

MEATH LOCAL AUTHORITIES

CONTROL OF HORSES ACT, 1996

CONTROL OF HORSES BYE – LAWS 2012



Meath County Council



Navan Town Council



Kells Town Council



Trim Town Council

CONTROL OF HORSES ACT, 1996

Control of Horses Bye Law 2012

BYE – LAWS

Arrangement of Bye-Laws

PART 1

1. Short title & Commencement of Bye-Laws
2. Definitions
3. Area of application

PART 11

4. Exclusion Areas.
5. Horses Detained Under Section 37 of the Act
6. Disposal of a detained horse under Section 37
7. Authorised Person
8. Offences
9. Penalties

MEATH LOCAL AUTHORITIES

CONTROL OF HORSES ACT, 1996

Control of Horses Bye Law 2012

BYE – LAWS

PART 1

Meath Local Authorities incorporating Meath County, Navan Town Council, Kells Town Council and Trim Town Council.(hereinafter referred to as council) in exercise of the powers conferred upon them by the Control of Horses Act, 1996 (No. 37 of 1996) and the Local Government Act 2001 (No 37 of 2001),considering that horses are causing a nuisance or danger to persons or damage to property within their respective functional areas, hereby make the following Bye-Laws:

1. Citation and Commencement

- (1) These Bye-Laws may be cited as the Meath Local Authorities (Control of Horses) Bye-Laws, 2012.
- (2) These Bye-Laws shall come into operation on the 1stJanuary 2013.

2. Definitions

In these Bye-Laws –

“horse” means a horse, donkey, mule or hinny;

“authorised person ”means a person appointed by the Council under the Section 3 of the Act; or a member of the Garda Siochana

“the Act” means the Control Of Horses Act, 1996 (No 37 of 1996);

“The Council” means any one of Meath Local Authorities been the Council of the County of Meath, Navan Town,Kells Town, and Trim Town

“public road” Means a road within the meaning of the Road Act 1993 as amended and extended.

“public place” Means any street, road, seashore, park, land, or other 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

“drive a horse” means to use a horse that is harnessed in order to pull a trap, carriage, cart or any other vehicle which is intended to be drawn by a horse

“Superintendent” Means the Superintendent of the Garda Siochana for the area in which the horse is seized or detained under the provisions of the Act.

“the 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 Animal Act, 1985) and any amendment to the aforesaid statutory provisions.

“dispose of” means to sell or to give away or have destroyed and cognate words shall be construed accordingly.

3. Area of Application

These Bye-laws apply to the area comprising the functional areas of Meath Local Authorities.

PART 2

4. Exclusion of horses from certain public places, etc.

(1) The Council considering that horses are causing a nuisance or danger to persons or damage to property within its functional area, hereby prohibits a person from having, keeping, riding or driving a horse in a public place, other than in the circumstances and places described in column (1) of Schedule A to these Bye-Laws by a person of a class of persons mentioned in column (2) thereof, opposite the description to which it relates.

(2) Paragraph (1) of this Bye-Law does not apply to the following

Classes of person:

- a. members of the Garda Siochana
- b. members of the Defence Forces, and
- c. authorised officers

(3) A person shall not at any time or place, turn out to graze, feed or allow a horse(s) to stray or remain in or on a public place.

5. Horses Detained Under Section 37 of the Act

Where a horse is seized under Section 37 of the Act and detained pursuant to that section the following provisions shall apply:

(a) Notice of the seizure and detention of the horse in the form set out in Schedule B Form 1, hereof shall be served on the owner or keeper of the horse, **where known**, as soon as possible.

(b) Where horses are seized, notice in form set out in Schedule B Form 2, hereof shall be displayed in the office of the Authority in whose functional area the horse(s) was/were seized and on Meath County Council’s website

(c) Appropriate services of veterinary surgeon, where required, may be provided,

(d) The horse(s) may be released to the owner or keeper on proof being tendered of his/her ownership or right to keep the horse and on payment of all outstanding fees, expenses and charges in respect of the horse(s) provided that detention of the

horse is not required by Meath Local Authorities in accordance with section 39 (1) (a) (b) or (c) of the Act, and provided that the Council is satisfied that adequate accommodation and sustenance and if necessary adequate veterinary treatment will be provided for the horse(s) and is satisfied that the horse(s) will not be cruelly treated.

- (e) Where a horse is returned the owner / keeper will receive a marking sheet including details of the micro-chip implant. It is incumbent on him / her to proceed and obtain a passport in accordance with the requirements of European Communities (Equine) Regulations 2011 (S.I. No. 357 of 2011)
- (f) If the owner or keeper of the horse fails to make himself known to the Council or cannot be found within a period of 5 days from the date of seizure and detention of the horse the Council may dispose of the horse in accordance with these Bye-Laws and the Act. (Schedule C Form 1)
- (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 place where the horse is kept, within 5 days of demand being made, or such longer period as may be specified, fails to pay fees due hereunder the Council may dispose of the horse in accordance with these Bye-Laws and the Act.
- (h) Under the Control of Horses Act 1996, any horse on private land without the permission of the land owner is considered to be a stray horse and may likewise be detained under Section 37 of the Act.
- (i) The landowner must make a written declaration to the Council confirming that the horses are being kept on their lands without consent. (Schedule D Form 1)
- (j) In the event of the owner of the horse being known to the landowner , the alleged owner will be notified of the Council's intention to detain the horse under Section 37 of the Act. (Schedule D Form 2)

6. Disposal of a detained horse under Section 37

- (a) Where the Council or the Superintendent decides to dispose of a horse they may do so by way of sale or destruction. Sale may be by market or public auction or in any other manner considered appropriate by the Council or the Superintendent.
- (b) (i) Where it is proposed to dispose of a horse under this Bye-Law the Council or the Superintendent shall cause a notice as set out in Schedule C describing the animal and stating where and when it was seized. This notice shall be displayed in the office of the Authority in whose functional area the horse(s) was/were seized and on the Meath County Council's website.
 - (ii) 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.
 - (iii) The said notice shall continue to be exhibited as far as practicable until the horse has been disposed of or until the owner shall have paid all sums due by him/her in respect of the seizure, detention, veterinary care (if any) and proposed disposal of the said horse and has complied with all conditions attached to the

release of the said horse and has lawfully removed the horse from its place of detention.

(iv) Where a horse has been disposed of 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 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.

(v) Where a horse is detained under Section 37 of the Act and **has been 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 a 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 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 the keep, veterinary fees, transportation fees, fees of sale and pound fees.

7. Authorised Person

- (a) 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.
- (b) 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 breach of these bye-laws.

8. Offences

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

9. Penalty

- (a) 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 to both.
- (b) The Authority may, pursuant to Section 206(1) of the Local Government Act, 2001 or any amendment thereto, serve a fixed payment notice (within the meaning of that Provision) in the general form of the notice set out in the Schedule to the Local Government Act, 2001 (Bye-Laws) Regulations 2006 (or as provided for in amending Regulations) subject to such alterations as may be considered appropriate by the Authority on any person who has contravened these Bye-Laws as an alternative to a prosecution for such contravention. The amount of the fixed payment is €75.00 or such other sum as may be prescribed from time

to time under Regulations by the Minister for the Environment, Heritage & Local Government in the exercise of the powers conferred on him by Section's 4, 200 and 206 of the Local Government Act 2001 and the said fixed payment must be paid within 21 days of such notice in order to avoid prosecution.

SCHEDULE A
MEATH LOCAL AUTHORITIES
(CONTROL OF HORSES) BYE-LAWS 2012.

Description of circumstances and places (1)	Class of persons (2)
Riding or leading a horse by the bridle and under the supervision of a person over 16 years of age along a public road (other than a motorway or dual-carriageway) or a bridle path.	Owners, employees or persons registered with riding establishments approved of by the Council.
Riding or leading a thoroughbred horse by a bridle or when having a thoroughbred horse in a horse box or trailer being drawn by a mechanically propelled vehicle and under the supervision of a person over 16 years of age along a public road (other than a motorway or a dual carriageway) or a bridle path.	Owners or keepers or employees of 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.
Riding or leading a horse by a bridle or driving a horse and carriage or cart and under the supervision of a person over 16 years of age along a public road (other than a motorway or a dual carriageway) or a bridle path.	Persons who derive their livelihood from farming.
Driving a horse and carriage or cart and under the supervision of a person over 16 years of age in relation to a trade or business (including temporary stops connected therewith) on a public road.	Owners or employees of the business proprietor
Riding, leading or driving a horse and carriage or cart and under the supervision of a person over 16 years of age whilst participating in a public parade, procession or hunt on a public road or public place.	A person participating in such
When having a horse in a horse box or trailer being drawn by a mechanically propelled vehicle and under the supervision of a person over 16 years of age.	Owners or their employees or agents.



MEATH LOCAL AUTHORITIES
CONTROL OF HORSES ACT, 1996
CONTROL OF HORSES BYE – LAWS 2012

SCHEDULE B
FORM 1

**Notice of Seizure and Detention of a Horse Where Owner of Horse(s) Is Known
to the Local Authority**

Date:

Name:

Address:

Dear Sir/Madam,

Please take notice that a horse understood to be in your ownership was seized by the Council at _____ and is being detained at _____ pound at _____.

You may collect your horses from the pound on payment of all fees in connection with the detention of the horse.

If you fail to pay the fees due and fail to remove the horse from the pound **within 5 days** of the date of this notice, the Council will dispose of the horse in accordance with the Bye-Laws and the Act 1996.

Signed on behalf of Meath Local Authorities by :

Being an authorised person
for the purposes of the Act

Administrative Officer



MEATH LOCAL AUTHORITIES
CONTROL OF HORSES ACT, 1996
CONTROL OF HORSES BYE – LAWS 2012

SCHEDULE B

FORM 2

Notice is hereby given under The Control of Horses Act 1996 that the horses described below:

Id Number	Sex	Colour	Date of Seizure	Location of Seizure

Were detained pursuant to Section 37 of the Control of Horses Act, 1996 . Within a period of five 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 his ownership or right to keep the horse on payment of all outstanding fees, expenses and charges in respect of the horse, provided that detention of the horse is not required by Meath Local Authorities or a Superintendent of the Garda Síochána, in accordance with Section 39 (1) (a), (b) or (c) of the Act and provided that Meath Local Authorities or 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 this the horse may be disposed of in accordance with the said Act

Dated :

Signed on behalf of Meath Local Authorities by :

**Being an authorised person
for the purposes of the Act**

Administrative Officer



MEATH LOCAL AUTHORITIES
CONTROL OF HORSES ACT, 1996
CONTROL OF HORSES BYE – LAWS 2012

SCHEDULE C
FORM 1

NOTICE OF PROPOSED DISPOSAL OF A DETAINED HORSE

Notice is hereby given that Meath Local Authorities proposes to dispose of a Horse(s) described below which was detained under the Control of Horses Act 1996.

Id Number	Sex	Colour	Date of Seizure	Location of Seizure

Dated :

Signed on behalf of Meath Local Authorities by :

Being an authorised person
for the purposes of the Act

Administrative Officer



MEATH LOCAL AUTHORITIES
CONTROL OF HORSES ACT, 1996
CONTROL OF HORSES BYE – LAWS 2012

SCHEDULE D
FORM 1

Declaration by land owner to Local Authority

I _____, of _____

Hereby declare to Meath Local Authorities that:

(a) I am the owner/been authorised by the owner of the land described below where the horses are being kept without my consent and that I have no knowledge of who the owner may be.

OR

(b) I am the owner/been authorised by the owner of the land which horses are being kept without my consent and that the owner is known to me as

Location of land; _____

Signature: _____ Date: _____

Witness: _____ Date: _____

A map detailing the exact location of the lands must be submitted.

Please complete description of Horses/Ponies

Description of Horses

- 1.
- 2.
- 3.
- 4.
- 5.



MEATH LOCAL AUTHORITIES
CONTROL OF HORSES ACT, 1996
CONTROL OF HORSES BYE – LAWS 2012

SCHEDULE D
FORM 2

Horses trespassing on lands/premises

Notice under the Control of Horses Act 1996

To the owner of the horses on these lands

_____, being an authorised officer under the Control of Horses Act, 1996 in exercise of the powers conferred on me by the said Act state that the owner of these lands has informed me that the horses on these lands at _____ are on these lands without the owner's permission. Consequently these horses can be seized under the Control of Horses Act, 1996.

I give notice that if these horses are not removed from these lands by _____, they will be seized under the Control of Horses Act, 1996 and will be dealt with accordingly.

Signed _____


Dated _____

MEATH LOCAL AUTHORITIES
CONTROL OF HORSES BYE-LAWS 2012

MADE UNDER
CONTROL OF HORSES ACT, 1996

Present when the Seal of the Council was affixed hereto:-


PRESENT when the Common Seal of
MEATH COUNTY COUNCIL
Was affixed hereto:



Cathaoirleach
or

Person nominated pursuant to Section 11 (8)
of the Local Government Act 2001

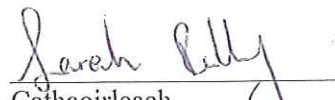
PRESENT when the Common Seal of
NAVAN TOWN COUNCIL
Was affixed hereto:



Cathaoirleach
or

Person nominated pursuant to Section 11 (8)
of the Local Government Act 2001


PRESENT when the Common Seal of
KELLS TOWN COUNCIL
Was affixed hereto:

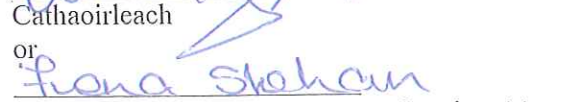


Cathaoirleach
or

Person nominated pursuant to Section 11 (8)
of the Local Government Act 2001

PRESENT when the Common Seal of
TRIM TOWN COUNCIL
Was affixed hereto:



Cathaoirleach
or


Person nominated pursuant to Section 11
(8) of the Local Government Act 2001