



Comhairle Chontae an Chlair
County Council of the County of Clare

Bye-laws
made under
Control of Horses Act, 1996

Bye-laws made by the County Council of the County of Clare on the 9th day of March, 1998

Part 1

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.
- "the Council" means The County Council of the County of Clare.
- "Control Area" means any place declared by the Council in these Bye-Laws to be a control area for the purposes of the Act.
- "Authorised Person" means a person appointed by the Council under Section 3 of the Act.
- "Horse" means a horse, donkey, mule or hinny.
- "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 or free of charge, and includes a market or fair.
- "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.

"Regulations"	means regulations made by the appropriate Minister in accordance with his powers under the Act.
"dispose of"	includes to sell or to give away or have destroyed, and cognate words shall be construed accordingly.
"dwelling"	includes its curtilage (and for the avoidance of doubt the word "dwelling" shall not for the purposes of these bye-laws have the meaning assigned to it by Section 2(1) of the Act.
"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)
" public road ", " road "	have the meaning assigned to them by Section 2(1) of " footpath " " footway " Section 2(1) of the Road Act 1993
"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 2

Control Area

- 2a.** The entire administrative area of the County of Clare 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 parts of such control area where the County boundary is the line of high water of the sea, or a tidal river or tidal lake.

Licence

- 3a.** No person shall (subject to articles 3b. and 3c. of these Bye-Laws) keep or have charge or control of a horse in the Control Area without a current licence issued by the Council being in force in respect of the said horse.
- 3b.** The prohibition in article 3a. of these Bye-Laws and 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 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 8 of these Bye-Laws are in place.
- 3c.** The prohibition under article 3a. of these ByeLaws and Section 18 of the Act on keeping a horse in a Control area without a horse licence shall not apply in respect of horses owned by all or any of the classes of persons as set out in Part III Schedule A of these Bye-Laws.

Public Place

- 4a.** No person shall at any time have, keep, ride or drive a horse in a public place except in such portion thereof as may for the time being be set apart to be used as an equestrian ride or carriageway, or market or fair area which is clearly identified as such.

4b. Notwithstanding the provisions of article 4a. of these Bye-Laws 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.

Grazing In A Public Place

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

Control

6. Where a person is permitted to have, keep, ride or drive a horse in a public place he shall at all times ensure that the horse is wearing a bridle and is under his control so as to prevent injury or nuisance to persons or damage to property.

Keeping a Horse in a Control Area

7. Where a horse is kept at a premises (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 in which it is kept.
- (b) The stable shall at all times be suitable as regards construction, size, number of occupants, lighting, ventilation, drainage and cleanliness, in accordance with **Schedule B** Access to site of stable must be by means of passageway/road/street/driveway which measures at least 5 ft at its narrowest point.
- (c) Potable water shall be constantly available
- (d) An adequate amount of wholesome and suitable food shall be supplied regularly.
- (e) Where the horse is not at grass, food shall be stored in a dry, secure and suitable place and suitable bedding material shall be provided.
- (f) Where the horse is kept at grass there shall be maintained at all times adequate pasture and shelter for the horse.
- (g) The horse shall be adequately exercised and rested and visited at regular intervals. Evidence of access to adequate exercise facilities shall be provided.
- (h) All reasonable precautions shall be taken to prevent and control the spread among horses of infectious or contagious diseases.
- (i) Sufficient care, including veterinary care, shall be taken of the horse.
- (j) Adequate precautions shall be taken for the protection of the horse in the event of fire.
- (k) Only equipment and tackle suitable for the purpose shall be used in connection with the horse.
- (l) Adequate accommodation shall be provided for storage or forage, bedding, stable equipment and saddlery.

(m) 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.

Horse at Market or Fair

8. Where a horse is brought to a market or fair the owner or keeper of the horse shall be responsible for 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 precautions shall be taken for the protection of the horse in the event of fire.

Horse Detained Under Section 37

9. 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 I set out in Schedule C 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 C hereof shall be displayed in the office of the 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.
- (c) Appropriate services of a Veterinary Surgeon where required, may be provided.
- (d) The 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 transportation fees incurred by the Council or the Superintendent.
- (e) 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, on production of an appropriate current horse licence 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 in accordance with Section 39 (1) (a) (b) or (c) of the 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 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 five days from the date of seizure and 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 request by the Council, 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 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 at a market or in any other manner considered appropriate by the Council or the Superintendent.

(i) (1) Where it is proposed to sell a horse under this Bye-Law the Council or the Superintendent shall cause 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, 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.

(2) 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.

(3) The said notice shall continue to be exhibited until the horse has been sold or the Council or the Superintendent declares the sale abortive.

(4) Where the horse has been sold under this Bye-Law, the Council or the Superintendent shall retain out of the proceeds of sale an amount equivalent to all costs, fees and expenses of any kind 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 39

10. 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:-

(a) 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;

(b) 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 Council or the Superintendent may decide to dispose of the horse.

(c) On the disposal of the horse under this Bye-Law, the owner or keeper shall pay to the Council all or any expenses including fees for keep, veterinary fees, transportation fees, fees of sale and pound fees.

Authorised Person

11a. Where an authorised person or a member of the Garda Síochána 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 or the Garda Síochána.

11b. An authorised person or a member of the Garda Síochána 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

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

Penalty

13. 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 £1,500.00 or to imprisonment not exceeding six months or to both.

Part 3

Schedule A

1. Persons who are bona fide operators of horse riding schools, equestrian centres or stables on a commercial basis.
2. The owners or operators of Stud Farms.
3. Farmers i.e. persons who derive their livelihood wholly or principally from farming.
4. Persons who can prove to the Council that they are bone-fide in occupation of lands sufficient for the horses in their possession.

Schedule B

Standards For The Construction Of Stabling For Horses

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

Width x Length: = 3.7m x 3.7m (12ft 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, 3.7m 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 door of 1 to 60 to external drain.

Internal surfaces of walls: = Impervious and easily cleaned. Stable to be 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 cubic ft) per horse with 6 complete air changes every hour and no draughts.

Schedule C

Form 1

**Comhatrle Chontae An Chlair
(Clare County Council)**

Control of Horses Aft 1996 and Clare County Council Bye-Laws made thereunder.

Notice is hereby given under Article 9(a) of Clare County Council Control of Horses Bye-Laws that horse bearing the identification number was impounded on (date) at (location) in breach of Section 37 of the Control of Horses Act 1996. According to our records the horse is registered in the name of..... with an address at..... The horse may be reclaimed at..... on production of proof of ownership, a current licence and payment of the appropriate fees. Clare County Council retains the right to detain the horse pending any prosecutions which it may take.

Schedule C

Form 2

**Comhairle Chontae An Chlair
(Clare County Council)**

Control of Horse S Act 1996 And Clare. County Council Bye-Laws Made thereunder

Notice is hereby given under Article 9 (b) of Clare County Council Control of Horses Bye-Laws that horse (description)..... was impounded on (date) from (location) for breach of Section 37 of the Control of Horses Act 1996. Within the period ending the horse may be released to the owner on submission of proof of ownership, the granting of a licence and the payment of all appropriate fees. Otherwise the horse will be disposed on in accordance with Articles 9h and 9i (1), (2), (3) and (4) of the above Bye-Laws. Clare County Council reserves the right to retain the horse pending any prosecutions it might take.

Present when the Corporate Seal of Council was affixed hereto:

.....
Catháoirleach/Nominated Member

.....
Deputy County Manager