

THE COUNTY COUNCIL OF THE COUNTY OF KILDARE

CONTROL OF HORSES

BYE - LAWS

APPLICABLE IN THE FUNCTIONAL AREA OF THE COUNTY COUNCIL OF THE COUNTY OF KILDARE AND THE URBAN DISTRICTS OF NAAS AND ATHY AND THE ADMINISTRATIVE AREAS OF LEIXLIP TOWN COMMISSIONERS AND DROICHEAD NUA TOWN COMMISSIONERS IN SAID COUNTY

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PART 1
(Adoption)

The County Council of the County of Kildare in exercise of the powers conferred on it by Sections 13 ; 39 ; 40 and 47 of the Control of Horses Act 1996 Hereby Makes the following Bye-Laws in respect of the functional area of the County Council of the County of Kildare and the Urban District Councils of Naas and Athy and the administrative areas of Leixlip Town Commissioners and Droichead Nua Town Commissioners in said County.

PART 11
(Preliminary)

1. These Bye-Laws may be cited as “the County Council of the County of Kildare (Control of Horses) (No. 1) Bye-Laws 2000”.

2. These Bye-Laws shall come into operation on the 1st day of March 2000.

3. In these Bye-Laws

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|----------------------|---|
| “the Act” | means the Control of Horses Act 1996 |
| “the Council” | means the County Council of the County of Kildare |
| “the Pound” | means a Pound provided under the Pounds (Provision and Maintenance) Act 1935 or alternatively such other place as is specified by the Council |
| “the Superintendent” | means the Superintendent of the Garda Siochana for the area within which a horse is seized or detained under the Act |
| “dispose of” | means to sell to part with to give away to have destroyed or otherwise disposed of |
| “authorised person” | means a person appointed as an authorised person under the Act |
| “horse” | means any horse mare, whole horse, stallion, gelding, pony, foal, colt, filly and also any ass, mule, jennet or hinny |

4. These Bye-Laws apply to the area comprising the functional area of the County Council of the County of Kildare and the Urban Districts of Naas and Athy and the administrative areas of Leixlip Town Commissioners and Droichead Nua Town Commissioners in said County which said areas are in these Bye-Laws collectively referred to as "the operative area".

PART 111
(Horses detained under Section 37 of The Act)

5. Where a horse is seized and detained by an Authorised Person or The Superintendent in the operative area pursuant to Section 37 of the Act, the following provisions shall apply:-
- (a) If the Owner or the Keeper of the horse is known or can be readily found, the Council or the Superintendent shall as soon as possible after the detention of the horse serve on the Owner or the Keeper of the horse a Notice in like form to that contained in the First Schedule hereto.
- (b) Where the Owner or Keeper of the horse is not known or cannot be found, the Council or the Superintendent shall have a Notice in like form to that contained in the Second Schedule hereto displayed as soon as possible at the Garda Station for the area within which the horse was seized and at the pound or at such other place as may be specified by the Council (being the place where the horse is detained) and at the Offices of the Council at St. Mary's, Naas, County Kildare.
- (c) The minimum fees to be paid by the Owner or Keeper of a horse detained as aforesaid in respect of the seizure detention and maintenance of that

horse shall be the fees set out in the Fourth Schedule hereto. Such further or other fees, costs and expenses which are necessarily incurred by the Council or the Superintendent in the seizure, detention, keep, maintenance, transportation, veterinary care or such other like or ancillary expenses incurred over the period from the time of seizure up to the time the horse is disposed of or released shall be paid in addition to the foregoing minimum fees (which said fees are hereinafter referred to as "The Expenses").

- (d) The Council or the Superintendent at either's absolute discretion may incur such veterinary fees as are deemed necessary to provide adequate veterinary care for a horse seized and or detained.
- (e) The Owner or Keeper of a horse detained shall pay the aforesaid expenses to the Council or to the Superintendent as the case may be on demand.
- (f) If the Owner or the Keeper of a horse which has been seized and detained is known, or can be readily found and fails within a period of ten days from the service on said owner or keeper of the horse of the Notice referred to in sub-paragraph (a) of this Clause to discharge the expenses or fails where required to do so to remove a detained horse from the Pound, or from such other place as is specified by the Council or the Superintendent or fails to produce to the Council or to an Authorised Officer or the Superintendent satisfactory evidence or ownership of the

horse either by production of a Horse Licence for the time being in force in respect of the horse, or other satisfactory acceptable evidence of ownership the Council or the Superintendent may direct the manner in which and arrange for the horse to be disposed of in accordance with such direction.

- (g) If the Owner or Keeper of a Horse seized and detained remains unknown or cannot be found, after the expiry of a period of ten days from the date on which the Notice referred to in sub-paragraph (b) of this Clause was first displayed, the Council or the Superintendent may on the expiry of the foregoing period direct the manner in which and arrange for the horse to be disposed of in accordance with such direction.
- (h) If the Council or the Superintendent is satisfied that adequate accommodation and sustenance will not be provided for a horse detained if it is released or if detained under Section 37 (2) of the Act is satisfied that adequate veterinary attention will not be provided for the horse or if the Council or the Superintendent has reason to believe that the horse will be cruelly treated if released, the Council or the Superintendent may refuse to release such horse and may direct the manner of disposal of the horse and arrange its disposal in accordance with the provisions of the Act.
- (i) A horse which has been seized and detained and continues to be detained for the purposes of sub-paragraphs (a), (b) or (c) of sub-section (1) of

Section 39 of the Act shall at the end of the permitted period of detention be disposed of in accordance with a direction so given by the Council or the Superintendent and in accordance with such direction.

- (j) The Council the Superintendent or an Authorised Person at the expense of the Owner or Keeper of the horse shall be entitled to fit an identification mark or other similar device to a horse seized and detained, which said identification mark or device shall be the identification of such horse for record detention and disposal purposes.
- (k) Where the Council or the Superintendent issues a direction to sell a horse detained under the provisions of these Bye-Laws the Council the Superintendent or an Authorised Person shall cause a Notice in like form to that contained in the Third Schedule hereto describing the horse to the extent to which it can do so indicating where the horse was seized, where it is held and the time and place of the proposed sale and arrange for the display of such Notice at the Garda Station for the area within which the horse was seized and at the Pound or other place at which the horse is detained and at the place at which the sale will take place. Where the owner or keeper of the horse is known the Council the Superintendent or an Authorised Person shall not later than seven days prior to the date of the proposed sale cause a copy of the foregoing Notice to be served on the Owner or the Keeper of the Horse PROVIDED ALWAYS and if the

proposed sale is otherwise than by way of auction, or at a market or fair the time and place of sale may be omitted from said Notice. The said Notice shall remain exhibited as aforesaid until the horse has been sold or has been withdrawn from sale.

- (I) Where a horse is sold under the provisions of these Bye-Laws, the Council, the Superintendent or an Authorised Person shall retain out of the proceeds of sale the expenses as hereinbefore provided for. Any balance remaining shall be paid to the Owner or the Keeper of the horse if known and if unknown shall then be retained by the Council.

PART IV

(Control and Welfare of Horses)

6. A person who is the Owner, the Keeper or in charge or in control of a horse while in the operative area shall:-
 - (a) So control such horse in a manner which will ensure that the horse will not cause injury or nuisance to any person or damage to any property, or become loose or uncontrolled and shall have such horse adequately harnessed and restrained.
 - (b) Not permit such horse to remain unattended, unharnessed or permit it to stray, roam or to trespass on any lands or property of any nature either

public or private.

- (c) Not keep, ride, use or drive a horse with or without a vehicle to which it is harnessed at a location or in a manner which may pose a danger to any person or property or cause any unnecessary inconvenience or annoyance.
- (d) Not stable, locate, place or retain a horse in a location or on any lands or property public or private where such placement will pose a threat to the health and welfare of persons or other animals in the vicinity of such location or cause pollution or a health nuisance.
- (e) At all times shall provide a horse (as weather conditions require from time to time) with suitable and adequate stabling or suitable and adequate lands for grazing purposes and at all times adequate and proper feeding and watering facilities to keep such horse in sound and healthy condition.
- (f) Ensure that land used for the grazing of a horse is of a type and condition which will provide adequate feeding and watering for a horse or for each horse so located and will keep any such lands fenced in a manner which will ensure that a horse will not break or stray from such lands.
- (g) Where necessary provide adequate veterinary services and permit a veterinary surgeon authorised by the Council or the Superintendent to enter any premises, property or lands at any time for the purpose of examining and reporting on the health and physical condition of a horse.

PART V

OFFENCES AND PENALTIES

7. A person who contravenes any of the preceding Bye-Laws will be guilty of an offence under the Act and liable, on Summary Conviction in respect of such offence to a fine not exceeding £1,500.00 or imprisonment for a term not exceeding six months, or to both, or to such other penalties as may from time to time be substituted therefor under the Act or as same is amended.

FIRST SCHEDULE

THE COUNTY COUNCIL OF THE COUNTY OF KILDARE

Control of Horses Act 1996 and Bye Laws made thereunder

NOTICE is hereby given under Article 5 (a) of The County Council of the County of Kildare (Control of Horses) (No. 1) Bye-Laws 2000 that a horse bearing the identification number was detained on

At

Pursuant to Section 37, Control of Horses Act, 1996.

You are hereby requested to take **NOTICE** that:-

- (1) The horse may be reclaimed at
On proof being tendered of your ownership or right to keep the horse, on production of an appropriate current horse licence or other satisfactory evidence of ownership 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 Council or a Superintendent of the Garda Siochana, in accordance with Section 39 (1) (a), (b) or (c) of the Control of Horses Act 1996 and provided that the Council or the Superintendent is satisfied by you that you can provide adequate accommodation and sustenance and, if necessary, adequate veterinary attention for the horse and is also satisfied that the horse will not be cruelly treated.
- (2) If you fail to comply with the foregoing requirements within 10 days from the date of this Notice the horse will be disposed of in such manner and at such time as the above Council or the Superintendent may decide.

Dated this day of 20

Signed: _____

**Secretary, Kildare County Council,
St. Mary's, Naas, Co. Kildare.**

To/-

SECOND SCHEDULE

THE COUNTY COUNCIL OF THE COUNTY OF KILDARE

Control of Horses Act 1996 and Bye-Laws made thereunder

NOTICE is hereby given under Article 5 (b) of the County Council of the County of Kildare (Control of Horses) (No. 1) Bye-Laws 2000 that a horse described below:

COLOUR SEX HEIGHT BREED OTHER DETAILS

Was detained on the day of 20

At

Pursuant to Section 37 of the Control of Horses Act, 1996 and that within a period of ten days from the date of detention of the said horse, the horse may be released to the owner or keeper of the horse, on proof being tendered of such ownership or right to keep the horse on production of an appropriate current horse licence and on payment of all outstanding fees, expenses and charges in respect of the detention of the horse, provided that detention of the horse is not required by the Council or a Superintendent of the Garda Siochana, in accordance with Section 39 (1) (a), (b) or (c) of the above Act and provided that the Council or the Superintendent is satisfied that adequate accommodation and sustenance and, if necessary, adequate veterinary attention will be provided for the horse and if satisfied that the horse will not be cruelly treated.

Failing compliance with the foregoing requirement the horse will be disposed of in accordance with the provisions of the above mentioned Act and Bye-Laws.

Dated the day of 20

Signed: _____

**Secretary, Kildare County Council,
St. Mary's, Naas, Co. Kildare.**

TO WHOM IT MAY CONCERN

THIRD SCHEDULE

THE COUNTY COUNCIL OF THE COUNTY OF KILDARE

Control of Horses Act 1996 and Bye-Laws made thereunder

NOTICE is hereby given under Article _____ of the County Council of the County of Kildare (Control of Horses) (No. 1) Bye-Laws 2000 that a horse described below:

COLOUR SEX HEIGHT BREED OTHER DETAILS

Was detained on the _____ day of _____ 20____

At _____

NOTICE is hereby further given that

pursuant to Section 37 of the Control of Horses Act, 1996, the above horse will, after a period of ten days from the date hereof, be disposed of by sale which will take place at _____
On the _____ day of _____ 2000 at _____ a.m.

When sold all outstanding fees, expenses and charges in respect of the seizure and detention of the horse to include the costs of sale will be deducted from the proceeds of sale and retained by the Council or the Superintendent of the Garda Siochana to discharge the foregoing expenses and any balance remaining after the foregoing expenses will be remitted to such person as may produce to the Council or the Superintendent a Licence issued under the above act with such further required documentation as may be necessary to verify such claimed ownership.

Dated the _____ day of _____ 20____

Signed: _____
**Secretary, Kildare County Council,
St. Mary's, Naas, Co. Kildare.**

TO WHOM IT MAY CONCERN

FOURTH SCHEDULE

THE COUNTY COUNCIL OF THE COUNTY OF KILDARE

MINIMUM FEES

Control of Horses Act 1996 and Bye-Laws made thereunder

The minimum fees as referred to in Clause 5 (c) hereof are as follows:-

- (a) the cost of collecting and transporting the horse on foot or by vehicle from the place where it was found to the place where it is detained, a minimum charge of £150.00.
- (b) The cost of providing the horse with care and sustenance during the period it is detained, a minimum charge of £15.00 per calendar day or part of a calendar day.

and

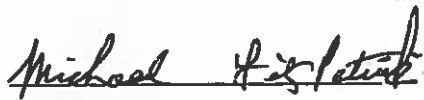
- (c) Where it has been provided with veterinary attention, the cost of such attention subject to a minimum charge of £35.00 per visit by a registered veterinary surgeon.

The foregoing Bye-Laws are made and adopted by the Council

This 31st day of JANUARY 2000

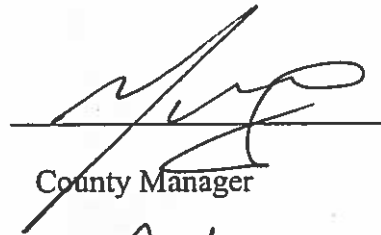
PRESENT when the Seal of the Council

Was affixed hereto:-

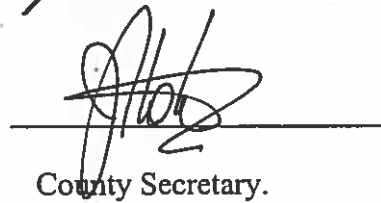


Michael Fitzpatrick

Nominated Member



County Manager



County Secretary.

13/0100 CONTROL OF HORSES BYE-LAWS

The meeting noted that the draft Control of Horses' Byelaws had been adopted by Kildare County Council on the 18 October, 1999. Notices of intention to make byelaws were then published in the daily and local newspapers on the 27 October, 1999 and submissions could be received up to 30 November, 1999 inclusive. During this period no written submissions had been received in relation to the byelaws.

Resolved: on the proposal of Councillor Dardis, seconded by Councillor O'Fearghail that the control of horses' byelaws be adopted.

K.C.C
Meeting 31/1/2000

THE COUNTY COUNCIL
OF THE COUNTY OF
KILDARE

CONTROL OF HORSES

BYE-LAWS

Applicable in the functional area of
the County Council of the County of
Kildare and the Urban Districts of
Naas and Athy and the
administrative areas of Leixlip Town
Commissioners and Droichead Nua
Town Commissioners in said County