

# **COMHAIRLE CONTAE THIOBRAID ARANN**

## **BYE-LAWS**

**made under**

## **CONTROL OF HORSES ACT, 1996**

**Adopted 14/12/15**

Tipperary County Council in exercise of the powers conferred on it by sections 13, 17, 19, 39 (2), 40 (2), 46 and 47 of the Control of Horses Act, 1996 (no. 37 of 1996) hereby makes the following Bye-Laws.

## 1. CITATION AND COMMENCEMENT

- a) These Bye-Laws may be cited as the Tipperary County Council (Control of Horses) Bye-Laws, 2015 (hereinafter referred to as “these Bye Laws”).
- b) These Bye-Laws shall come into operation on the 25<sup>th</sup> January, 2016

## PART 1

## 2. DEFINITIONS

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 Tipperary County Council.
“Authorised Person”	means a person appointed by the Council under Section 3 of the Act.
“Horse”	means a horse, donkey, mule or hinny.
“Public Place”	means any street, road, park, car-park, land, field, or other place to which the public have access whether or not by right or permission and whether with or without vehicles and whether subject to or free of charge, and includes a market or fair within the administrative area of the Council.
“Control Area”	means any place declared by the Council in these Bye-Laws to be a Control Area for the purposes of the Act.
“Superintendent”	means the Superintendent of the Garda Siochana for the area in which a horse is seized or detained under the provisions of the Act.
“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).

“Dispose of “

includes to sell or to give away or to 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.

## **PART II**

The Bye Laws apply to the area comprising of the Administrative Areas of Tipperary County Council, hereinafter referred to as the Control Area.

### **3. CONTROL AREA**

The entire Administrative Area of Tipperary is and is hereby declared to be a Control Area for the purposes of the Act and these Bye-Laws.

### **4. PASSPORT**

No person shall keep or have charge or control of a horse in the Control Area without a current Horse Passport issued by the Department of Department of Agriculture, Food and the Marine, or by an Approved Body in respect of the relevant horse.

### **5. HORSES IN A PUBLIC PLACE**

- a) No person shall, at any time in a public place, turn out to graze or feed or allow to stray or to remain in any such public place any horse without the written consent of the Council.

### **6. KEEPING A HORSE WITHIN THE CONTROL AREA**

Where a horse is kept at premises (not a market or fair) within the Control Area, the owner or keeper of the horse shall be responsible for the following:-

- a) The provision of a stable which 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 acceptable to the Council. Access to the site or the stable must be by means of passageway/road/street/driveway which measures at least 5ft at its narrowest point.

- b) The provision of potable water shall be constantly available.
- c) An adequate amount of wholesome and suitable food shall be supplied regularly.
- d) 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.
- e) Where the horse is kept at grass there shall be maintained at all times adequate pasture and shelter for the horse.
- f) The horse shall be adequately exercised and rested and visited at regular intervals. Evidence of access to adequate exercise facilities shall be provided.
- g) All reasonable precautions shall be taken to prevent and control the spread among horses of infectious or contagious diseases.
- h) Sufficient care, including veterinary care, shall be taken of the horse.
- i) Adequate precautions shall be taken for the protection of the horse in the event of fire.
- j) Only equipment and tackle suitable for the purpose shall be used in connection with the horse.
- k) Adequate accommodation shall be provided for storage of forage, bedding, stable equipment and saddlery.
- l) 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.

## **8. HORSES SEIZED AND DETAINED UNDER SECTION 37**

Where a horse is seized and detained by the Council or Authorised Person 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 A 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 the Schedule A hereto shall, as soon as possible, be displayed in the office of the Garda Síochána for the area in which the horse was seized and/or the offices of the Authority for the area in which the horse was seized and in the pound or place where the horse is detained.
- c) Appropriate services of the Veterinary Surgeon, where required, may be provided.
- d) The Council or Authorised Person appointed by the Council may recover from the owner or the keeper of the horses all pound fees payable in respect of the horse together with all or any or other expenses, including fees for keep, veterinary fees and transportation fees incurred by the Council.
- e) Provided that the horse is not required by the Council in accordance with Section 39 (1)(a)(b) or (c) of the Act and provided that the horse is not destroyed under Section 41 of the Act, the horse may be released to the owner or keeper of the same upon the following:-
  - i. The production of proof to the Council or Authorised Person of ownership or title to the horse, and
  - ii. Payment of all outstanding fees, expenses and charges in respect of the seizure and detention of the horse, and
  - iii. The Council being satisfied that the owner owns land or is leasing/renting sufficient land to accommodate the horse /horses involved and that adequate accommodation and sustenance and, if necessary, adequate veterinary attention will be provided for the horse and that the horse will not be cruelly treated, and
  - iv. The fitting of such Identification mark or device as the Council or Authorised person sees fit, and
  - v. The production of a Horse Passport, issued by the Department of Agriculture, Food and the Marine, or by an Approved Body in respect of the relevant horse.

## 8. DISPOSAL OF HORSES

- a) Where a horse is detained under Section 37 of the Act, the Council or Authorised Person may dispose of the horse in accordance with these Bye-Laws and the Act in the following circumstances:-
- i. Where the owner or keeper of the horse cannot be found or shall fail to make himself known to the Council or Authorised Person, within a period of five days from the date of seizure and detention, the Council may dispose of the horse in accordance with these Bye Laws and the Act.
  - ii. Where the owner or keeper of the horse is known and can be readily found, but on request by the Council or Authorised Person or the person in charge of the pound or place where the horse is kept, the owner fails, within 5 days or such longer period as may be specified in the request or demand made to him:-
    - To arrive at the pound where the horse is being detained for the purposes of claiming and removing the horse or
    - To produce proof to the Council or Authorised Person of ownership or title to the horse or
    - To pay fees due to the Council under these Bye-Laws or
    - To permit the fitting of an identification mark or device or
    - To provide satisfactory evidence that he owns or is leasing/renting sufficient land to accommodate the horse/horses involved or
    - To satisfy the Council that adequate accommodation and sustenance and if necessary, adequate veterinary attention will be provided for the horse.
- b) Where the Council or Authorised Person decides to dispose of the horse, the disposal may be effected by way of sale, giving the horse away or by destruction. Sale may be by way of public auction or at a market or in any other manner considered appropriate by the Council.
- c) Where it is proposed to sell a horse under these Bye Laws, the Council or Authorised Person 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 Garda Station for the area in which the horse was seized and at the place where it is to be sold. Where the owner or keeper of the horse is known, the Council or Authorised Person shall also cause a copy of the notice to be served upon the owner or keeper.

- d) Notwithstanding (c) above, 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.
  
  - e) The said notice shall continue to be exhibited until the horse has been sold or the Council declares the sale abortive.
  
  - f) Where the horse has been sold under these Bye Laws, the Council or Authorised Person shall retain out of the proceeds of sale an amount equivalent to all costs, fees and expenses of any kind 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.
9. For the avoidance of any doubt, the Council shall be entitled to exercise all statutory powers conferred on it pursuant to the Act or any amendments thereto, whether or not reference is made in these Bye-Laws to such powers.

## **10. AUTHORISED PERSON**

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 a member of the Garda Siochana.

## **11. OFFENCES AND PENALTIES**

A person who contravenes any of the preceding Bye Laws is guilty of an offence under the Act and is liable, on Summary Conviction in respect of such offence, to a fine not exceeding €1904 or imprisonment for a term not exceeding six months, or to both, or to such other penalties as may from time to time be prescribed by Statute.

**12.** These Bye-Laws shall be known as Tipperary County Council (Control of Horses) Bye Laws, 2015.

**13.** These Bye Laws shall come into operation on the 25<sup>th</sup> January, 2016

These Bye Laws shall were proposed by Councillor Siobhan Ambrose and seconded by Councillor Michael Murphy at Council Meeting held on 14<sup>th</sup> December, 2015.

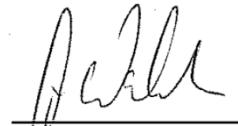
Made and adopted under the Common Seal of Tipperary County Council

this day 14<sup>th</sup> Devember, 2015.

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



**Matt Shortt,  
Director of Services,  
Environment.**



**Ger Walsh,  
Senior Executive Officer,  
Corporate Affairs.**



**FORM 1****SCHEDULE A****COMHAIRLE CONTAE THIOBRAID ARANN****TIPPERARY COUNTY COUNCIL****(Control of Horses) Bye-Laws 2015****Notice of Seizure and Detention of a Horse**

Name \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Notice is hereby given under Article 5 (a) of Tipperary County Council (Control of Horses) Bye Laws, 2015 that a horse understood to be in your ownership and bearing the identification number \_\_\_\_\_ was seized on \_\_\_\_\_ at \_\_\_\_\_

Pursuant to Section 37, Control of Horses Act, 1996

Provided that the horse is not required by the Council in accordance with Section 39 (1) (a) (b) or (c) of the Act, the horse may be reclaimed by the owner within a period of five (5) days from the date of this Notice at \_\_\_\_\_ subject to the following requirements;

- i. The production of proof to the Council or Authorised Person of ownership or title to the horse.
- ii. Payment of all outstanding fees, expenses and charges in respect of the seizure and detention of the horse.
- iii. The Council being satisfied that the owner owns land or is leasing/renting sufficient land to accommodate the horse/horses involved, that adequate veterinary attention will be provided for the horse and that the horse will not be cruelly treated.
- iv. The fitting of such identification mark or device as the Council or Authorised Person sees fit.
- v. The production of a current horse licence issued by Tipperary County Council in respect of the relevant horse, and
- vi. The production of a horse passport, issued by the Department of Agriculture, Food and the Marine, or by an Approved Body in respect of the relevant horse.

If the horse is not collected within 5 days or if the owner fails to meet any of the above requirements, the Council will dispose of the horse in accordance with the Bye-Laws and the Control of Horses Act, 1996.

**FORM 2****SCHEDULE A****COMHAIRLE CONTAE THIOBRAID ARANN****TIPPERARY COUNTY COUNCIL****(Control of Horses) Bye-Laws 2015****Notice of Seizure and Detention of a Horse**

To Whom It May Concern

Date \_\_\_\_\_

Notice is hereby given under Article 5 (b) of the Tipperary County Council (Control of Horses) Bye Laws, 2015 that a horse described below:

<b>COLOUR</b>	<b>SEX</b>	<b>HEIGHT</b>	<b>BREED</b>	<b>OTHER DETAILS</b>
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was seized on the \_\_\_\_\_ date of \_\_\_\_\_ at \_\_\_\_\_

pursuant to Section 37 of the Control of Horses Act, 1996.

Provided that the horse is not required by the Council in accordance with Section 39 (1) (a) (b) or (c) of the Act, the horse may be reclaimed by the owner within a period of five (5) days from the date of this Notice at \_\_\_\_\_ subject to the following requirements;

- i. The production of proof to the Council or Authorised Person of ownership or title to the horse.
- ii. Payment of all outstanding fees, expenses and charges in respect of the seizure and detention of the horse.
- iii. The council being satisfied that the owner owns land or is leasing/renting sufficient land to accommodate the horse/horses involved, that adequate accommodation and sustenance and, if any, adequate veterinary attention will be provided for the horse and that the horse will not be cruelly treated.
- iv. The fitting of such identification mark or device as the Council or Authorised Person sees fit.
- v. The production of a current horse licence issued by Tipperary County Council in respect of the relevant horse, and
- vi. The production of a horse passport, issued by the Department of Agriculture, Food and the Marine, or by an Approved Body in respect of the relevant horse.

If the horse is not collected within 5 days or if the owner fails to meet any of the above requirements, the Council will dispose of the horse in accordance with the Bye-Laws and the Control of Horses Act, 1996.

Signed: \_\_\_\_\_ Date : \_\_\_\_\_