

Kilkenny County Council

Control of Horses Bye-Laws 2020



March 2021

CONTROL OF HORSES
BYE-LAWS 2020

Kilkenny County Council 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 Kilkenny City as here and after defined.

The County Council of County Kilkenny - Control of Horses - Bye-Laws, 2015 are hereby revoked to the extent that they relate to the area of County Kilkenny as here and after defined.

PART 1 Preliminary 1. Citation 2. Commencement of Bye-Laws 3. Definitions PART 11 4. Control Area 5. Licence 6. Exemption 7 Passport 8. Public Place 9. Grazing in a Public Place 10. Keeping of Horses in Control Area 11. Horse at Market or Fair 12. Racing of Horse Drawn Vehicles on

Public Roads 13. Horses detained under Section 37 of the Act 14. Disposal of Horse under Section 37 15. Authorised Person 16. Exclusion Areas 17. Offences 18. Penalties

PART 1 The County Council of the County of Kilkenny, in exercising the powers conferred on it by Sections 13, 17, 39, 40, 46 and 47 of the Control of Horses Act, 1996 (No. 37 of 1996), hereby makes the following Bye-Laws for the Control of Horses in the County of Kilkenny and to make provision for the control and welfare and licensing of Horses in the said County.

CITATION 1. These Bye-Laws may be cited as the Kilkenny County Council Control of Horses Act, 1996 - Bye-Laws 2020

COMMENCEMENT OF BYE-LAWS 2. These Bye-Laws shall come into operation on the 1st May 2021

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:

“The Act” Means the Control of Horses Act, 1996

“The Council” Means the County Council of the County of Kilkenny

“Control Area” Means any place declared by the Council in this Bye Law to be a Control Area for the purpose of the Act

“Authorised Person” Means a person appointed by the County Council of the County of Kilkenny under Section 3 of the Act.

“Horse” Means a Horse, pony, donkey, mule or hinny.

“Equine Registered Land” Means land which is registered pursuant by SI113 of 2014 .

“Exclusion Area” Means an area specified in the First Schedule hereto.

“Horse Drawn” Means a buggy, trap, sulky, carriage, cab, coach or other Vehicle” vehicle which is drawn or propelled by a Horse.

“Head of Household” Means in respect of a person under the age of eighteen, their father or mother with whom they habitually reside.

“Horse Licence” Means a Licence granted under Section 20 of the Act.

“Horse Passport” Means an identification document for a Horse as defined by SI 62 of 2016

“Owner or Keeper of a Horse” shall for the purposes of these Bye-Laws include a person who is the Head of Household of the Owner or Keeper of a Horse, where the Owner or Keeper of the Horse is under the age of 16 years

“Public Place” Means any street, road, sea shore, parkland, field or other place to which the public has access whether by right or permission, whether with or without vehicles and whether subject to a fee or free of charge and includes a market or fair.

“Race” Means a race, a trial of speed, a time trial, a competition 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.

“Superintendent” Means the Superintendent of An Garda Síochána for the area in which a Horse is seized or detained under the provisions of the Act, or the Acting Superintendent, duly appointed in accordance with the relevant legislation.

“Veterinary” Means any person who is for the time being registered in the Practitioner’s Register of Veterinary Practitioners established and maintained under the Veterinary Practice Act, 2005.

PART 11 CONTROL AREA

4(a) The entire area of the County of Kilkenny is and is hereby declared to be a Control Area for the purpose of the Act and these Bye-Laws.

4(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 County 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.

5(b) 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 purpose of a gymkhana, sale or showing of Horses or any event of an equine nature for which the Council have given written permission in advance. This exemption shall apply on the day of the event and from noon the previous day and until noon on the day following the event, provided such adequate facilities similar to those set out in Bye Law 10 of these Bye-Laws are in place.

EXEMPTION

6. The following persons shall be exempt from the licensing requirements of Section 5(a) of these Bye-Laws:

- a) 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 lands shall be situated within the County of Kilkenny and that the said Horse/Horses are actually grazed thereon. Lands must be Equine Registered.
- b) Any person who 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 situate within the County of Kilkenny and that the said Horse/Horses are actually grazed thereon. Lands must be Equine Registered.

- c) Owners of Horses who are registered with Riding Clubs or Riding Establishments approved of by the Council.
- d) 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.
- e) The Garda Mounted Unit Proof of exemption status shall be provided to an authorised officer or to a member of An Garda Síochána when requested by them.
- f) Licenced owners/operators of jaunting cars in County Kilkenny.
- g) A pound keeper keeping Horses in a pound.
- h) A person accepting, detaining or disposing of a Horse under an arrangement with the Council or a Superintendent of An Garda Síochána.
- i) A Veterinary Surgeon keeping a Horse in the area for the purposes of receiving veterinary attention.
- j) A person bringing a Horse into the area for the purposes of competing in an event or gymkhana organised by a recognized equestrian organisation.

7. No person shall keep or have charge or control of a Horse unless:

- a) The Horse if born after the 1st of July 2009 is microchipped within six months of, or in the same calendar year as, birth whichever is the longer period.
- b) The Horse has a valid Horse Passport issued in the current owners name by an authorised Horse passport issuing agency.

PUBLIC PLACE

8(a) No person shall at any time have, keep or ride or drive a Horse in a Public Place except in such portion thereof as may for the time being be set aside to be used as an equestrian ride or carriageway or market or fair area and is clearly identified as such.

8(b) Notwithstanding the provisions of Bye-Law 8(a), a person may have a Horse on a public road provided that:

- (i) That person has a Horse Licence in respect of the said Horse or
- (ii) That person is exempt from acquiring a Horse Licence in respect of the said Horse by virtue of Bye-Law 6.
- (iii) In either case, the Horse must be fitted with a bridle.

8(c) Where a person is permitted to have, keep, ride, or drive a Horse in a Public Place he/she shall at all times ensure that the Horse is wearing a bridle and is under his/her control so as to prevent injury or nuisance to persons or damage to property.

GRAZING IN A PUBLIC PLACE

9. No person shall at any time in a Public Place turn out to graze or feed or allow to stray or remain any Horse without the written consent of the Council.

KEEPING OF HORSES IN CONTROL AREA

10. Where a Horse is kept at a premises and/or land not being a market or fair, within the Control Area, the owner or keeper of the Horse shall be responsible for the following:

- a) The person keeping the Horse shall be the owner or legal occupier of the premises and/or land in which it is kept.
- b) 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 and secure place and suitable bedding material shall be available.
- 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, rested and visited at regular intervals. Evidence of access to adequate exercise facilities shall be provided.
- g) All reasonable precaution shall be taken to prevent and control the spread amongst Horses of infectious and contagious diseases.
- h) Sufficient care, including veterinary care shall be taken of the Horse.
- i) Adequate precaution 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 the storage of fodder, bedding, stable equipment and saddlery. 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.
- l) 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 on Places where Horses are Kept Regulations 2014 (S.I. No 113 of 2014).

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:

- a) Adequate food and potable water shall be available at all times.
- b) All equipment and tackle used in connection with the Horse shall be suitable for the purpose.
- c) All reasonable precautions shall be taken to prevent and control the spread among Horses of infectious or contagious diseases.
- d) Sufficient care, including veterinary care shall be taken of the Horse.
- e) Adequate precaution shall be taken for the protection of the Horse in the event of fire.

RACING OF HORSE DRAWN VEHICLES ON PUBLIC ROADS

12 (a) No person under the age of 16 years of age shall participate in or engage in a race of a Horse drawn vehicle on a public road within County Kilkenny.

12(b) Subject to Bye-Law 12 (c), a person shall not participate in or engage in a race of a Horse drawn vehicle on a public road within the County of Kilkenny.

12(c) Bye-Law 12 (b) shall not operate to prevent a race of a Horse drawn vehicle on a public road within County Kilkenny for which permission has been obtained pursuant to Sections 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:

- a) Notice of seizure and detention of the Horse shall be served in writing on the owner or keeper of the Horse where known as soon as possible and within 5 days of the date of seizure and detention of the Horse.
- b) Where the owner or keeper of the Horse is not known, Notice in writing shall be displayed in the Office of An Garda Síochána for the area in which the Horse was seized and in the Pound or place where the Horse is detained as soon as possible and on the Council's website www.kilkennycoco.ie
- c) Adequate services of a Veterinary Practitioner where required may be provided.
- d) The Council or 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 transportation fees incurred by the Council or the Superintendent.
- e) The Horse may be released to the owner or the keeper of the Horse on proof being tendered of the following; (i) ownership or right to keep the Horse (ii) production of an appropriate current Horse Licence and Horse Passport (iii) proof of land ownership or a legal land lease agreement for lands suitable for the keeping of a Horse (iv) Proof that the lands referenced in (iii) are Equine Registered (v) payment of all outstanding fees, expenses and charges in respect of the Horse (vi) 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 ON PLACES WHERE HORSES ARE KEPT REGULATIONS 2014 (S.I. No. 113 of 2014)** and (vi) Evidence that the Horse is micro-chipped and registered in accordance with the provisions of the **EUROPEAN COMMUNITIES (EQUINE) REGULATIONS 2011, (S.I. No. 357 of 2011)** as amended by **EUROPEAN COMMUNITIES (EQUINE) (AMENDMENT) REGULATIONS 2012 (S.I. No. 371 of 2012)**. provided that the detention of the Horse is not required by the Council or a Superintendent in accordance with Section 39(1) (a), (b) or (c) of the Act, and provided that the 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.
- f) If the owner or keeper of the Horse shall fail to make himself known to the Council or cannot be found within a period of 5 days from the date of the seizure or detention, the Council or the Superintendent may dispose of the Horse in accordance with these Bye-Laws and the Act.
- g) If the owner or keeper of the Horse is known and can be readily found, but on the request by the Council or the Superintendent or the person in charge of the Pound or place where the Horse is kept, within 5 days or such longer period as may be specified in the request or demand being made, fails to pay fees due hereunder or fails to produce a current appropriate Horse Licence and Horse Passport or fails to remove the Horse, the Council

or the Superintendent may dispose of the Horse in accordance with these Bye-Laws and the Act.

- h) Where the Council or the Superintendent decides to dispose of the Horse, he may do so by way of sale or destruction. Sale may be by way of Public Auction or a market or in any other manner considered appropriate by the Council or the Superintendent.
- i) Where it is proposed to sell a Horse under these Bye-Laws, the Council or the Superintendent shall cause a Notice describing the animal or 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.
- j) If the proposed sale is otherwise than by way of Auction or at a market, the time and place of the sale may be omitted from the said Notice.
- k) The said Notice shall continue to be exhibited until the Horse has been sold or the Council or the Superintendent declares the sale aborted.
- l) Where the Horse has been sold under these Bye-Laws, the Council or the Superintendent may retain out of the proceeds of sale any amount equivalent to all 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 owner or keeper of the Horse, if known, or, if unknown, shall be retained by the Council.

DISPOSAL OF HORSE UNDER SECTION 37

14(a) Where a Horse is detained under Section 37 of the Act and has been so detained on two or more occasions within the previous twelve months and where the Council or the Superintendent is of the opinion that (i) The owner or keeper of the Horse is not exercising adequate control of the Horse so as to prevent it straying, causing a nuisance or posing a danger to persons or property or (ii) Such Horse is likely to be in a Public Place while it is not under adequate control, or identifiable or capable of identification as may be required by Section 28 of the Act, the Council or the Superintendent may decide to dispose of the Horse.

14(b) On the disposal of the Horse under these Bye-Laws, the owner or keeper shall pay to the Council all veterinary expenses including fees, veterinary fees, transportation fees, fees of sale and Pound fees.

AUTHORISED PERSON

15(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.

15(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.

EXCLUSION AREAS

16(a) The Council, considering that Horses are causing or may cause a nuisance or danger to persons or damage to property in the areas specified in the First Schedule, hereby prohibits a person from having, keeping, riding or driving a Horse in those areas at all times and declares them to be exclusion areas in accordance with Section 47 of the Act, with the exception of persons mentioned 16(b).

16(b) The classes of persons to whom and circumstances in which Bye-Law No. 16(a) shall not apply:

- (a) An authorised person under the Act or a member of An Garda Síochána acting in the course of his or her duty.
- (b) A person accepting, detaining or disposing of a Horse under an arrangement with the Council or a Superintendent of An Garda Síochána.
- (c) The transportation of a Horse by vehicle through the area.
- (d) The keeping of a Horse in the area by a Veterinary Surgeon for the purpose of receiving veterinary attention.
- (e) The bringing of a Horse into the area for the purpose of participating in events that are authorised by the Council or An Garda Síochána.
- (f) Licenced owners/operators of jaunting cars in County Kilkenny.
- (g) The use of a Horse or Horses for the specific use of pulling a horse-drawn carriage carrying a casket as part of a funeral procession.

OFFENCES

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

First Schedule

Bye-Law No 16

Exclusion Areas

As highlighted in red on Map 1 attached hereto

1. Parliament Street
2. High Street
3. The Parade
4. Patrick Street
5. Johns Street
6. Kieran Street
7. Pennyfeather Lane
8. Friary Street
9. William Street
10. Poyntz Lane
11. Colliers Lane
12. Chapel Lane
13. James Street
14. Bateman Quay
15. Evan's Lane
16. New Building Lane
17. Abbey Street
18. Johns Quay
19. Michael Street
20. Maudlin Street
21. Peace Park
22. Market Yard
23. Horse Barrack Lane
24. St. Francis Bridge
25. Lady Desart Bridge
26. Irishtown