

# PROTECTION OF ANIMALS (AMENDMENT) ACT 1965

## LONG TITLE

An Act to amend and extend the law relating to the protection of animals and to provide for certain other matters connected therewith. [30th June, 1965.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

## PART I - PRELIMINARY AND GENERAL

### 1 Short title, citation and construction.

SECT 1.—(1) This Act maybe cited as the Protection of Animal (Amendment) Act, 1965. (2) This Act shall be construed as one with the Protection of Animals Act, 1911; and that Act and this Act may be cited together as the Protection of Animals Acts, 1911 and 1965.

### 2 Definitions.

SECT 2.—In this Act— "the Principal Act" means the Protection of Animals Act, 1911; "castration" means an operation for the complete surgical removal of the gonads or a process designed to cause their complete atrophy; "greyhound" includes any whippet and any strain or cross of greyhound or whippet; "horse" includes donkey, mule and hinny; "public road" includes any public high way, street or footpath; "Public Place" means any place to which the public have access whether as of right or by permission and whether subject to or free of charge; "veterinary surgeon" means a person for the time being registered in the register of veterinary surgeons established and maintained under the Veterinary Surgeons Act, 1931; "the Minister" means the Minister for Agriculture.

### 3 Repeals.

SECT 3.—The Protection of Animal Act (1911) Amendment Act, 1912, and the Protection of Animals Act (1911) Amendment Act, 1921, are hereby repealed.

## PART II - PROTECTION OF ANIMALS

### 4 Amendment of section 1 of Principal Act.

SECT 4.—Section 1 of the Principal Act is hereby amended by:— ( a ) the insertion in subsection (1) after paragraph (e) of the following paragraph :— "( f ) being the owner or having charge or control of any animal shall without reasonable cause or excuse abandon it, whether permanently or not, in circumstances likely to cause it unnecessary suffering, or cause or procure or, being the owner, permit it to be so abandoned "; ( b ) the deletion in subsection (1) of all words from "such person shall be guilty" to the end of the subsection and the substitution therefor of:—"such person shall be guilty of an offence of cruelty within the meaning of this Act and shall on summary conviction thereof be liable— (i) in respect of a first or second offence to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment; (ii) in respect of a third or subsequent offence to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment"; ( c ) the addition to paragraph (b) of subsection (3) of "and a captive animal shall not be deemed to be coursed or hunted within the meaning of this subsection if it is coursed or hunted in an enclosed space from which it has no reasonable chance of escape"; ( d ) the insertion in subsection (3) after paragraph (b) of the following paragraph:— "( c ) to the commission or omission of any act in the course of the coursing, hunting, pursuit, capture or destruction or attempted destruction of any wild animal unless such commission or omission is accompanied by or involves the infliction of unnecessary suffering."

## 5 Prohibition of docking and nicking of horses.

SECT 5.—(1) Save as is in this section provided, the docking or nicking of horses is prohibited. (2) The operation of docking or of nicking may be performed in any case in which a veterinary surgeon is satisfied that the operation is necessary for the health of the horse. (3) Any person who performs the operation of docking or of nicking in contravention of this section or who causes or permits (within the meaning of section 1 of the Principal Act) such an operation to be so performed shall be guilty of an offence of cruelty within the meaning of the Principal Act and shall be liable to the penalties specified in section 1 of that Act. (4) In this section— "docking" means the removing of any bone or any part of a bone from the tail of a horse; "nicking" means the severing of any tendon or muscle in the tail of a horse.

## 6 Care of impounded animals.

SECT 6.—For section 7 of the Principal Act there shall be substituted the following section :— "7.—(1) It shall be the duty of any person who impounds or confines, or causes to be impounded or confined, any animal in any pound— ( a ) if the animal is kept in the pound for a period exceeding three hours, to ensure that a sufficient quantity of wholesome drinking water is supplied for its use, and ( b ) if the animal is kept in the pound for a period exceeding six hours, to ensure that a sufficient quantity of suitable food is supplied for its use not later than six hours after its admission to the pound and thereafter at intervals not exceeding twelve hours, as long as it remains in the pound. (2) Any person who fails to comply with any of the provisions of the preceding subsection shall be liable on summary conviction to a fine not exceeding ten pounds in respect of each animal deprived of water or food. (3) A person charged with an offence under this section in respect of failure to supply any animal with food shall not be guilty thereof:— ( a ) by reason of the animal's not having been fed in the morning or afternoon in which it is slaughtered; ( b ) where the animal is slaughtered for butcher's meat in any morning or afternoon, by reason of its not having been led in the preceding afternoon or, as the case may be, the preceding morning; or ( c ) where it is proved that it was intended that the animal should be slaughtered for butcher's meat in any particular morning or afternoon, by reason of its not having been fed in the preceding afternoon or, as the case may be, the preceding morning. (4) In subsection (3) of this section the expressions 'morning' and 'afternoon' mean respectively the parts of a day from midnight to noon and from noon to midnight. (5) If any animal is impounded or confined in any pound for six successive hours or longer and is without such food or water as is required by subsection (1) of this section to be supplied, any person may enter the pound for the purpose of supplying the animal therewith. (6) The reasonable cost of the food and water supplied to any animal impounded or confined in any pound shall be recoverable from the owner or other person responsible for the animal's maintenance as a civil debt. (7) This section shall not apply to the confinement of any animal in any slaughterhouse within the meaning of the Slaughter of Animals Act, 1935."

## 7 Use of poisonous gas in rabbit holes.

SECT 7.—A person shall not be guilty of an offence under section 8 of the Principal Act by reason only of his using Poisonous gas in a rabbit hole, or placing in a rabbit hole a substance which, by evaporation or in contact with moisture, generates poisonous gas.

## 8 Restrictions on spring traps.

SECT 8.—(1) The Minister may, by order, declare a particular type of spring trap to be an approved trap for the taking or killing of animals or a particular kind or kinds of animal and may by such order attach such conditions, if any, as he considers appropriate to the use of that type of trap. (2) Any person who, after the appointed day, for the purpose of taking or killing an animal uses a spring trap that is not approved, under subsection (1) of this section, for the purpose of taking or killing that kind of animal or who fails to observe a condition attached, in accordance with subsection (1) of this section, to its use, shall be guilty of an offence under this section. (3) Any person who, after the appointed day, by way of trade or business sells a spring trap other than a trap approved in accordance with subsection (1) of this section shall be guilty of an offence under this section. (4) Upon application made to him by any person

the Minister may grant to the person a permit authorising him to purchase, possess and use a spring trap other than an approved trap for the sole purpose of taking or killing otters and may revoke such a permit. (5) A person who is in possession of a permit under subsection (4) of this section which is in force may, notwithstanding the provisions of subsection (2) of this section, take or kill otters by means of a spring trap that is not an approved trap. (6) Notwithstanding the provisions of subsection (3) of this section it shall not be unlawful for any person to sell a spring trap that is not an approved trap provided the purchaser produces to the seller a permit granted under subsection (4) of this section. (7) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding twenty pounds or, if he has been previously convicted of such an offence, a fine not exceeding fifty pounds. (8) An order under subsection (1) of this section shall be laid before each House of the Oireachtas as soon as may be after it has been made and, if a resolution annulling the order is passed by either House within the next twenty-one days on which that House has sat after the order has been laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder. (9) On the appointed day, so much of section 6 of the Ground Game Act, 1880, as provides that no person having a right to kill ground game shall, for the purpose of killing ground game, employ spring traps, except in rabbit holes, or employ poison, shall cease to have effect. (10) The Minister may by order revoke or amend an order under this section, including an order under this subsection. (11) In this and the next following section "the appointed day" means the 1st day of June, 1968.

#### 9 Open trapping.

SECT 9.—(1) Subject to the provisions of this section, a person shall be guilty of an offence under this section if, for the purpose of killing or taking rabbits, he uses or knowingly permits the use of a spring trap elsewhere than in an artificial tunnel not exceeding twelve inches in height or a rabbit hole. (2) A person guilty of an offence under this section shall be liable on a summary conviction to a fine not exceeding twenty pounds or, if he has been previously convicted of such an offence, a fine not exceeding fifty pounds. (3) Subsection (1) of this section shall not render unlawful the use of a spring trap under and in accordance with a permit given by the Minister or the use of a spring trap of a kind approved, for the purposes of this section, by regulations made by the Minister under this subsection. (4) A permit given under the preceding subsection may be revoked by the Minister. (5) A permit given under subsection (3) of this section may contain such conditions as the Minister considers appropriate. (6) This section shall cease to have effect on the appointed day.

#### 10 Injured animals.

SECT 10.—In subsection (4) of section 11 of the Principal Act for the words "or pig" there shall be substituted the words "pig, dog or cat".

#### 11 Immediate destruction of certain animals.

SECT 11.—If any member of the Garda Síochána finds any dog or cat which has been injured in a public place and which appears to him to be fatally injured, or so severely injured that undue suffering would be inflicted on it if he complies with subsection (1) of section 11 of the Principal Act, he may in the absence of its owner forthwith destroy the animal or cause or procure it to be destroyed in such manner as to inflict as little suffering as practicable, and may remove the carcass or cause or procure it to be removed.

#### 12 Appeals.

SECT 12.—For section 14 of the Principal Act, there shall be substituted the following section:—"14.—(1) Where an appeal is brought by the owner of an animal from any conviction or order made by the District Court under this Act or the Protection of Animals (Amendment) Act, 1965, the Court may order him not to sell or part with the animal until the appeal is determined or abandoned and to produce it on the hearing of the appeal if such production is possible without cruelty. (2) Any person who without satisfactory excuse fails to comply with an order under this section shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds."

### 13 Amendment of section 15 of Principal Act.

SECT 13.—In section 15 of the Principal Act:— for paragraph (a) there shall be substituted the following paragraph:— "(a) the word 'animal' means any domestic animal or wild animal and includes any bird, fish or reptile;"; for paragraph (c) there shall be substituted the following paragraph:— "(c) the expression 'wild animal' means any animal other than a domestic animal;" and after paragraph (c) there shall be inserted the following paragraph:— "(cc) the expression 'captive animal' means any wild animal which is in captivity or confinement or which is maimed, pinioned or subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement;".

### 14 Notices regarding the laying of poison.

SECT 14.—(1) Nothing in section 8 of the Principal Act shall prevent the owner or occupier of land from laying or causing to be laid any poison or poisonous matter as therein described provided the provisions of this section are complied with by such owner or occupier. (2) A notice or notices of the laying of such poison or poisonous matter shall be posted and properly maintained upon the land so that at least one notice shall be clearly visible from every public road and other public place adjoining or being upon the said land. (3) Notice in writing of the lay in of such poison or poisonous matter shall be given to the Garda Síochána station for the sub-district in which the land is situated. (4) No poison or poisonous matter shall be laid within one hundred yards of any public road or (save with the consent of the occupier) any dwellinghouse. (5) All poison or poisonous matter shall be staked or otherwise securely affixed to the soil. (6) Subsection (2) of section 17 of the Principal Act is hereby repealed.

### 15 Prohibition of public contests with animals.

SECT 15.—(1) No person shall promote or cause or knowingly permit to take place any public performance which includes any episode consisting of or involving:— ( a ) throwing or casting with ropes or other appliances any unbroken horse or untrained bull, or ( b ) wrestling, fighting or struggling with any untrained bull, or ( c ) riding or attempting to ride any horse or bull which by the use of any appliance or treatment involving cruelty is or has been stimulated with the intention of making it buck during the performance; and no person shall in any public performance take part in any such episode as aforesaid. (2) In any proceedings under this section an animal that has been represented to spectators to be unbroken or untrained shall be presumed to have been unbroken or untrained at the time of such representation unless the contrary is proved. (3) In any proceedings under this section in respect of the use of any such appliance or treatment as is mentioned in paragraph (c) of subsection (1) it shall be a defence for the person charged to prove that he did not know and could not reasonably be expected to know that the appliance or treatment was to be or was used. (4) Any person who contravenes any of the provisions of this section shall be guilty of an offence of cruelty within the meaning of the Principal Act and shall be liable to the penalties specified in section 1 of that Act. (5) In this section the expression "public performance" does not include a performance presented to the public by means of a cinematograph or television.

### 16 Presumption as to keeping of animals.

SECT 16.—For the purposes of any proceedings under the Principal Act or this Act any animal found on any land shall be presumed to be owned by the occupier of such land unless the contrary be proved.

## PART III - PROVISIONS WITH REGARD TO DOGS

### 17 Ownership of stray dog.

SECT 17.—(1) Where a stray dog whereof possession has been taken by any person has been detained by such person for a period of a year after notice in writing has been given by him in accordance with section 4 of the Dogs Act, 1906, to the Superintendent of the Garda Síochána of the district where the dog was found, and the dog has not been claimed by its owner during the said period such person shall become the owner of the dog and the title of the former owner shall be extinguished. (2) Subsection (1) shall not

apply if at any time during the said period of a year such person has ascertained who is the owner of the dog.

#### 18 Disqualification of persons convicted of cruelty to dogs.

SECT 18.—(1) Any Court before which a person is convicted under the Principal Act of an offence of cruelty to a dog may, in addition to any other penalty, order him to be disqualified from keeping a dog for such period as the Court thinks fit. (2) Notwithstanding anything in any enactment, where a person is so convicted and disqualified the Court may make such order as it thinks fit for the humane disposal or destruction of any dog kept by such person, and may order that the expense incurred in the humane disposal or destruction of a dog under this section, including the expense of any veterinary surgeon, shall be paid by the owner thereof in addition to any other penalty which the Court may impose, and in default of such payment that such owner shall be imprisoned for a term of imprisonment not exceeding one month. (3) If any person who is disqualified by virtue of an order under this section keeps a dog while he is disqualified, he shall be liable to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

#### 19 Control of greyhounds.

SECT 19.—(1) A person shall not exercise or lead or cause or permit to be exercised or led or cause or permit to be at large a greyhound in any public road, open park, beach or other place to which the public customarily resort, unless such greyhound is under control. (2) A greyhound shall not be deemed for the purpose of subsection (1) of this section to be under control unless it is being led by means of a sufficiently strong chain or leash. (3) Any person who contravenes subsection (1) of this section shall be guilty of an offence under this section.

#### 20 Restriction on number of greyhounds which may be exercised or led.

SECT 20.—(1) A person shall not exercise or lead or cause or permit to be exercised or led by any one person more than four greyhounds at a time in any public road, open park, beach or other place to which the public customarily resort. (2) Any person who contravenes any of the foregoing provisions of this section shall be guilty of an offence under this section.

#### 21 Penalties under sections 19 or 20.

SECT 21.—Any person guilty of an offence under sections 19 or 20 shall be liable on summary conviction— ( a ) for a first offence, to a fine not exceeding five pounds, ( b ) for a second or subsequent offence, to a fine not exceeding twenty pounds or to imprisonment for any period not exceeding one month or to both such fine and such imprisonment.

### PART IV - USE OF ANAESTHETICS IN OPERATIONS ON ANIMALS

#### 22 Use of anaesthetics in operations on animals.

SECT 22.—(1) If any operation to which this section applies is performed on any animal without the use of an anaesthetic so administered as to prevent any pain during the operation, that operation shall be deemed for the purposes of the Principal Act to be an operation which is performed without due care and humanity. (2) This section applies to any operation with or without the use of instruments which involves interference with the sensitive tissues or the bone structure of an animal (including the dehorning of an animal that involves such interference), other than— ( a ) the making of injections or extractions by means of a hollow needle; or ( b ) the application of a rubber ring or other device to an animal within seven days after its birth for the purpose of constricting the flow of blood to the scrotum of the animal; or ( c ) the application of a rubber ring or other device to a lamb within seven days after its birth for the purpose of constricting the flow of blood to the tail of the lamb; or ( d ) the cauterisation of the horn buds of a calf within fourteen days after its birth; or ( e ) an operation referred to in the Schedule to this Act. (3) The Minister may after consultation with such organisations representing the veterinary profession or

agricultural interests as may appear to him to be appropriate, by order vary any of the ages specified in paragraph 5 of the said Schedule. (4) An order under subsection (3) of this section— ( a ) shall be laid before each House of the Oireachtas as soon as may be after it has been made, and if a resolution annulling the order is passed by either House within the next twenty-one days on which that House has sat after the order has been laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder, and ( b ) may be varied or revoked by a subsequent order. (5) The word "animal" in this section shall not include any bird, fish or reptile. (6) The Animals (Anaesthetics) Act, 1919, is hereby repealed.

## PART V - REGULATION OF SALE OF PET ANIMALS

23 Pets not to sold in any public place.

SECT 23.—If any person carries on in a public place the business of selling animals as pets he shall be guilty of an offence under this Part.

24 Pets not to be sold to children under twelve years of age.

SECT 24.—If any person sells an animal as a pet to a person apparently under the age of twelve years he shall be guilty of an offence under this Part.

25 Provisions regarding pet shops.

SECT 25.—Any person who keeps animals for sale as pets and does not comply with the following conditions shall be guilty of an offence under this Part:— ( a ) the animals shall be kept at all times in accommodation suitable as respects size, temperature, lighting, ventilation and cleanliness, ( b ) the animals shall be supplied with a sufficient quantity of suitable food and drink, ( c ) the animals shall not be sold at such an age that their sale causes or is likely to cause cruelty to them, ( d ) all reasonable precautions shall be taken to prevent the spread among the animals of infectious diseases, ( e ) the animals shall be adequately safeguarded against fire hazards.

26 Offences and disqualifications under Part V.

SECT 26.—(1) Any person guilty of an offence under this Part shall be liable on summary conviction to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment. (2) Where a person is convicted of an offence under this Part the Court by which he is convicted may disqualify him from keeping any animals or any particular kinds of animal for sale as pets or from keeping a pet shop for such period as the Court thinks fit and may order the humane disposal or destruction of any animals being kept by him for sale as pets. (3) The Court may order that the expense incurred in the disposal or destruction of any animal or animals under this section, including the expense of any veterinary surgeon, shall be paid by the owner thereof in addition to any other penalty which the Court may impose, and in default of such payment that such owner shall be imprisoned for a term of imprisonment not exceeding three months.

## PART VI - MISCELLANEOUS

27 Removal of disqualification.

SECT 27.—(1) A person in respect of whom an order under subsection (1) of section 18 or subsection (2) of section 26 of this Act is made may, at any time after the expiration of three months from the date of the order and from time to time, apply to the Court by which the order was made to remove the disqualification imposed by the order, and on any such application the Court may, if it thinks it proper, having regard to the character of the person disqualified, his conduct subsequent to the order, the nature of the offence and the other circumstances of the case, by order remove the disqualification as from such date as may be specified in the order. (2) Where an application under subsection (1) of this section is

refused, a further application thereunder shall not be entertained if made within three months of the date of the refusal.

## 28 Slaughter of Pigs.

SECT 28.—For the purposes of the Slaughter of Animals Act, 1935 "instrument" shall be construed as including a system of gassing.

## SCHEDULE

### EXCEPTED OPERATIONS

1. Any experiment duly authorised under the Cruelty to Animals Act, 1876. 2. The rendering in emergency of first aid for the purpose of saving life or relieving pain. 3. The docking of the tail of a dog under one month old. 4. The amputation of the dew claws of a dog before its eyes are open. 5. The castration of a male animal specified in the following table before it has reached the age so specified, that is to say:—

Bull	six months
Sheep	three months
Goat	two months
Pig	two months
Cat	four months

6. Any minor operation which, by reason of its quickness or painlessness, is customarily performed without the use of an anaesthetic.