

Date: 29th September, 2017

To: The Cathaoirleach and Each Member of the Municipal District of Adare-Rathkeale

Re: Public Consultation Report on the Draft Limerick City and County Council (Control of Horses) Bye-Laws 2017.

I attach herewith for the consideration of the Members, the Public Consultation Report of the Physical Development Directorate on the Draft Limerick City and County Council (Control of Horses) Bye-Laws 2017. The purpose of these Draft Bye-Laws is to regulate sulky racing on public roads in Limerick

A public consultation period commenced on the 10th June 2017 and a notice of intention to make the bye-laws and details of the consultation period was published in the Limerick Leader and the Limerick Post on that date. The deadline for receipt of submissions was the 18th July 2017 and I can confirm that there were 2 submissions received during the consultation period. These submissions are set out in Appendix C of the attached Report.

The power to make the control of horses bye-laws is a reserved function of the Full Council.

Accordingly, it is my intention to bring the Draft Limerick City and County Council (Control of Horses) Bye-Laws to the November 2017 Meeting of the Full Council for consideration and adoption. A final report will also be prepared and presented at this Meeting.

Accordingly, in accordance with the Control of Horses Act 1996 (as amended), I attach for your information and consideration the public consultation report on the Draft Limerick City and County Council (Control of Horses) Bye-Laws 2017.



Kieran Lehane
Director of Service
Physical Development Directorate

Public Consultation Report on the Draft Limerick City and County Council (Control of Horses) Bye-Laws 2017 to replace the Limerick City and County Council (Control of Horses) Bye-Laws 2015 for the purpose of regulating sulky racing on public roads in Limerick.

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Introduction

The Council undertook a statutory public consultation in relation to the Draft Limerick City and County Council (Control of Horses) Bye-Laws 2017 between the 10th June 2017 and the 18th July 2017. There were 2 submissions received during this period and these are set out in Appendix C.

The Draft Bye-Laws were prepared, following a submission from the Gardai, to address the issue of unregulated sulky racing on public roads in Limerick which has been a matter of considerable concern to Members of the Council, Gardai, and the public for some time.

The Draft Limerick City and County Council (Control of Horses) Bye-Laws 2017 will be presented to the Full Council for consideration at its November 2017 Meeting.

Initial Proposals to regulate Sulky Racing

The initial proposal to regulate sulky racing through local authority bye-laws was put forward by Gardai. This correspondence is set out in Appendix D.

By letter dated the 23rd August 2016 Inspector Paul Reidy explained that there had been a number of incidents where motorists and other road users had been put in danger by sulky racing on public roads. In addition, he highlighted that sulky racing was also leading to animal welfare issues, and dangers arising from the congregation of spectators and passengers leaning out of cars. He expressed the view that current legislative measures are not sufficient to deal with the issue of sulky racing.

Inspector Reidy stated that Kilkenny County Council has adopted Control of Horses Bye-Laws which regulate sulky racing. He explained that the Kilkenny Bye-Laws make it an offence for any person to participate in or engage in a race of a horse drawn vehicle. He requested that Limerick City and County Council consider making similar provision through the amendment of the Council's current control of horses bye-laws.

Power to make Bye-Laws

The power to make, revoke or amend the Limerick City and County Council (Control of Horses Bye-Laws 2015) is laid down in the Control of Horses Act 1996 (as amended). This function is a reserved power of the Full Council.

Travel and Transportation Strategic Policy Committee Recommendation

At the Meeting of the Travel and Transportation Strategic Policy Committee held on the 5th December 2016, following a presentation from Inspector Reidy, the Committee recommended that the Limerick City and County Council (Control of Horses) Bye-Laws 2015 be amended to regulate sulky racing on public roads.

At the Meeting, Garda Inspector Paul Reidy offered the view that legislation such as the Control of Horses Act 1996 (as amended), the Roads Act 1993 (as amended) and the Animal Health and Welfare Act 2013 (as amended) fall short of what is required to deal with complaints of sulky racing on the roadways.

The Committee agreed that sulky racing on the public roads needs to be regulated and recommended that the Council should initiate a process by which the current bye-laws are amended to address the issue.

Full Council Recommendation

At the Meeting of the Full Council held on the 23rd January 2017 the Council approved the recommendation of the Travel and Transportation Strategic Policy Committee that the current Limerick City and County Council (Control of Horses) Bye-Laws 2015 be amended to regulate sulky-racing on public roads.¹

¹ Minutes of the Proceedings at Meeting of Limerick City and County Council held in the Council Chamber, Dooradoyle, Limerick, on Monday, 23rd January 2017 at 3 p.m., Item 3(d)
< https://www.limerick.ie/sites/default/files/atoms/files/01_i_minutes_council_meeting_230117.pdf>

Draft Bye-Laws Presentation to Municipal Districts

The Draft Limerick City and County Council (Control of Horses) Bye-Laws were prepared and presented to the Metropolitan District of Limerick City and the Municipal Districts of Adare-Rathkeale, Cappamore-Kilmallock and Newcastle West at their April 2017 Meetings. These Draft Bye-Laws are contained in Appendix D.

The Draft Limerick City and County Council (Control of Horses) Bye-Laws 2017 will readopt all the provisions of the Limerick City and County Council (Control of Horses) Bye-Laws 2015 with the inclusion of an additional provision to regulate sulky racing.

This proposed provision is contained in section 11 of the Draft Limerick City and County Council (Control of Horses) Bye-Laws 2017 as follows:

“Prohibition on Racing Horse Drawn Vehicle on Public Roads

11.

No person under the age of 16 years of age, either directly or indirectly, shall participate in or engage in a race of a horse drawn vehicle on a public road within the City and County of Limerick.

Subject to Bye-Law 11(c), a person, either directly or indirectly, as a spectator or otherwise whether that person is on foot or not on foot, or whether that other person is in or on a mechanically propelled vehicle, shall not participate in or engage in a race of a horse drawn vehicle regardless of whether such participation is either active or passive, on a public road within the City and County of Limerick.

Bye-law 11 (b) shall not operate to prevent a race of a horse drawn vehicle on a public road within the City and County of Limerick for which permission has been obtained pursuant to Section 74 and 75 of the Roads Act, 1993.”

The Elected Members approved the publication of the Draft Bye-Laws and the undertaking of a public consultation process.

Public Consultation Period

The public consultation period for the consideration of the Draft Limerick City and County Council (Control of Horses) Bye-Laws 2017 commenced on the 10th June 2017. A notice was published in the Limerick Leader and the Limerick Post on that date. This notice is set out in Appendix B. Copies of the Draft Dye-Laws were available on the Council's website www.limerick.ie and at the Council Offices in Merchants Quay, Dooradoyle, Rathkeale, Kilmallock and Newcastle West.

The notice outlined that submissions and observations could be made between the 10th June 2017 and the 18th July 2017, in writing to Ms Mairead Corrigan, Physical Development Directorate, Limerick City and County Council Offices, Merchants Quay, Limerick, V94 EH90 or by email to mairead.corrigan@limerick.ie.

There were two submissions received during this period and these are set out in Appendix C of this report. I recommend acceptance of the submission from the Gardai and included the Garda Mounted Unit under section 5(d) of exemptions to hold a licence.

The submission received from the Garda Chief Superintendent also noted that ;

“I believe that these Bye-Laws if adopted and enacted will have a very positive impact on the community as a whole. It will enable An Garda Siochana to act in a more proactive manner when instances of Sulky Racing are occurring.

An Garda Siochana will be able to utilise the powers available to them under the Control of Horses Act 1996 and also these subsequent Bye-Laws which will enhance our powers in the whole area of Sulky Racing.”

Public Consultation Report

This public consultation report is now being presented for the information and consideration, to the Members of the Metropolitan District of Limerick City and Municipal Districts of Adare-Rathkeale, Cappamore-Kilmallock and Newcastle West.

Presentation to Full Council for Consideration and Adoption

A final report will be presented to the Full Council for consideration and adoption at its November 2017 Meeting. The final report will detail all written submissions and observations received during the public consultation period.

The Full Council, in accordance with its powers under the Control of Horses Act 1996 (as amended) , will be asked to consider and approve the Draft Limerick City and County Council (Control of Horses) Bye-Laws 2017.

If adopted the Limerick City and County Council (Control of Horses) Bye-Laws 2017 bye-laws would come into effect on the 31st December 2017.²

Publication of Adopted Bye-Laws

In accordance with the Control of Horses Act 1996 (as amended) and Part 19 of the Local Government Act 2001 (as amended) a notice that the bye-laws have been adopted must be published in one or more newspapers and in the Iris Oifigiúil. This notice must also detail where the bye-laws can be inspected and provide a statement of the general purposes for which the bye-laws were made.³

² Local Government Act 2001 section 200(5) provides that a bye-law made by a local authority, shall come into force on such date as shall be specified in the bye-law, which is not less than 30 days after its making.

³ Local Government Act 2001 section 202 and 209.

Appendix A – Prohibition on Sulky Racing

Prohibition on Racing Horse Drawn Vehicles on Public Roads

11.

No person under the age of 16 years of age, either directly or indirectly, shall participate in or engage in a race of a horse drawn vehicle on a public road within the City and County of Limerick.

Subject to Bye-Law 11(c), a person, either directly or indirectly, as a spectator or otherwise whether that person is on foot or not on foot, or whether that other person is in on a mechanically propelled vehicle, shall not participate in or engage in a race of a horse drawn vehicle regardless of whether such participation is either active or passive, on a public road within the City and County of Limerick.

Bye-law 11 (b) shall not operate to prevent a race of a horse drawn vehicle on a public road within the City and County of Limerick for which permission has been obtained pursuant to Section 74 and 75 of the Roads Act, 1993.

Appendix B – Public Consultation Notice



Ceanncheathrú
Chorparáideach,
Cé na gCeannaithe,
Luimneach
Corporate Headquarters,
Merchant's Quay,
Limerick
t: 061 407100
e: info@limerick.ie

PUBLIC NOTICE

DRAFT LIMERICK CITY AND COUNTY COUNCIL (CONTROL OF HORSES) BYE-LAWS 2017

Notice is hereby given that Limerick City and County Council proposes to make Control of Horses Bye-Laws in accordance with sections 13, 17, 39, 40, 46 and 47 of the Control of Horses Act, 1996 (No. 37 of 1996) and Part 19 of the Local Government Act, 2001 (No. 37 of 2001) for the purpose of regulating the control of horses and to make provision for the licensing of horses, in areas where horses may cause a danger or nuisance to persons or property, within the administrative area of Limerick City and County.

Copies of the Draft Bye-Laws, are available on the Council's website www.limerick.ie and are also available free of charge at the Limerick City and County Council Offices, in Merchants Quay, Limerick V94 EH90 and in the Dooradoyle Offices, Dooradoyle Road, Limerick V94 WV78 and at the Council's Local Area Offices at Áras Mainchín Seoighe, Millmount, Kilmallock, V35 K497, Áras Seán Finn, New Line, Rathkeale, V94 HK1V, and Áras William Smith O'Brien, Gortboy, Newcastle West, V42 EH73.

The Draft Bye-Laws will be on public display from 10th June, 2017 until 5 p.m. on the 11th July, 2017. Submissions and observations may be made in writing until 5 p.m. on the 18th July, 2017 to Mairead Corrigan, Physical Development Directorate, Limerick City and County Council Offices, Merchants Quay, Limerick, V94 EH90 or by email to mairiad.corrigan@limerick.ie. The Council will consider all submissions received during this period.

www.limerick.ie

Appendix C – Public Consultation Submissions Received

AN GARDA SÍOCHÁNA

Offig An Árd Cheannfort
An Garda Síochána
Sraid Anraí
Luimneach



Chief Superintendent's Office
An Garda Síochána
Henry Street
Limerick

Teileafón/Tel: (061) 212411
Facs/Fax: (061) 212481

Láithreán Gréasain/Web Site: www.garda.ie
Ríomh-phoist:/Email:
henry_street_dv@garda.ie

Bí linn/Join us



LI_80-262259/17

Mairead Corrigan
Physical Development Directorate
Limerick City and County Council
Merchants Quay
Limerick



Re; Notice of Draft Bye-Laws for Limerick City & County Council

Dear Ms Corrigan,

I refer to above and in reply to your correspondence of the 13th of June 2017, I am to report that An Garda Síochána have examined the Draft Bye-Laws and apart from **one recommendation in Paragraph 5 of the Draft Bye-Laws**, I believe that in the whole they should meet the requirements for being effective in enabling An Garda Síochána to Police the activity known as Sulky Racing on our Public Roads.

✚ Under heading “**Exemptions from requirement to hold a horse licence**” paragraph 5.

I suggest that “**The Garda Mounted Unit**” should be included within this paragraph so as to remove any ambiguity surrounding the issue, should the Garda Mounted Unit ever be deployed to Limerick City & County.

I believe that these Bye-Laws if adopted and enacted will have a very positive impact on the community as a whole. It will enable An Garda Síochána to act in a more proactive matter when instances of Sulky Racing are occurring.

An Garda Síochána will be able to utilise the powers available to them under the Control of Horses Act 1996 and also these subsequent Bye-Laws which will enhance our powers in the whole area of Sulky Racing.

Yours sincerely,

D. Sheahan
Chief Superintendent



Office of the Minister for Agriculture, Food and the Marine, Dublin 2.

Oifig an Aire Talmhaíochta, Bia agus Mara, Baile Átha Cliath 2.

21 June 2017

Mr. Ger Dillon
Physical Development Directorate
Limerick City & County Council
Merchants Quay
Limerick V94 EH90

PLEASE QUOTE REF NUMBER ON ALL CORRESPONDENCE.

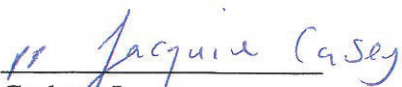
Our Ref: 2017/57715N /AM KE

Dear Mr. Dillon

I wish to acknowledge receipt of your recent correspondence addressed to the Minister for Agriculture, Food and the Marine, Michael Creed, TD in relation to a Notice of Draft Bye-Laws for Limerick City & County Council (Control of Horses) Bye-Laws 2017.

I will undertake to bring your correspondence to the Minister's attention at the next practical juncture. In the interim I have forwarded your correspondence for the attention of relevant Department officials.

Yours sincerely,


Graham Lennox
Private Secretary

Draft Control of Horses Bye Laws 2017

O'Donovan, Mairead

Mon 19-06-2017 16:18

To: O'Halloran, Amy <amy.ohalloran@limerick.ie>;

Cc: Dillon, Ger <ger.dillon@limerick.ie>;

Hi Ger/Amy,

Just 2 comments re the Draft Control of Horses Bye Laws 2017

Bye Law 11

first paragraph is Bye Law 11 (a)

second paragraph is Bye Law 11 (b)

third paragraph is Bye Law 11 (c)

Bye Law 14

Bye Law 14 (1) (b) should read

or has reason to believe the horse will be cruelly treated and has decided to dispose of the horse.

Include

(c) where it has been decided to dispose of the horse, its disposal may be by way of sale, destruction or rehoming.

Kind Regards,

Mairead

Mairead O'Donovan
Administrative Officer
Planning and Environmental Services

**Appendix D – Garda Correspondence
(at Pre Draft Stage)**

Oifig an Chigire,
An Garda Síochána,
Aonad Trachta Ceantar,
Sraid Anraí,
Luimneach.

Teileafón/Tel: 061-214347
Facs/Fax: 061-214345

Luaigh an uimhir thagartha seo a leanas, le do thoil.
Please quote the following ref. number:

LI.128-446316/15
LN 66-44316/15
TC.

Mr Rory McDermott
Roads Department
Limerick City & County Council

An Garda Síochána



Inspector's Office,
An Garda Síochána,
Henry Street,
Limerick.

Láithreán Gréasáin/Web Site
www.garda.ie
Ríomhphoist/Email:

Dáta/Date: 23rd August 2016

AN GARDA SÍOCHÁNA
DIVISIONAL TRAFFIC CORPS

23 AUG 2016

INSPECTORS OFFICE
HENRY STREET
LIMERICK CITY

RE: Sulky racing on the roads network in Limerick City & County.

Dear Mr McDermott,

Over the past number of years there have been incidents occurring on the roads network both in Limerick City and County whereby motorists and other road users are put in danger by sulky racing. Sulky racing is traditionally associated with the Travelling Community. Unfortunately the practice is reckless and extremely dangerous.

There is little or no regulation present which specifically deals with the issues surrounding sulky racing on our roads. Legislation such as the Control of Horses Act, 1996, Roads Act, 1993 and Animal Health and Welfare Act 2013 fall short of what is required when dealing with complaints of Sulky racing on the roadway's.

We are all familiar with the practice of sulky racing and there can be little doubt the practice puts at risk the lives of those participating in the racing itself, those observing and attending such events and also the safety of other road users.

Unfortunately the practice of sulky racing can involve some if not all of the following practices which occur on our roads network:

- Large numbers of spectators gathered at stretches of roadway where the racing is taking place which forces general traffic to slows down and sometimes come to a halt.
- Spectators involved with the sulky racing event driving two abreast after the sulky race preventing general traffic from overtaking.
- Passengers in these spectator vehicles often leaning out of the travelling vehicles, often sitting on the door frame and shouting encouragement to participants and sometimes videoing the race.
- Unnecessary suffering caused to horses involved in the sulky racing and what would appear in many cases to be a total disregard for animal welfare.

Ráiteas Misín/Mission Statement:

An leibhéal insroichte is airde a bhaint amach maidir le Cosaint Phearsanta, Tiomantas don Phobal agus Slándáil Stáit
To achieve the highest attainable level of Personal Protection, Community Commitment and State Security.

- Participants who engage in this practice, including the driving of sulkies can often appear to be children under the age of 16 years. This is totally reckless and extremely dangerous to themselves and others present.

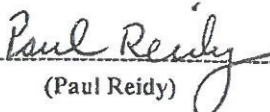
Kilkenny County Council have enacted Bye-Laws specifically tailored to deal with the issues of Sulky racing on the road network in County Kilkenny. Attached find copy of same. The Bye-Laws make it an offence for any person to participate in or engage in a race of a horse drawn vehicle on a public road within the county of Kilkenny. Paragraph 11, Kilkenny County Council Bye-Laws 2015.

I have also attached copy of The Kilkenny People newspaper article which outlines the introduction of the Bye-Laws along with two articles from the "Journal.ie" featuring incidents which have been reported on in the past.

It is requested that you might give consideration to the implementation of similar Bye-Laws within Limerick City & County. It is expected that such Bye-Laws would strengthen the hand of both the Council and An Garda Síochána in preventing such reckless and dangerous practices from occurring on our roads.

An Garda Síochána's primary focus is to make our roads safer for road users and to prevent incidents which have the capacity to cause serious injury collisions and even road fatalities.

For your consideration, please.


----- Inspector
(Paul Reidy)

Ráiteas Misín/Mission Statement:

An leibhéal insoichte is airde a bhaint amach maidir le Cosaint Phearsanta, Tiomantas don Phobal agus Slándáil Stáit
To achieve the highest attainable level of Personal Protection, Community Commitment and State Security.

Oifig an Chigire,
An Garda Síochána,
Aonad Trachta Ceantar ,
Sraid Anraí,
Luimneach.

Teileafón/Tel: 061-214347
Facs/Fax: 061-214345

An Garda Síochána



Inspector's Office,
An Garda Síochána,
Henry Street,
Limerick.

Láithreán Gréasáin/Web Site
www.garda.ie
Ríomhphoist/Email:

Luaigh an uimhir thagartha seo a leanas, le do thoil.
Please quote the following ref. number:

Dáta/Date: 31.1.2017

LI_128-446316/15
LN
TC.

Mr Kieran Lehane
Director of Services
Limerick City & County Council.

RE: Introduction of Bye-Laws to Prevent Sulky Racing on the Roads Network in Limerick City & County.

Dear Mr Lehane,

Following on from the Travel & Transportation Strategic Policy Committee Meeting on the 5th December 2016 I have scrutinised the Kilkenny County Council Control of Horses Act 1996 Bye-Laws 2015 with a view to ascertaining their usefulness towards drafting of Bye-Laws for Limerick City & Council.

Overall the Bye-Laws appear to have all the necessary elements required. However I would recommend some amendments, which in my view would give greater power to Gardai dealing with such incidents to deal with all persons present at such events, who are actively or passively participating in the event.

Ráiteas Misín/Mission Statement:

An leibhéal insroichte is airde a bhaint amach maidir le Cosaint Phearsanta, Tiomantas don Phobal agus Slándáil Stáit
To achieve the highest attainable level of Personal Protection, Community Commitment and State Security.

Suggested amendments to Current Kilkenny Bye-Laws.

Hereunder outlines Section 11 (a), (b) and (c) of the Kilkenny Bye Laws which are currently enacted in Kilkenny.

RACING OF HORSE DRAWN VEHICLES ON PUBLIC ROADS

- 11 (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.
- 11(b) Subject to Bye-Law 11 (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.
- 11(c) Bye-Law 11 (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.

Hereunder are the proposed changes amendments to Section 11 (a), (b) and (c) which I propose the Council adopt, which in my view will strengthen the hand of An Garda Síochána when enforcing these Bye-Laws and it will in my view hold **all participants, and including participating motorists and bystanders equally accountable.**

RACING OF HORSE DRAWN VEHICLES ON PUBLIC ROADS

- 11(a) No person under the age of 16 years of age, **either directly or indirectly**, shall participate in or engage in a race of a horse drawn vehicle on a public road within county Limerick.
- 11(b) Subject to Bye-Law 11(c), a person, **either directly or indirectly, whether that person is on foot or not on foot, or whether that other person is in or on a mechanically propelled vehicle**, shall not participate in or engage in a race of a horse drawn vehicle **regardless of whether such participation is either active or passive**, on a public road within the County of Limerick.

Ráiteas Misín/Mission Statement:

An leibhéal insroichte is airde a bhaint amach maidir le Cosaint Phearsanta, Tiomantas don Phobal agus Slándáil Stáit
To achieve the highest attainable level of Personal Protection, Community Commitment and State Security.

- 11(c) Bye-law 11 (b) shall not operate to prevent a race of a horse drawn vehicle on a public road within County Limerick for which permission has been obtained pursuant to Section 74 and 75 of the Roads Act, 1993.

Any references to Kilkenny should be amended to Limerick.

Suggested addition to definitions in current Kilkenny Bye-Laws.

“Mechanically propelled vehicle” means, a vehicle intended or adapted for propulsion by mechanical means, including-

- (a) A bicycle or tricycle with an attachment for propelling it by mechanical power, whether or not the attachment is being used,
- (b) A vehicle the means of propulsion of which is electrical or partly electrical and partly mechanical,

But not including a tramcar or other vehicle running on permanent rails.

Recommendations.

Attached are the:

1. Copy of Kilkenny County Council Control of Horses Act 1996 Bye-Laws 2015

I am forwarding the attached copy Bye-Laws to which I propose are amended as outlined for consideration as to suitability for implementation.

As it is the role and function of the Council to draft and enact Bye-Laws, I request that you give consideration to the adoption of these Bye-Laws with whatever further amendments or additions that you may feel are necessary and appropriate.

For your consideration, please.

-----Inspector
(Paul Reidy)

Ráiteas Misín/Mission Statement:

An leibhéal insroichte is airde a bhaint amach maidir le Cosaint Phearsanta, Tiomantas don Phobal agus Slándáil Stáit
To achieve the highest attainable level of Personal Protection, Community Commitment and State Security.

**Appendix E – Draft Limerick City and County Council
(Control of Horses) Bye-Laws 2017**



**DRAFT Limerick City and County Council
(Control of Horses) Bye-Laws 2017**

Limerick City and County Council
(Control of Horses) Bye-Laws 2017

PART I

Preliminary

1. Short title
2. Citation and Commencement of Bye-Laws
3. Definitions

PART II

4. Control Area
5. Exemptions from Requirements to Hold a Horse Licence
6. Control of Horses on Public Roads
7. Grazing in a public place
8. Keeping of horses in a control area
9. Prohibition on Stabling or Keeping of a Horse in the Dwelling by Owner.

10. Prohibition on Stabling or Keeping of a Horse in a Dwelling by a Person Who has charge or control of a Horse
11. Prohibition on Racing Horse Drawn Vehicles on Public Roads
12. Seizure and detention
13. Disposal of Detained Horse.
14. Disposal of horse(s) pursuant to Sec. 39 (2) (f) of the Act
15. Disposal of horse(s) detained on three (3) or more occasions
16. Repeal

Limerick City and County Council, in exercising of the powers conferred on it by Part 19 of the Local Government Act 2001 (No. 37 of 2001) and the by Sections 13, 17, 39 and 40, 46 and 47 of the Control of Horses Act, 1996 (No. 37 of 1996), hereby makes the following Bye-Laws in respect of the administrative county of Limerick City and County.

PART I

CITATION AND COMMENCEMENT

1. These Bye-Laws may be cited as Limerick City and County Council (Control of Horses) Bye-Laws, 2017.
2. These Bye-Laws shall come into operation on the ____ day of _____ 2017.

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:

“Authorised Person” means a person appointed as an authorised person by the Council under Section 3 of the Act.

“the Act” means the Control of Horses Act, 1996 (No. 37 of 1996). References to any statute or other similar legislative instrument shall be construed as a reference to the statute or instrument as amended, modified, consolidated or extended.

“the Council” means Limerick City and County Council or agent acting on behalf of Limerick City and County Council.

“Control area” means the functional area of the Council declared by the Council to be a control area for the purposes of section 17 of the Act.

| | |
|---------------------------|---|
| “Curtilage of a Dwelling” | means an area of land adjacent to a dwelling and may include a structure |
| “Dispose of “ | includes to sell or to give away or have destroyed and cognate words shall be construed accordingly. |
| “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. |
| “Farmer” | means a person who is the holder of a herd no. issued by the Department of Agriculture, Food and Marine for the keeping of cattle and/or sheep. |
| “Fees” | means the sums to be paid by the owner or keeper of a horse including fees and expenses of any kind incurred by the Council or The Superintendent in relation to the seizure, detention, keep, maintenance, care, sustenance, disposal, veterinary fees, microchipping, transportation and administration fees incurred by the Council or the Superintendent. |
| “Five Days” | shall include a Saturday, Sunday and Public Holiday. |
| “Horse” | includes a donkey, mule and hinny. |
| “Horse Licence” | means a licence granted by a local authority under section 20 of the Act. |
| “Keeper” | means any person having possession or control of a horse whether he/she be the owner of the horse or not. |
| “Landowner” | means a person who is entitled to an estate, in fee simple, in possession, in lands or to a leasehold interest of not less than three years |

| | |
|----------------------------------|---|
| “Local Authority” | has the meaning given to it by Section 2(1) (as amended by Section 5(1) and Part 1 of Schedule 1) of the Local Government Act 2001. |
| “Mechanically Propelled Vehicle” | has the meaning given to it by Section 3 of the Roads Act 1961. |
| “Owner” | means any person having possession or control of a horse whether he/she be the keeper of the horse or not. |
| “Passport” | means an equine identification document. |
| “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). |
| “Premises” | Includes any house or land or water and any fixed or movable structure therein and also includes vessels, vehicles, trains, aircraft and other means of transport. |
| “Public Place” | means any street, road, seashore, park, land, field or other place to which the public have access, whether by right or by permission, whether with or without vehicles and whether subject to or free of charge. |
| “Public Road” | “public road”, “road”, “footpath” and “footway” have the meaning assigned to them by Section 2(1) of the Roads Act, 1993; |
| “Regulations” | means regulations made by the appropriate Minister in accordance with his / her powers under the Act or any other statute, enactment. |
| “Re-homing” | means to dispose of by giving away. |

- “Reserved Function” means a reserved function for the purpose of enactments relating to the management of the Local Authority.
- “Stray Horse” means a horse apparently wandering at large, lost, abandoned or unaccompanied (whether tethered or untethered) by any person apparently in charge of it in a public place or on any premises without the owner’s or occupier’s consent.
- “Superintendent” means the Superintendent of the Garda Síochána for the area in which a horse is seized or detained under the Act.
- “Three Days” means three (3) working days.
- “Veterinary Practitioner” means any person who is for the time being registered in the Register of Veterinary Practitioners established and maintained under the Veterinary Practice Act, 2005.

PART II

CONTROL AREA

4. The Council being satisfied that horses in its functional area should be licensed having regard to the need to prevent nuisance, annoyance or injury to persons or damage to property by horses hereby declares the entire administrative area of the Council to be a Control Area for the purposes of the Act and these Bye-Laws pursuant to the provisions of section 17 of the Act.

EXEMPTIONS FROM REQUIREMENTS TO HOLD A HORSE LICENCE

5. 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
 - a) A horse in the control area which has been brought into the control area for the purposes of a gymkhana, sale or showing of horses, or any event of an equine nature for which the Council has given its prior written permission, on the day of the event and from noon the previous day and until noon following the event, provided such adequate facilities similar to those set out in these Bye-Laws are in place;
 - b) A horse that is a thoroughbred registered in Weatherbys Studbook and kept in the Local Government Area of the County of Limerick as existed immediately before the 1st of June 2014.
 - c) A horse owned and kept in the Local Government Area of the County of Limerick as existed before the 1st of June 2014 by ;
 - (i) A farmer or;
 - (ii) A person who is a member of a Hunt Club affiliated to the Hunting Association of Ireland or;
 - (iii) A person who is a bona fide operator of a horse riding school or equestrian centre on a commercial basis or;
 - (iv) A person who can prove to the Council that they are bona fide in occupation of lands sufficient for the horse or horses in their possession, in line with animal welfare guidelines published by the Farm Animal Welfare Advisory Council and who has documentary evidence that they are the owner of the land or if renting evidence of rental agreement for a period of not less than eleven (11) months signed by the land owner and giving permission for the horse to be kept on his/her property.
 - d) The Garda Mounted Unit

CONTROL OF HORSES ON PUBLIC ROADS AND PUBLIC PLACES

6. (1) A person shall not keep, ride or drive a horse, with or without attached to such horse an apparatus on wheels for the carriage of a person or persons thereon, on a public road or a public place unless such person is over the age of 16 years and unless such horse is wearing a proper fitting bridle and is under the control of such person so as to prevent injury or nuisance to persons or damage to property.

GRAZING IN A PUBLIC PLACE

7. No person shall at any time place, turn out to graze or feed or allow to stray or remain in or upon any public place any horse without the written consent of the Council.

KEEPING OF HORSES IN A CONTROL AREA

8. Where a horse is kept under a horse licence granted by the Council at a premises within the control area the following shall apply:
 - (1) the premises shall at all times be suitable as regards construction, size, number of occupants, lighting, ventilation, drainage and cleanliness. Adequate fencing shall be provided to prevent a horse from straying.
 - (2) an exercising area of adequate dimension shall be provided for the horse.
 - (3) an adequate supply of potable water shall be constantly available.
 - (4) an adequate amount of wholesome and suitable food shall be supplied regularly to the horse.

- (5) 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.
- (6) where the horse is kept at grass, there shall be maintained at all times adequate pasture and shelter for the horse.
- (7) the horse shall be adequately exercised and rested and visited at regular intervals.
- (8) all reasonable precautions shall be taken to prevent and control the spread among horses of infectious or contagious disease.
- (9) sufficient care shall be taken of the horse, including veterinary care.
- (10) adequate precautions shall be taken for the protection of the horse in the event of fire.
- (11) only equipment and tackle suitable for the purposes shall be used in connection with the horse.
- (12) adequate accommodation shall be provided for storage of forage, bedding, stable equipment and saddlery.
- (13) manure or other noisome or offensive material shall be removed and disposed of in an appropriate manner as soon as possible to avoid causing a nuisance to adjoining owners or occupiers.

PROHIBITION ON STABLING OR KEEPING OF A HORSE IN A DWELLING BY OWNER

- 9 A person who owns a horse which is kept by him or her shall not stable or keep such horse or cause such horse to be stabled or kept in a dwelling or within the curtilage of a dwelling.

PROHIBITION ON STABLING OR KEEPING OF A HORSE IN A DWELLING BY PERSON WHO HAS CHARGE OR CONTROL OF A HORSE

10.

The keeper of a horse shall not stable or keep such horse or cause such horse to be stabled or kept in a dwelling or within the curtilage of a dwelling.

PROHIBITION ON RACING HORSE DRAWN VEHICLES ON PUBLIC ROADS

11.

- a) No person under the age of 16 years of age, either directly or indirectly, shall participate in or engage in a race of a horse drawn vehicle on a public road within the City and County of Limerick.
- b) Subject to Bye-Law 11(c), a person, either directly or indirectly, as a spectator or otherwise whether that person is on foot or not on foot, or whether that other person is in or on a mechanically propelled vehicle, shall not participate in or engage in a race of a horse drawn vehicle regardless of whether such participation is either active or passive, on a public road within the City and County of Limerick.
- c) Bye-law 11 (b) shall not operate to prevent a race of a horse drawn vehicle on a public road within the City and County of Limerick for which permission has been obtained pursuant to Section 74 and 75 of the Roads Act, 1993.

SEIZURE AND DETENTION

12. Where a horse is seized and detained within the control area, pursuant to Section 37 of the Act, the following provisions shall apply:

- (1) Notice of the seizure and detention of the horse as set out in Form 1 of Schedule A or such similar Form as the Council may from time to time decide, shall be served on the owner or keeper of the horse, where known and can be found as soon as possible.
- (2) Where the owner or keeper of the horse is not known, notice of the seizure and detention of the horse as set out in Form 2 of Schedule A or such similar Form as the Council may from time to time decide, shall be displayed at

Corporate Headquarters, Merchants Quay, Limerick, at the Pound or place where the horse is detained and on the Council's website www.limerick.ie .

- (3) Appropriate services of a Veterinary Practitioner, where required, may be provided.
- (4) The Council or a Superintendent may recover from the owner or keeper of the horse all pound fees payable in respect of the horse, together with all or any other costs and expenses, including fees for seizure, detention, keep, maintenance, care, sustenance, disposal, veterinary fees, microchipping, transportation and administration fees incurred by the Council or the Superintendent.
- (5) Subject to section 39 (1) (a),(b) and (c), section 39 (5) and section 40 of the Act a horse seized under section 37 of the Act may be released to the owner or keeper of the horse upon provision of the following to the Council:
 - (a) proof of identification of owner or keeper by passport, drivers licence or other form of legitimate official photographic identification which the Council in its absolute discretion deems to be acceptable
 - (b) proof of ownership of the horse
 - (c) the passport of the horse or proof of a current completed Application
 - (d) 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)
 - (e) a horse licence for the time being in force granted by the Council if the horse is kept in the control area or by another local authority if the horse is proposed to be kept in the control area of that authority
 - (f) evidence that the horse is microchipped and registered in accordance with the provisions of the European Union (Identification of Equidae) Regulations 2014
 - (g) payment of all fees due to the local authority arising from the seizure and detention of the horse demanded pursuant to the provisions of these Bye-Laws
 - (h) documentary evidence that the owner or keeper is the owner of land adequate to maintain the horse, or if renting, providing evidence of rental agreement for a period of not less than eleven (11) months signed by the land owner and giving permission for the horse to be kept on his/her property

- (6) If the owner or the keeper of the horse shall fail to make himself or herself 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.
- (7) If the owner or the keeper of the horse is known and can be found within five days of the date of seizure and detention of the horse but on request by the Council or the Superintendent or the person in charge of the place where the horse is kept, within five days of the notice provided for under Bye-Law 11 (1) being served upon him (excluding the date of service) fails to provide to the Council:
- (a) proof of identification of owner or keeper by passport, drivers licence or other form of legitimate official photographic identification which the Council in its absolute discretion deems to be acceptable
 - (b) proof of ownership of the horse
 - (c) the passport of the horse or proof of a current completed Application
 - (d) proof of entry on 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)
 - (e) a horse licence for the time being in force granted by the Council if the horse is kept in the control area or by another local authority if the horse is proposed to be kept in the control area of that authority
 - (f) evidence that the horse is microchipped and registered in accordance with the provisions of the European Union (Identification of Equidae) Regulations 2014
 - (g) payment of all fees due to the local authority arising from the seizure and detention of the horse demanded pursuant to the provisions of these Bye-Laws
 - (h) documentary evidence that the owner or keeper is the owner of land adequate to maintain the horse, or if renting, providing evidence of rental agreement for a period of not less than eleven (11) months signed by the land owner and giving permission for the horse to be kept on his/her property

or thereafter fails to remove the horse upon request by the Council, the Council or the Superintendent may dispose of the horse in accordance with these Bye-Laws and the provisions of the Act.

DISPOSAL OF DETAINED HORSE

13. Where the Council or the Superintendent decides to dispose of a detained horse it may do so by way of sale, destruction or re-homing.

DISPOSAL OF DETAINED HORSE(S) PURSUANT TO SECTION 39(2)(F) OF THE ACT

14.

- (1) Where the Council or the Superintendent decides to refuse to release a detained horse because it or he or she, as the case may be :
- (a) is not satisfied that adequate accommodation and sustenance, or if detained under Section 37(2) of the Act, adequate veterinary attention will be provided for the horse or:
 - (b) or has reason to believe the horse will be cruelly treated and has decided to dispose of the horse, its disposal may be by way of sale, destruction or re-homing.
- (2) Where it is proposed to dispose of a horse under this Bye-Law the Council or the Superintendent shall send a notice in writing as set out in Form 3 of Schedule A to the owner or keeper (whose whereabouts is known or can be readily found) of the horse, stating the reason or reasons for the refusal to release the horse and that at any time at the expiration of 5 days from the date of the notice, or such longer period as may be stated in the notice, it is proposed to dispose of the horse and that the owner or keeper may within that period make representations to the Council or the Superintendent, as the case may be, against the proposal.
- (3) Where a horse has been disposed of under this Bye-Law by way of sale, 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 in relation to the seizure, detention and disposal of the horse and any balance shall be remitted to the keeper of the horse if known, or if unknown shall be retained by the Council.

- (4) Prior to the Council or the Superintendent deciding to dispose of a horse under this Bye-Law they shall firstly consider any representations that may have been made to it or him or her in writing by the owner or keeper.

DISPOSAL OF HORSES DETAINED ON THREE OR MORE OCCASIONS

15. (1) On the disposal of a horse under section 40 (1) of the Act, 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 costs and expenses, including fees for seizure, detention, keep, maintenance, care, sustenance, disposal, veterinary fees, microchipping, transportation and administration fees incurred by the Council or the Superintendent.
- (2) Where it is proposed to dispose of a horse under section 40 (1) of the Act the Council or the Superintendent:
- (a) shall display a notice as set out in Form 1 of Schedule B or such similar Form as the Council may from time to time decide (with such amendment as may appear to be necessary to comply with the provisions of section 40 (3) of the Act) publicly at the place where the horse is detained, at the Corporate Headquarters, Merchants Quay, Limerick, and at the Pound or place where the horse is detained and on the Council's website www.limerick.ie as soon as possible and
- (b) shall issue a notice in writing to the owner or keeper of the horse (whose whereabouts is known and can readily be found) as set out in Form 2 of Schedule B.
- (3) Where a horse has been disposed of under section 40 (1) of the Act by way of sale, the Council or the Superintendent shall retain out of the proceeds of sale an amount equivalent to all costs (including legal 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 keeper of the horse if known, or if unknown shall be retained by the Council.

REPEAL

16. Any previous Bye-Laws of Limerick City and County Council, Limerick City Council or Limerick County Council made under the Control of Horses Act 1996 (No.37 of 1996) are hereby repealed.

Limerick City and County Council

Control of Horses Act, 1996 and Limerick City and County Council

(Control of Horses) Bye-Laws 2017 made thereunder

NOTICE OF SEIZURE AND DETENTION OF HORSE(S)

Name:

Date:

Address:

Dear _____

Notice is hereby given that No. horse(s) understood to be in your ownership was/were seized by the Council on **(insert date)** at the **(insert location)**

The horse(s) may be reclaimed on production of:

- (a) proof of identification of owner or keeper by passport, drivers licence or other form of legitimate official photographic identification which the Council in its absolute discretion deems to be acceptable
- (b) proof of ownership of the horse
- (c) the passport of the horse or proof of a current completed Application
- (d) proof of entry on 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)
- (e) a horse licence for the time being in force granted by the Council if the horse is kept in the control area or by another local authority if the horse is proposed to be kept in the control area of that authority
- (f) evidence that the horse is microchipped and registered in accordance with the provisions of the European Union (Identification of Equidae) Regulations 2014 and
- (g) payment of all fees due to the local authority arising from the seizure and detention of the horse demanded pursuant to the provisions of these Bye-Laws
- (h) documentary evidence that the owner or keeper is the owner of land adequate to maintain the horse, or if renting, providing evidence of rental agreement for a period of not less than eleven (11) months signed by the land owner and giving permission for the horse to be kept on his/her property

If you fail to comply with the requirements of paragraphs (a) to (h) above within 5 days of the date of service of this notice (excluding the date of service), the Council will dispose of the horse(s) in accordance with the provisions of the Control of Horses Act, 1996 and the Bye-Laws above mentioned.

Yours Sincerely, _____

Authorised Person

on behalf of Limerick City and County Council

Limerick City and County Council

Control of Horses Act, 1996 and Limerick City and County Council

(Control of Horses) Bye-Laws 2017 made thereunder

NOTICE OF SEIZURE AND DETENTION OF HORSE(S)

To Whom It May Concern

Date:

Notice is hereby given that No. horse(s) described as follows **(Insert description)** was/were seized on **(insert date)** from **(location)**. The identity of the owner or keeper(s) of the horse(s) is not known to the Council.

The keeper(s) of the horse(s) may collect the horse(s) on production of:

- (a) proof of identification of owner or keeper by passport, drivers licence or other form of legitimate official photographic identification which the Council in its absolute discretion deems to be acceptable
- (b) proof of ownership of the horse
- (c) the passport of the horse or proof of a current completed Application
- (d) proof of entry on 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)
- (e) a horse licence for the time being in force granted by the Council if the horse is kept in the control area (unless an exemption under Bye-Law 5 applies) or by another local authority if the horse is proposed to be kept in the control area of that authority
- (f) evidence that the horse is microchipped and registered in accordance with the provisions of the European Union (Identification of Equidae) Regulations 2014 and
- (g) payment of all fees due to the local authority arising from the seizure and detention of the horse demanded pursuant to the provisions of these Bye-Laws
- (h) documentary evidence that the owner or keeper is the owner of land adequate to maintain the horse, or if renting, providing evidence of rental agreement for a period of not less than eleven (11) months signed by the land owner and giving permission for the horse to be kept on his/her property

Please take notice that if the owner or keeper does not identify him or herself and satisfy the requirements of paragraphs (a) to (h) above within 5 days from the date of seizure and detention, the Council will dispose of the horse(s) in accordance with the Control of Horses Act, 1996 and the Bye-Laws above mentioned.

Authorised Person

on behalf of Limerick City and County Council

Limerick City and County Council

Control of Horses Act, 1996 and Limerick City and County Council

(Control of Horses) Bye-Laws 2017 made thereunder

NOTICE OF DISPOSAL OF DETAINED HORSE(S)

Name:

Date:

Address:

Dear _____

Notice is hereby given that the Council / Superintendent (delete as appropriate), has refused to release the detained No. horse(s) understood to be owned or kept by you, because the Council / Superintendent (delete as appropriate) is not satisfied that adequate accommodation and sustenance, or if detained under Section 37(2) of the above Act adequate veterinary attention, would be provided for the horse(s) or has reason to believe the horse(s) would be cruelly treated.

FURTHER TAKE NOTICE that any representation(s) you may wish to make to the Council / Superintendent (delete as appropriate) shall be made in writing within the period of five (5) days from the date of this Notice or such longer period as the Notice may specify and thereafter the Council / Superintendent (delete as appropriate) may in the event of representations not being accepted, dispose of the horse(s).

Yours Sincerely, _____

Authorised Person

on behalf of Limerick City and County Council

Limerick City and County Council (Control of Horses) Bye-Laws 2017

NOTICE OF THE PROPOSED DISPOSAL OF DETAINED HORSE(S)

Pursuant to section 40 (1) of the Control of Horses Act, 1996

Queries may be referred to Control of Horses Section

Ph: (061) 496000

Notice is hereby given that Limerick City and County Council proposes to dispose of the horse(s) described below, which was/were detained under the Control of Horses Act 1996, pursuant to the provisions of section 40 of the said act after the expiration of 5 days from the date hereof.

| Date Impounded | Colour | Sex | Height | Description | Microchip Number* | Location of seizure | LCCC Ref. No. |
|----------------|--------|-----|--------|-------------|-------------------|---------------------|---------------|
| | | | | | | | |
| | | | | | | | |

The above horse(s) are held at the Council's pound.

AND TAKE NOTICE that the owner or keeper may within a period of five (5) days from the date hereof make representations to the Council or Superintendent against the proposal to dispose of the horse(s) for the reasons set out in Section 40 of the Act. In the event of any representation not being successful, the owner or keeper, may within seven (7) days of notification of the decision in writing by the Council or Superintendent, appeal the decision to the District Court within whose District Court Area the horse is detained.

* All horses seized and detained are microchipped on entry to the pound, where no microchip is identified at time of seizure.

Authorised Person,

On behalf of Limerick City and County Council

Limerick City and County Council

(Control of Horses) Bye-Laws 2017

NOTICE OF THE PROPOSED DISPOSAL OF DETAINED HORSE(S)

Pursuant to section 40 (1) of the Control of Horses Act, 1996

Queries may be referred to Control of Horses Section Ph: 061 496000

Name:

Date:

Address:

Dear _____

Notice is hereby given that _____ No. horse(s) understood to be in your ownership or keep was/were seized by the Council on **(insert date)** at the **(location)**

Take notice that is proposed to dispose of the horse(s) after the expiry of 5 days from the **(insert date)**, being the date of the publication of the enclosed public notice at the place where the horse(s) are detained. Destruction is the proposed method of disposal.

And take notice that the reasons for the proposed disposal are that the said horse(s) was/were previously detained under section 37 of the said Act on _____ previous occasions within 12 months of their seizure on the (insert date) and the Council is of the opinion that the owner or keeper of the horse(s) is not exercising adequate control over the horse(s) so as to prevent it/them straying, causing a nuisance, or posing a danger to persons or property or

Such horse(s) is/are likely to be in a public place whilst not under adequate control or

Identifiable or capable of identification as required by Regulations made under the said Act

(Delete as appropriate)

And take notice that you the reputed owner or keeper of the said horse(s) may within that 5 day period make representations against the proposal, including representations to the effect that the owner of the horse(s) was not the owner of the horse(s) on any previous occasion when it was detained under section 37 of the Act above mentioned during the period of 12 months, to Limerick City and County Council against the proposal.

Yours Sincerely,

Authorised Person

on behalf of Limerick City and County Council

The Limerick City and County Council (Control of Horses) Bye-Laws 2017 are made and adopted under the Common Seal of Limerick City and County Council this, the ____ Day of _____, 2017.

THE SEAL OF LIMERICK CITY AND COUNTY COUNCIL

Was affixed hereto by:-

DIRECTOR OF SERVICE/APPROVED OFFICER

AUTHENTICATED BY:

SENIOR EXECUTIVE OFFICER/CORPORATE SERVICES