or permit to be conveyed or carried any person or other burden, on any horse in such manner or position as to cause that horse unnecessary pain or suffering.

(3) A person shall take all necessary care to ensure that a horse in his or her possession or under his or her control is -

(a) treated in a manner that safeguards -

(i) the welfare of the horse, and

(ii) does not threaten the welfare of the horse, or other animal,

and

(b) kept, having regard to the species and the degree of development, adaptation and domestication of the horse, and to its physiological and behavioural needs in accordance with established experience and scientific knowledge to protect its welfare.

Structures where horses are kept

6. A person having possession or control of a horse shall, having regard to the horse's nature, type, species, breed, development and environment, take all necessary measures to ensure that all buildings, gates, fences, hedges, boundary walls and other structures used to contain the horse are constructed and maintained in such a manner that the horse is not caused unnecessary pain or suffering.

Nuisance

7. A person who has a horse in his or her possession or under his or her control shall take all necessary measures to ensure that the horse does not cause a nuisance, or present a danger to persons or property.

Grazing

8. A person shall not cause or permit a horse to graze in a public place.

Provisions relating to public places

9. A person shall not keep, ride or drive a horse in a public place unless—
 - (a) the person has attained the age of 16 years, or is in the company and care of a person who has attained the age of 16 years, and
 - (b) the horse is fitted with a suitable bridle and bit, or is harnessed to a vehicle.

Provisions relating to detained horses

- 10 (1) Where a horse is detained under section 37 of the Act, the Council shall as soon as may be after the detention of the horse publish a notice ("horse detention notice") by –
 - (a) placing a copy of the notice in a prominent position on or adjacent to the land where the horse was located immediately before it was detained,
 - (b) placing a copy of the notice in a prominent position, to which members of the public ordinarily have access during normal business hours, at the

main office of the Council and such other place (if any) as the Council considers appropriate, and

(c) where the owner or keeper of the horse is known or may readily be found, by serving a copy of the notice on that person.

(2) A horse detention notice shall contain –

(a) a description of the horse to which the notice relates,

(b) a statement that a person may claim the horse on satisfying the Council –

(i) that he or she is owner or keeper of the horse,

(ii) that he or she has adequate accommodation and sustenance for the horse,

(iii) that adequate veterinary attention will, where necessary, be provided for the horse, and

(iv) on payment of the charges relating to the transport, detention and veterinary care set down in Schedule 2,

(c) a statement that the Council shall direct the disposal of the horse to which the notice relates-

(i) where the owner or keeper is unknown or cannot be found, no earlier than 3 days, or

(ii) where the owner or keeper is known and can be readily found, no earlier than 5 days,

after the day on which the horse detention notice was published in accordance with paragraph (1) (a) or (b), whichever occurs later.

- (3) Subject to section 39 (5) of the Act, the Council shall not direct the disposal of a horse where—
- (a) the fees specified in Part 1 of Schedule 2 that relate to the horse are paid,
 - (b) a horse licence for the time being in force in respect of the horse is produced, and
 - (c) following compliance with sub-paragraph (a) and (b), the horse is removed.

Refusal to release a horse

11. (1) Where the Council, in exercise of its functions under section 39 (5) of the Act, proposes to refuse to release a horse detained under section 37 of the Act, it shall serve a notice in writing on the owner or keeper of the horse stating –
- (a) that the Council proposes to refuse to release, and to direct disposal of the horse,
 - (b) the reasons for the proposal,
 - (c) that the owner or keeper may make representations to the Council in relation to the proposal no later than 14 days after the date of the notice, and
 - (d) the manner in which representations may be made.
- (2) The Council shall not direct disposal of the horse until –
- (a) the expiry of the period of 14 days referred to in, or
 - (b) the Council has considered any representations made under,

paragraph (1) (c), and the Council has advised the owner or keeper in writing of its decision and the reasons for the decision.

Provision of veterinary services

12. The Council may arrange for the provision of veterinary services in relation to a horse detained under section 37 of the Act.

Fees

13. The fees to be paid by the owner or keeper of a detained horse -

(a) under section 39 of the Act are set out in Part 1 of the Schedule, and

(b) which is to be disposed of under section 40 of the Act are set out in Part 2 of the Schedule.

Revocation

14. The County Council of the County Carlow (Control of Horses Bye-Laws 1999) are revoked.

Schedule

Bye-law 14 (a)

Part 1

Fees to be paid by the owner or keeper of a horse detained under section 37 of the Act.

- | | |
|--|------|
| 1. Fee for seizure, transport and detention of horse | €270 |
| 2. Fee for veterinary services (where provided) | €80 |
| 3. Fee for keep of horse (per day or part of day | €22 |

Part 2

Fees to be paid by the owner or keeper of a horse detained and which is to be disposed of under section 40 (2) of the Act.

- | | |
|--|------|
| 1. Fee for seizure, transport, detention and disposal of horse | €370 |
| 2. Fee for veterinary services (where provided) | €80 |
| 3. Fee for keep of horse (per day or part of day | €22 |

GIVEN under the seal of

Carlow County Council,

[Date]

Chief Executive/Director of Services

Carlow County Council

Senior Executive Officer

Carlow County Council

Cathaoirleach/Nominated Member

Carlow County Council