**Kilkenny County Council Control of Horses Draft Bye-Laws 2020.**

**Frequently Asked Questions:**

**1. What is the purpose of these Bye-Laws?**

The purpose of the Kilkenny County Council Control of Horses Bye-Laws 2020 is to: define the control area for the keeping of Horses in County Kilkenny; make provision for the licensing of Horses; specify the responsibilities of Horse owners including animal welfare; list the measures to be put in place to ensure that Horses are controlled in public places; outline the process for seizing Horses; and make provision for the introduction of Horse exclusion areas. When the local authority is making Bye-Laws, it must follow certain procedures, including publishing a notice in the local newspaper. Kilkenny County Council are making these new Bye-Laws under the relevant sections of the Control of Horses Act. Until adopted they are considered Draft Bye-Laws.

**2. Why are these Bye-Laws being introduced?**

Kilkenny County Council decided to revise their existing Horses Bye-Laws and to replace them with these Bye-Laws in response to the increasing number of incidences arising where Horses were causing a danger to the public in areas of Kilkenny City Centre. The main new provision in these Draft Bye-Laws is the introduction of Horse Exclusion Areas in a number of streets and public places in the City.

**3. Who needs to be aware of these Draft Bye-Laws?**

Any owner or keeper of a Horse, pony, donkey, mule or hinny in County Kilkenny needs to be aware of these Draft Bye-Laws. Any person who fails to comply with these Bye-Laws when adopted shall be guilty of an offence.

**4. Where can I get a copy of these Draft Bye-Laws?**

The Draft Bye-Laws are available for public inspection, free of charge, at the following offices, by appointment only 9in keeping with the current Government restrictions) from Friday 30th October to Thursday 3rd December, 2020 between the hours of 9.30am and 1.00pm:

* Reception Desk, Kilkenny County Council, County Hall, John Street, Kilkenny – 056 7794470;
* Ferrybank Area Office, Shopping Centre, Ferrybank, Co. Kilkenny – 051 831370;
* Callan Area Office, Callan, Co. Kilkenny – 056 7794321;
* Thomastown Area Office, Thomastown, Co. Kilkenny – 056 7793340;
* Castlecomer Area Office, Castlecomer, Co. Kilkenny – 056 7794450

Copies of the Draft Bye-Laws are also available free of charge from the Environment Section, County Hall, John Street, Kilkenny. You may also phone 056 7794470 or email [environment@kilkennycoco.ie](mailto:environment@kilkennycoco.ie) to request a copy and you can download a copy from the Council’s Website – [www.kilkennycoco.ie](http://www.kilkennycoco.ie).

**5. What are the responsibilities of owners or keepers to their Horses under these Draft Bye-Laws?**

If you own or keep a Horse, you are responsible for taking care of its welfare, including ensuring that it is provided with: potable water; adequate food supply; adequate pasture and shelter; adequate exercise; sufficient care, including veterinary care; and that the lands where the Horse is kept are equine registered. Owners or keepers of Horses are also liable for any injury or damage caused by their Horse to other people or property.

**6. What is Equine Registered Land?**

Equine registered land means lands which are registered as provided for in Statutory Instrument No. 113/2014 - Control On Places Where Horses Are Kept Regulations 2014.

**7. What documents must Horse owners keep in respect of their Horses?**

All Horse owners in County Kilkenny must have 2 main documents for each Horse they keep: 1. a valid Passport for their Horse and it must be microchipped. An authorised Horse passport issuing agency supplies the microchips, which must be implanted by a vet; and 2. a Horse licence. As County Kilkenny is a Control Area for the purposes of these Draft Bye-Laws, all Horse owners (with certain exceptions outlined below), need a licence in order to keep a Horse. When applying for a Horse licence, you must satisfy the Council that you are a fit person to keep a Horse. If a person under 16 owns a Horse, the head of the household in which they live is considered to be the owner, as Horses may not be sold to anyone under 16 years of age.

**8. What is a Control Area under these Draft Bye-Laws?**

The whole of County Kilkenny is designated as a control area under these Draft Bye-Laws. This means that all Horses in County Kilkenny (with some exceptions) must be licensed, so as to help control the keeping of Horses in the control area.

**9. Who is not required to have a Horse licence?**

There are a number of exceptions including: Any person who owns or leases a minimum of 1 acre of land (that is equine registered) in respect of each Horse they own; owners or keepers of Horses who are registered with Riding Clubs or Riding Establishments approved of by Kilkenny County Council; and owners or keepers of thoroughbred Horses.

**10. What about Horses in Public Places?**

It is illegal to allow a Horse to graze, feed, stray or remain in a public place in County Kilkenny without the consent of Kilkenny County Council. Public places include streets, roads, verges, parkland or other place to which the public has access. Anyone permitted to have a Horse in a public place must ensure that it is wearing a bridle and that the Horse is under adequate control. The Road Safety Authority publishes useful information about Horse safety on the road.

**11. On what basis can Horses be seized under these Draft Bye-Laws?**

A Horse may be seized and detained under these Draft Bye-Laws as provided for under Section 37 of the Control of Horses Act. This includes where there is reason to suspect the Horse is: a stray Horse; causing a nuisance; not under adequate control; posing a danger to persons or property; posing a threat to the health and welfare of persons or other animals; or being kept in a control area, without a Horse licence. 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 of the Horse. 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 as soon as possible and on the Council’s website [www.kilkennycoco.ie](http://www.kilkennycoco.ie). The Council may recover from the owner of the Horse all expenses, including veterinary fees in connection with the seizure and detention of the Horse.

**12. Can a Horse that has been seized be reclaimed?**

The owner or keeper of the Horse may reclaim their Horse on providing the following: proof of ownership; a current Horse licence and Horse Passport; proof of lands suitable for the keeping of a Horse; payment of all outstanding fees and expenses in respect of the Horse; and provided the Council is satisfied the Horse will not be cruelly treated if reclaimed.

**13. What happens if the Horse is not reclaimed?**

If the owner or keeper of the Horse fails to reclaim the Horse as set out in these Draft Bye-Laws within 5 days from the date of seizure, the Council may dispose of the Horse in accordance with the Control of Horses Act. On the disposal of the Horse under these Draft Bye-Laws, the owner shall pay to the Council all associated expenses and fees.

**14. What happens if a Horse is seized on more than one occasion?**

Where a Horse is seized on two or more occasions within the previous twelve months, the Council may determine that the owner is not exercising adequate control of the Horse and may decide to dispose of the Horse.

**15. Who is an authorised person for the purposes of the Draft Bye-Laws?**

Kilkenny County Council will authorise a number of staff for the purposes of these Draft Bye-Laws. Any member of An Garda Síochána will also be an authorised person. Authorised persons may ask Horse owners to produce evidence of a Horse licence and may inspect Horses and owners must allow them to do so.

**16. Why are Kilkenny County Council introducing Horse Exclusion Areas?**

Kilkenny County Council consider that Horses have the potential to cause a nuisance or danger to persons or damage to property in certain streets and public spaces in Kilkenny City. The Council therefore intends to prohibit the keeping, riding or driving of a Horse in these areas. The streets and public spaces to be Horse Exclusion Areas are listed in the first schedule of these Draft Bye-Laws.

**17. What is considered an offence under these Draft Bye-Laws?**

The Draft Bye-Laws specify that if owners of Horses do not comply with these Bye-Laws, they shall be guilty of an offence under Section 46 of the Control of Horses Act. Section 6 of the Act sets out the penalties for a person guilty of an offence.

**18. How can I make a submission to these Draft Bye-Laws?**

Until adopted these Bye-Laws are considered to be Draft. Kilkenny County Council is inviting submissions on the Draft Bye-Laws. Anyone who wishes to make a submission may do so in writing to:

* Environment Section, Kilkenny County Council, County Hall, John Street, Kilkenny, with the envelope marked “Control of Horses Draft Bye-Laws 2020”; or
* online on the consultation portal of Kilkenny County Council at: <https://consult.kilkenny.ie>

The closing date for submissions is 4.00pm on Tuesday, 15th December 2020. Please note that all submissions and comments submitted to Kilkenny County Council are subject to consideration for release under the Freedom of Information Acts 1997, 2003 and 2014. Kilkenny County Council will consider all submissions made to it and the Chief Executive will present a report to the Council to include a response to all of the submissions received.

**19. When will the new Bye-Laws come into effect?**

The Bye-Laws will come into effect on the thirtieth day after the day on which the Bye-Laws are adopted by the Council.