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Number 37 of 1996

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**CONTROL OF HORSES ACT, 1996**

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AN ACT TO PROVIDE FOR THE CONTROL OF HORSES AND TO MAKE PROVISION FOR THE LICENSING OF HORSES IN URBAN AND OTHER AREAS WHERE HORSES CAUSE A DANGER TO PERSONS OR PROPERTY OR NUISANCE AND TO AMEND CERTAIN OTHER ENACTMENTS RELATING TO ANIMALS AND TO PROVIDE FOR RELATED MATTERS.

[19th December, 1996]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Control of Horses Act, 1996. Short title and commencement.

(2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to a particular purpose or provision and different days may be so appointed for different purposes and different provisions.

2.—(1) In this Act— Interpretation.

“authorised person” means a person appointed as an authorised person under *section 3*;

“control area” means an area declared to be a control area under *section 17*;

“dispose of” includes to sell or to give away or have destroyed, and cognate words shall be construed accordingly;

“dwelling” does not include any stable, outoffice, yard, garden or other land appurtenant to the dwelling or usually enjoyed therewith;

“foal” means a horse not exceeding one year of age which is being suckled by its dam or foster-mother;

“functions” includes powers and duties;

“horse” includes donkey, mule and hinny;

“horse licence” means a licence granted by a local authority under *section 20*;

“local authority” means—

- (a) in the case of an administrative county, the council of the county, and
- (b) in the case of a county borough, the corporation of the county borough,

and references to the functional area of a local authority shall be construed accordingly;

“Minister” means the Minister for Agriculture, Food and Forestry;

“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);

“premises” includes any house or land or water and any fixed or moveable structure therein and also includes vessels, vehicles, trains, aircraft and other means of transport;

“prescribed” means prescribed by regulations;

“public place” means any street, road, seashore, park, land, field or other place to which the public have access, whether by right or by permission, whether with or without vehicles, and whether subject to or free of charge;

“regulations” means regulations made by the Minister;

“reserved function” means—

- (a) in the case of the council of a county, a reserved function for the purposes of the County Management Acts, 1940 to 1994, and
- (b) in the case of the corporation of a county borough, a reserved function for the purposes of enactments relating to the management of the county borough;

“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;

“Superintendent” means the Superintendent of the Garda Síochána for the area in which a horse is seized or detained under *section 37*;

“veterinary surgeon” means any person who is for the time being registered in the register of veterinary surgeons established and maintained under the Veterinary Surgeons Act, 1931.

(2) For the purposes of this Act a person who is the head of a household of which a member under the age of 16 years owns a horse shall be deemed to own the horse.

(3) In this Act—

- (a) a reference to a section is a reference to a section of this Act, unless it is indicated that reference to some other enactment is intended,
- (b) a reference to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph

of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended, and

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- (c) a reference to an enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment including this Act.

3.—(1) A local authority may appoint in writing such and so many persons as it sees fit to be authorised persons for the purposes of this Act.

Appointment of authorised persons.

(2) An authorised person may exercise any of the functions conferred on an authorised person under this Act—

- (a) within the functional area of the local authority which appointed the authorised person, or
- (b) in the functional area of another local authority with which an agreement exists for the exercise or performance by authorised persons of the first-mentioned authority in the functional area of that other authority of the functions of an authorised person.

(3) Every authorised person appointed under this section shall be furnished with a warrant of his or her appointment as an authorised person and when exercising any power conferred on him or her by this Act as an authorised person shall, if requested by a person affected, produce the warrant or a copy thereof to that person.

(4) An authorised person may be assisted in the exercise of his or her functions under this Act by such persons as the authorised person considers necessary.

4.—Where a member of the Garda Síochána reasonably suspects that a person is committing or has committed an offence under section 21, 27, 28 (3), 32, 36, 37, 45, 46 or 47, the member may arrest the person without warrant.

Powers of arrest.

5.—Where an offence under this Act is committed by a body corporate or by a person purporting to act on behalf of a body corporate or on behalf of an unincorporated body of persons and it is proved to have been so committed with the consent or connivance of or to be attributable to any wilful neglect on the part of any other person who, when the offence was committed, was, or purported to act as, a director, manager, secretary or other officer (including a member of any committee of management or other controlling authority) of such body, such other person as well as the body, or the person so purporting to act on behalf of the body, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

Offence by body corporate, etc.

6.—(1) A person guilty of an offence under this Act (other than section 45) shall be liable on summary conviction to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 6 months or to both.

Penalties.

(2) A person guilty of an offence under section 45 shall be liable—

- (a) on summary conviction, to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 6 months or to both, or

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(b) on conviction on indictment, to a fine not exceeding £10,000 or to imprisonment for a term not exceeding 2 years or to both.

(3) Any fine in respect of an offence prosecuted summarily by a local authority under this Act shall be paid to the local authority which prosecuted the offence.

Disqualification from keeping horse.

7.—(1) A person who is convicted of an offence under *section 45, 46 (3) or 47 (3)* may in addition to the penalty imposed by the court under *section 6* be disqualified from keeping, dealing in or having charge or control, directly or indirectly, of a horse for such period, including where appropriate for the life of the person, as the court sees fit.

(2) A person who has been disqualified under *subsection (1)* for a period exceeding 6 months may, at any time and from time to time after the expiration of 3 months from the beginning of the period of disqualification and before the expiration of that period, apply, to the court which made the order, for the removal of the disqualification, and that court, if it considers (having regard to all such matters which appear to it to be relevant, including the character of the applicant, his or her conduct after conviction and the nature of the offence) that circumstances exist which justify such a course, may by order remove the disqualification as from a specified date not earlier than 6 months after the beginning of the period of disqualification.

(3) Where an application under *subsection (2)* is refused, a fresh application shall not be made within 6 months of the refusal.

Forfeiture of horse.

8.—(1) On conviction for an offence under this Act the court may on application to it order the forfeiture to the local authority which prosecuted the offence or in whose functional area the offence was committed of any horse to which the offence relates and which is owned by the person convicted or where the court is satisfied that the owner is unknown or cannot be found where it considers it appropriate having regard to the welfare and interests of the horse and the fitness of that person to own a horse.

(2) Whenever an order is made under this section, an authorised person of the local authority referred to in *subsection (1)*, may for the purpose of giving effect thereto—

(a) seize and detain the horse concerned where it has not already been seized and detained under *section 37*, and

(b) do such other things as are authorised by the order or are necessary for the purpose aforesaid.

(3) A local authority referred to in *subsection (1)* may deal with or dispose of any horse so forfeited as it sees fit.

Prosecution of offences.

9.—An offence under this Act may be prosecuted summarily—

(a) by the local authority in whose functional area the offence was committed, or

(b) at the request of that authority, by another local authority with which an agreement exists for the exercise or performance by authorised persons of that other authority

in the functional area of the first-mentioned authority of Pt.I S.9  
the functions of an authorised person, or

- (c) by a local authority which has entered into arrangements under *section 20 (10)* with the authority referred to in *paragraph (a)* where the offence was committed within the area to which the arrangements relate, or
- (d) by a member of the Garda Síochána.

**10.—(1)** Where an authorised person or a member of the Garda Síochána, as the case may be, has reasonable grounds for believing that a person is committing or has committed an offence under *subsection (1) or (2) of section 18 or section 25, 26, 27, 28 (2), 33, 43, 46 or 47* he or she may serve the person with a notice in the prescribed form stating that—

Provisions regarding certain offences.

- (a) the person is alleged to have committed the offence, and
- (b) the person may during the period of 21 days beginning on the date of the notice make to the local authority concerned at the address specified in the notice a payment of £50 accompanied by the notice, and
- (c) a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(2) Where notice is given under *subsection (1)*—

- (a) a person to whom the notice applies may, during the period specified in the notice, make to the local authority concerned at the address specified in the notice the payment specified in the notice accompanied by the notice;
- (b) the local authority specified in the notice may receive the payment, issue a receipt for it and retain the money so paid, and any payment so received shall not be recoverable in any circumstances by the person who made it;
- (c) a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(3) In a prosecution for an offence under this Act the onus of proving that a payment pursuant to a notice under this section has been made shall lie on the defendant.

(4) The Minister may by regulations vary the amount standing specified for the time being in *subsection (1) (b)*.

**11.—(1)** A register may be prepared, established and maintained in a form that is not legible if it is capable of being converted into a permanent legible form.

Registers.

(2) A register shall at all reasonable times be open to inspection by any person on payment of a fee of such amount (if any) as may

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from time to time be fixed by the local authority in whose functional area it is maintained.

(3) A person shall be entitled to obtain a copy of or extract from (including in the case of information in non-legible form, a copy of or extract from such an entry in permanent legible form) an entry in a register on payment of a fee of £5 or such other amount as may for the time being be fixed by the local authority in whose functional area it is maintained.

(4) Every document purporting to be a copy of or extract from an entry in a register and purporting to be certified by an officer of the local authority concerned (in the case of a register maintained under *section 24* or *42 (1)*) or a member of the Garda Síochána (in the case of a register maintained under *section 42 (2)*) to be a true copy of or extract from such entry shall, without proof of the signature of the officer or member purporting to so certify or that the person was such officer or member, be received in evidence in any legal proceedings and shall, until the contrary is shown, be deemed to be a true copy of or extract from such entry and be evidence of the terms of such entry.

(5) In this section “a register” means a register established and maintained under this Act.

Regulations.

**12.—**(1) The Minister may make regulations for prescribing any matter referred to in this Act as prescribed or to be prescribed or in relation to any matter referred to in this Act as the subject of regulations.

(2) Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

(3) Every regulation made under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary.

Procedure for making bye-laws.

**13.—**(1) Subject to *subsection (4)*, not less than 2 months before making bye-laws under this Act a local authority shall publish a notice in one or more newspapers published in the State and circulating in the area to which the proposed bye-laws relate—

(a) indicating that it is proposed to make such bye-laws and stating the purpose of the bye-laws,

(b) indicating the times at which and the period (which shall be not less than one month) during which a copy of the draft bye-laws will be available for public inspection, free of charge, at such place as is specified in the notice,

(c) stating that a copy of the draft will be given to any person applying therefor on payment of such specified sum, if any, as the local authority may have fixed, and

(d) stating that the local authority will consider any submissions

in relation to the draft which are submitted to the authority in writing by any person before such date as may be specified, not being less than 7 days after the end of the period for inspection of the draft.

(2) A local authority shall, during the stated period referred to in *subsection (1) (b)*, being not less than one month, keep a copy of the draft bye-laws open for public inspection, free of charge, during ordinary office hours at the place specified in the notice in that behalf and shall provide a copy of the draft to any person applying therefor on payment of such reasonable sum, if any (being a sum not exceeding the reasonable cost of making the copy) as may be fixed by the local authority.

(3) A local authority shall consider any submissions made to it under *subsection (1)* and not withdrawn and may then make the bye-laws either in accordance with the draft or subject to such changes as the local authority may, at its discretion, determine.

(4) *Subsections (1), (2) and (3)* do not apply to bye-laws made under—

(a) *section 17 (3)* on foot of a direction of the Minister, or

(b) *section 19 (1) (g)*, or

(c) *section 47* which are stated in the bye-laws to be in force for a period of not more than one month.

(5) (a) Where any part of the boundary of the functional area of a local authority is a line of high water of the sea, or a tidal river, or a tidal lake, the local authority may, in making bye-laws under this Act, extend the area of operation of such bye-laws to the foreshore, or to such part of the foreshore (within the meaning of the Foreshore Act, 1933), as may be specified in the bye-laws.

(b) Where the area of operation of bye-laws is extended pursuant to this section, such extended area may be defined by reference to a map or otherwise.

(6) Bye-laws made under this Act shall come into operation on such day as may be specified therein, or if no such day is so specified, on the thirtieth day after the day on which the bye-laws are made.

(7) A local authority shall, whenever required so to do by any court produce to the court a true copy of any bye-laws made under this Act and verify the copy to such court by having endorsed thereon a certificate signed by an officer of the local authority, whose official position it shall not be necessary to prove, by which the bye-laws were made and the court shall receive the copy in evidence and thereupon, the copy shall, unless the contrary is shown, be sufficient evidence of the bye-laws.

(8) Every bye-law made under this Act may contain such incidental, supplementary and consequential provisions as appears to the local authority making it to be necessary.

(9) The making of bye-laws under this Act shall be a reserved function.

(10) The provisions of *section 42* (which relates to the publication

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of bye-laws) of the Local Government Act, 1994, shall apply to any bye-laws or bye-law made under this Act and references in that section to a bye-law or bye-laws (including the reference in subsection (6) of that section to bye-laws made under Part VII of the Local Government Act, 1994) shall be construed as including references to a bye-law or bye-laws made under this Act.

Service of notifications and notices.

**14.**—Where a notification or notice is required or authorised by this Act to be given to a person, the notification or notice shall be addressed to that person and shall be given to him or her in one of the following ways:

- (a) by delivering it to him or her,
- (b) by leaving it at the address at which he or she ordinarily resides or carries on business, or
- (c) by sending it by post in a prepaid registered letter addressed to him or her at the address at which he or she ordinarily resides or carries on business.

Grants to local authorities.

**15.**—The Minister, with the consent of the Minister for Finance, may make grants towards the expenses of a local authority incurred under this Act.

Expenses of Minister.

**16.**—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

## PART II

### LICENSING OF HORSES IN CONTROL AREAS

Control areas.

**17.**—(1) A local authority may by bye-laws declare all or any part of its functional area to be a control area where it is satisfied that horses in that area should be licensed having regard to the need to control the keeping of horses, the need to prevent nuisance, annoyance or injury to persons or damage to property by horses and such other matters as it considers relevant.

(2) Where a local authority has declared under *subsection (1)* all or any part of its functional area to be a control area and horses are regularly—

- (a) straying or being brought into that control area from any area, or
- (b) kept or straying into any area adjacent to the control area,

which is part of the functional area of an adjoining local authority which is not a control area and are causing nuisance, annoyance or injury to persons or damage to property in the control area, the first-mentioned local authority may—

- (i) request the adjoining local authority to declare that part of its functional area to be a control area, and



- (ii) where the adjoining local authority is unwilling to so declare, request the Minister to make a direction under *subsection (3)* to the adjoining authority. Pr.II S.17

(3) The Minister, having received a request under *subsection (2)* and consulted with the adjoining local authority, and where he or she is satisfied that horses in that part or the whole of the functional area concerned should be licensed having regard to the need to control the keeping of horses, the need to prevent nuisance, annoyance or injury to persons or damage to property by horses, may direct the adjoining local authority to declare by bye-laws the aforesaid part or the whole of the functional area of the adjoining local authority to be a control area.

(4) An area declared to be a control area under this section may be described in the bye-laws in whatever manner the local authority sees fit including by reference to a map.

**18.—**(1) Subject to *section 19*, a person who owns a horse which is kept by him or her or on his or her behalf in a control area shall, unless he or she holds a horse licence in respect of the horse entitling that owner to keep the horse in the control area, be guilty of an offence. Prohibition on keeping horse without horse licence in control area.

(2) Subject to *subsection (3)* and *section 19*, a person (other than the owner) who—

- (a) keeps a horse in a control area, or
- (b) has under his or her charge or control a horse which is kept in a control area,

shall, unless there is a horse licence for the time being in force in respect of the horse entitling the owner to keep the horse in the control area, be guilty of an offence.

(3) *Subsection (2)* does not apply to—

- (a) an authorised person or a member of the Garda Síochána acting in the course of his or her duty,
- (b) a pound keeper who keeps a horse in a pound,
- (c) a veterinary surgeon providing veterinary services for a horse,
- (d) any person who keeps or has charge or control of a horse for the purpose of preventing it causing injury to persons or damage to property, and restoring the horse to its owner or keeper, or handing it over to an authorised person or a member of the Garda Síochána,
- (e) any person with whom a local authority or a Superintendent has entered into arrangements under *section 39 (4)*, or
- (f) such other class or classes of persons and for such purposes as may be prescribed.

(4) For the purposes of this section a horse shall be deemed to be kept in a control area where it is brought into it other than in accordance with *section 19 (1) (f), (g) or (k)*.

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(5) For the purposes of *subsection (2)*, the occupier of any premises within a control area where a horse is found who is not the owner of that horse shall be deemed to be the person who keeps or has charge or control of the horse unless such occupier shows that the horse was kept on the premises either—

- (a) without his or her knowledge and permission, or
- (b) by some other person and there is a horse licence for the time being in force in respect of the horse entitling it to be kept in the control area.

(6) In a prosecution for an offence under *subsection (1)* it shall be a defence for the accused to show that at the time of the alleged offence he or she had not given permission for the horse to be kept in the control area.

(7) In a prosecution for an offence under *subsection (2)* it shall be a defence for the accused who is not the keeper to show that at the time of the alleged offence he or she had no reason to believe that there was not a horse licence in force in respect of the horse entitling it to be kept in the control area.

(8) In a prosecution for an offence under this section it shall be a defence for the accused to show that at the time of the alleged offence there was an application for a horse licence in respect of the horse being considered by—

- (a) the local authority for the functional area of which the control area forms part, or
- (b) another local authority which has entered into arrangements under *section 20 (10)* with that authority,

upon production of a receipt of the application and accompanying fee issued by the relevant authority:

Provided that the accused or the applicant (if he or she is not the accused) has not been refused a horse licence previously by a local authority or disqualified from keeping the horse under *section 7*.

(9) In a prosecution for an offence under this section the onus of proof shall lie on the accused to show that the horse at the time of the alleged offence—

- (a) was imported in accordance with *section 19 (1) (e)*, or
- (b) was brought into the control area in accordance with *section 19 (1) (f)* or *(g)*, or
- (c) has recently been purchased by or come into the possession of the accused in accordance with *section 19 (1) (j)*, or
- (d) is transported through the area in accordance with *section 19 (1) (k)*.

Exemptions.

**19.—(1)** A horse licence shall not be required in respect of a horse in a control area which—

- (a) is kept by a local authority in respect of any of its functions;
- (b) is kept by the Garda Síochána and used by a member of the Garda Síochána in the execution of the member's duties;

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- (c) is kept by the Minister for Defence and used by a member of the Defence Forces in the execution of the member's duties; Pr.II S.19
- (d) is in the possession of an authorised person (within the meaning of section 25 of the Diseases of Animals Act, 1966) for the purposes of that Act;
- (e) is imported into the State for a period not exceeding 90 days or such other period as may be prescribed;
- (f) is brought into or kept in the area in such circumstances or for such purposes or periods as may be—
- (i) prescribed generally or in relation to any particular control area, or
  - (ii) specified in bye-laws made by—
    - (I) the local authority in whose functional area the control area is situated, or
    - (II) a local authority which has entered into arrangements under *section 20 (10)* on behalf of another local authority in respect of that control area or part thereof, with the consent of that other authority regarding the making of the bye-laws;
- (g) is brought into the area for the purposes of participating in a specified event on a specified day or specified days as may be permitted in bye-laws made by—
- (i) the local authority in whose functional area the control area is situated, or
  - (ii) a local authority which has entered into arrangements under *section 20 (10)* on behalf of another local authority in respect of that control area or part thereof, with the consent of that other authority regarding the making of the bye-laws;
- (h) is receiving from a veterinary surgeon veterinary treatment at a premises other than the premises where the horse is kept;
- (i) is a foal;
- (j) has recently been purchased or has come into the possession of the owner or keeper for the first time, for a period of one week from the date of the purchase or the coming into possession or such other period as may be permitted in bye-laws made by—
- (i) the local authority in whose functional area the control area is situated, or
  - (ii) a local authority which has entered into arrangements under *section 20 (10)* on behalf of another local authority in respect of that control area or part thereof, with the consent of that other authority regarding the making of the bye-laws;

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- (k) (i) is being transported from outside the area directly through the control area for the sole purpose of export from or leaving the State from a harbour, port or airport, or
- (ii) is being transported through the control area, having landed from outside the State at a harbour, port or airport, directly to a destination outside the area;
- (l) is kept by such other class or classes of persons and for such purposes as may be prescribed or specified in bye-laws made by—
  - (i) the local authority in whose functional area the control area is situated, or
  - (ii) a local authority which has entered into arrangements under *section 20 (10)* on behalf of another local authority in respect of that control area or part thereof, with the consent of that other authority regarding the making of the bye-laws.

(2) A consent given by a local authority under *paragraph (f) (II)* or *(j) (ii)* of *subsection (1)* shall be a reserved function.

(3) Any bye-laws made under *paragraph (f) (II)* or *(j) (ii)* of *subsection (1)* shall cease to have effect in the control area or part thereof to which the arrangements under *section 20 (10)* relate where those arrangements are terminated.

Horse licences.

**20.**—(1) Where a horse is to be kept in or brought into a control area a licence (“horse licence”) may be granted to the owner of the horse by—

- (a) subject to *subsection (10) (c)*, the local authority for the functional area in which the control area is situated entitling the owner to keep the horse in a control area within its functional area, or
- (b) a local authority with whom arrangements have been entered into by another local authority under *subsection (10) (a)* entitling the owner to keep the horse in a control area within the functional area of the authority granting the licence and the control area or such part of it of that other authority to which those arrangements relate.

(2) A local authority may attach such terms and conditions as it considers necessary to a horse licence granted by it.

(3) A horse licence shall be in respect of a particular horse specified and identified in the licence.

(4) A horse licence shall be in such form as may be prescribed.

(5) A local authority shall not grant a horse licence to any person who—

- (a) is under the age of 16 years, or
- (b) is disqualified pursuant to *section 7* from keeping a horse, or
- (c) is, in the opinion of the local authority, unfit to keep a horse, or

(d) fails to satisfy it that the horse will be properly maintained. Pr.II S.20

(6) A horse licence shall be in force—

(a) for the period of 12 months stated in the licence and commencing on the date specified therein, or

(b) for such other period, as may from time to time be prescribed, stated in the licence and commencing on the date specified therein, or

(c) until, at any time during either of those periods, the holder of the licence ceases to own the horse to which the licence relates.

(7) A horse licence shall state the name of the holder of the licence and the address of the premises where the horse is ordinarily kept.

(8) A local authority may revoke or suspend a horse licence granted by it or amend any terms or conditions attached thereto where—

(a) the holder of the licence is convicted of an offence in relation to a horse, or

(b) the horse to which the licence relates is detained under *section 37 (a)* on two or more occasions while the licence is in force, or

(c) there are reasonable grounds to believe that the holder of the licence is—

(i) not complying with any of the terms or conditions of the licence, or

(ii) abusing or not properly keeping, controlling or maintaining or causing injury or harm to any horse, or

(d) the holder of the licence has had a horse licence in respect of another horse revoked, suspended or amended.

(9) A local authority may transfer to another local authority information held by it in relation to any horse licence granted, revoked, suspended or amended by it or any application to it for a horse licence.

(10) (a) A local authority may enter into arrangements with another local authority in relation to the application for and the granting of horse licences on its behalf.

(b) The entering into of arrangements under this subsection or any termination thereof shall be a reserved function.

(c) A local authority which has entered into arrangements under this subsection with another local authority shall not grant a horse licence in respect of a horse to be kept in such part of its functional area to which the arrangements relate whilst those arrangements are in force.

(d) Where any arrangements entered into under this subsection are terminated any horse licence granted whilst the

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arrangements were in force shall continue to be in force in respect of the control area to which the licence relates.

Prohibition on forgery or fraudulent alteration or use of horse licence.

**21.**—A person who forges, or fraudulently alters, or uses, or permits the fraudulent alteration or use of, a horse licence shall be guilty of an offence.

Application for horse licence.

**22.**—(1) An application for a horse licence shall be—

(a) made by the owner of the horse to the relevant local authority,

(b) in writing in such form as the authority to whom the application is made may specify, giving such information as may be required in the form, and

(c) accompanied by the prescribed fee.

(2) An applicant for a horse licence shall give to the local authority to whom the application is made such additional information as the authority may require in respect of the application.

(3) A person who knowingly and wilfully gives any false or misleading information in respect of an application for a horse licence shall be guilty of an offence.

(4) A local authority may examine the horse to which the application for a horse licence relates and, where appropriate, any premises where the horse is kept or intended to be kept.

(5) The Minister may by regulations from time to time prescribe the fee (in this section referred to as “the prescribed fee”) to accompany an application for a horse licence and a different fee may be prescribed where the application is—

(a) in respect of a licence for any period as specified in the regulations,

(b) in respect of more than one horse licence relating to horses to be kept on the same or different premises,

(c) for a horse licence in respect of a horse where the applicant holds a horse licence for the time being in force relating to that horse granted by another local authority,

(d) for a second or subsequent horse licence made to the same authority which granted the first licence relating to a horse where ownership of the horse has not changed, or

(e) made by such different class or classes of persons specified in the regulations.

(6) An application for a horse licence shall be invalid and shall not be decided or otherwise dealt with by the local authority to which the application is made unless the local authority is in receipt of the prescribed fee.

(7) Where an application for a horse licence is refused the local authority to which the application was made may retain such portion of the prescribed fee as may be prescribed.

**23.—**(1) Whenever a local authority proposes to refuse to grant or to suspend or revoke, or amend the terms or conditions of, a horse licence the authority shall notify in writing the applicant or the holder of the licence, as the case may be, of the proposal and shall, if any representations are made to it in writing by such applicant or holder within 14 days of the notification, consider the representations.

Pt. II  
Appeals against refusal to grant, or suspension, revocation or amendment of, horse licence.

(2) Whenever a local authority, having considered any representations that may have been made to it under *subsection (1)*, decides to refuse to grant or to suspend or revoke, or amend the terms or conditions of, a horse licence, it shall notify in writing the applicant for or, as the case may be, the holder of the licence of the decision and the grounds for such decision and such applicant or holder may within 14 days of receipt of notification appeal against such decision to the judge of the District Court within whose district court district the horse to which the licence relates is kept.

(3) A decision referred to in *subsection (2)* shall take effect after the expiration of the period allowed for the appeal under that subsection.

(4) Where an appeal is made under *subsection (2)* in respect of a refusal to grant a horse licence or of a suspension or revocation or amendment of a horse licence, then the refusal, suspension, revocation or amendment, as the case may be, shall stand suspended until the appeal is determined or withdrawn.

(5) Notwithstanding *section 20 (6)*, any horse licence held by the appellant and in force at the time of an appeal under *subsection (2)* which is—

- (a) in the case of an appeal against a refusal to grant a horse licence, in respect of the horse the subject of the refusal and granted by the local authority so refusing to grant another licence in respect of it, or
- (b) in the case of an appeal against the suspension, revocation or amendment of a horse licence, the subject thereof,

shall continue in force until the determination or withdrawal of the appeal.

(6) On the hearing of an appeal under *subsection (2)* in relation to a decision of a local authority to refuse to grant or to suspend, revoke or amend a horse licence the District Court may either confirm the decision or allow the appeal and, where an appeal is allowed, the local authority concerned shall grant the horse licence or shall not suspend or revoke or amend the licence, as the case may be.

(7) A decision of the District Court on an appeal under *subsection (2)* shall be final save that, by leave of the Court, an appeal from the decision shall lie to the High Court on a specified question of law.

**24.—**(1) Each local authority shall cause to be established and maintained a register of all horse licences granted by it.

Register of horse licences.

(2) Every register maintained under this section shall contain the following particulars, that is to say:

- (a) an identification reference,
- (b) a description of the horse,
- (c) the name and address of the owner of the horse,

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- (d) when the horse licence was granted,
- (e) where the horse is normally kept,
- (f) the name and address of the keeper of the horse, where the horse is kept by a person other than the owner,
- (g) the name and address of any person to whom ownership of the horse is transferred, and
- (h) any other particulars deemed necessary by the local authority concerned.

Disposal of horse by licence holder.

**25.—**(1) Where the holder of a horse licence disposes of a horse to which the licence relates, the holder shall within 14 days of such disposal inform the local authority which granted the licence of such disposal and its nature, and surrender the licence to the authority, and, where ownership of the horse has changed, give to the authority the name and the address of the new owner.

(2) Where a horse the subject of a horse licence dies other than by way of disposal, the holder of the licence shall within 14 days of the death inform the local authority which granted the licence of the death and its cause.

(3) A person who, without reasonable excuse, fails to comply with this section shall be guilty of an offence.

Production of horse licence for inspection.

**26.—**(1) An authorised person or a member of the Garda Síochána may request any person whom the person or member reasonably suspects of being the owner of a horse kept in a control area whether he or she is the holder of a horse licence for the time being in force in respect of the horse entitling the owner to keep the horse in the control area.

(2) A person who fails to comply with a request under *subsection (1)* or gives information which is false or misleading shall be guilty of an offence.

(3) An authorised person or a member of the Garda Síochána may request the holder of a horse licence to produce the licence for inspection by the person or member.

(4) if the holder of a licence, having been requested under *subsection (3)*, fails to produce the licence there and then, he or she shall be guilty of an offence, unless within 10 days after the date on which the production was requested he or she produces such licence or causes it to be produced to the person or member making the request at such place as shall be specified by the person or member at the time of the request.

Obligation to remove unlicensed horses found in public places in control areas.

**27.—**(1) Where an authorised person or a member of the Garda Síochána finds a horse in a public place within a control area and the person or member has reasonable cause to suspect that there is no horse licence for the time being in force in respect of the horse entitling it to be kept in that control area or that the horse is not exempt under *section 19* from being licensed in that control area, the authorised person or member may require any person apparently keeping or having charge or control of the horse to remove it immediately from that public place or the control area.



(2) A person who, without reasonable excuse, fails to comply with a requirement under *subsection (1)* shall be guilty of an offence. Pr.II S.27

**28.—(1)** The Minister may by regulations require that any 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* or as may be specified in the regulations, shall be identified or capable of being identified in such manner or by such means as may be specified in the regulations. Regulations for identification of horses kept in control areas.

(2) The owner or keeper of a horse kept in or brought into a control area which is not identified or capable of being identified in accordance with any regulations made under this section shall be guilty of an offence.

(3) A person who forges or fraudulently alters or interferes with any mark, device or other thing used for identification in respect of a horse under regulations made under this section shall be guilty of an offence.

### PART III

#### CONTROL OF HORSES

**29.—(1)** An authorised person or a member of the Garda Síochána may inspect and examine any horse. Inspection of horses.

(2) Any person who is apparently in charge or control of a horse the subject of an inspection or examination under *subsection (1)* shall give to the authorised person or member of the Garda Síochána making the inspection or examination such reasonable assistance as the authorised person or member may request.

(3) A person who, without reasonable excuse, fails to comply with a request under *subsection (2)* shall be guilty of an offence.

**30.—(1)** Any person who keeps or has charge or control of a horse, or the owner or any person having the charge or management of any premises on which a horse is found, shall, if requested by an authorised person or a member of the Garda Síochána, give to such authorised person or member, in so far as is known to him or her, the name and address of the owner of the horse. Obligation to give name and address of owner of horse.

(2) A person who fails to comply with a request under *subsection (1)* or gives information which is false or misleading shall be guilty of an offence.

**31.—(1)** An authorised person or a member of the Garda Síochána may where there are reasonable grounds for suspecting that a person is committing or has committed an offence under this Act request of the person his or her name and address. Obligation to give name and address where authorised person or member of Garda Síochána suspects offence under Act is committed.

(2) A person who refuses to give his or her name and address when requested under *subsection (1)* or gives a name and address or information which is false or misleading shall be guilty of an offence.

Pr.III  
Obligation to desist from continuing to offend against certain provisions of Act.

32.—(1) An authorised person or a member of the Garda Síochána who has reasonable cause to suspect that a person is offending against the provisions of *section 45* or any bye-laws made under *section 46* or *47* or *section 1* (as amended by *section 48*) of the Protection of Animals Act, 1911, in relation to a horse, may direct the person so suspected to desist from so offending.

(2) A person who, without reasonable excuse, fails to comply with a direction under *subsection (1)* shall be guilty of an offence.

Authorised person or member of Garda Síochána may require veterinary attention for horses in extreme pain or distress, etc.

33.—(1) An authorised person or a member of the Garda Síochána who has reasonable cause to suspect that a 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, may require the owner or keeper of the horse, or if the owner or keeper is not readily available, a person apparently in charge or control of the horse, to immediately, or as soon as may be, obtain any necessary veterinary attention from a veterinary surgeon for the horse.

(2) A person who, without reasonable excuse, fails to comply with a requirement under *subsection (1)* shall be guilty of an offence.

Power of entry to premises by authorised persons or members of Garda Síochána.

34.—(1) Where an authorised person or a member of the Garda Síochána has reasonable cause to suspect that—

(a) an offence is being or has been committed under this Act in or on any premises or in any vehicle, or

(b) a person is causing harm to or mistreating a horse on any premises or in any vehicle,

such person or member may, subject to *subsection (2)*, stop any such vehicle or enter (if necessary by the use of reasonable force) any such premises or any such vehicle, and there, or at any other place, and with such authorised persons and members of the Garda Síochána (if any) as the person or member considers appropriate—

(i) search for any horse,

(ii) search for and examine any document and take extracts from and copies of any such document, and

(iii) exercise, in the case of an authorised person any of the functions conferred on an authorised person, or in the case of a member of the Garda Síochána any of the functions conferred on a member of the Garda Síochána, under this Act.

(2) In the exercise of a power of entry by an authorised person or a member of the Garda Síochána into any premises under this Act, such other persons as may be necessary for the purpose of assisting the authorised person or member in the exercise of his or her functions under this section may be brought into such premises and the authorised person, member or any such other person may take with them into the premises such equipment as they consider to be necessary.

(3) An authorised person or a member of the Garda Síochána shall not, other than with the consent of the occupier, enter a dwelling unless the person or member has obtained a search warrant from the District Court under *section 35* authorising such entry.

(4) Where an authorised person or a member of the Garda Síochána in the exercise of his or her powers under this section is prevented from entering any premises, an application may be made under *section 35* for a search warrant authorising such entry.

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**35.—**(1) If a judge of the District Court is satisfied by the information on oath of an authorised person or a member of the Garda Síochána that there are reasonable grounds for suspecting that—

Search warrants.

- (a) there is evidence on any premises in relation to an offence under this Act, or
- (b) a person is causing harm to or mistreating a horse on any premises,

situated within the district court district to which the judge is for the time being assigned, the judge may issue a search warrant.

(2) A search warrant issued under this section shall be expressed and operate to authorise a named member of the Garda Síochána accompanied by such members of the Garda Síochána or authorised persons and with such equipment as the named member thinks necessary, at any time or times within one month from the date of issue of the warrant, on production of it if so requested, to enter (if necessary by reasonable force) the premises named in the warrant and exercise any of the powers conferred on a member of the Garda Síochána under this Act.

**36.—**A person who obstructs or impedes an authorised person or a member of the Garda Síochána in the exercise of the person's or member's functions under this Act shall be guilty of an offence.

Obstruction of authorised person or member of Garda Síochána.

**37.—**(1) An authorised person or a member of the Garda Síochána may seize and detain any horse that the person or member has reason to suspect is—

Seizure and detention of horses.

- (a) a stray horse, or
- (b) causing a nuisance, or
- (c) not under adequate control, or
- (d) posing a danger to persons or property, or
- (e) posing a threat to the health and welfare of persons or other animals, or
- (f) being kept in a control area, without a horse licence in respect of it entitling the horse to be kept in that area, or
- (g) not identifiable or capable of identification as may be required by *section 28*, or
- (h) in or being kept or ridden or driven in an area contrary to any bye-laws made under *section 47*.

(2) An authorised person or a member of the Garda Síochána may seize and detain a horse in relation to which a requirement has been made under *section 33* and the person or member has reasonable cause to suspect that the necessary veterinary attention has not been or is not likely to be obtained.

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(3) A horse seized under this section may be detained in a pound anywhere or in such other place as may be specified by the local authority in whose functional area the horse was seized or by the Superintendent, as the case may be.

(4) A person who without lawful authority removes a horse while it is being detained under this section shall be guilty of an offence.

Identification of seized horses or horses detained in control areas.

**38.**—Where a horse has been detained under *section 37* the local authority in whose functional area the horse is detained or the Superintendent, as the case may be, may cause to be attached to the horse such identification mark or device as the authority or the Superintendent sees fit.

Period of detention and disposal of horses detained under *section 37*.

**39.**—(1) Subject to *section 41*, whenever a horse has been detained under *section 37*, the local authority in whose functional area the horse is detained or the Superintendent, as the case may be, may—

- (a) continue to detain the horse for use in evidence in any criminal proceedings, for such period from the seizure or detention as is reasonable, or, if proceedings are commenced in which the horse is required for use in evidence, until the conclusion of the proceedings, or
- (b) where it is intended to make an application under *section 8* for the forfeiture of the horse, continue to detain the horse until the conclusion of the proceedings, or
- (c) where that horse has previously been detained on two or more occasions within a period of 12 months, deal with it in accordance with *section 40*, or
- (d) in any other case, deal with the horse in accordance with any bye-laws made under *subsection (2)*.

(2) Bye-laws may be made by a local authority for all or any of the following matters in relation to horses detained within its functional area under *section 37*—

- (a) the notices to be given or displayed in connection with the detaining of such horses,
- (b) the fees to be paid by the owner or keeper of such horses including fees in respect of their keep, any veterinary services and any transportation,
- (c) the provision of veterinary services for such horses,
- (d) the disposal pursuant to a direction of the local authority in whose functional area a horse is detained or of the Superintendent, as the case may be, of a horse where the owner or keeper is unknown or cannot be found and the time after which such disposal shall take place,
- (e) the disposal pursuant to a direction of the local authority in whose functional area a horse is detained or of the Superintendent, as the case may be, of a horse where the owner or keeper is known and can be readily found, and where the owner or keeper, on request of the local authority, Superintendent or person in charge of a pound or

place where a horse is detained within such time as may be specified in the bye-laws— Pr.III S.39

- (i) fails to pay any fees specified in bye-laws made under this subsection, or
- (ii) fails to produce, where appropriate, a horse licence for the time being in force in respect of the horse granted by that local authority or another relevant local authority if the horse is kept in a control area declared by that authority or another authority, or

(iii) fails to remove the horse,

(f) the disposal pursuant to a direction of the local authority in whose functional area a horse is detained or of the Superintendent, as the case may be, where the release of a horse is refused under *subsection (5)*, and the time after which such disposal shall take place,

(g) such other matters as it considers relevant.

(3) A local authority may recover as a simple contract debt in any court of competent jurisdiction from any person by whom it is payable any amount due and owing to it under this section.

(4) A local authority or a Superintendent may enter into arrangements with any person (including a pound keeper) in respect of the acceptance, detention and disposal of horses detained under *section 37*.

(5) A local authority or a Superintendent or a person referred to in *subsection (4)* may refuse to release any horse detained under *section 37* where it or he or she, as the case may be—

(a) is not satisfied that adequate accommodation and sustenance, or if detained under *section 37 (2)* adequate veterinary attention, will be provided for the horse, or

(b) has reason to believe that the horse will be cruelly treated,

following such release.

(6) Where a horse is to be disposed of under *subsection (2) (f)* or *section 40* by way of sale or auction, the local authority or the Superintendent concerned shall take reasonable steps to ensure that the horse is not sold to the owner or keeper of the horse at the time it was seized under *section 37* or any person acting on his or her behalf.

(7) Where a local authority decides to destroy, or has entered into arrangements under *subsection (4)* for the destruction of, a horse detained under *section 37* it shall endeavour to ensure that the horse is humanely destroyed.

(8) Section 8 of the Pounds (Provision and Maintenance) Act, 1935, and section 5 (3) of the Animals Act, 1985, shall not apply to horses detained under *section 37*.

**40.—(1)** A horse which has been detained under *section 37* and which has previously been detained on two or more occasions within a period of 12 months under that section may be disposed of as the

Disposal of horses detained on 3 or more occasions.

local authority in whose functional area the horse has been detained or the Superintendent, as the case may be, sees fit where that authority or Superintendent is of the opinion that—

- (a) the owner or 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—
  - (i) under adequate control, or
  - (ii) identifiable or capable of identification as may be required by *section 28*.

(2) (a) A local authority may in bye-laws specify the fees to be paid by the owner or keeper of a horse which is detained within its functional area and which is to be disposed of under this section (including fees in respect of the keeping and any transportation of, or veterinary services provided to, such horse).

(b) A local authority may recover as a simple contract debt in any court of competent jurisdiction from any person by whom it is payable any amount due and owing to it under this subsection.

(3) Where a local authority or a Superintendent proposes to dispose of a horse under this section the authority or the Superintendent, as the case may be, shall display publicly a notice to that effect at the place where the horse is detained and in such other places (if any) as it or he or she sees fit and shall send a notice in writing to the owner or keeper (whose whereabouts is known and can be readily found) of the horse, stating that at any time after the expiration of 5 days, or such longer period as may be stated in the notice, from the publication of the first-mentioned notice it is intended to dispose of the horse and the reasons for and the nature of the proposed disposal and that the owner or keeper may within that period make representations (including representations to the effect that the owner of the horse was not the owner of the horse on any previous occasion when it was detained under *section 37* during the aforesaid period of 12 months) to the local authority or the Superintendent, as the case may be, against the proposal.

(4) Where a local authority or a Superintendent having considered any representations that may have been made to it or him or her under *subsection (3)* decides to dispose of a horse under this section the authority or the Superintendent, as the case may be, shall notify any person who has made such representations of the decision and the person may within 7 days of such notification appeal against the decision to the judge of the District Court within whose district court district the horse is detained.

(5) A decision to dispose of a horse under this section shall not take effect until after any representations under *subsection (3)* have been considered and the expiration of the period allowed for the appeal under *subsection (4)*.

(6) Where an appeal is made under *subsection (4)* against a decision to dispose of a horse, the decision shall stand suspended until the appeal is determined or withdrawn.

(7) On the hearing of the appeal under *subsection (4)* in relation to a decision of a local authority or a Superintendent to dispose of a

horse, the District Court may either confirm the decision or allow the appeal. Pr.III S.40

(8) A decision of the District Court on an appeal under *subsection (4)* shall be final save that by leave of the Court, an appeal from the decision shall lie to the High Court on a specified question of law.

**41.**—Where in relation to any horse detained under *section 37*, after veterinary examination, it is the opinion of the veterinary surgeon making the examination that the horse is in such pain or distress or state of acute neglect or so severely injured or diseased that it would be in the interests of the welfare of the horse, or the safety, health or welfare of other animals or persons it may come into contact with, to have it humanely destroyed, the local authority in whose functional area the horse is detained or the Superintendent or a person authorised by the authority or Superintendent, as the case may be, may direct that the horse be so destroyed immediately or as soon as may be. Destruction of detained horses which are in pain, distress or acute state of neglect, etc.

**42.**—(1) Every local authority shall cause to be established and maintained a register of all horses seized and detained in its functional area which come into its possession. Register of seized or detained horses.

(2) Every Superintendent shall cause to be established and maintained a register of all horses seized or detained by a member of the Garda Síochána under that Superintendent's control.

(3) Every register maintained under this section shall contain at least the following particulars, that is to say:

- (a) an identification reference,
- (b) a description of the horse,
- (c) the date of the seizure or detention of the horse,
- (d) particulars of the manner in which the horse is dealt with,
- (e) details of the person by whom a horse is reclaimed,
- (f) particulars of where the horse is detained.

**43.**—(1) A person who sells or offers to sell a horse to a person apparently under the age of 16 years shall be guilty of an offence. Prohibition on sale of horse to minor under 16 years of age.

(2) In this section “sell” and “sells” includes barter, exchange and other transactions by which a horse is disposed of for value.

**44.**—Section 24 of the Protection of Animals (Amendment) Act, 1965, is hereby amended by the insertion after “animal” of “(other than a horse)” and the said section as so amended is set out in the Table to this section. Consequential amendment to section 24 of Protection of Animals (Amendment) Act, 1965.

#### TABLE

24. If any person sells an animal (other than a horse) as a pet to a person apparently under the age of twelve years he shall be guilty of an offence under this Part.

Pt. III

Criminal liability for injury or damage caused by horses.

**45.—**(1) The owner, keeper or person in charge or control of a horse who wilfully or recklessly permits the horse to pose a danger to a person or property or to cause injury to a person or damage to any property shall be guilty of an offence.

(2) A person who wilfully or recklessly causes a horse to pose a danger to a person or property or to injure a person or damage any property shall be guilty of an offence.

Bye-laws for control and welfare of horses.

**46.—**(1) A local authority may make bye-laws for the control and welfare of horses in the whole or part of its functional area.

(2) Without prejudice to the generality of *subsection (1)*, bye-laws made under this section may—

(a) specify the manner in which a horse is to be kept under control by a person having charge or control of it in a public place (including a market or fair) or other place so as to prevent injury or nuisance to persons or damage to property,

(b) specify the manner and conditions in which a horse is to be kept (including the stabling, feeding and watering of the horse) in any place (including a market or fair),

(c) specify the measures to be taken by the owner or keeper of a horse to prevent a nuisance being caused to persons occupying any premises adjacent to or in the vicinity of the place where the horse is usually kept.

(3) A person who fails to comply with any bye-law made under this section shall be guilty of an offence.

Exclusion of horses from certain areas by bye-laws.

**47.—**(1) Subject to *subsection (2)*, a local authority may, where it considers that, in any place or area within its functional area, horses are causing or may cause a nuisance or danger to persons or damage to property, make bye-laws to prohibit a person from having, keeping, riding or driving a horse in that place or area at any time or at such times as may be specified in the bye-laws.

(2) Bye-laws made under this section shall not apply to such class or classes of persons or in such circumstances as may be specified in the bye-laws.

(3) A person who contravenes any bye-law made under this section shall be guilty of an offence.

(4) An authorised person or a member of the Garda Síochána may require a person whom the authorised person or member has reason to suspect is contravening any bye-law made under this section to remove immediately the horse from the area to which the prohibition applies.

(5) A person who, without reasonable excuse, fails to comply with a requirement under *subsection (4)* shall be guilty of an offence.



PART IV

MISCELLANEOUS AMENDMENTS TO OTHER ENACTMENTS  
RELATING TO ANIMALS

48.—(1) Section 1 of the Protection of Animals Act, 1911, is hereby amended by the deletion in subsection (1) (as amended by section 20 of the Control of Dogs Act, 1986), of all words from “on summary conviction thereof—” to the end of the subsection and the substitution therefor of the following:

Amendment of section 1 (1) of Protection of Animals Act, 1911 (alteration of penalties) and repeal.

- “(i) on summary conviction, to a fine not exceeding £1,500, or to imprisonment for a term not exceeding 6 months or to both, or
- (ii) on conviction on indictment, to a fine not exceeding £10,000, or to imprisonment for a term not exceeding 2 years or to both.”,

and the said subsection as so amended is set out in the Table to this section.

(2) Subsections (2) and (3) of section 20 of the Control of Dogs Act, 1986, are hereby repealed.

TABLE

- (1) If any person—
  - (a) shall cruelly beat, kick, ill-treat, over-ride, over-drive, over-load, torture, infuriate, or terrify any animal, or shall cause or procure, or, being the owner, permit any animal to be so used, or shall, by wantonly or unreasonably doing or omitting to do any act, or causing or procuring the commission or omission of any act, cause any unnecessary suffering, or, being the owner, permit any unnecessary suffering to be so caused to any animal; or
  - (b) shall convey or carry, or cause or procure, or, being the owner, permit to be conveyed or carried, any animal in such manner or position as to cause that animal any unnecessary suffering; or
  - (c) shall cause, procure, or assist at the fighting or baiting of any animal; or shall keep, use, manage, or act or assist in the management of, any premises or place for the purpose, or partly for the purpose, of fighting or baiting any animal, or shall permit any premises or place to be so kept, managed, or used, or shall receive, or cause or procure any person to receive, money for the admission of any person to such premises or place; or
  - (d) shall wilfully, without any reasonable cause or excuse, administer, or cause or procure, or being the owner permit, such administration of, any poisonous or injurious drug or substance to any animal, or shall wilfully, without any reasonable cause or excuse, cause any such substance to be taken by any animal; or
  - (e) shall subject, or cause or procure, or being the owner permit, to be subjected, any animal to any operation which is performed without due care and humanity; or

[No. 37.] *Control of Horses Act, 1996.* [1996.]

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- (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;

such person shall be guilty of an offence of cruelty within the meaning of this Act and shall be liable—

- (i) on summary conviction, to a fine not exceeding £1,500, or to imprisonment for a term not exceeding 6 months or to both, or
- (ii) on conviction on indictment, to a fine not exceeding £10,000, or to imprisonment for a term not exceeding 2 years or to both.

Amendment of Pounds (Provision and Maintenance) Act, 1935 (increase of fines).

**49.**—The Pounds (Provision and Maintenance) Act, 1935, is hereby amended—

- (a) in section 8 (2), by the substitution for “£500” (inserted by section 7 of the Animals Act, 1985), of “£1,500”, and
- (b) in section 9, by the substitution for “£750” (inserted by the said section 7) of “£1,500”.

Amendment of section 5 of Animals Act, 1985 (increase of fines).

**50.**—Section 5 of the Animals Act, 1985, is hereby amended—

- (a) in subsection (5), by the substitution for “£500” of “£1,500”, and
- (b) in subsection (6), by the substitution for “£750” of “£1,500”.

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ACTS REFERRED TO

Animals Act, 1985	1985, No. 11
Control of Dogs Act, 1986	1986, No. 32
County Management Acts, 1940 to 1994	
Diseases of Animals Act, 1966	1966, No. 6
Foreshore Act, 1933	1933, No. 12
Local Government Act, 1994	1994, No. 8
Pounds (Provision and Maintenance) Act, 1935	1935, No. 17
Protection of Animals Act, 1911	1911, c. 27
Protection of Animals (Amendment) Act, 1965	1965, No. 10
Veterinary Surgeons Act, 1931	1931, No. 36