



Comhairle Chontae na Gaillimhe
Galway County Council



CONTROL OF HORSES

DRAFT BYE-LAWS FEB 2021.

PRESENTATION TO THE HOUSING SPC

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HISTORY



- 1996 Control of Horses Act introduced.
- Local Councils have responsibility for enforcement of the Control of Horses Act, which gave powers to local authorities to control where horses could be kept and powers to seize straying horses
- There are significant costs involved in the seizure, detention and destruction of horses annually.
- Remains unchanged for **25 years** (work is in progress to assess & revise where necessary the principle act)
- LA`s must introduce COH Bye-Laws
- 1998 GCC introduce Bye-laws
- Remains unchanged for **23 years** (new draft revision of the Councils Bye-laws to reflect where we are now with regards to COH)
- Animal Health and Welfare Act 2013 (Dept of Ag primary agency for animal welfare)

FACTS & STATS

IN 2020 - 35 HORSES WERE SEIZED AT A COST OF €76,000
EURO OF WHICH THE DEPT REIMBURSED US €13,000

COST TO GCC WAS €63,000

0 HORSES SEIZED SO FAR IN 2021

806 HORSES SEIZED IN 2018 & <1000 HORSES WERE SEIZED IN
IRELAND IN 2019 ,

HOWEVER SIGNIFICANT CHALLENGES REMAIN-

COST ,

RESOURCES,

LEGISLATION

Year	Number of horses seized
2011	2936
2012	2969
2013	4700
2014	4,923
2015	1500
2016	2128
2017	1603

WHY REVISE OUR BYE-LAWS NOW?????????????

Why now if the principle act is/may change??

1. Although the principle act has not changed in 25 years , after 23 years and a negative high court outcome ,we were advised by Senior Counsel that certain aspects of our current bye-laws were weak and left us exposed to future litigation.
2. Upgrade our COH Bye-Laws in line with what our colleagues have done in other large LA`s. i.e Limerick, Dublin
3. Lessons Learned by us from our experience in recent years and indeed by other LA`s

WHAT ARE THE CHANGES

PART I

- Definitions- Additional defined terms have the meanings respectively assigned to them and will broaden the scope of our bye-laws defined terms.
- Rehoming- This term is not in our existing bye-laws , meaning we have to sell or euthanise
- Significant challenges to selling

“Dispose of” includes to sell, give away “re-home” 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.
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“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 in a Horse drawn vehicle in the shortest possible time, or an event or occasion which requires a Horse drawn vehicle to be driven furiously resulting in the welfare of the Horse being endangered.
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CHANGES CONTINUED PART 2 SECTIONS 4 - 11

Part 2 ,Sections 4 – 11. Whilst the content is similar we have amended or augmented these sections to reflect best operational practice with regards to updated wording and more defined detail.

We have also added a section regarding racing horse drawn vehicles on public roads (section 12). And also included the definition of a “RACE”



PROHIBITION ON RACING HORSE DRAWN VEHICLES ON PUBLIC ROADS

12. (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 County of Galway.

(b) Subject to Bye-Law 12 (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 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 a participation is either active or passive, on a public road within Galway County.

(c) Bye-Law 12 (b) shall not operate to prevent a race of a horse drawn vehicle on a public road within Galway County for which permission has been obtained pursuant to Section 74 and 75 of the Roads Act 1993.

CHANGES CONTINUED PART 2 SECTIONS 13

Part 2 ,Section 13. Seizure & Detention.

Whilst the content is similar we have amended or augmented this section to reflect best operational practice with regards to updated wording and more defined detail. (Seizure notice , owner known and owner unknown)

Furthermore it is proposed to make use of the internet for posting details of the amended seizure notice on the Councils website for an owner to view the seizure details & make contact to reclaim the animal.

Introduction of a booklet called “Release of Seized Animals Application Form”



CHANGES CONTINUED

SECTION 14 - DISPOSAL

- Rehoming- This term is not in our existing by-laws , meaning we have to sell or euthanise
- Significant challenges to selling
- Addition of re-homing will offer a very significant improvement to our current disposal methods and is linked by this section to our definitions section in Part 1.

DISPOSAL OF A DETAINED HORSE

14. Where the Council or Superintendent decides to dispose of a detained horse it may do so by way of sale, destruction or rehoming.

“Dispose of” includes to sell, give away “re-home” or have destroyed and cognate words shall be construed accordingly.

CHANGES CONTINUED PART 2 SECTIONS 15 - 16

Part 2 ,Sections 15 – 16. Whilst the content is similar we have amended or augmented these sections to reflect best operational practice with regards to updated wording and more defined detail.

These sections relate to any concerns the Council or Gardai may have with regards to any location or care that may or may not be given to a horse that consideration is being given for the return of the animal to the owner.

We do not anticipate a large volume of such cases and to date have not had any such cases.

Our schedule of forms has also been amended to reflect the changes in our wording in these sections.

CHANGES CONTINUED PART 2 SECTION 17

Part 2 ,Section 17 Authorised person or a member of An Garda Síochána

17. (a) Where an Authorised Person or a member of An Garda Síochána suspects that the 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 a member of An Garda Síochána.

(b) An Authorised Person or a member of An Garda Síochána may seize and detain any horse that the person or member has reason to suspect is being kept or ridden or driven in any area contrary to these bye-laws

Interagency co-operation between the Gardai and the Council has established solid relationships around Control of Horses, Gardai will be able to sign a seizure notice going forward and in line with the existing memorandum of understanding between GCC and the Gardai for the lifting of horses outside business hours.



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CHANGES CONTINUED PART 2 SECTION 18 - OFFENCES

- OFFENCES

A person who contravenes a provision of these bye-laws shall be guilty of an offence under and by virtue of Section 46 of the Act and liable on summary conviction to a fine not exceeding €2,500 or to imprisonment not exceeding 6 months or to both.”

SYNERGY

- The County and the City Councils are considering having joint bye-laws & have been working jointly on same.
- While both Authorities may need separate bye-laws which, apart from a few changes i.e (definition of Jurisdiction etc.), would be the mirror image of the each other.
- The main reason for this is that it would greatly facilitate the Gardai who sometimes have difficulty knowing what procedure to follow because the boundary between City and County is not particularly well defined in certain areas.
- We await advices from our Senior Counsel with regard's to this and the overall new draft of the proposed Control of Horses Bye-laws.



ANY
QUESTIONS??????????