

(Comhairle Chontae Liatroma)

Leitrim County Council



BYE LAWS MADE UNDER

CONTROL OF HORSES ACT, 1996

Leitrim County Council

(Control of Horses)

Bye-laws

Arrangement of Bye-Laws

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The County Council of the County of Leitrim, 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 county of Leitrim.

PART I

PRELIMINARY

1. These Bye Laws may be cited as Leitrim County Council (Control of Horses) Bye Laws.
2. These Bye Laws shall come into operation on the 6 day of MARCH 2013.

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 Leitrim County Council;
"Authorised Person"	means a person appointed as an authorised person by the Council under Section 3 of the Act;
"Exclusion Area"	means an area specified in Schedule C;
"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;
"Horse"	includes a donkey, mule and hinny;
"Keeper"	means any person having possession or control of a horse whether he/she be the owner of the horse or not;
"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;

“Superintendent”	means the Superintendent of the Garda Siochana for the area in which a horse is seized or detained under the provisions of the Act;
“Regulations”	means regulations made by the appropriate Minister in accordance with his / her powers under the Act;
“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);
“Dispose of “	means to sell or to give away or have destroyed and cognate words shall be construed accordingly.

PART II

HORSE DETAINED UNDER SECTION 37

4. Where a horse is seized and detained within the Administrative Area of Leitrim County Council, pursuant to Section 37 or Section 47 of the Act, the following provisions shall apply:
 - (a) Notice of the seizure and detention of the horse in the Form 1 set out in Schedule A 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 the Form 2 set out in Schedule A shall be displayed in a visible location at the location where the horse was seized or at the office of the Garda Siochana for the area in which the horse was seized or in electronic format on the website of the Council as soon as possible.
 - (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) 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 expenses, including fees for keep, care and sustenance, veterinary fees, microchip implantation and registration, collection, transportation and sale fees incurred by the Council or the Superintendent in accordance with Schedule B of these Bye Laws.
 - (e) The horse may be released to the owner or keeper of the horse, 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 SI No. 357/2011- European Communities Equine Regulations 2011, as amended by SI 371/2012 and on payment of all outstanding fees and expenses in respect of the horse, provided that detention of the horse is not required by the Council or a Superintendent in accordance with Section 39(1)(a), (b) or (c) of the Act, and provided that the Council or the Superintendent is satisfied that adequate accommodation and sustenance and, if necessary, adequate veterinary attention, will be provided for the horse and is satisfied that the horse will not be cruelly treated.

- (f) If the owner or keeper of the horse shall fail to make himself/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.
- (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 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 fees due hereunder or fails to remove the horse, the Council or the Superintendent may dispose of the horse in accordance with these Bye Laws and the Act.
- (h) 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 in accordance with Schedule B (1) and (2) of these Bye Laws 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

- 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 in accordance with Schedule B (1) & (2) of these Bye Laws.

EXCLUSION AREAS

6. The Council, considering that horses are causing or may cause a nuisance or danger to persons or damage to property in the areas specified in Schedule C, hereby prohibits a person from having, keeping, riding or driving a horse in those areas at all times and declares them to be exclusion areas in accordance with Section 47 of the Act, with the exception of persons mentioned in Schedule D.

7. **GRAZING IN A PUBLIC PLACE**

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

8. (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 E 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.

AUTHORISED PERSON

9. (a) Where an authorised person or a member of the Garda Siochana 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 Siochana.
- (b) An authorised person or a member of the Garda Siochana 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 Siochana 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 Siochana considers necessary.

OFFENCES

10. Any person who contravenes any of the Bye Laws shall be guilty of an offence.

OPERATIVE DATE

11. These Bye Laws will come into operation on (6 MARCH 2013).

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.

(Comhairle Chontae Liatroma)

Leitrim County Council

Control of Horses Act, 1996 and Leitrim County Council (Control of Horses) Bye Laws 2012 made thereunder

NOTICE OF SEIZURE AND DETENTION OF A HORSE(S)

Name _____ Date _____

Address _____

Dear Sir/Madam,

Notice is hereby given that a horse(s) understood to be in your ownership was/were seized by the Council on (insert date) _____ at (location) _____.

The horse(s) may be reclaimed at _____ on production of suitable identification, proof of ownership and payment of the appropriate fees to Leitrim County Council.

If you fail to pay all fees due and fail to remove the horse(s) from the above location within 5 days of the date of this notice, the Council will dispose of the horse(s) in accordance with these Bye Laws and the Control of Horses Act, 1996.

Leitrim County Council retains the right to detain the horse(s) pending any prosecutions which it may take.

Yours faithfully

Authorised Officer
on behalf of Leitrim County Council

(Comhairle Chontae Liatroma)

Leitrim County Council

**Control of Horses Act, 1996 and Leitrim County Council (Control of Horses) Bye
Laws 2013 made thereunder**

NOTICE OF SEIZURE AND DETENTION OF A HORSE(S)

Notice is hereby given that a horse(s) *(description)*

was/were seized on *(insert date)* _____ from *(location)*

and is/are being held at *(location)* _____

The Council is not aware of who the owner(s) of the horse(s) may be.

The owner(s) of the horse(s) may collect the horse(s) on production of suitable identification, proof of ownership and the payment of all appropriate fees to Leitrim County Council.

Please take notice that if the owner does not collect the horse(s) within 5 days from the date of this notice, pay all fees due in respect of the detention of the horse(s), the Council will dispose of the horse(s) in accordance with these Bye Laws and the Control of Horses Act, 1996. Leitrim County Council reserves the right to retain the horse(s) pending any prosecutions it might take.

Signed this _____ day of _____

Authorised Officer
on behalf of Leitrim County Council

SCHEDULE B (1)

Description		Amount of Fee
(i)	Collection and transportation of horse(s) by vehicle from a place where it was found, to the place of detention.	€500 per horse
(ii)	Care and sustenance during the period of detention.	€30 per horse per day
(iii)	Veterinary attention, microchip implantation and registration where provided.	Actual costs.

SCHEDULE B (2)**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.

SCHEDULE C

Bye-Law No 6 Exclusion Areas

Area 1 – Carrick-on-Shannon

The complete townlands of: *Attifinlay, Drumnagh, Grove.*

Parts of the following townlands:

Townparks, Lisnagat, Cloonsheebane, Ballynamony, Lisnabrack, Kilboderry, Aghameeny, Keenaghan, Correen, Attirory.

Shown outlined in Red on the map attached (Carrick-on-Shannon)

Area 2 - Manorhamilton

Parts of the following townlands:

Skreeny(Rosclogher By), Skreeny (Dromahair By), Deerpark, Amorset, Clooneen, Manorhamilton, Tuckmillpark, Ross, Donagh More.

Shown outlined in Red on the map attached (Manorhamilton)

Area 3 - Mohill

Part of the following townlands:

Knockalongford ,Cappagh, Shannagh, Traenmore, Boeshill, Coolabaun, Tawnyeely, Aghadrumderg, Mohill, Laheennamon, Tullybraden.

Shown outlined in Red on the map attached (Mohill)

Area 4 - Ballinamore

Part of the following townlands:

Knockanroe(Carrigallen By), Kildorragh(Carrigallen By), Lahard Cannaboe, Stradermot, Aghadark, Kiltymoodan, Tully, (Carrigallen By), Aghatawny Upper, Aghatawny Lower.

Shown outlined in Red on the map attached (Ballinamore)

Schedule D

Classes of persons to whom and circumstances in which Bye-Law No. 6 shall not apply.

- (a) An authorised person under the Act or a member of the Garda Síochána acting in the course of his or her duty.
- (b) A Pound Keeper keeping a horse in a Pound.
- (c) A person accepting, detaining or disposing of a horse under an arrangement with the Council or a Superintendent of the Garda Síochána.
- (d) An owner of land in the area, in respect of a horse kept by him or her on that land provided it is not being held contrary to Section 37 of the Act and while the horse is kept on the said land and there is adequate pasture and shelter for the horse or if the horse is in a public place provided the horse is fitted with a bridle and adequately controlled by a person over 16 years of age such as to prevent injury or nuisance to persons or damage to property.
- (e) The proprietor of an Equestrian Centre or Riding School in the area in respect of a horse kept by him or her at such centre or school or horses taking part in events at the Equestrian Centre or Riding School.
- (f) The transportation of a horse by vehicle through the area.
- (g) The keeping of a horse in the area by a Veterinary Surgeon for the purpose of receiving veterinary attention.
- (h) The bringing of a horse into the area for the purpose of participating in public events that are authorised by the Council.

Schedule E

Keeping of Horses in Public Places – Exemptions allowed under Byelaw 8 (a)

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

MADE AND ADOPTED UNDER THE COMMON SEAL OF THE COUNTY COUNCIL OF THE
COUNTY OF LEITRIM THIS 4th DAY OF February 2013



Cathaoirleach

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

Horse Bylaws –

Exclusion Zone 1 – Carrick on Shannon.

The complete townlands of :

Attifinlay, Drummagh, Grove.

Parts of the following townlands:

Townparks, Lisnagat, Cloonsheebane, Ballynamony, Lisnabrack, Kilboderry, Aghameeny, Keenaghan, Correen, Attirory.

Exclusion Zone 2 – Manorhamilton

Parts of the following townlands:

Skreeny (Rosclougher By), Skreeny (Dromahair By), Deerpark, Amorset, Clooneen, Manorhamilton, Tuckmillpark, Ross, Donagh More.

Exclusion Zone 3 – Mohill

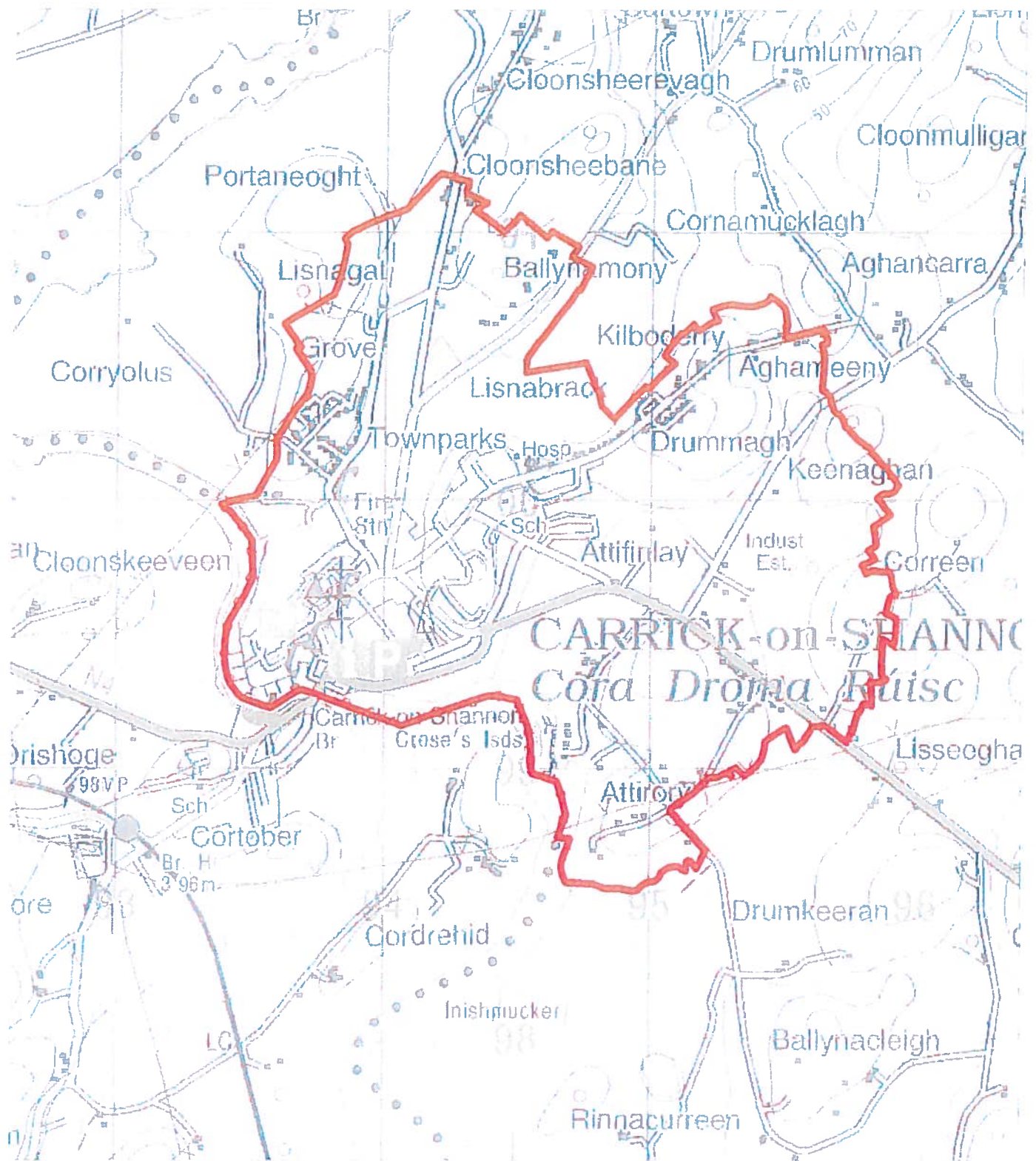
Parts of the following townlands:

Knockalongford, Cappagh, Shannagh, Treanmore, Boeeshil, Coolabaun, Tawnyeely, Aghadrumderg, Mohill, Laheennamon, Tullybradan.

Exclusion Zone 4 – Ballinamore

Parts of the following townlands:

Knockanroe(Carrigallen By), Kildorragh (Carrigallen By), Lahard, Cannaboe, Stradermot, aghadark, Kiltymoodan, Tully (Carrigallen By), Aghatawny Upper, Aghatawny Lower.



LEITRIM COUNTY COUNCIL

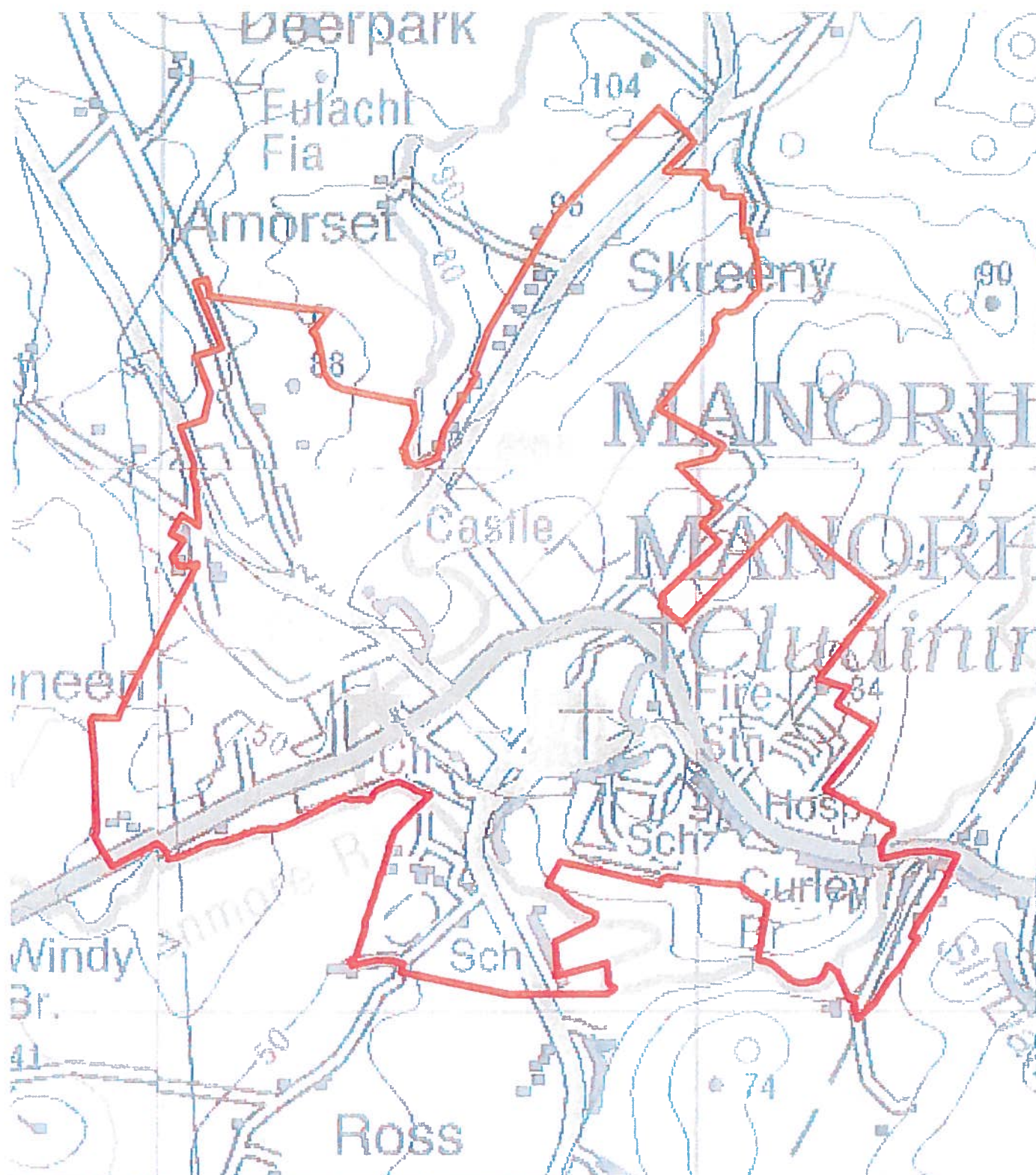
Building Control & Enforcement Department

Director of Services Planning, Community and
Economic Development: Joseph Gilmore

Title
Horse By-laws 2012
Exclusion Zone 1 -
Carrick on Shannon

Drawn By: M. Donnelly
Date: 10th August 2012
Scale: 1:20,000





LEITRIM COUNTY COUNCIL

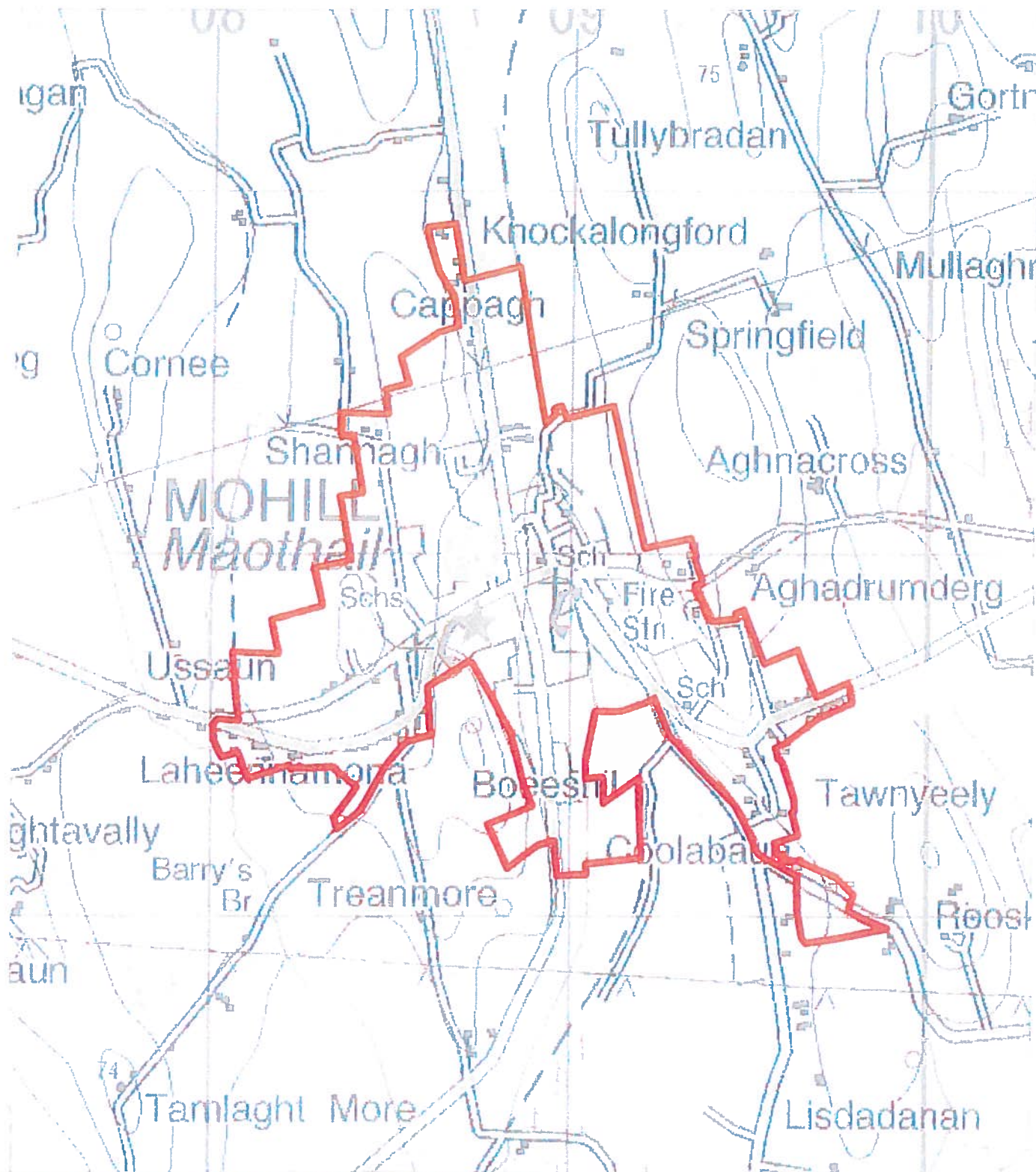
Building Control & Enforcement Department

Director of Services, Planning, Community and
Economic Development Joseph Gilhooly

Title
Horse Bylaws 2012
Exclusion Zone 2 -
Manorhamilton

Drawn By M. Duncely
Date 10th August 2012
Scale 1:1000





LEITRIM COUNTY COUNCIL

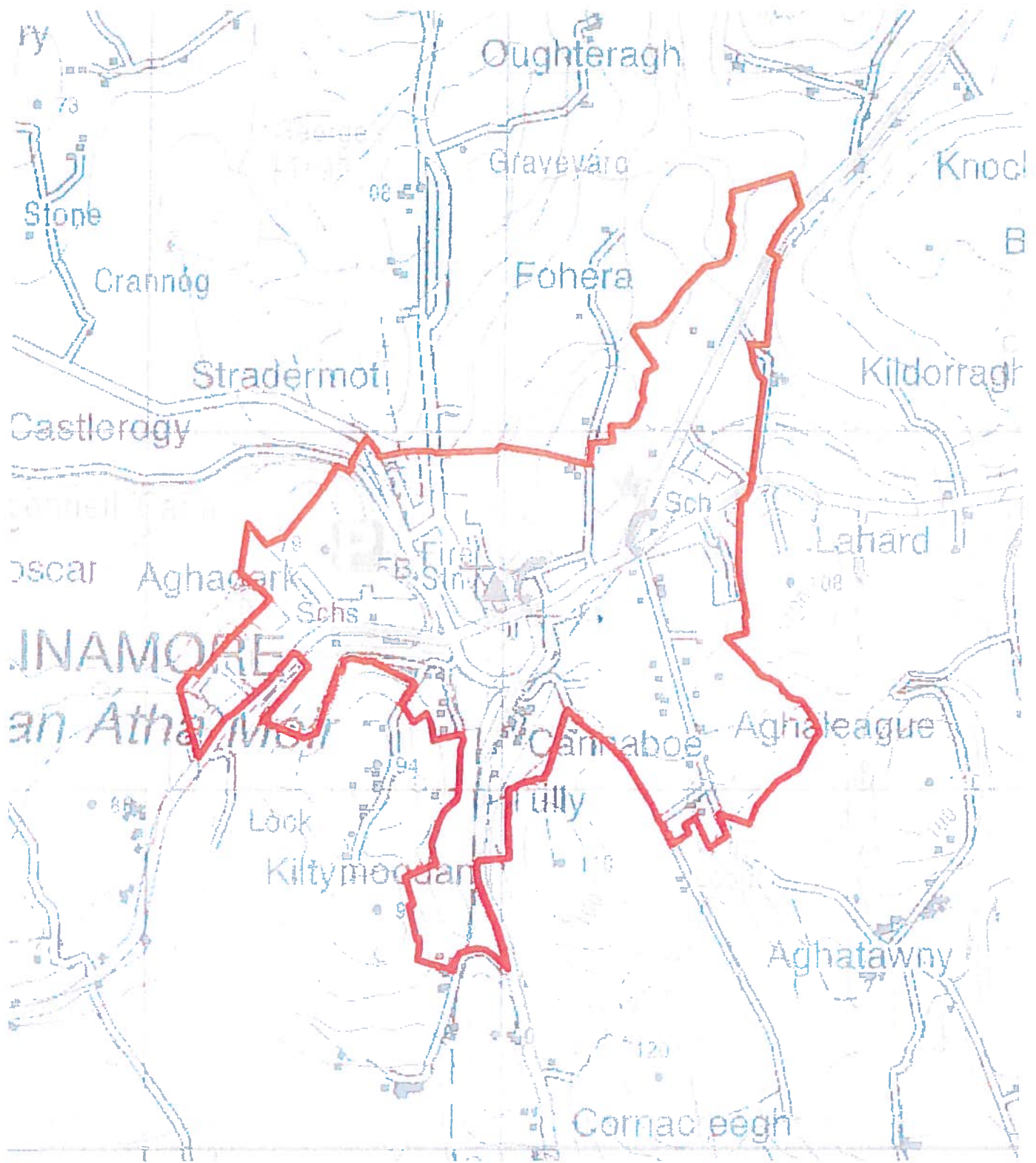
Building Control & Enforcement Department.

Director of Services, Planning Community and
Economic Development: Joseph Gilhooly

Title
Horse Bylaws 2012
Exclusion Zone 3 - Mohill

Drawn By: M. Donnelly
Date: 10th August 2012
Scale: 1:10000





LEITRIM COUNTY COUNCIL

Building Control & Enforcement Department

Director of Services, Planning, Community and
Economic Development: Joseph Gilheoly

Title
Horse Bylaws 2012
Exclusion Zone 4 -
Ballinamore

Drawn By: M. Donnelly
Date: 10th August 2012
Scale: 1:1000



