

BERMUDA STATUTORY INSTRUMENT

BR 38/1984

**CARE AND PROTECTION OF ANIMALS (COMMERCIAL HORSE
STABLES) REGULATIONS 1984**

*[made under section 7 of the Care and Protection of Animals Act 1975 [title
25 item 16] and brought into operation on 10 August 1981 by BR 50/1984]*

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Citation

1 These Regulations may be cited as the Care and Protection of Animals (Commercial Horse Stables) Regulations 1984.

Interpretation

2 (1) In these Regulations —

"horse" includes any mare, gelding, pony, foal, colt, filly or stallion and also any ass or mule;

"premises" includes land.

(2) References in these Regulations to the keeping of a commercial horse stable shall, subject to this regulation, be construed as references to the carrying on, in return for payment, of the business of keeping horses for breeding, boarding, hire, driving or for instruction in riding.

(3) For the purpose of these Regulations a person keeping a commercial horse stable shall be taken to keep it at the premises where the horses employed for the purposes of the business are kept.

Licensing of commercial horse stables

3 (1) No person shall keep a commercial horse stable except under the authority of a licence granted by the Minister in accordance with these Regulations.

(2) The Minister may, on application being made to him for that purpose, grant on payment of such fee as may be prescribed under the Government Fees Act 1965 [*title 15 item 18*] to the applicant a licence to keep a commercial horse stable at such premises as may be specified in the application and subject to compliance with such conditions as may be specified in the licence,

(3) In determining whether to grant a licence for the keeping of a commercial horse stable by any person at any premises the Minister shall in particular (but without prejudice to his discretion to withhold a licence on any grounds) have regard to —

(a) whether that person appears to him to be suitable and qualified, either by experience in the management of horses or by employing in the management of the commercial horse stable a person so qualified, to be the holder of such a licence; and

(b) the need for securing —

(i) that paramount consideration will be given to the condition of horses and that they will be maintained in good health, and in all respects physically fit and that, in the case of a horse kept for the purpose of its being let out on hire for riding or a horse kept for the purpose of its being used in providing instruction in riding, the horse will be suitable for the purpose of which it is kept;

(ii) that the feet of all animals are properly trimmed and that, if shod, their shoes are properly fitted and in good condition;

(iii) that there will be available at all times, accom-

- modation for every horse suitable as respects construction, size, number of occupants, lighting, ventilation, drainage and cleanliness;
- (iv) that in the case of horses kept out of doors there will be available for them at all times during which they are so kept adequate shelter and water and that supplementary feeds will be provided as and when required;
 - (v) that the horses will be adequately supplied with suitable food, drink and (except in the case of horses kept out of doors, so long as they are so kept) bedding material, and will be adequately exercised, groomed and rested and visited at least twice daily;
 - (vi) that all reasonable precautions will be taken to prevent and control the spread among horses of infections or contagious diseases and that veterinary first aid equipment and medicines shall be provided and maintained in the premises;
 - (vii) that appropriate steps will be taken for the protection and extrication of horses in case of fire and, in particular, that the name, address and telephone number of the licence holder or some other responsible person will be kept displayed in a prominent position on the outside of the premises and that instructions as to action to be taken in the event of fire, with particular regard to the extrication of horses, will be kept displayed in a prominent position on the outside of the premises;
 - (viii) that adequate accommodation will be provided for forage, bedding, stable equipment and saddlery,

and shall specify such conditions in the licence, if granted by the Minister, as appear to the Minister necessary or expedient in the particular case for securing all the objects specified in sub-paragraphs (i) to (viii).

(4) Without prejudice to paragraph (3), every licence granted under these Regulations shall be subject to the following conditions (whether they are specified in the licence or not), namely —

- (a) a horse found on inspection of the premises by an officer of the Department or of a recognized society to be in need of veterinary attention shall not be returned to work until the holder of the licence has satisfied the Di-

rector by means of a veterinary certificate issued by a veterinary practitioner appointed by the Director that the horse is fit for work;

- (b) no horse will be let out on hire for riding or used for providing instruction in riding without supervision by a responsible person of the age of 16 years or over unless (in the case of a horse let out for hire for riding) the holder of the licence is satisfied that the hirer of the horse is competent to ride without supervision;
- (c) the carrying on of the business of a commercial horse stable shall at no time be left in the charge of any person under 16 years of age;
- (d) the licence holder shall hold a current insurance policy which insures him against liability for any injury sustained by those who hire a horse from him and those who use a horse in the course of receiving from him, in return for payment, instruction in riding and arising out of the hire or use of a horse as aforesaid and which also insures such persons in respect of any liability which may be incurred by them in respect of injury to any person caused by, or arising out of, the hire or use of a horse as aforesaid;
- (e) a register shall be kept on the premises by the licence holder of all horses in his possession which shall be available for inspection by an officer of the Department at all reasonable times;
- (f) the licence holder shall notify the Director in writing of any purchase, sale, transfer or death of a horse.

(5) Any person aggrieved by the refusal of the Minister to grant such a licence, or by any condition subject to which such a licence is proposed to be granted, may appeal to a magistrates' court; and the court may on such an appeal give such directions with respect to the issue of a licence or, as the case may be, with respect to the conditions subject to which a licence is granted as it thinks proper.

(6) A licence under this regulation shall come into force on the

date specified therein and shall remain in force until the expiration of one year from the date or such shorter period as may be specified therein and may be renewed from time to time:

Provided that before approving the renewal of a licence the Minister shall cause an inspection of the premises to be carried out by an officer of the Department.

(7) Any person who contravenes paragraph (1) commits an offence; and if any condition subject to which a licence is granted in accordance with these Regulations is contravened, the person to whom the licence was granted commits an offence.

Suspension and cancellation of licence

4 The Minister may, after giving the holder of the licence an opportunity to be heard, suspend or cancel a licence where —

- (a) the holder of the licence is convicted of an offence against these Regulations;
- (b) the holder of the licence is in breach of a condition of the licence.
- (c) in the opinion of the Minister, to do so is in the public interest.

Offences

5 (1) if any person —

- (a) at a time when a horse is in such a condition that its use would be likely to cause suffering to the horse, let out the horse on hire or uses it for the purpose of providing, in return for payment, instruction in riding or for the purpose of demonstrating riding;
- (b) supplies for a horse which is let out on hire equipment which is used in the course of the hiring and suffers, at the time when it is supplied, from a defect of such a nature as to be apparent on inspection and as to be likely to cause suffering to the horse or an accident to the rider or driver;
- (c) fails to provide such curative care as may be suitable, if any, for a sick or injured horse which is kept by him with a view to its being let out on hire or used for a purpose mentioned in sub-paragraph (a);
- (d) with intent to avoid inspection under these Regulations, conceals, or causes to be concealed, any horse maintained by the commercial horse stable,

he commits an offence against these Regulations.

(2) A person who for the purpose of obtaining the grant of a licence under these Regulations gives any information which he knows to be false in a material particular or makes a statement which he knows to be so false or recklessly gives any information which is so false or recklessly makes any statement which is so false commits an offence against these Regulations.

Punishment of offenders

6 Where a person commits an offence against these Regulations:

Punishment on summary conviction: a fine of \$500 for a first offence;

Punishment on summary conviction: imprisonment for 6 months or a fine of \$1,000 for a second or subsequent offence;

Punishment on summary conviction where the offence is a continuing one: a fine of \$100 for each day during which the refusal or failure continues.

Transitional

7 [omitted]

Commencement

8 [omitted]