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Wexford County Council

CONTROL OF HORSES ACT, 1996

LOCAL GOVERNMENT ACT, 2001

CONTROL OF HORSES BYE-LAWS 2014

WEXFORD CO. COUNCIL CONTROL OF HORSES BYE-LAWS 2014

For the control of horses in the County of Wexford and to make provision for the licensing of horses in the County and for the detaining of and disposal of stray horses, Wexford County Council in exercise of Powers conferred on it by Sections 13, 17, 37, 39, 46 and 47 of the Control of Horses Act 1996 (No. 37 of 1996) and Part 19 of the Local Government Act, 2001 (No. 37 of 2001) hereby makes the following Bye-laws.

PART 1

CITATION & COMMENCEMENT

- 1. These Bye-Laws may be cited as the Wexford County Council Control of Horses Bye-Laws 2014.**
- 2. These Bye-Laws shall come into operation on 2nd June, 2014 (indicative date).**

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.
"Regulations"	means regulations made by the appropriate Minister in accordance with his powers under the Act.
"the County Council"	means the Council of the County of Wexford
"Control Area"	means any place declared by the County Council in these Bye-Laws to be a control area for the purposes of the Act.
"Authorised Person"	means a person appointed by the County Council under Section 3 of the Act.
"Horse"	means a horse, donkey, mule or hinny.

"Horse Licence"	means a licence granted by a local authority under Section 20 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).
"Premises"	Includes any house or land or water or any fixed or moveable 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 permission and whether with or without vehicles and whether subject to a fee or free of charge.
"Stray Horse"	means a horse apparently wandering at large, lost, abandoned or unaccompanied (whether tethered or un-tethered) by any person apparently in charge of it in a public place or on any premises without the owner or occupier's consent.
"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.
"Veterinary Surgeon"	means any person who is for the time being registered in the register of Veterinary Surgeons established and maintained under the Veterinary Surgeons Act, 1931.

PART 11

Control Area

- 2a. The Council being satisfied that horses in the functional area should be licensed having regard to the need to prevent nuisance, annoyance or injury to persons or damage to property, the entire administrative area of County Wexford and is hereby declared to be a Control Area for the purposes of the Act and these Bye-Laws.
- 2b. 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 County Boundary is the line of high water of a tidal river.

Horse Licence

- 3a. No person shall (subject to articles 3b, 3c, and 3d. of these Bye-Laws) keep or have charge or control of a horse in the Control Area without a current licence issued by the County Council being in force in respect of the said horse.

Horse Licence Exemptions

- 3b. Bye-Law 3 (a) above shall not apply to –
(1) the keeping of horses as prescribed under Section 19 of the Act
- 3c. 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 County Council has given written permission, on the day of the event and from noon the previous day until noon the day following the event, provided such adequate facilities similar to those set out in Bye-Law 6 of these Bye-Laws are in place.
- 3d. The Prohibition under Section 18 of the Act shall not apply in respect of:
- (i) Owners of horses who are registered with riding clubs or riding establishments approved by the Council.

- (ii) Any person who owns a minimum of 1 acre of land in respect of each horse in that person's ownership, or on livery with that person, provided that such land shall be situated within the County of Wexford and that the said horses are actually grazed thereon. The land must be adequately fenced for the keeping of horses.
- (iii) Any person who has leased a minimum of 1 acre of land in respect of each horse in that person's ownership, or on livery with that person provided that the said Lease is for a period in excess of 11 months, that the said lands are situated within the County of Wexford and that the said horse/horses are actually grazed thereon. The land must be adequately fenced for the keeping of horses.
- (iv) 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 Steeplechase Committee.
- (v) All persons or organisations referred to in sub-sections 3d (i) to (iv) above are required to comply with the Diseases of Animals Act 1966 (Registration of Horse Premises) Order 2012.

Public Place

- 4a. No person shall at any time have, keep, ride or drive a horse in a public place including a footpath, public open space public land not allocated by the Council for such use, except in such portion thereof as may for the time being be approved and set apart to be used as an equestrian ride or carriageway, and is clearly identified as such.

- 4b. Notwithstanding the provisions of 4a, 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, and is in accordance with a circumstance or place 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.
- 4c. Paragraph (a) of this Bye-Law does not apply to the following classes of persons:-
- (a) members of the Garda Siochana,
 - (b) members of the Defence Forces, and
 - (c) authorised persons

Grazing in a Public Place

5. No person shall at any time in a public place, turn out to graze or feed or allow a horse to remain or stray in a public place.

Keeping of Horses in Control Area

6. Where a horse is kept under licence at a premises within the Control Area, the owner or keeper of the horse shall be responsible for the following:
- a. The owner or keeper of the horse shall be the owner or legal occupier of the premises at which it is kept and a valid horse passport shall be in force for any horse kept, in accordance with relevant legislation (S.I. 357 of 2011) and the premises shall be registered with the Department of Agriculture, Food and the Marine in accordance with the Diseases of Animals Act 1966 (Registration of Horse Premises) Order 2012.
 - b. The premises 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 C of these Bye-Laws.

Access to the premises must be by means of a passageway/road/street/driveway which measures at least 5ft at its narrowest point.

c. An exercising area of adequate dimension shall be provided.

d. An adequate supply of 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 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 horse shall be adequately exercised and rested and visited at regular intervals.

i. All reasonable precautions shall be taken to prevent and control the spread among horses of infectious or contagious disease.

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 in an appropriate manner as soon as possible to avoid causing a nuisance to adjoining owners or occupiers.

**Horse Detained
Under Section 37
of the Act**

7. 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 Offices of Wexford County Council, Carriglawn, Wexford, the pound or place where the horse is detained and on Wexford County Council's website as soon as possible after seizure.

c. Appropriate services of a Veterinary Surgeon where required, may be provided.

d. Where a horse has been detained under section 37 of the Act, the local authority in whose functional area the horse is detained or the Superintendent, as the case may be, may cause to be attached to the horse such identification mark or device as the authority or Superintendent sees fit.

e. The County 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 expenses, including fees for keep, Veterinary fees and fees for the provision of identification where necessary and transportation fees incurred by the County Council or the Superintendent.

f. 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, and on production of an appropriate current horse licence and 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 County Council or a Superintendent in accordance with Section 39 (1) (a) (b) or (c) of the Act provided that the County Council or a Superintendent 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.

g. If the owner or keeper of the horse shall fail to make himself known to the County Council or cannot be found within a period of five days from the date of seizure and detention of the horse the County Council or the Superintendent may dispose of the horse in accordance with these Bye-Laws and the Act.

h. If the owner or keeper of the horse is known and can be readily found but on request by the County Council, the Superintendent or the person in charge of the pound or place where the horse is kept, within 5 days of demand being made fails to pay fees due hereunder or fails to produce a current appropriate horse licence and fails to remove the horse the County Council or the Superintendent may dispose of the horse in accordance with these Bye-Laws and the Act.

i. Under the Control of Horses Act 1996, any horse on private lands without the permission of the landowner, is considered to be a stray horse and maybe likewise detained under Section 37 of the Act.

j. The landowner must make a written declaration to Wexford County Council confirming that the horses are being kept on their lands without consent. A copy of the land cert for the lands and a location map must accompany any such declaration (Schedule E Form 1).

k. In the event of the owner of the horse being known to the landowner, the alleged owner will be notified of the Council's intention to detain the horse under Section 37 of the Act. Where the owner is unknown such a notice will be posted at the entrance to the lands in question, giving 3 days notice to remove the said horses (Schedule E Form 2).

**Disposal of
Detained Horse**

8 a. Where the County Council or the Superintendent decides to dispose of the horse it/he may do so by way of sale or destruction.

Sale may be by market or in any other manner considered appropriate by the County Council or the Superintendent.

b (i) Where it is proposed to sell a horse under this Bye-Law the County Council or the Superintendent place 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, at the County Council Offices, Carriglawn, Wexford and at the place of sale.

b (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.

b (iii) The said notice shall continue to be exhibited as far as practicable until the horse has been sold or the County Council or the Superintendent declares the sale abortive.

b (iv) Where the horse has been sold under this Bye-Law, the County 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 County 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 County Council.

c. Where a horse is detained under Section 37 (f) of the Act and has been so detained on two or more occasions within the previous twelve months and where the County Council or the Superintendent is of the opinion that:-

1. 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,

2. 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 County Council or the Superintendent may decide to dispose of the horse.

d. On the disposal of the horse under this Bye-Law, the owner or keeper shall pay to the County Council all or any expenses including poundkeeper's fees for keep, Veterinary fees, transportation fees, fees or other disposal fees, or any other reasonable cost.

Authorised Person

9. 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.

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 an area contrary to these Bye-Laws.

Offences

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

Penalties

11. 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 €1,905 or to imprisonment not exceeding six months or to both.

12. The County Council may, pursuant to Section 206(1) of The Local Government Act, 2001 or any amendment thereto, serve a fixed payment notice (within the meaning of that Provision), in the general form of the notice set out in the Schedule to the Local Government Act, 2001(Bye-Law) Regulations 2006 (or as provided for in any amending Regulations) subject to such alterations

as may be considered appropriate by the County Council on any person who has contravened these Bye-Laws as an alternative to prosecution for such contravention. The amount of the payment is €75.00 or such sum as may be prescribed from time to time under Regulations by the Minister for the Environment, Community & Local Government in the exercise of powers conferred on him by Sections 4, 200 and 206 of the Local Government Act, 2001 and the said fixed payment must be paid within 21 days of such notice in order to avoid prosecution.

PART III - SCHEDULE A

WEXFORD COUNTY COUNCIL (CONTROL OF HORSES) BYE LAWS 2014

Description of Circumstances and places (1)	Class(es) of Person (2)
Riding or leading a horse by a 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 by the Council.
Riding or leading a thoroughbred 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 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 race meetings held under the rules of racing 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 dual carriageway) or a bridle path.	Persons who derive their livelihood from farming or an agricultural type business.
Driving a horse and carriage or cart under the supervision of a person over 16 years of age in relation to trade or business (including temporary stops connected therewith) on a public road.	Owners or employees of the business proprietor.
Riding a horse or driving a horse and carriage or cart 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 an event.
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 their employees or agents.

SCHEDULE B

FORM 1

Wexford County Council

CONTROL OF HORSES BYE-LAWS 2014

NOTICE OF THE SEIZURE AND DETENTION OF A HORSE

NAME:

ADDRESS:.....

..... DATE:

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

.....
.....
.....

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,

AUTHORISED PERSON

SCHEDULE B

FORM 2

Wexford County Council

CONTROL OF HORSES BYE-LAWS 2014

NOTICE OF THE SEIZURE AND DETENTION OF A HORSE

To Whom It May Concern:

Notice is hereby given that a horse described as follows:

Colour: Breed:

Height: Sex:

was seized by the Council aton
and is being held at

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 suitable
identification, on payment of all fees in respect of the detention of the horse
and on production of a current horse licence.

Please take notice that if the owner does not collect the horse WITHIN 5
DAYS from the date of this notice, pay all fees due in respect of the detention
of the horse and produce a current horse licence in respect of the horse and
produce a current horse passport in respect of the horse and evidence that
the owner has sufficient lands/accommodation to ensure the proper keep of
the horse, the Council will dispose of the horse in accordance with the Bye-
Laws and the Control of Horses Act 1996.

AUTHORISED PERSON

SCHEDULE C

STANDARDS FOR CONSTRUCTION OF STABLING A HORSE

Height = 3.7m (12ft). If sloping, lowest point 3m (10ft).

Width x Length = 3.7m x 3.7m (12 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).

Roof; weatherproof, durable, non flammable, giving rise to no marked variation in temperature of stable.

Floor; impervious, slip proof, slope towards floor of 1 in 60 to external drain.

Internal surfaces of walls; impervious and easily cleaned. Stable 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 D
WEXFORD COUNTY COUNCIL
CONTROL OF HORSES BYE-LAWS 2014

NOTICE OF PROPOSED DISPOSAL OF A DETAINED HORSE

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

Colour _____ Breed _____

Height _____ Sex _____

The horse was seized by a contractor working for the County Council at

And is being held at the Pound at

It is proposed to dispose of the horse by

At _____

Authorised Person

SCHEDULE E – FORM 1

Wexford County Council

Control of Horses Act 1996

Control of Horses Bye-Laws 2013

Declaration by land owner to Local Authority

I _____
of _____

Hereby declare to Wexford County Council that;

(a) I am the owner/or have been authorised by the owner of the land described below where the horses (described below) are being kept without my consent and that I have no knowledge of the name of the owner of the horses (described below).

OR

(b) I am the owner/or have been authorised by the owner of the land where the horses (described below) are being kept without my consent and that the owner is known to me as;

Location of the land concerned: _____

Description of the horses: 1. _____
2. _____
3. _____
4. _____

Signature: _____ Date: _____

Contact Phone No. Land Owner/Agent: _____

Witness: _____ Date: _____

Note: A map detailing the exact location of the lands and a copy of the land certificate showing the ownership of the lands must be submitted with the declaration.

SCHEDULE E - FORM 2

Wexford County Council

Horses trespassing on lands/premises

Notice under the Control of Horses Act 1996

To the owner of the horses on these lands

I, _____ being an authorised officer under the Control of Horses Act, 1996 in exercise of the powers conferred on me by the said Act state that the owner of these lands has informed me that the horses on these lands at

_____ are on these lands without the owner's permission. Consequently these horses can be seized under the Control of Horses Act, 1996.

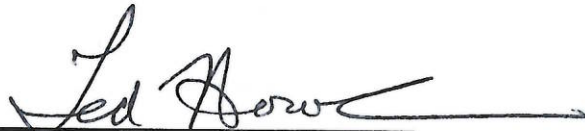
I give notice that if these horses are not removed from these lands by _____, they will be seized under the Control of Horses Act, 1996 and will be dealt with accordingly.

SignedAuthorised Person

Dated.....

Made and adopted under the Common Seal of the Council of the County of Wexford

This 14th day of April, 2014



CATHOIRLEACH



COUNTY MANAGER



COUNTY SECRETARY