



Comhairle Cathrach na Gaillimhe
Galway City Council

DRAFT

Galway City Council
(Control of Horses) Bye Laws 2021

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Galway City Council, in exercising the powers conferred on it by Part 19 of the Local Government Act 2001 (No. 37 of 2001) and by Sections 13, 17, 39 and 40, 46 and 47 of the Control of Horses Act 1996 (No. 37 of 1996), hereby makes the following Bye-Laws in respect of the administrative area of Galway City.

PART I

CITATION AND COMMENCEMENT

1. These Bye-Laws may be cited as Galway City Council (Control of Horses) Bye Laws 2021
2. These Bye-Laws shall enter into force on the ____/____/____

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 (No. 37 of 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 Galway City Council or agent acting on behalf of Galway City 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.

“Curtilage of a Dwelling” means an area of land adjacent of a dwelling and may include a structure.

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

“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.

“Farmer” means a person who is the holder of a herd number issued by the Department of Agriculture, Food and Marine for the keeping of cattle and/or sheep.

“Fees” means the sum to be paid by the owner or keeper of a horse including fees and expenses of any kind incurred by the Council or the Superintendent in relation to the seizure, detention, keep, maintenance, care and sustenance, disposal, veterinary fees,

microchipping, transportation for returning the animal to the owner and administration fees incurred by the Council or the Superintendent.

"Five Days"	shall include a Saturday, Sunday and Public Holiday.
"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.
"Local Authority"	has the meaning given to it by Section 2(1) as amended by Section 5(1) and Part 1 of Schedule 1 of the Local Government Act 2001.
"Mechanically Propelled Vehicle"	has the meaning given to it by Section 3 of the Roads Act 1961.
"Owner"	means any person having possession or control of a horse whether he/she be the keeper of the horse or not.
"Passport"	means an equine identification document.
"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"	"public road", "road", "footpath" and "footway" have the meaning assigned to them by section 2(1) of the Roads Act 1993.
"Race"	Means a race, a trial of speed, a time trial, a compensation or test in which participants are required to cover a certain distance in a horse drawn vehicle in the shortest possible time, or an event or occasion

which requires a horse drawn vehicle to be driven furiously resulting in the welfare of the horse being endangered.

“Regulations”	means regulations made by the appropriate Minister in accordance with his/her powers under the Act or any other statute or enactment.
“Re-homing”	means to dispose of by giving away.
“Reserved Function”	means a reserved function for the purpose of enactments relating to management of the Local Authority.
“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 any premises without the owner’s or occupier’s consent.
“Superintendent”	means the Superintendent of An Garda Síochána for the area in which a horse is seized or detained under the provision of the Act or the Acting Superintendent, duly appointed in accordance with the relevant legislation.
“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. (a) The entire area of the City of Galway is, and is hereby declared to be, a Control Area for the purpose 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 Act 1933) in all areas where the City Boundary is the line of high water of the sea, or a tidal river or a tidal lake.

LICENCE

5. (a) Subject to the provisions of Regulation 6 hereunder, no person shall keep or have charge or control of a horse in the control area without a current horse licence, issued by the Council, being in force in respect of the said horse.

(b) No person shall keep or have charge or control of a horse unless:
 - (i) The horse, if born after the 1st July 2009, is microchipped within six months of, or in the same calendar year as birth, whichever is the longer period.
 - (ii) The horse has a valid Horse Passport issued in the current owner’s name by an authorised horse passport issuing authority.

EXEMPTIONS FROM THE REQUIREMENT TO HOLD A HORSE LICENCE

6. 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;
- (i) A horse in the control area which has been 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 Council has given its prior written permission, on the day of the event and from noon the previous day and until noon the day following the event, provided such adequate facilities similar to those set out in these Bye-Laws are in place;
 - (ii) 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.
 - (iii) A horse owned and kept in the functional area of Galway City Council by;
 - i. A farmer;
 - ii. A person who is a member of a Hunt Club affiliated to the Hunting Association of Ireland;
 - iii. A person who is a bona fide operator of a horse riding school or equestrian centre on a commercial basis;
 - iv. A person who can prove to the Council that they are bona fide in occupation of lands sufficient for the horse or horses in their possession, in line with animal welfare guidelines published by the Farm Animal Welfare Advisory Council and who has documentary evidence that they are the owner of the land or, if renting, evidence of rental agreement for a period of not less than eleven (11) months signed by the land owner and giving permission for the horse to be kept on his/her property.
 - (iv) The Garda Mounted Unit
 - (v) A Veterinary Surgeon keeping a horse in the area for the purposes of receiving veterinary attention.
 - (vi) A person accepting, detaining or disposing of a horse under an arrangement with the Council or a Superintendent of An Garda Síochána.

CONTROL OF HORSES IN PUBLIC PLACES

7. A person shall not keep, ride or drive a horse, with or without attached to such a horse an apparatus on wheels for the carriage of a person or persons thereon, on a public road or a public place, unless such a person is over the age of 16 years and unless such horse is wearing a proper fitting bridle and is under the control of such person so as to prevent injury or nuisance to persons or damage to property.

GRAZING IN A PUBLIC PLACE

8. No person shall, at any time or place, turn out to graze or feed or to allow to stray or remain in or upon any public place any horse without the written consent of the 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;
- (i) The person keeping the horse shall be the owner or legal occupier of the premises and/or land in which it is kept.
 - (ii) The premises shall at all times be suitable as regards construction, size, number of occupants, lighting, ventilation, drainage and cleanliness. Adequate fencing shall be provided to prevent a horse from straying.
 - (iii) An exercising area of adequate dimension shall be provided for the horse.
 - (iv) An adequate supply of potable water shall be constantly available.
 - (v) An adequate amount of wholesome and suitable food shall be supplied to the horse.
 - (vi) 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.
 - (vii) Where the horse is kept at grass, there shall be maintained at all times adequate pasture and shelter for the horse.
 - (viii) The horse shall be adequately rested and exercised at regular intervals.
 - (ix) All reasonable precautions shall be taken to prevent and control the spread among horses of infectious or contagious disease.
 - (x) Sufficient care shall be taken of the horse, including veterinary care.
 - (xi) Adequate precautions shall be taken for the protection of the horse in the event of fire.
 - (xii) Only equipment and tackle suitable for the purposes shall be used in connection with the horse.
 - (xiii) Adequate accommodation shall be provided for the storage of forage, bedding, stable equipment and saddlery.
 - (xiv) 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.
 - (xv) The premises and/or land where a horse is kept shall be registered with the Department of Agriculture, Food and the Marine, in accordance with the Control of Places where Horses are Kept Regulations 2014 (S.I. No 113 of 2014).

PROHIBITION ON STABLING OR KEEPING A HORSE IN A DWELLING BY AN OWNER

10. No horse or horses shall be kept or stabled within the curtilage of any dwelling houses in the control area, save in accordance with these Bye-Laws.

HORSE AT MARKET OR FAIR

11. Where a horse is brought to a market or fair, the owner or keeper of the horse shall be responsible for and ensure the following:
- (i) Adequate food and potable water shall be available at all times
 - (ii) All equipment and tackle used in connection with the horse shall be suitable for the purpose
 - (iii) All reasonable precautions shall be taken to prevent and control the spread among horses of infectious or contagious diseases
 - (iv) Sufficient care, including veterinary care, shall be taken of the horse
 - (v) Adequate precaution shall be taken for the protection of the horse in the event of fire.

PROHIBITION ON RACING HORSE DRAWN VEHICLES ON PUBLIC ROADS

12. (a) No person under the age of 16 years of age, either directly or indirectly, shall participate in or engage in a race of a horse drawn vehicle on a public road within City of Galway.
- (b) Subject to Bye-Law 12 (c), a person, either directly or indirectly, as a spectator or otherwise, whether that person is on foot or not on foot, or whether that person is in or on a mechanically propelled vehicle, shall not participate in or engage in a race of a horse drawn vehicle regardless of whether such a participation is either active or passive, on a public road within Galway City.
- (c) Bye-Law 12 (b) shall not operate to prevent a race of a horse drawn vehicle on a public road within Galway City for which permission has been obtained pursuant to Section 74 and 75 of the Roads Act 1993.

SEIZURE AND DETENTION

13. Where a horse is seized and detained within the control area, pursuant to Section 37 of the Act, the following provisions shall apply;
- (i) Notice of the seizure and detention of the horse, as set out in Form 1 of Schedule A, or such similar form as the Council may from time to time decide, shall be served in writing on the owner or keeper of the horse, where known and can be found within five days
 - (ii) 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 A or such similar form as the Council may from time to time decide, shall be displayed in the office of An Garda Síochána, Mill Street Garda Station, Mill Street, Galway and at Galway City Council, College Road, Galway, and on the Council's website, www.galwaycity.ie.
 - (iii) Appropriate services of a Veterinary Practitioner, where required, may be provided.

- (iv) The Council or Superintendent may recover from the owner or keeper of the horse all pound fees payable in respect of the horse(s), 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.
- (v) Subject to Section 39 (1) (a), (b) and (c), Section 39 (5) and Section 40 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;
- i. Proof of identification of owner or keeper by passport, driver's licence or other form of legitimate official photographic identification which the Council in its absolute discretion deems to be acceptable
 - ii. Proof of ownership of the horse
 - iii. The passport of the horse or proof of a current completed application
 - iv. 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 Control of Places where Horses are Kept Regulations 2014 (S.I. No. 113 of 2014)
 - v. 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 local authority
 - vi. Evidence that the horse is microchipped and registered in accordance with the provisions of the European Union (Identification of Equidae) Regulations 2014
 - vii. 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
 - viii. Documentary evidence that the owner or keeper is the owner of land adequate to maintain the horse, or if renting, providing evidence of rental agreement for a period of not less than eleven (11) months signed by the land owner and giving permission for the horse to be kept at their property
- (vi) If the owner or the keeper of the horse shall fail to make himself/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 Act.
- (vii) 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 Bye-Law 14 (1) being served upon him (excluding the date of service) fails to provide to the Council;

- ix. Proof of identification of owner or keeper by passport, driver's licence or other form of legitimate official photographic identification which the Council in its absolute discretion deems to be acceptable
- x. Proof of ownership of the horse
- xi. The passport of the horse or proof of a current completed application
- xii. 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 Control of Places where Horses are Kept Regulations 2014 (S.I. No. 113 of 2014)
- xiii. 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 local authority
- xiv. Evidence that the horse is microchipped and registered in accordance with the provisions of the European Union (Identification of Equidae) Regulations 2014
- xv. 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
- xvi. Documentary evidence that the owner or keeper is the owner of land adequate to maintain the horse, or if renting, providing evidence of rental agreement for a period of not less than eleven (11) months signed by the land owner and giving permission for the horse to be kept at their property

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

DISPOSAL OF A DETAINED HORSE

14. Where the Council or Superintendent decides to dispose of a detained horse it may do so by way of sale, destruction or rehoming.

DISPOSAL OF DETAINED HORSE(S) PURSUANT TO SECTION 39(2)(F) OF THE ACT

15. (a) Where the Council or Superintendent decides to refuse to release a detained horse because it;
- (i) Is not satisfied that adequate accommodation and sustenance, or if detained under Section 37(2) of the Act, adequate veterinary attention will be provided to the horse or;
 - (ii) Has reason to believe the horse will be cruelly treated and has decided to dispose of the horse, its disposal may be by way of sale, destruction or rehoming
- (b) Where it is proposed to dispose of a horse under the Bye-Law, the Council or the Superintendent shall send a notice in writing as set out in Form 3 of Schedule A to the owner or keeper (whose whereabouts is known or can be readily found) of the

horse, stating the reason(s) for the refusal to release the horse and that at any time at the expiration of five days from the date of the notice, or such longer period as may be stated in the notice, it is proposed to dispose of the horse and that the owner or keeper may within that period make representations to the Council or the Superintendent, as the case may be, against the proposal.

- (c) Where a horse has been disposed of under this Bye-Law by way of sale, the Council or the Superintendent shall retain out of the proceeds of sale the amount equivalent to all costs, fees and expenses of any kind in relation to the horse, incurred by the Council or the Superintendent of any kind in relation to the horse, incurred in relation to the seizure, detention and disposal of the horse if known and any balance shall be remitted to the keeper of the horse if known, or if unknown shall be retained by the Council.
- (d) Prior to the Council or the Superintendent deciding to dispose of a horse under this Bye-Law they shall firstly consider any representations that may have been made to it or them in writing by the owner or the keeper.

DISPOSAL OF HORSES DETAINED ON THREE OR MORE OCCASIONS

- 16. (a) 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.
- (b) Where the Council is proposed to dispose of a horse under Section 40(1) of the Act, the Council or the Superintendent;
 - i. Shall display a notice as set out in Form 1 of Schedule B or such similar form as the Council may from time to time decide (with such amendment as may appear to be necessary to comply with the provisions of Section 40(3) of the Act) publicly at Galway City Council, City Hall, College Road, Galway as soon as possible and
 - ii. Shall issue a notice in writing to the keeper of the horse (whose whereabouts is known and can readily be found) as set out in Form 2 of Schedule B.
- (c) Where a horse has been disposed of under Section 40(1) of the Act by way of sale, the Council or the Superintendent shall retain out of the proceeds of the 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.

AUTHORISED PERSONS

17. (a) Where an Authorised Person or a member of An Garda Síochána suspects that the 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 member of An Garda Síochána.

(b) An Authorised Person or a member of An Garda Síochána may seize and detain any horse that the person or member has reason to suspect is being kept or ridden or driven in any area contrary to these bye-laws.

OFFENCES

18. A person who fails to comply with a Bye Law shall be guilty of an offence under Section 46 of the Act.

GIVEN under the Common Seal of
GALWAY CITY COUNCIL on
the day of 2021

AUTHORISED OFFICER

CHIEF EXECUTIVE

DIRECTOR OF CORPORATE SERVICES