

CONTROL OF HORSES REGULATIONS 1997

I, JIMMY DEENIHAN, Minister of State at the Department of Agriculture, Food and Forestry, in exercise of the powers conferred on me by sections 10 (1) of the Control of Horses Act, 1996 (No. 37 of 1996), and the Agriculture, Food and Forestry (Delegation of Ministerial Functions) Order, 1997 (S.I. No. 65 of 1997), hereby make the following regulations:

REG 1

1. These Regulations may be cited as the Control of Horses Regulations, 1997.

REG 2

2. (1) In these Regulations—
"the Act" means the Control of Horses Act, 1996 (No. 37 of 1996);
"approved persons" means a person approved of by the Minister to provide microelectronic devices for the purposes of Regulation 7 and to allot permanent identification numbers in respect of such devices.
(2) In these Regulations a reference to a Regulation is a reference to a Regulation of these Regulations unless it is indicated that reference to some other Regulations is intended.

REG 3

3. It is hereby prescribed that a notice served on a person under section 10 (1) of the Act shall be in the form set out in Part I of the Schedule to these Regulations.

REG 4

4. It is hereby prescribed that a horse licence shall be in the form set out in Part II of the Schedule to these Regulations.

REG 5

5. It is hereby prescribed that the fee to accompany an application for a horse licence shall be £25.

REG 6

6. It is hereby prescribed that a local authority may retain not more than £10 of the prescribed fee where an application for a horse licence is refused.

REG 7

7. A horse kept in or brought into a control area, other than a horse in respect of which a horse licence is not required by virtue of section 19 of the Act, shall be capable of being identified by having implanted into the nuchal ligament of the horse, in accordance with Regulation 8, a single microelectronic device supplied by an approved person on which is encoded a permanent identification number allotted to the horse by the approved person, being a device which permits the encoded identification number to be ascertained when suitable reading equipment is placed in proximity to it.

REG 8

8. The implantation of a microelectronic device for the purposes of Regulation 7 shall be carried out by, or under the direct supervision of, a veterinary surgeon and shall be by deep injection into the knuckle ligament on the left-hand side of the neck lateral to the dorsal midline at the crest at a point midway between the poll and the withers.

REG 9

9. A permanent identification number encoded on a microelectronic device implanted into a horse for the purposes of Regulation 7 shall be shown on the horse licence of that horse by the local authority granting the licence before the licence is issued.

SCHEDULE

PART I

Control of Horses Act, 1996.

Section 10.

NOTICE IN RELATION TO AN ALLEGED OFFENCE

Local Authority

1.....

....To.....

.....Address.....

.....It

is alleged that you have committed an offence under the Control of Horses Act, 1996 at 2

.....

on the day of 19.....

Particulars of the offence are indicated at 'X' 3 below in column (5).

A prosecution in respect of the alleged offence will not be instituted during the period of 21 days beginning on the date of

this notice and, if during that period you pay to 4

.....
the sum of £50 5 accompanied by this notice, a prosecution in respect of the alleged offence will not be instituted.

Nature of Alleged Offence Relevant Provision of Act Contravened Relevant Provision of Act Alleged Offence Committed Under Ref.

No.	(1)	(2)	(3)	(4)	(5)
	Owner of horse keeping it in a control area without a horse licence in respect of the horse entitling him or her to keep it in the control area.	Section 18 (1)	Section 18 (1)	1	Person (other than the owner) keeping or having charge or control of a horse in a control area without a horse licence in respect of the horse entitling it to be kept in the control area.
	Licence holder failing to inform a local authority which granted a horse licence of the disposal of the horse to which the licence relates.	Section 25 (1)	Section 25 (3)	3	Licence holder failing to inform a local authority which granted a horse licence of the nature of disposal of the horse to which the licence relates.
	Licence holder failing to surrender to a local authority a horse licence on disposal of the horse to which the licence relates.	Section 25 (1)	Section 25 (3)	4	Licence holder failing to give to a local authority which granted a horse licence the name and the address of a new owner of a horse on the disposal of the horse to which the licence relates.
	Licence holder failing to inform a local authority which granted a horse licence of the death of the horse to which the licence relates within 14 days of the death of the horse.	Section 25 (2)	Section 25 (3)	7	Failing to comply with a request or giving information which is false or misleading in response to a request as to whether a person is the holder of a horse licence entitling him or her to keep the horse in the control area concerned.
	Licence holder failing to produce a horse licence for inspection having been requested to do so.	Section 26 (3)	Section 26 (4)	9	Failing to remove an unlicensed horse found in a public place in a control area having been so requested by an authorised person or member of the Garda Síochána.
	Having a horse in a control area which is not capable of being identified under regulations made under section 28.	Section 28 (1)	Section 28 (2)	11	Failing to comply with a requirement to obtain any necessary attention from a veterinary surgeon for a horse where there is reasonable cause to suspect that the horse is in such pain, distress or acute state of neglect or so severely injured or diseased as to be in need of veterinary attention.
	Selling or offering to sell a horse to a person apparently under the age of 16 years.	Section 43 (1)	Section 43 (1)	13	Failing to comply with bye-laws made under section 46.
	Having, keeping, riding or driving a horse in a place or area at a time prohibited by bye-laws made under section 47.	Section 47 (1)	Section 47 (3)	15	Failing to remove

immediately a horse from a place or area where bye-laws made under section 47 prohibit a person from having, keeping, riding or driving a horse in that place or area. Section 47 (4) Section 47 (5) 16

Dated this.....day of.....19.....

(Signed).....

Authorised Person/Member of Garda Síochána"

- 1 Insert name of local authority.
- 2 Insert the address of the place where the offence is alleged to have been committed.
- 3 Insert 'X' in column (5) opposite appropriate offence and reference number.
- 4 Insert name of local authority and the address at which the fine can be paid.
- 5 Delete and insert the amount if varied under section 10 (4) of the Act.
- 6 Delete as appropriate.

PART II
 Control of Horses Act, 1996.
 Section 20.
 HORSE LICENCE.

No.
 This horse licence is hereby granted by (insert name of local authority)

to

(insert full name) of

(insert address).....

to keep, during the period of 12 months commencing from the date specified in this licence, in any control area situated in the functional area of the local authority granting this licence and, where that authority has entered into any arrangements with another local authority to grant licences on behalf of the other authority, such control area of part thereof of the other authority to which the arrangements relate, the horse described below:

Identification Number Under Section 28: Colour Sex Height Breed Other Details

The horse described in this licence is ordinarily kept at the premises stated below:

.....
(insert address).....
Commencement

Date of Licence:

..... Expiry Date
..... Issuing Officer:
..... Iss
uing
Officer:
..... Da
te
of Issue:

.....
Stamp
of Local
Authority
granting licence

ANY TERMS OR CONDITIONS UNDER SECTION 20(2)
(here set out any such terms or conditions)

Note: It is an offence under section 21 of the Control of Horses Act, 1996, to forge or fraudulently alter or use or permit the fraudulent alteration or use of this licence punishable with a maximum fine of £1,500 or up to 6 months imprisonment or both.

GIVEN under my hand, this 24th day of April, 1997.
JIMMY DEENIHAN,
Minister of State at the Department of Agriculture, Food and Forestry.

EXPLANATORY NOTE.

The Regulations prescribe the form of the "fine-on-the-spot" notice under section 10 (1) and of the horse licence under section 20 (4) of the Act. A fee of £25 to accompany an application for a horse licence is prescribed. Provision is made for a local authority to retain not more than £10 of the prescribed fee where an application for a horse licence is refused. The Regulations also prescribe the use of a microelectronic system for the identification of horses under the Act.