

LOUTH COUNTY COUNCIL

CONTROL OF HORSES ACT, 1996

BYELAWS

Louth County Council, in exercise of the powers conferred upon it by Sections 13, 17, 19, 39(2), 40(2), 46 and 47 of the Control of Horses Act, 1996 (No. 37 of 1996), considering that horses are causing a nuisance or danger to persons or damage to property within its functional area, hereby makes the following Byelaws:

Citation and Commencement

1. (i) These Byelaws may be cited as the Louth County Council (Control of Horses) Byelaws 2003.
- (ii) These Byelaws shall come into operation on 20 November 2003.

Definitions

2. In these Byelaws:

‘authorised person’	means a person appointed by the Council under Section 3 of the Act , or a member of An Garda Siochana
‘the Act’	means the Control of Horses Act, 1996 (No. 37 of 1996);
‘the Council’	means Louth County Council
‘the declared control areas’	means those parts of the functional area of the Council declared by the Council to be a control area for the purposes of Section 17 of the Act;
‘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
‘dune system’	is the area immediately adjacent to the foreshore, consisting of a natural accumulation of sand and a covering of grasses and shrubs which can be in either public or private ownership
‘foreshore’	means an area as defined in the Foreshores Act, 1933 (No. 12 of 1933)
‘horse’	means a horse, donkey, mule or hinny,
‘licence’	means a horse licence issued under the Act

‘mountain commonage’	means public or private lands with traditional grazing rights associated with ownership or appurtenant to ownership of other lands.
‘public road’	means a road, the responsibility of which lies on the Council;
‘public place’	means any street, road, foreshore, 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;
‘the Regulations’	means the Control of Horses Regulations , 1997.
“registered veterinary surgeon”	means a person currently registered in the register established under the Veterinary Surgeons Act, 1931.
‘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.

Declared Control Areas

3. The Council being satisfied that the horses in parts of its functional area should be licensed, having regard to the need to prevent nuisance, annoyance or injury to persons or damage to property, hereby declares the following areas to be control areas
 - a) The commonage part of the townlands listed in schedule A
 - b) The functional area of Dundalk Town Council

Declared Exclusions Areas

4. (i) No person shall at any time have or keep a horse
 - a) Within the curtilage of a dwelling in the towns of Ardee, Blackrock, Castlebellingham, Carlingford, Collon, Drogheda, Dundalk and Dunleer unless the stabling requirements of Schedule C can be fulfilled.
 - b) Or ride or drive a horse in any dune system within the functional area of Louth County Council save for those persons listed in byelaw 6(d)
 - c) Or ride or drive or lead a horse on any of the foreshore areas listed in Schedule D of the County of Louth between the hours of 10.00 and 18.00 on Saturdays, Sundays, Public Holidays and all days during the

months of June, July and August, save for those persons listed in byelaw 6(d).

Grazing in a Public place

5. 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

6.
 - (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 Byelaws by a person of a class of persons mentioned in column (2) thereof opposite the description to which it relates.
 - (b) Where a person is permitted to 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 officers.

Keeping of horses in a declared control area

7. No person shall keep a horse in a declared control area without a current licence issued by Louth County Council.

Exemptions from requirement of having a licence in a declared control area

8. A horse licence shall not be required in respect of a horse in a declared control area which
 - (a) Is kept, including on livery, on a minimum of 1 acre of adequately fenced, privately owned, non-commonage land or on similar land which is leased for not less than 11 months, and subject to each such horse being identifiable through a microelectronic chip. Details of all such exempted

horses must be submitted to the Council. Whenever such an exempted horse is disposed of or dies, the owner or keeper of the horse must notify the Council within 14 days.

- (b) Is kept by horse riding or equestrian premises and who have produced to the Council, evidence of commercial valuation for rating purposes for those premises or if the premises are new and not yet valued, evidence of that planning permission
- (c) Is 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 Steeplechase Committee.
- (d) Is brought into the declared control areas for the purposes of a circus, gymkhana, sale or showing of horses, or any event of an equine nature acknowledged as such in advance by the Council, provided the horse or horses remain no longer in the control area than is reasonably necessary.
- (e) Is engaged in the activities and circumstances stated in column (1) of Schedule B to these Byelaws while under the control of a class of persons mentioned in column (2) thereof opposite the description to which it relates.

KEEPING A HORSE IN A DECLARED CONTROL AREA

- 9. Where a horse is kept under a horse licence granted by the Council at a premises within the declared control area, the following shall apply:
 - a. the person keeping the horse shall be the owner or legal occupiers of the premises in which the horse is kept
 - b. the premises shall at all times be suitable as regards construction, size, number of occupants, lighting, ventilation, drainage and cleanliness and shall comply with the standards of construction as outlined in Schedule C to these Byelaws
 - c. an exercising area of adequate dimension shall be provided for the horse
 - d. an adequate supply of potable water shall be constantly available
 - e. an adequate amount of wholesome and suitable food shall be supplied regularly to the horse
 - f. Where the horse is not at grass, food stored in a dry, secure and suitable place and suitable bedding material shall be provided

- g. Where the horse is kept at grass, there shall be maintained at all times adequate pasture and shelter for the horse
- h. The horse shall be adequately exercised and rested and visited at regular intervals
- i. All reasonable precautions shall be taken to prevent and control the spread among horses of infectious or contagious disease
- j. Sufficient care shall be taken of the horse, including veterinary care
- k. Adequate precautions shall be taken for the protection of the horse in the event of fire
- l. Only equipment and tackle suitable for the purposes shall be used in connection with the horse
- m. Adequate accommodation shall be provided for storage of forage, bedding, stable equipment and saddlery
- n. Manure of noisome or offensive material shall be removed and disposed of as soon as possible in a manner to the satisfaction of the Council and to avoid causing a nuisance to adjoining owners or occupiers

Horse Detained Under Section 37 of the Act

10. Where a horse is seized under Section 37 of the Act within the functional area of Louth County Council and detained pursuant to that Section, the following provisions shall apply:
- a) Notice of the seizure or detention of the horse in the Form 1 set out in Schedule E 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 Form 2 set out in Schedule E hereof shall be displayed in the Public Office of the Garda Síochána for the area in which the horse was seized and in the place where the horse is detained, as soon as possible.
 - c) Appropriate services of registered veterinary surgeon, where required, may be provided.
 - d) The Council or the Superintendent may recover from the owner or the keeper of the horse all fees in respect of the seizure and detention 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) Subject to Section 39(5) of the Act, a horse seized under Section 37 of the Act may be released to the owner or keeper of the horse, subject to all fees referred to in part (b) being discharged and on proof being tendered of their ownership or right to keep the horse and in the case of a horse detained in a declared control area the production of a horse licence for the time being in force for that control area granted by the Council or proof that that horse is exempted under byelaw 8.
- 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 10 days from the date of seizure and detention of the horse the Council or Superintendent may dispose of the horse in accordance with Bye-Law 11 of these Byelaws 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 place where the horse is kept, within five (5) days of demand being made, or such longer period as may be specified, fails to pay fees due hereunder or fails to produce a horse licence for the time being in force granted by the Council, if the horse is normally kept in a declared control area and fails to remove the horse the Council or the Superintendent may dispose of the horse in accordance with Bye-Law 11 of these Byelaws and the Act.

Disposal of a detained horse under Section 37

- 11. Where the Council or the Superintendent decides to dispose of a horse, the following provisions shall apply:
 - 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 suitable by the Council or Superintendent.
 - b. Where it is proposed to dispose of a horse under this Byelaw, the Council or the Superintendent, shall cause a notice to be displayed at the Garda Station for the area in which the horse was seized and at the place from whence it is to be disposed, and the following provisions shall apply:
 - i) If the owner or keeper of the horse is known, notice of the proposed disposal of the horse in the Form 1 set out in the Schedule F hereof shall be served on the owner or keeper of the horse as soon as possible.

- ii) In all cases, notice in Form 2 set out in Schedule F hereof shall be displayed in the public office of the Garda Station for the area in which the horse was seized and in the place where the horse is detained.
 - iii) If a proposed sale is otherwise than by way of auction or at a market, the time and place of the sale may be omitted from the said notice.
 - iv) 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 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.
- c. Where a horse has been disposed of by way of sale under this Byelaw, the Council or 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 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.
- d. 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:
- i) 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;
 - ii) 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. In such cases, the Council or the Superintendent shall serve notice of the proposed disposal of the horse in the Form 3 set out in Schedule F hereof on the owner or keeper of the horse (whose whereabouts is known and can be readily found) as soon as possible.
- e. 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.

Authorised Person

12. Where an authorised person or a member of the Garda Síochána suspects that a person is in breach of these byelaws and directs the person to desist from so offending, the person shall obey the direction of the authorised person or the Garda Síochána.

Offences

13. A person who contravenes a Byelaw shall be guilty of an offence.

Penalty

14. Every person who shall offend against any of the foregoing Byelaws shall be liable for every such offence on summary conviction to a fine not exceeding €1,875 or to imprisonment not exceeding six months or to both.

Revocation

15. The Dundalk Urban Council Control of Horses 2001 are hereby revoked.

SCHEDULE A

Townlands included in the Declared Control Area in Bye Law 3 (a)

Aghameen
Anaverna
Annaloughan
Ardaghy
Ballintесkin
Ballymakellet
Ballyonan
Bavan
Carrickcarnan
Castletowncooley
Commons
Cornamucklagh
Corrakit
Doolargy
Earls Quarter
Edentober
Glenmore
Grange Irish
Jeninstown
Liberties of Carling.
Lislea
Moneycrockroe
Mullaghattin
Rampark
Rath
Slievenaglogh
Spellickanee
Tullaghomeath

SCHEDULE B

LOUTH COUNTY COUNCIL (CONTROL OF HORSES) BYELAWS 2003

Keeping of Horses in Public Places – Exemptions allowed under Byelaw 6 (a)

Description of circumstances and places (1)	Class of persons (2)
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.
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 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.
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.

SCHEDULE C

LOUTH COUNTY COUNCIL (CONTROL OF HORSES) BYELAWS 2003

STANDARDS FOR CONSTRUCTION OF STABLING A HORSE PURSUANT TO BYELAW 4(a) and 9(b)

Horses may be housed separately in loose boxes or stalls, or paired in loose boxes , or loose-houses in groups of three or more. Loose boxes or stalls may be built separately, or built together in various arrangements, or grouped together under a single roof (American Barn).

1a) **Loose box:**

Small horse/pony: The minimum size of 8m² with shorter wall a minimum of 2.8m.

Larger horse: The minimum size of 11m² and as square as is practical.

Mare and foal: The minimum size of 20m² with the shorter wall a minimum of 4m.

b) **Stalls :**

Stalls shall be 3.2 (including trough space) and 1.5 wide. The service passage behind the stalls shall be at least 2m wide for a single row of stalls, and 3m for a double row. Stall dividers, 1.4m high shall be of solid timber or blockwork.

c) **Loose housing:**

For group housing of three or more horses shall provide the following minimum floor area , per horse

Yearling: 4m²

Adult Horse: 8m²

Mare & foal: 12m²

2) **Floor:**

Impervious, slip proof, slope of 1 to 60 to external drain.

3) **Internal surface of walls:**

Impervious and easily cleaned. House dry. No internal protrusions, which could injure a horse.

4) **Lighting:**

Adequate and safe.

5) **Ventilation:**

Adequate with a minimum of 42m² per horse with 6 complete air changes every hour and no draughts.

SCHEDULE D

LOUTH COUNTY COUNCIL (CONTROL OF HORSES) BYELAWS 2003

Areas of Foreshore excluded under bye law 4 (c)

Description	Ordinance Survey Map references
The area of beach and foreshore from the mouth of the estuary of the River Boyne up to and including the headland at Clogherhead	<i>2320 B , 2256 B, 2256 D, 2194 D, 2194 B, 2195 A, 2195 C, 2133 C</i>
The area of beach and foreshore at Port known as the Big Strand extending from Reynoldstown to Port	<i>2014 D, 2073 B</i>
The area of beach and foreshore at Salterstown	<i>1954 D, 1955 C</i>
The area of beach and foreshore at Blackrock extending from the RNLi Boathouse at Southend to the “Caraphuncha” rock adjacent to McKeown's Lane	<i>1771 B, 1771 D, 1702 D</i>
The area of beach and foreshore between a point 50 metres west of the Pier at Gyles Quay extending west to Eggleston Point	<i>1704 B, 1704 D, 1705 A</i>
The area of beach and foreshore at Shelling Hill beach extending to and including the beach and foreshore at Templetown beach	<i>1706 C</i>

SCHEDULE E

Form 1

LOUTH COUNTY COUNCIL (CONTROL OF HORSES) BYELAWS 2003

NOTICE OF SEIZURE AND DETENTION OF A HORSE

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 horse from the pound on payment of all fees in connection with the detention of the horse and on the production of a current horse licence.*

If you fail to pay the fees due, or fail to produce a current horse licence * 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 Byelaws and the Control of Horses Act, 1996.

** if the horse is kept in a declared control zone.*

Yours faithfully

Director of Service

SCHEDULE E

Form 2

LOUTH COUNTY COUNCIL (CONTROL OF HORSES) BYELAWS 2003

NOTICE OF SEIZURE AND DETENTION OF A HORSE

Date

TO WHOM IT CONCERNS

Notice is hereby given that a horse described as follows;

Colour:

Breed:

Height:

Sex:

Was seized by the Council at _____ on _____ and is being held at
Pound _____. The Council is not aware of who the owner of the horse may
be.

The owner of the horse may collect the horse on production of suitable identification,
on payment of all fees in respect of the detention of the horse and on production of a
current horse licence*.

PLEASE TAKE NOTICE that if the owner of the horse does not collect the horse
WITHIN 5 DAYS from the date of this notice, pay all fees due in respect of the
detention of the horse and produce a current horse licence,* the Council will dispose
of the horse in accordance with the Byelaws and the Control of Horses Act, 1996.

*(*if the horse was seized in a declared control zone)*

Yours faithfully

Director of Service

SCHEDULE F

Form 1

LOUTH COUNTY COUNCIL (CONTROL OF HORSES) BYELAWS 2003

**NOTICE OF PROPOSED DISPOSAL OF A DETAINED
HORSE**

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

It is proposed to dispose of the horse by at
on

Signed

Director of Service

SCHEDULE F

Form 2

LOUTH COUNTY COUNCIL (CONTROL OF HORSES) BYELAWS 2003

**NOTICE OF PROPOSED DISPOSAL OF A DETAINED
HORSE**

Notice is hereby given that Louth County Council proposes to dispose of a horse described below which was detained under the Control of Horses Act, 1996.

Colour:

Breed:

Height:

Sex:

This horse was seized by the Council at _____ on _____ and is
being held at
Pound _____. It is proposed to dispose of the horse by _____ at
on _____

Signed

Director of Service

SCHEDULE F

Form 3

LOUTH COUNTY COUNCIL (CONTROL OF HORSES) BYELAWS 2003

NOTICE OF PROPOSED DISPOSAL OF A DETAINED HORSE PURSUANT TO SECTION 40 (3) OF THE CONTROL OF HORSES ACT, 1996.

Date:

Name:

Address:

Dear Sir/Madam,

WHEREAS a horse understood to be in your ownership was seized by the Council at
and is being detained at pound at

and WHEREAS this horse has been so detained on two or more occasions within the
previous twelve months;

AND WHEREAS the Council is of the opinion that:

- i) You are not exercising adequate control over the horse so as to prevent it
straying, causing a nuisance, or posing a danger to persons or property*
- ii) The horse is likely to be in a public place whilst not under adequate control*
- iii) The horse is likely to be in a public place whilst not identifiable or capable of
identification as required by Section 28 of the Control of Horses Act, 1996*

TAKE NOTICE that it is proposed to dispose of the horse by **Delete as appropriate*
at

AND FURTHER TAKE NOTICE that should you wish to make representations to the
Council against this proposal (including representations to the effect that you were not
the owner of the horse on any previous occasion when it was detained under Section
37 during the aforesaid period of 12 months), **YOU MUST** do so by giving notice to
this office **WITHIN 5 DAYS** of the date of this notice.

Signed

Director of Service

LOUTH COUNTY COUNCIL

BYELAWS

MADE UNDER

CONTROL OF HORSES ACT, 1996

Present when the Seal of the Council was affixed hereto on 20 October 2003

CATHAOIRLEACH/NOMINATED MEMBER

DIRECTOR OF SERVICE

COUNTY MANAGER