

# **Kildare County Council (Athy) Control of Horses Byelaws 2016**

*Adopted by the Athy Municipal District Committee on 21 November, 2016*



**CONTROL OF HORSES  
BYE-LAWS 2016**

Athy Municipal District of the County of Kildare 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 area of Athy as hereinafter defined.

The County Council of County Kildare (Control of Horses)(No. 1) Byelaws, 2000 are hereby revoked to the extent that they relate to the area of Athy as hereinafter defined, but otherwise shall remain in full force and effect.

## Part I

### Preliminary

1. These Bye-Laws may be cited as Kildare County Council (Athy) Control of Horses Bye-Laws 2016

2. These Bye-Laws shall come into operation on the 1st day of February, 2017

3. In these Bye-Laws –

"the Act" means the Control of Horses Act 1996 (as amended)

"The area of Athy" means the area to which these byelaws apply as set out in Paragraph 4 hereof.

"Authorised Person" means a person appointed an authorised person under the Act.

"the Council" means the County Council of the County of Kildare

"Dispose of" means to sell or give away or have destroyed, and cognate words shall be construed accordingly.

"Exclusion Area" means an area specified in Part 1 of the First Schedule hereto

"The Pound" means a Pound provided under the Pounds (Provision and Maintenance) Act 1935.

"The Superintendent" means the Superintendent of the Garda Síochána for the area in which a horse is seized or detained under the Act.

4. These Bye-Laws apply to the area comprising the area of Athy, County Kildare as delineated on the Map appended hereto and thereon contained within area shown outlined in red.

5. For the purposes of these Bye-Laws a person who is the head of a household, of which a member under the age of 16 years owns a horse, shall be deemed to own the horse.

## Part II

6. An authorised person or a member of the Garda Síochána may seize and detain any horse that the person or member has reason to suspect is being kept or ridden or driven contrary to these Bye-Laws.
7. a) No person shall keep or have charge or control of a horse unless
  - 1) they have knowledge of the name and address of the owner of the horse
  - 2) they own or lease a premises which is registered under the Diseases of Animals Act 1966 with the Department of Agriculture, Food and the Marine, or its subsequent manifestations, as a registered horse premises.
  - 3) the horse, if born after 1st July 2009, is micro chipped within six months of, or in the same calendar year as, birth whichever is the longer period.
  - 4) the horse has a valid passport, issued in the current owner's name, by an authorised horse passport issuing agency.
  - 5) the horse can be identified by its UELN (unique equine life number)b) This Bye-Law shall not apply to authorised officers, members of the Garda Síochána or members of the Defence Forces in the execution of their duties.
8. a) The Council, considering that horses are causing or may cause a nuisance or danger to persons or damage property, hereby prohibits a person from having, keeping, riding or driving a horse in the Urban Area of Athy.  
b) This Bye-Law shall not apply to the classes of persons and in the circumstances specified in the First Schedule hereto.
9. No person shall at any time in a public place turn out any horse to graze or feed, whether tethered or loose.
10. No person shall at any time cause or allow to cause a horse to stray.
11. No person shall keep, ride or drive a horse in a public place unless over the age of 16 years or under the supervision of a person over the age of 16 years.
12. No person shall keep, ride or drive a horse in a public place unless the horse is fitted with a suitable bridle and bit or suitably attached to a carriage or trap designed to be safely so used.
13. No person shall keep, ride or drive a horse in such a manner as to be a hazard or nuisance to other road users or animals or a danger to property including the horse being so kept, ridden or driven.
14. The Council or Superintendent may provide a horse detained under the Act with such veterinary attention as they consider appropriate.

15. The Council shall be entitled to demand and receive from the owner or keeper of a horse detained under the Act:
- a) The full and total cost of collecting and transporting it by whatever means from the place where it was detained  
and
  - b) The full and total cost of providing it with care and sustenance during the period of its detention  
and
  - c) The full and total cost of any veterinary attention which the Council or Superintendent have provided.

All such payments will be required to be paid in full prior to the release of the impounded horse.

16. Where the owner or keeper of a horse detained under the Act is unknown, cannot be found or does not fulfil the requirements of Bye-Law No.7 and Bye-Law No.15, the Council or Superintendent may dispose of the horse on the expiration of five calendar days from the date on which the horse was detained.

17. a) Where the owner or keeper of a horse detained under the Act is known and can be readily found, the Council or the Superintendent shall notify him/her of its detention, and that its release may be obtained on payment of the fees due as per Bye-Law No.15 and also on fulfilment of the requirements of Bye-Law No. 7, and that in the event of such fees not being paid and requirements not being fulfilled within five calendar days of his/her notification, the Council or the Superintendent will dispose of the horse.

b) Notwithstanding paragraph a) of this Bye-Law, the Council or the Superintendent may refuse to release the horse where they

1) Are not satisfied that adequate accommodation, sustenance and veterinary attention will be provided for the horse.

or

2) Have reason to believe that the horse will be cruelly treated following such release.

18. Where the owner or keeper of a horse detained under the Act fails to pay the fees due and payable in respect of such detention within five calendar days of being requested to do so

or

Fails to fulfil the requirements of Bye-Law No.7

or

Fails to take possession of the horse at his/her own expense from the Pound

or

The Council or the Superintendent refuse to release the horse under Bye-Law No. 17 b),

Then the Council or the Superintendent shall dispose of the horse in such a

manner as he/she considers appropriate.

19. A person who contravenes a Bye-Law shall be guilty of an offence.
20. 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 both.

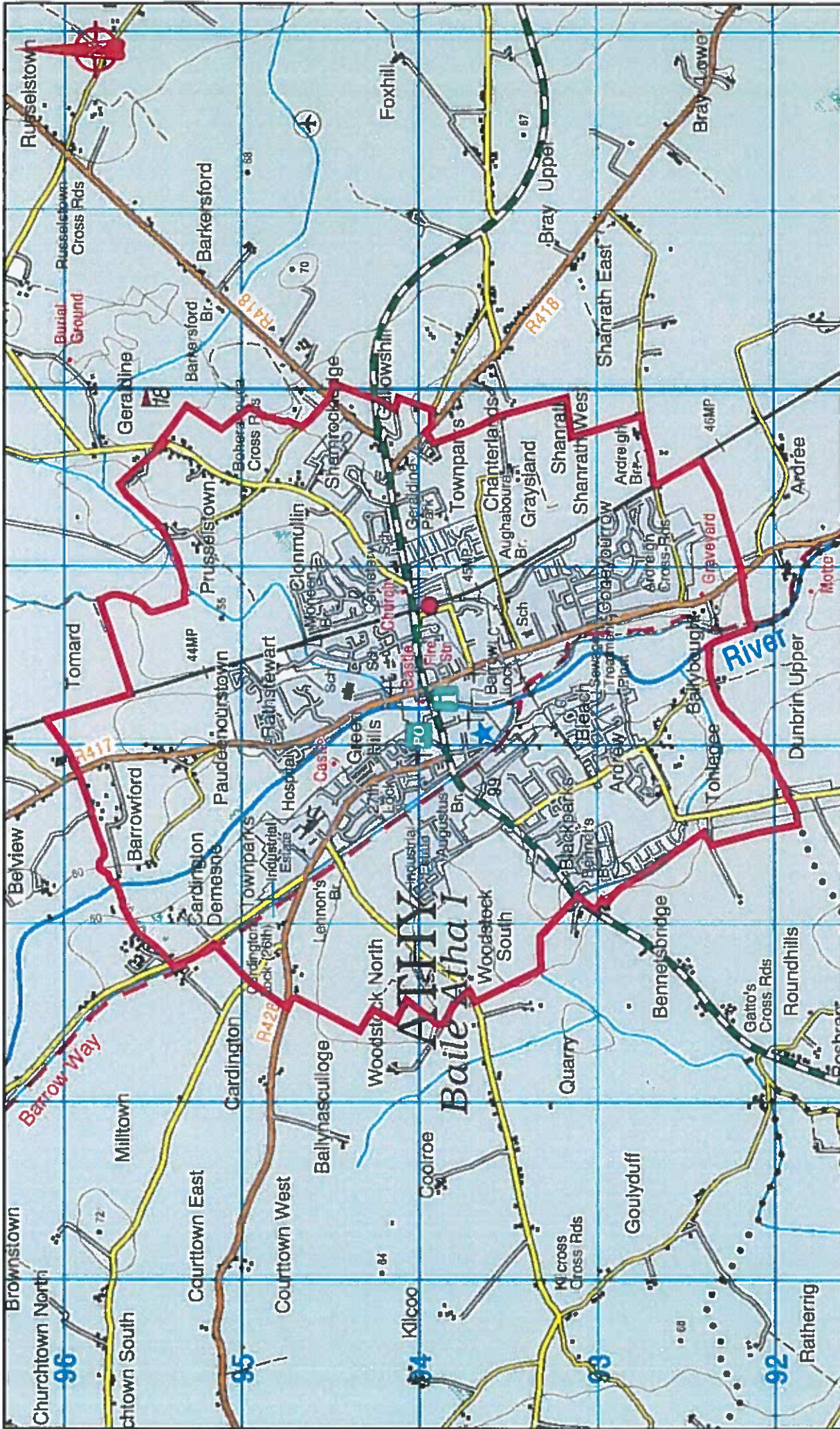
## **First Schedule**

### **Bye – Law No.8 (b) – Exempted Persons**

- a) An authorised person or a member of an Garda Síochana acting in the course of their duty.
- b) A Pound Keeper keeping a horse in a Pound.
- c) A person accepting, detaining or disposing of a horse under an arrangement with the Council or a Superintendent of an Garda Síochana.
- d) An owner or lessee of land in the area, in respect of a horse kept by him/her on that land and who is registered as an Equine Holding with the appropriate Government Department.
- e) The proprietor of an Equestrian Centre or Riding School in the area in respect of a horse kept by him or her at such a centre or school.
- f) A Person transporting a horse by vehicle through the area.
- g) A Veterinary Surgeon keeping a horse in the area for the purposes of receiving veterinary attention.
- h) A person bringing a horse into the area for the purposes of competing in an event or gymkhana organised by a recognized equestrian organisation.
- i) A registered training premises.



**Map of Athy area to which these byelaws apply**



**NOTES:**

1. These Bye-Laws apply to the 'exclusion area' outlined in red as shown above
2. This map is to be viewed in conjunction with the Kildare County Council (Athy) Control of Horses Bye-Laws 2016 document adopted by the Athy Municipal District Committee on 21st November 2016

**TITLE:** Kildare County Council (Athy) Control of Horses Byelaws 2016

**PROJECT:** Location Map

**DRAWING:** Exclusion Area

**Scale:** 1:20,000

**Date:** 21st Nov. 2016

**Drawn by:** D.O.B.

**KILDARE COUNTY COUNCIL**  
**Environment Department**  
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**DIRECTOR OF SERVICES:** JOE BOLAND  
**SENIOR ENGINEER:** MICHAEL HOLLIGAN

**MADE AND ADOPTED UNDER THE COMMON SEAL OF THE COUNCIL**

**THIS 21st DAY OF NOVEMBER, 2016**

**PRESENT WHEN THE SEAL OF THE COUNTY COUNCIL OF  
THE COUNTY OF KILDARE was affixed hereto**

**On the 21st day of November, 2016**



\_\_\_\_\_  
**CHIEF EXECUTIVE OFFICER**



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**CATHAOIRLEACH OF ATHY MUNICIPAL DISTRICT COMMITTEE**