

**(Comhairle Cathrach & Contae Phortlairge)**

# **Waterford City & County Council**



Comhairle Cathrach & Contae Phort Láirge  
Waterford City & County Council

**BYE LAWS MADE UNDER**

**CONTROL OF HORSES ACT, 1996**

# **Waterford City & County Council**

## **(Control of Horses)**

### **Bye-laws**

### **(DRAFT ONLY)**

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The Council of the City and County of Waterford, in exercising of the powers conferred on it by Sections 13, 39, 40, 46 and 47 of the Control of Horses Act, 1996, hereby makes the following Bye Laws in respect of the administrative area of the city and county of Waterford.

## **PART I**

### **PRELIMINARY**

1. These Bye Laws may be cited as Waterford City & County Council (Control of Horses) Bye Laws **20XX**
2. These Bye Laws shall come into operation on the \_\_\_\_\_ day of \_\_\_\_\_ 20XX.

### **DEFINITIONS**

3. In these Bye Laws, except where expressly stated to the contrary, the following words have the meanings hereby respectively assigned to them, that is to say:-

“the Act” means the Control of Horses Act, 1996;

“the Council” means Waterford City & County Council;

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

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

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

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

“Keeper” means any person having possession or control of a horse whether he/she be the owner of the horse or not;

“Permit” means a permit issued by the Council to a person authorising the use of a horse drawn vehicle;

“Permit Holder” means a person to whom a permit has been issued under Byelaw 8

- “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 Place” means any street, road, seashore, park, land, field or other place to which the public have access, whether by right or permission, whether with or without vehicles and whether subject to or free of charge;
- “Race” means a race, a trial of speed, a time trial, a competition or test in which participants are required to cover a certain distance on horseback or in a horse drawn vehicle in the shortest possible time, or an event or occasion which requires a horse drawn vehicle to be driven at speed.
- “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;
- “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;
- “Regulations” means regulations made by the appropriate Minister in accordance with his / her powers under the Act;

## **PART II**

### **HORSE DETAINED UNDER SECTION 37 OR SECTION 47 OF THE ACT**

4. Where a horse is seized and detained within the Administrative Area of Waterford City and County Council, pursuant to Section 37 or Section 47 of the Act, the following provisions shall apply:
- (a) A notice shall be displayed in a visible location at the location where the horse was seized or at the office of the Garda Síochána for the area in which the horse was seized describing the horse and stating where it was found and the contact details of the seizure company.
  - (b) Where the owner or keeper of a horse detained under the Act is known and can be readily found, the Council or the Superintendent shall notify him or her of its detention and that its release may be obtained on payment of all pound fees due including fees for keep, veterinary fees, microchip implantation and registration, collection

and transportation and on proof being tendered of his/her ownership or right to keep the horse and that the horse is micro-chipped and registered in accordance with the European Union (Identification of Equidae) Regulations 2014 (S.I. No 207 of 2014) and that adequate accommodation and sustenance and if necessary veterinary attention will be provided for the horse and that the premises where the horse is intended to be kept is registered as an Equine Premises under the Control on Places where Horses are Kept Regulations 2014 (S.I. No 113 of 2014) and has an Equine premises number i.e. a herd number.

- (c) If in the opinion of an Authorised Person any horse seized or detained under these bye-laws requires Veterinary attention, the services of a Veterinary Surgeon may be so provided.
- (d) If the owner or keeper of the horse shall fail to make himself or herself known to the Council or cannot be found on the expiration of a period of five days from the date of seizure and detention, the Council or the Superintendent may dispose of the horse in such manner as it or he or she, as the case may be, considers appropriate.
- (e) 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 five days or such longer period as may be specified in the request for payment being made, fails to pay the pound fees due or having paid them fails to take possession of the horse or the Council or the Superintendent refuse to release the horse for the reasons set out in Bye-Law No. 4 (b), the Council or the Superintendent shall dispose of the horse in such manner as it or he or she, as the case may be, considers appropriate.
- (f) 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. If the owner or keeper is unknown the balance shall be retained by the Council.

#### **DISPOSAL OF HORSE UNDER SECTION 40 OF THE ACT**

5. 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 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 under adequate control.

The Council or the Superintendent may decide to dispose of the horse. On the disposal of the horse under this Bye Law, the owner or keeper of the horse shall pay to the Council all or any expenses including fees for keep, veterinary fees, transportation costs, fees of sale and pound fees due.

#### **GRAZING IN A PUBLIC PLACE**

6. A person shall not at any time, place, turn out to graze, feed or allow to remain or stray a horse in a public place.

#### **PUBLIC PLACES AND CONTROL OF HORSES**

7. (a) Persons are prohibited from having or keeping a horse in a public place, other than in the circumstances and places described in column (1) of Schedule B to these Bye-Laws by a person or a class of persons mentioned in column (2) opposite the description to which it relates.
- (b) Where a person is permitted to lead, ride or drive a horse in a public place they shall ensure that the horse is under their control so as to prevent injury or nuisance to persons or damage to property.
- (c) When a person is riding a horse in a public place they will ensure that the horse is at all times wearing a bridle (including reins ) made from suitable materials ( not rope) and fitted with a metal bit. An adult must accompany horse riders under the age of 16 years.
- (d) Paragraph (a) of this Bye-Law does not apply to the following classes of persons:
- i. Members of An Garda Siochana,
  - ii. Members of the Defence Forces, and
  - iii. Authorised Persons.

### **PERMIT FOR HORSE DRAWN VEHICLE**

- 8.
- a. The Council may issue a Permit to a person authorising the use of a horse drawn vehicle in a public place.
  - b. A Permit shall be issued annually.
  - c. A Permit shall be valid for a period of twelve months from the date of issue.
  - d. A permit may be granted only where –
    - i. The applicant has submitted a valid Horse Passport in respect of the horse to be used drawing the horse drawn vehicle.
    - ii. The applicant provides evidence of Third Party (Public Liability) insurance in respect of the horse
    - iii. The applicant has paid the appropriate fee as set out in Schedule A of these Bye-laws
    - iv. The Council is satisfied that the applicant will comply with the provisions of these Bye-laws
- a) The Council shall maintain a Register of Permits issued under the Bye-laws

### **PROHIBITION ON RACING OF HORSE DRAWN VEHICLES**

9. The racing of horse drawn vehicles in a public place is prohibited

### **AUTHORISED PERSON**

10. (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/she has reason to suspect that the horse is being kept, or ridden or driven contrary to these Bye Laws.
- (c) An authorised person or a member of the Garda Síochána may be assisted in the exercise of his or her functions under these Bye-Laws by such persons as the authorised person or member of the Garda Síochána considers necessary.

**OFFENCES**

- 11.** Any person who contravenes any of the Bye Laws shall be guilty of an offence.

**PENALTY**

- 12.** 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 €1,905 or to imprisonment not exceeding six months or both.

**OPERATIVE DATE**

- 13.** These Bye Laws shall come into operation on the XXth day of  
Month 20XX.

**REPEAL**

- 14.** The Waterford Corporation (Control of Horses) Byelaws 1997 are hereby revoked



## **SCHEDULE A**

### **Sale Fees**

The actual cost of the Auctioneers fees or €200 per horse whichever is the greater where the horse is sold at the direction of the Council.

### **Permit Fee**

The fee for a permit under Byelaw 8 shall be €50 per horse

## Schedule B

### **Keeping of Horses in Public Places – Exemptions allowed under Byelaw 7 (a)**

<b>(1) Description of circumstances and places</b>	<b>(2) Class of persons</b>
Riding or leading a horse by a 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.	Horse owner or other person lawfully in charge of a horse.
Riding a horse or leading a horse by a bridle and under the supervision of a person over 16 years of age in a public park or public open space.	Horse Owner or other person lawfully in charge of a horse who has written permission from the council in that regard.
Riding a horse 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 with the permission of the Council on a public road or public place.	A person participating in such and holder of a permit under Byelaw 8 as required.
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.	Horse owner or other person lawfully in charge of a horse.
Driving a horse and a horse drawn vehicle under the control of a person over 16 years of age in a public place in accordance with a permit issued under these bye-laws.	The Permit holder

PRESENT WHEN THE SEAL OF THE COUNCIL OF THE CITY AND COUNTY OF  
WATERFORD WAS AFFIXED HERETO ON THE \_\_\_\_\_ DAY OF  
\_\_\_\_\_ 20XX

\_\_\_\_\_  
**MAYOR OF WATERFORD CITY & COUNTY COUNCIL**

\_\_\_\_\_  
**CHIEF EXECUTICE OFFICER**

Please note Section 13(9) of the Control of Horses Act, 1996 where the making of  
Bye-laws under this Act is a Reserved Function