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*Number 15 of 2019*

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**Greyhound Racing Act 2019**

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**GREYHOUND RACING ACT 2019**

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CONTENTS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title, collective citation, construction and commencement
2. Definitions
3. Amendment of section 2 of Principal Act (interpretation)
4. Notifications, notices and documents
5. Regulations
6. Prosecution of offences
7. Revocations

PART 2

RÁSAÍOCHT CON ÉIREANN

8. Change of name of Bord na gCon
9. Membership of Board
10. Quorum for meeting of Board
11. Exclusion from membership of Board or staff of Board
12. Disclosure of interests
13. General functions of Board
14. Code of Practice for Governance of State Bodies
15. Chief executive officer
16. Application of funds of Board
17. Borrowing by Board or subsidiary
18. Accounts of Board and subsidiaries

PART 3

REGULATION OF GREYHOUND RACING AND RACE TRACKS

19. Prohibition on operating greyhound race track without licence

20. Prohibiting by regulations certain matters in relation to greyhound race tracks
21. Regulations to regulate greyhound race tracks and greyhound racing
22. Guidelines in relation to greyhound race tracks
23. Repeal

#### PART 4

##### REGULATIONS ETC. RELATING TO GREYHOUND INDUSTRY

24. Training of greyhounds for reward
25. Public sale of greyhounds
26. Artificial insemination of greyhounds
27. Administration of substances to greyhounds
28. Traceability of greyhounds – traceability database
29. Welfare of racing greyhounds

#### PART 5

##### MATTERS RELATING TO LICENSING UNDER PARTS 3 AND 4

30. Definition (Part 5)
31. Licences, permits and approvals
32. Charges for licences, permits or approvals
33. Revocation or suspension of licences, permits or approvals
34. Representations

#### PART 6

##### AUTHORISED OFFICERS

35. Authorised officers
36. Investigations by authorised officers
37. Functions of authorised officers
38. Assistance to authorised officer
39. Requirements and directions of authorised officer
40. Search warrant
41. Obstruction etc. of authorised officer

#### PART 7

##### INVESTIGATIONS BY BOARD

42. Investigations by Board – breaches of Racing code

PART 8

CONTROL COMMITTEE AND APPEAL COMMITTEE – RACING SANCTIONS

CHAPTER 1

*Control Committee*

- 43. Jurisdiction of Control Committee and Appeal Committee
- 44. Greyhound Racing Control Committee
- 45. Hearings of Control Committee

CHAPTER 2

*Racing sanctions*

- 46. Racing sanctions
- 47. Disqualification orders
- 48. Exclusion orders

CHAPTER 3

*Appeal Committee*

- 49. Appeals of decision of Control Committee to Appeal Committee
- 50. Appeal Committee
- 51. Appeals to Appeal Committee
- 52. Notification of decisions of Control Committee and Appeal Committee
- 53. Appeal to District Court

CHAPTER 4

*Proofs*

- 54. Proof of certificate of analysis

PART 9

MISCELLANEOUS

- 55. Miscellaneous amendments to Principal Act
- 56. Eligibility of registered greyhound to race
- 57. Requirement on person who is intoxicated or aggressive to leave race track or public sale or the right to refuse such person entry
- 58. Data transfer

PART 10

WELFARE OF GREYHOUNDS

- 59. Amendment to Welfare of Greyhounds Act 2011

PART 11

AMENDMENTS TO ANIMAL HEALTH AND WELFARE ACT 2013

60. Definition (Part 11)
61. Offences under section 36
62. Compliance with EU Regulations – offence and penalty
63. Costs of detention of seized animal
64. Animal health and welfare notice
65. Animal health and welfare regulations – matters in Schedule 3
66. Miscellaneous amendments to Act of 2013

ACTS REFERRED TO

Animal Health and Welfare Act 2013 (No. 15)  
Animal Remedies Act 1993 (No. 23)  
Companies Act 2014 (No. 38)  
Data Protection Act 2018 (No. 7)  
European Parliament Elections Act 1997 (No. 2)  
Greyhound Industry (Amendment) Act 1993 (No. 37)  
Greyhound Industry Act 1958 (No. 12)  
Greyhound Industry Acts 1958 and 1993  
Horse and Greyhound Racing (Betting Charges and Levies) Act 1999 (No. 24)  
Horse and Greyhound Racing Act 2001 (No. 20)  
Horse Racing Ireland Act 2016 (No. 2)  
Industrial and Provident Societies Act 1893 (56 & 57 Vict., c. 39)  
Non-Fatal Offences against the Person Act 1997 (No. 26)  
Planning and Development Acts 2000 to 2018  
Veterinary Practice Act 2005 (No. 22)  
Welfare of Greyhounds Act 2011 (No. 29)







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*Number 15 of 2019*

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## **GREYHOUND RACING ACT 2019**

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An Act to amend and extend the Greyhound Industry Acts 1958 and 1993, the Welfare of Greyhounds Act 2011, the Animal Health and Welfare Act 2013; to change the name of Bord na gCon and to provide for related matters. [28th May, 2019]

**Be it enacted by the Oireachtas as follows:**

### PART 1

#### PRELIMINARY AND GENERAL

#### **Short title, collective citation, construction and commencement**

1. (1) This Act may be cited as the Greyhound Racing Act 2019.
- (2) The Greyhound Industry Acts 1958 and 1993, sections 8 to 13 of the Act of 1999, sections 14 and 16 and sections 15 and 17 (in so far as they relate to the Board) of the Horse and Greyhound Racing Act 2001, section 15 of the Horse Racing Ireland Act 2016 and this Act (other than *Parts 10* and *11*) may be cited together as the *Greyhound Racing Acts 1958 to 2019* and shall be read together as one.
- (3) The Welfare of Greyhounds Act 2011 and *Part 10* may be cited together as the *Welfare of Greyhounds Acts 2011 and 2019*.
- (4) The Animal Health and Welfare Act 2013 and *Part 11* may be cited together as the *Animal Health and Welfare Acts 2013 and 2019*.
- (5) This Act (other than *Parts 10* and *11*) comes into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

#### **Definitions**

2. In this Act—

“Act of 1999” means Horse and Greyhound Racing (Betting Charges and Levies) Act 1999;

“administrative racing sanction” means a sanction which may be imposed under *section 46(1)* for a breach of the Racing code;

“Appeal Committee” means Appeal Committee established under section 50 of the Principal Act;

“authorised officer” means a person appointed by the Board to be an authorised officer of the Board under *section 35* or under the Principal Act;

“Board” means Rásaíocht Con Éireann;

“Club” means Irish Coursing Club;

“Code of Practice for the Governance of State Bodies” means the Code of Practice for the Governance of State Bodies as published by the Minister for Public Expenditure and Reform;

“Control Committee” means Greyhound Racing Control Committee established under *section 44*;

“disqualification order” means a disqualification order read in accordance with *section 47* and imposed as an administrative racing sanction provided under *section 46(1)(b)(i)*;

“doping” in relation to a greyhound, means the administration to the greyhound of a substance;

“exclusion order” means an exclusion order read in accordance with *section 48* and imposed as an administrative racing sanction provided under *section 46(1)(b)(ii)*;

“greyhound” means a dog (including a bitch) entered in the Irish Greyhound Stud Book or the equivalent stud book of a foreign jurisdiction or the pup of a greyhound dog and greyhound bitch so entered;

“investigating officer” means a person appointed to conduct an investigation for the purposes of *section 42*;

“Irish Greyhound Stud Book” means the stud book in which thoroughbred greyhounds are registered and identified under the Constitution of the Club;

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

“Principal Act” means Greyhound Industry Act 1958;

“Racing code” means the governance and regulation of greyhound racing and the greyhound industry under the *Greyhound Racing Acts 1958 to 2019*;

“racing sanction” means an administrative racing sanction or a sanction payment;

“sanction breach” means, in relation to a breach of the Racing code, a breach, stated in regulations to be a racing sanction provision, for which a racing sanction may be imposed by the Control Committee under *section 46* or the Appeal Committee under *section 49*;

“sanction payment” means a payment required to be paid under *section 46(2)*;

“Scientific Advisory Committee” means a committee established under section 13 of the Principal Act to advise the Board in relation to matters for which regulations may be made under *section 27* and, in particular, the doping and medication control of greyhounds;

“subsidiary” means a company established by the Board under section 18B (inserted by section 10 of the Act of 1999) of the Principal Act;

“substance” means any matter irrespective of origin, whether such matter is of—

- (a) human origin (including human blood and human blood products),
- (b) animal origin (including micro-organisms, whole or parts of animals, parts of organs and animal secretions, toxins, antitoxins, sera, antisera, extracts and blood products),
- (c) vegetable origin (including micro-organisms, plants, parts of plants and vegetable secretions or extracts),
- (d) chemical origin (including elements, naturally occurring chemical materials and chemical products obtained by chemical change or synthesis), or
- (e) any combination of the foregoing,

which if introduced into a greyhound would affect the performance of a greyhound, to bring about either performance enhancement or performance impairment;

“substances regulations” means regulations made under *section 27(1)* in respect of a matter referred to in *paragraph (a), (c) or (e)* of that subsection;

“veterinary practitioner” means a veterinary practitioner within the meaning of the Veterinary Practice Act 2005.

### **Amendment of section 2 of Principal Act (interpretation)**

3. Section 2 of the Principal Act is amended in subsection (1) by—

- (a) substituting for the definition of “the Board” the following:

“ ‘Board’ means Rásaíocht Con Éireann;”,

and

- (b) substituting for the definition of “the Minister” the following:

“ ‘Minister’ means Minister for Agriculture, Food and the Marine;”.

### **Notifications, notices and documents**

4. (1) Where a notification, a notice or document under the *Greyhound Racing Acts 1958 to 2019* is required to be given to or served on a person it shall be addressed to the person and shall be given to or served on the person—

- (a) by delivering it to the person or in the case of a partnership by delivering it to any of the partners,
- (b) by leaving it at the address at which the person ordinarily resides or carries on business,

- (c) by sending it by post in a pre-paid registered letter addressed to the person at the address at which the person ordinarily resides or carries on business,
  - (d) if an address for the service of the notification, notice or document has been furnished by the person, by leaving it at, or sending it by pre-paid registered post addressed to the person to, that address, or
  - (e) by sending it by means of electronic mail to a device or facility for the reception of electronic mail where such an electronic mail address has been furnished by the person, but only if the sender's facility for the reception of electronic mail generates a message confirming a receipt of the electronic mail confirming successful transmission of the notification, notice or document.
- (2) For the purposes of *subsection (1)*, a company formed and registered under the Companies Act 2014 or an existing company within the meaning of that Act is considered to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body is considered to be ordinarily resident at its principal office or place of business.
- (3) A copy of a notification, notice or document, which has endorsed on it a certificate by an authorised officer or a welfare officer (appointed under section 7 of the Welfare of Greyhounds Act 2011), as the case may be, stating that the copy is a true copy of the notification, notice or document may, without proof of signature of that person, be produced in every court or before the Control Committee or Appeal Committee and is evidence, unless the contrary is shown, of the notification, notice or document.
- (4) Section 53 of the Principal Act is repealed.

## Regulations

5. (1) Where the Board proposes to make regulations under this Act, it shall publish—
- (a) a draft of the proposed regulations, and
  - (b) a notice of the proposed regulations in one or more newspapers or journals relating mainly or partly to greyhound racing or the greyhound industry published in and circulating within the State,
- stating that representations may be made in writing to the Board before a specified date (which shall not be less than 21 days from the date of publication).
- (2) The Board shall consider any representations made under *subsection (1)*.
- (3) The Board having considered under *subsection (2)* any representations made under *subsection (1)*, regarding regulations it proposes to make under this Act, may make the regulations, with or without modification.
- (4) Where regulations are made by the Board under this Act, the Board shall publish on its website—
- (a) a copy of the regulations or a notice of their making with a description of them, and

- (b) reference to the statutory instrument number assigned to them.
- (5) The validity of any regulations made under this Act is not affected by any non-compliance with *subsection (1) or (4)*.
- (6) Every regulation made by the Board 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 sits after the regulation is laid before it, the regulation is annulled accordingly, but without prejudice to the validity of anything previously done under it.

### **Prosecution of offences**

- 6. (1) An offence under the *Greyhound Racing Acts 1958 to 2019* may be prosecuted summarily by the Board.
- (2) Subsection (1) of section 52 of the Principal Act is repealed.

### **Revocations**

- 7. (1) The following are revoked:
  - (a) the Greyhound Industry (Control Committee and Control Appeal Committee) Regulations 2007 (S.I. No. 301 of 2007);
  - (b) the Greyhound Industry (Control Committee and Control Appeal Committee) (Amendment) Regulations 2008 (S.I. No. 242 of 2008);
  - (c) the Greyhound Industry (Control Committee and Control Appeal Committee) (Amendment) Regulations 2015 (S.I. No. 397 of 2015);
  - (d) the Greyhound Industry (Control Committee and Control Appeal Committee) (Amendment) Regulations 2016 (S.I. No. 441 of 2016);
  - (e) the Greyhound Industry (Control Committee and Control Appeal Committee) (Provisional Extension of Term of Office) Regulations 2016 (S.I. No. 491 of 2016);
  - (f) the Greyhound Industry (Control Committee and Control Appeal Committee) (Provisional Extension of Term of Office) Regulations 2017 (S.I. No. 387 of 2017);
  - (g) the Greyhound Industry (Control Committee and Control Appeal Committee) (Provisional Extension of Term of Office) Regulations 2018 (S.I. No. 323 of 2018).
- (2) On the commencement of this section any matter under investigation by or before the Control Committee or under appeal to the Appeal Committee under Regulations revoked by *subsection (1)* which has not been dealt with before the commencement of this section may continue to be dealt with under those Regulations.

## PART 2

## RÁSAÍOCHT CON ÉIREANN

**Change of name of Bord na gCon**

8. (1) The name of the board (established by section 6 of the Principal Act) the present name of which is Bord na gCon, shall be Rásaíocht Con Éireann.
- (2) References in any enactment, statutory instrument or legal proceedings or any other document to Bord na gCon shall, on and from the commencement of this section, be read as references to Rásaíocht Con Éireann.

**Membership of Board**

9. (1) The Principal Act is amended by substituting for sections 7, 8 and 9 the following:

**“Constitution of Board**

7. (1) The membership of the Board shall consist of—
- (a) a chairperson, and
  - (b) 8 ordinary members,
- who have, in the opinion of the Minister, experience of or shown capacity in matters relevant to the functions of the Board.
- (2) The Minister shall, insofar as practicable and having regard to the relevant experience of the persons concerned, ensure an equitable balance between men and women in the composition of the membership of the Board.

**Members of Board**

8. (1) The Minister shall appoint the members of the Board, having regard to Government policy and procedures.
- (2) Of the ordinary members of the Board—
- (a) one or more than one shall be a veterinary practitioner of at least 5 years standing, and
  - (b) one or more than one shall be a person with a detailed knowledge of the greyhound industry.
- (3) The chairperson of the Board shall hold office for the period of 5 years from the date of his or her appointment.
- (4) Subject to subsection (4), an ordinary member of the Board shall hold office for the period of 3 years from the date of his or her appointment.
- (5) On the commencement of *section 9* of the *Greyhound Racing Act 2019* any member of the Board with less than 3 years service on the Board

from his or her first or subsequent appointment, shall continue as a member of the Board until he or she has served 3 years.

- (6) A person who has served 2 consecutive terms of office as a member of the Board is not eligible for re-appointment.
- (7) A member of the Board to whom subsection (4) applies may, subject to subsection (5), be eligible to be re-appointed as an ordinary member of the Board under this section.
- (8) A member of the Board, subject to this Act, holds office upon such terms and conditions (including terms and conditions relating to remuneration, expenses and allowances) as the Minister, with the consent of the Minister for Public Expenditure and Reform, determines.
- (9) If a member of the Board dies, resigns, ceases to be qualified for office and ceases to hold office, or is removed from office, the Minister may appoint a person to be a member of the Board to fill the casual vacancy so occasioned.
- (10) A person appointed to be a member of the Board under subsection (8) holds office for that period of the term of office of the member who occasioned the casual vacancy that remains unexpired at the date of his or her appointment and is eligible for reappointment as a member of the Board for one term of office on the expiry of that period.
- (11) Where a member of the Board, whose term of office has expired, has not been reappointed or may not be reappointed by virtue of having served 2 consecutive terms, the member shall continue in office until the vacancy occasioned by him or her is filled by the appointment of another person.
- (12) The Board may act notwithstanding any vacancy in its membership.

#### **Conditions of office of members of Board**

9. (1) The Minister may at any time remove a member of the Board from office for stated reasons including if, in the opinion of the Minister—
- (a) the member—
    - (i) becomes incapable through ill health of effectively performing his or her duties, or
    - (ii) breaches the Code of Practice for the Governance of State Bodies or other such codes or policy documents that may issue from time to time by a member of the Government,
  - or
  - (b) the removal is necessary for the effective performance of the functions of the Board.

- (2) A member of the Board may resign from office by letter addressed to the Minister and the resignation takes effect when the Minister receives the letter.
- (3) A member of the Board ceases to hold office if—
  - (a) he or she is adjudicated bankrupt,
  - (b) he or she makes a composition or arrangement with a creditor,
  - (c) he or she is convicted of an offence under the Non-Fatal Offences against the Person Act 1997 or an offence involving cruelty to an animal or relating to animal welfare,
  - (d) he or she is the subject of an exclusion order,
  - (e) he or she is convicted of an indictable offence in relation to a company or an existing company (within the meaning of the Companies Act 2014),
  - (f) he or she is convicted of an offence involving fraud or dishonesty,
  - (g) he or she is sentenced to a term of imprisonment by a court of competent jurisdiction, or
  - (h) he or she is the subject of an order under section 842 of the Companies Act 2014.”.

(2) Section 2 of the Greyhound Industry (Amendment) Act 1993 is repealed.

#### **Quorum for meeting of Board**

**10.** Section 10 of the Principal Act is amended by substituting for subsection (2) the following:

“(2) The quorum for a meeting of the Board is 6.”.

#### **Exclusion from membership of Board or staff of Board**

**11.** (1) Where a member of the Board or a committee of the Board or a director of a subsidiary is nominated as a candidate for election to the European Parliament, or to either House of the Oireachtas, he or she is suspended from membership of the Board or the committee or as a director of the subsidiary, and is not entitled to participate in meetings of the Board, the committee or the subsidiary or receive from the Board or the subsidiary any remuneration or allowances in respect of the period commencing on such nomination and ending when the person is regarded as not having been elected.

(2) Where a member of the Board or a committee of the Board or the chief executive or a director of a subsidiary, is—

- (a) nominated as a member of Seanad Éireann,



- (b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament, or
- (c) regarded under Part XIII of the Second Schedule to the European Parliament Elections Act 1997, as having been elected to the European Parliament to fill a vacancy,

he or she ceases to be a member of the Board, or the committee, the chief executive or director of the subsidiary.

- (3) A person who is entitled under the Standing Orders of either House of the Oireachtas to sit in that House or who is a member of the European Parliament, while he or she is so entitled or is such a member, is disqualified from membership of the Board.
- (4) Where a person who is a member of the staff of the Board is—
  - (a) nominated as a candidate for election to either House of the Oireachtas or the European Parliament,
  - (b) elected as a member of either House of the Oireachtas or the European Parliament,
  - (c) nominated as a member of Seanad Éireann, or
  - (d) regarded under Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to the European Parliament to fill a vacancy,

he or she is seconded from employment by the Board and shall not be paid by, or be entitled to receive from, the Board any remuneration or allowances in respect of the period commencing on such nomination or election, or when he or she is so regarded as having been elected, as the case may be, and ending when the person is regarded as not having been elected or ceases to be a member of either House or the Parliament.

### **Disclosure of interests**

#### **12. (1) Where a—**

- (a) member of the Board or a committee,
- (b) director of a subsidiary,
- (c) member of the staff of the Board or a subsidiary,
- (d) consultant or adviser engaged by the Board or a subsidiary, or
- (e) member of the Control Committee or the Appeal Committee,

has any pecuniary interest or other beneficial interest in, or material to, any matter which falls to be considered by the Board, committee or a subsidiary, he or she shall—

- (i) disclose to the Board or a committee or subsidiary, as the case may be, the nature of the interest in advance of any consideration of the matter,

- (ii) neither influence nor seek to influence a decision relating to the matter,
  - (iii) take no part in any consideration of the matter,
  - (iv) withdraw from a meeting at which the matter is being discussed or considered for so long as it is being so discussed or considered, and
  - (v) if he or she is a member of the Board or a committee or a director of a subsidiary, neither vote nor otherwise act as such a member or director in relation to the matter.
- (2) For the purposes of this section, but without prejudice to the generality of *subsection (1)*, a person is regarded as having a beneficial interest if—
- (a) the person, a connected relative of the person or a nominee of either of them is a member of a company or any other body which has a beneficial interest in, or material to, any matter to be considered under that subsection,
  - (b) the person or a connected relative of the person is in partnership with or is in the employment of a person who has a beneficial interest in, or material to, any such matter,
  - (c) the person or a connected relative is a party to any arrangement or agreement (whether or not enforceable) concerning land to which any such matter relates, or
  - (d) a connected relative has a beneficial interest in, or material to, any such matter.
- (3) For the purposes of this section, a person is not regarded as having a beneficial interest in, or material to, any matter by reason only that he or she or any company or other body or person mentioned in *subsection (2)* has an interest which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a person in considering or discussing, or in voting on, any question in respect of the matter or in performing any function in relation to the matter.
- (4) The members of the Board shall determine any question as to whether a course of conduct, if pursued by a person, would be a failure by him or her to comply with *subsection (1)* and particulars of the determination shall be recorded in the minutes of a meeting at which the determination is made.
- (5) If a person makes a disclosure under *subsection (1)* at a meeting of the Board, a committee or a subsidiary, particulars of the disclosure shall be recorded in the minutes of the meeting.
- (6) Where the Minister is satisfied that a member of the Board or a committee or a director of a subsidiary has contravened *subsection (1)*, he or she may remove the member or director and, where a person is removed from office under this subsection he or she is disqualified from being a member of the Board or a committee or a director of a subsidiary.
- (7) Where a person other than a person to whom *subsection (6)* applies contravenes *subsection (1)*, the Board or, as appropriate, the subsidiary shall decide the appropriate action to be taken in relation to the person, including the termination of a contract of service or a contract for services with the person.

- (8) Nothing in this section prejudices the operation of any rule of law restricting directors of a company from having any interest in contracts with the Board or a subsidiary.
- (9) In this section—
- “committee” means a committee of the Board or the Control Committee or Appeal Committee;
- “connected relative” in relation to a person, means a spouse, civil partner, parent, brother, sister, child or the spouse or civil partner of a child of the person.

### **General functions of Board**

13. The general functions of the Board are to provide for the overall administration, regulation, governance, development and promotion of the Irish greyhound industry and the health and welfare of greyhounds. The members of the Board may identify functions, roles and responsibilities such that there is a clear and transparent division of responsibilities between leading and managing the Board and the executive responsibility for running the Board in accordance with the Code of Practice for the Governance of the State Bodies or other such codes or policy documents that may issue from time to time by a member of the Government.

### **Code of Practice for Governance of State Bodies**

14. The Board and its subsidiaries shall have regard to the Code of Practice for the Governance of State Bodies or other such codes or policy documents that may be issued from time to time by a Minister of the Government.

### **Chief executive officer**

15. (1) The members of the Board may appoint an officer of the Board to be the chief executive of the Board.
- (2) The chief executive officer shall—
- carry on, manage and control generally the administration and business of the Board,
  - advise the members of the Board in relation to the performance of their functions, and
  - perform such other functions as may be determined by the members of the Board, as they consider necessary, for the efficient and effective operation of the greyhound industry, having regard to the Code of Practice for the Governance of State Bodies.
- (3) The chief executive officer shall hold office on and subject to such terms and conditions (including terms and conditions relating to remuneration) as may be approved of by the members of the Board, with the consent of the Minister and the Minister for Public Expenditure and Reform, having regard to the Code of Practice for the Governance of State Bodies.

- (4) The chief executive officer shall be paid, out of moneys at the disposal of the Board, such allowances for expenses incurred by him or her in the performance of his or her functions as may be determined by the members of the Board with the consent of the Minister and the Minister for Public Expenditure and Reform.
- (5) The chief executive officer shall devote the whole of his or her time to the duties as chief executive and shall not hold any other office or position without the consent of the members of the Board.
- (6) The chief executive officer may make proposals to the members of the Board on any matter relating to its activities.
- (7) Subsection (2) of section 11 of the Principal Act is deleted.

#### **Application of funds of Board**

16. Section 16 of the Principal Act is amended, in subsection (1)(c), by substituting for subparagraph (viii) the following:

“(viii) any other purpose conducive to the improvement and development of the greyhound industry,  
(ix) the enhancement of the health and welfare of greyhounds.”.

#### **Borrowing by Board or subsidiary**

17. (1) The Board or any subsidiary of it may, for the purpose of providing for current or capital expenditure, from time to time borrow money (whether on the security of the assets of the Board or the subsidiary or otherwise) including money in a currency other than the currency of the State, but shall not do so without the consent of the Minister and the Minister for Public Expenditure and Reform acting with the consent of the Minister for Finance.
- (2) Section 17 of the Principal Act is repealed.

#### **Accounts of Board and subsidiaries**

18. Section 19 (inserted by section 14 of the Horse and Greyhound Racing Act 2001) of the Principal Act is amended by substituting for subsection (1) the following:

“(1) The Board and its subsidiaries shall keep in such form and in respect of such accounting periods as may be approved of by the Minister, with the consent of the Minister for Public Expenditure and Reform, all proper and usual accounts of moneys received or expended by it, including an income and expenditure account and a balance sheet.”.

## PART 3

## REGULATION OF GREYHOUND RACING AND RACE TRACKS

**Prohibition on operating greyhound race track without licence**

19. (1) The following section is substituted for section 21 (as amended by section 12 of the Act of 1999) of the Principal Act:

“21. (1) A person (other than the Board) shall not operate a greyhound race track except under a greyhound race track licence.

(2) A person who contravenes subsection (1) commits an offence and is liable—

(a) on summary conviction to a class A fine, or

(b) on conviction on indictment, to a fine not exceeding €250,000.”.

(2) Subsection (1) of section 12 of the Act of 1999 is repealed.

**Prohibiting by regulations certain matters in relation to greyhound race tracks**

20. (1) The Board may, with the consent of the Minister, make regulations with respect to the use, management and control of greyhound race tracks to provide for any or all of the following:

(a) prohibiting persons from performing the functions of racing manager, handicapper, judge, control steward, stipendiary steward, time-keeper or hare-driver on greyhound race tracks except under and in accordance with permits granted by the Board under regulations made under *section 21(1)* for the purposes of *paragraph (a)* of that subsection;

(b) prohibiting greyhound races except when a certain class or classes of persons specified in the regulations to perform specified functions on greyhound race tracks and officers of the Board specified in the regulations are in attendance;

(c) prohibiting a certain class or classes of persons performing specified classes of functions on greyhound race tracks from having any beneficial interest in the income of the respective greyhound race tracks or in the ownership of greyhounds raced thereon or from betting on greyhound races thereon;

(d) prohibiting licensees under greyhound race track licences and a certain class or classes of persons performing specified functions on greyhound race tracks from having any beneficial interest in bookmaking on the respective greyhound race tracks.

(2) Where, under *paragraph (c)* of *subsection (1)*, the Board proposes to make regulations prohibiting persons performing any of the functions mentioned in *paragraph (a)* of that subsection from having any beneficial interest in the income of greyhound race tracks, the Board shall serve notice of the proposal on every licensee under a greyhound race track licence and shall, if any representations are made in

writing by any such licensee within 28 days of such notice, consider the representations.

- (3) A person who, contrary to regulations made under this section—
- (a) performs a function prohibited in regulations made under *subsection (1)* in respect of matters referred to in *paragraph (a)* of *subsection (1)*,
  - (b) permits a greyhound race to take place where persons or officers of the Board as specified in regulations in accordance with *paragraph (b)* of *subsection (1)* are not in attendance,
  - (c) while being prohibited from performing a specified class or classes of functions prohibited in regulations made under this section that person has a beneficial interest in the income of a greyhound race track or the ownership of a greyhound raced thereon, places a bet on a greyhound race thereon, or
  - (d) being the licensee of a greyhound race track or a person performing a function specified in regulations made under this section, where prohibited in the regulations, has a beneficial interest in bookmaking on the greyhound race track,
- commits an offence and is liable on summary conviction to a class A fine.
- (4) Where a person other than the licensee under the greyhound race track licence relating to the track concerned, contravenes *subsection (3)* and the contravention is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of the licensee, the licensee as well as that person, commits an offence under *subsection (3)*.

### **Regulations to regulate greyhound race tracks and greyhound racing**

21. (1) The Board may, after consultation with the Minister, make regulations for the use, management and control of greyhound race tracks in relation to the following:
- (a) permits to permit a person to perform the functions of racing manager, handicapper, judge, control steward, stipendiary steward, time-keeper, hare driver or kennel hand on a greyhound race track;
  - (b) prohibiting persons from performing the functions of kennel hand except under and in accordance with a permit granted under regulations made under this subsection for the purposes of *paragraph (a)*;
  - (c) operation of electronic surveillance at greyhound race tracks or parts thereof;
  - (d) the periods of the year during which greyhound races on greyhound race tracks may take place;
  - (e) the refusal of entries for races at greyhound race tracks in the case of greyhounds in respect of which disqualification orders are in force;
  - (f) the procedure for, and the conditions precedent to, the acceptance of greyhounds for, and their participation in, races at greyhound race tracks;

- (g) the procedure for the grading of greyhounds for participation in races at greyhound race tracks and the conditions precedent to their acceptance for, and their participation in, graded races;
  - (h) the type and number of officials to be appointed at a greyhound race track;
  - (i) the functions and duties of officials (including racing manager, handicapper, judge, control steward, stipendiary steward, time-keeper, hare driver or kennel hand) in relation to greyhound racing;
  - (j) providing for the duties of the licensee of a greyhound race track;
  - (k) requiring the provision of persons to perform specified functions on greyhound race tracks;
  - (l) the publication and sale of race cards for races at greyhound race tracks and the information to be given in the cards as regards the greyhounds participating in races by licensees under greyhound race track licences;
  - (m) the keeping and the supervision of greyhounds immediately before and after their participation in races at greyhound race tracks;
  - (n) the manner of starting, operating the mechanism of, timing and judging of races at greyhound race tracks;
  - (o) the recording and publication by licensees under greyhound race track licences of information relating to the participation and performance (including behaviour) of greyhounds in races at greyhound race tracks;
  - (p) the use of electronic communication devices at greyhound race tracks;
  - (q) requiring the keeping, in relation to greyhound race tracks by the licensee of the track, of specified books, accounts and records;
  - (r) requiring the furnishing to the Board of specified returns and information in relation to greyhound race tracks.
- (2) The Board may, after consultation with the Minister, make regulations for the conduct of greyhound races (including the promotion of integrity and fair play in races) in relation to the following:
- (a) setting conditions as to which greyhounds from other jurisdictions may participate at a greyhound race in the State;
  - (b) the use of information technology, including digital recording, to ensure the integrity of the sport;
  - (c) prohibiting certain functions or activities in the greyhound industry from being undertaken by a person without a permit or licence;
  - (d) providing the procedures for the qualification of a greyhound to race;
  - (e) making provision for the circumstances in which a greyhound is not permitted to race;

- (f) providing procedures for entry or withdrawal of a greyhound in a greyhound race;
  - (g) providing for equipment or other items that may be used in the training or racing of a racing greyhound;
  - (h) providing procedures and criteria for retention by the Board of monetary prizes or part thereof;
  - (i) supervision of racing greyhounds at greyhound race tracks;
  - (j) providing for the safe and fair running of greyhound races, including—
    - (i) starting of races, operation of mechanisms used in races, timing and distances of races,
    - (ii) items permitted on a greyhound (such as muzzles),
    - (iii) approval of equipment,
    - (iv) conditions of the race track and ancillary areas,
    - (v) restricted areas and the class or classes of persons who are allowed in the restricted areas and the circumstances in which persons may be in restricted areas,
    - (vi) grading of greyhounds, grading of races or suspension of races,
    - (vii) circumstances in which a greyhound race may be declared a “No-race”, and
    - (viii) treatment of bets on greyhound races in specified circumstances;
  - (k) establishing a complaints procedure for handling complaints against officials of the Board or a permit holder under regulations made under *subsection (1)* for the purposes of *paragraph (a)* of that subsection;
  - (l) making arrangements for dealing with syndicates who own racing greyhounds or multiple owners;
  - (m) recognition of sanctions imposed by foreign greyhound racing jurisdictions;
  - (n) prohibiting the entry to a greyhound race in the State of a greyhound the subject of a sanction of a foreign greyhound racing jurisdiction;
  - (o) procedures for dealing with the incorrect declaration of a greyhound in greyhound races, trials, training and sales;
  - (p) prohibiting actions or omissions which the Board consider to bring the sport into disrepute;
  - (q) providing for the allocation of traps to, and the seeding of, greyhounds and for the use of reserve greyhounds;
  - (r) providing for the classification and description of races and the conduct of such races when so classified.
- (3) The Board may, after consultation with the Minister, make regulations for the proper and efficient administration of greyhound racing in relation to the following:



- (a) the promotion of greyhound racing;
  - (b) the fixing of charges in relation to licences or permits;
  - (c) providing procedures for the registration of racing greyhounds;
  - (d) providing procedures for grading racing greyhounds;
  - (e) the publication of the details of owners, trainers and other interested parties in a racing greyhound, greyhound race track or greyhound racing venture;
  - (f) the publication and sale of race cards or other information owned or held by the Board;
  - (g) making provision for the conduct of trials;
  - (h) making provision for the handling and removal of a racing greyhound which may be a danger to a person or another greyhound from a race track, trials or public sale;
  - (i) providing procedures for determining and awarding prizes for greyhound racing.
- (4) The Board may make charges for entry of a greyhound to a greyhound race.
- (5) A person who contravenes a regulation made under this section, and which is stated in the regulations to be a racing sanction provision, commits a sanction breach of the Racing code and is liable to a racing sanction.

#### **Guidelines in relation to greyhound race tracks**

- 22.** (1) The Board may issue guidelines for the purposes of the establishment, lay out, construction and maintenance of greyhound race tracks or the use of equipment at such tracks.
- (2) The Board shall cause a copy of guidelines issued under this section to be published on its website and to be made available in writing to licensees of greyhound race track licences as soon as practicable.
- (3) The Board shall have regard to guidelines issued under this section when attaching conditions to a greyhound race track licence or revoking or suspending such a licence.
- (4) Guidelines issued under this section shall not affect anything required to be complied with under the Planning and Development Acts 2000 to 2018.

#### **Repeal**

- 23.** Section 25 of the Principal Act is repealed.

## PART 4

## REGULATIONS ETC. RELATING TO GREYHOUND INDUSTRY

**Training of greyhounds for reward**

24. (1) The Board may, with the consent of the Minister, make regulations for the control of the training of greyhounds for reward in relation to the following:
- (a) prohibiting persons from training greyhounds for reward except under and in accordance with licences under regulations made under this section granted by the Board;
  - (b) licences or classes of licences to train greyhounds for reward;
  - (c) the keeping of records by licensees;
  - (d) furnishing of information to the Board by licensees;
  - (e) setting of standards for the maintenance of kennels, dog runs, food storage and security equipment;
  - (f) setting conditions for the storage of animal remedies;
  - (g) the provision of care to a greyhound including veterinary care;
  - (h) setting of standards for feed and water to be provided to a greyhound and the source of such feed and water;
  - (i) the protection of greyhounds from exposure to contaminants;
  - (j) setting of standards for the good management of kennels and training facilities for greyhounds;
  - (k) setting of standards for personnel employed in the training of greyhounds (including training requirements);
  - (l) setting of standards for the care and welfare of greyhounds under training.
- (2) A person who is prohibited by regulations made under *subsection (1)* for the purposes of *paragraph (a)* of that subsection from training greyhounds for reward, except under and in accordance with a licence granted by the Board, carries out the training of greyhounds for reward without such licence commits an offence and is liable on summary conviction to a class A fine.
- (3) A licensee under regulations made under *subsection (1)* who contravenes a regulation made under that subsection, and which is stated in the regulations to be a racing sanction provision, commits a sanction breach of the Racing code and is liable to a racing sanction.
- (4) Subsections (1), (2) and (3) of section 37 of the Principal Act are repealed.

**Public sale of greyhounds**

25. (1) The Board may, with the consent of the Minister, make regulations for the control of the holding and conduct of public sales of greyhounds in relation to the following:
- (a) prohibiting persons from holding public sales of greyhounds except under and in accordance with licences granted by the Board under regulations made under this section;
  - (b) licences or classes of licences to hold and conduct the public sale of greyhounds;
  - (c) keeping of records by licensees and the production of such records for inspection and taking of copies or extracts by authorised officers;
  - (d) the furnishing of information to the Board by licensees;
  - (e) the procedure as to, and the conditions precedent to, the acceptance of greyhounds for sale;
  - (f) prohibiting of persons from acting as auctioneers at sales, except under and in accordance with permits granted by the Board under regulations made under this section or when otherwise approved under regulations made under this section by the Board or except when appointed by the Board as auctioneers;
  - (g) permits or approvals to act as auctioneers at public sales of greyhounds;
  - (h) the publication by persons holding public sales of greyhounds of catalogues of sales and the information to be given therein both as regards greyhounds for sale and otherwise;
  - (i) recording and publication by persons holding public sales of greyhounds of information relating to the results of sales;
  - (j) furnishing of documents (including certificates and guarantees) to persons purchasing greyhounds at sales;
  - (k) holding of trials at sales in respect of greyhounds to be offered for sale;
  - (l) sampling of greyhounds for substances at public sales;
  - (m) the duties of persons holding public sales;
  - (n) the conditions of sale at public sales;
  - (o) the type and number of officials to be appointed at a public sale;
  - (p) the functions of an official at a public sale;
  - (q) setting of the sales commission at a public sale.
- (2) A person who is prohibited by regulations made under *subsection (1)* from holding public sales of greyhounds except under and in accordance with a licence granted by the Board, holds a public sale of greyhounds without such licence commits an offence and is liable on summary conviction to a class A fine.

- (3) A person who is prohibited by regulations made under *subsection (1)* from acting as an auctioneer at a public sale of greyhounds except under and in accordance with a permit or approval granted by the Board, holds such a sale without such permit or approval commits an offence and is liable on summary conviction to a class A fine.
- (4) A licensee or permit or approval holder under regulations made under this section who contravenes a regulation made under *subsection (1)*, and which is stated in the regulations to be a racing sanction provision, commits a sanction breach of the Racing code and is liable to a racing sanction.
- (5) Section 38 of the Principal Act is repealed.

### **Artificial insemination of greyhounds**

26. (1) The Board may, with the consent of the Minister, make regulations controlling the practice of artificial insemination of greyhounds in relation to the following:
- (a) prohibiting persons from engaging in the practice of the artificial insemination of greyhounds except under and in accordance with licences granted by the Board under regulations made under this section;
  - (b) licences or classes of licences to engage in the practice of the artificial insemination of greyhounds;
  - (c) keeping of records by licensees and the production of such records for inspection and taking of copies or extracts from such records by authorised officers;
  - (d) furnishing of information to the Board by licensees;
  - (e) delegation of certain functions or classes of functions in relation to the artificial insemination of greyhounds to the Club and for the supervision of such functions by the Board;
  - (f) approval of persons to carry out artificial insemination and centres for artificial insemination, or classes of such inseminators and centres;
  - (g) approval of veterinary practitioners appointed to supervise and control operations at such centres;
  - (h) setting of standards and procedures to be followed by veterinary practitioners and for the standards and procedures to be observed at such centres and for such inseminations;
  - (i) approval of greyhound sires used or to be used for artificial insemination at such centres;
  - (j) registration and recording of greyhounds serviced by artificial insemination at such centres;
  - (k) information in respect of such artificial insemination to be recorded and for the notification of such to the Board or the Club;

- (l) setting the maximum number of registered services by insemination of greyhounds permissible during a specified time period, either generally in relation to greyhound sires or in relation to classes of greyhound sires or individual greyhound sires;
  - (m) measures controlling or prohibiting the use of semen derived from greyhound sires that have died;
  - (n) measures relating to the health and welfare of greyhounds at such centres;
  - (o) the participation of such centres and greyhounds in studies into the genetic health of greyhounds.
- (2) The Board may make charges to be paid in respect of artificial insemination of greyhounds to the Board or the Club.
- (3) A person who is prohibited by regulations made under *subsection (1)* for the purposes of *paragraph (a)* from engaging in artificial insemination of greyhounds except under and in accordance with a licence granted by the Board, engages in the artificial insemination of a greyhound without such licence commits an offence and is liable on summary conviction to a class A fine.
- (4) A licensee under regulations made under this section who contravenes a regulation made under *subsection (1)*, and which is stated in the regulations to be a racing sanction provision, commits a sanction breach of the Racing code and is liable to a racing sanction.
- (5) Section 39 of the Principal Act is repealed.

#### **Administration of substances to greyhounds**

27. (1) The Board may, after consultation with the Minister, make regulations for the control, restriction, prohibition or administration of substances to a greyhound in relation to the following:
- (a) specifying substances or classes of substances to be prohibited or controlled;
  - (b) testing of a greyhound for the presence of performance affecting substances;
  - (c) listing substances or classes of substances that may not be administered to a racing greyhound;
  - (d) listing substances or classes of substances that may be administered to a racing greyhound and setting the circumstances and conditions attaching to such administration;
  - (e) setting residue limits for substances or metabolites of substances that may be found in samples taken from a racing greyhound by reference to the substance and the nature of the sample taken from the greyhound;
  - (f) providing for the periods following the administration of a substance during which a greyhound may not participate in greyhound racing, trials or sales;

- (g) requiring the maintenance of records in relation to the medication, treatment, training and racing of a racing greyhound to which a substance referred to in regulations made under this section had been administered and the provision of such records to the Board;
- (h) prohibiting or controlling the use of a medicine or a class of medicines regardless as to whether it affects performance or not;
- (i) setting down the processes or procedures by which substances may be determined to affect the performance of greyhounds;
- (j) declaring the thresholds (if any) at which such substances in any samples taken from greyhounds are to be regarded as at a level below which the substance in question does not affect racing or does not otherwise have an effect on the greyhound, and which level may therefore be considered irrelevant;
- (k) methodologies by which such thresholds may be determined, including such reasonable methods as may be used to decide the levels, having regard to the advice and recommendations of the Scientific Advisory Committee;
- (l) declaring thresholds where it is considered desirable to ensure consistency with other greyhound racing jurisdictions with which Irish greyhound racing is connected, or where agreement has been reached by the Board with other greyhound racing jurisdictions;
- (m) controls to be operated by persons participating in greyhound racing (within the meaning of *section 43(4)*) in relation to greyhounds in training or at races or trials, or for sale, and for the records which owners or trainers or those other persons keep;
- (n) controls to be operated at greyhound race tracks in relation to doping and medication control;
- (o) taking a sample from a greyhound, whether in training or at races or trials, or for sale, and whether randomly or on suspicion or by any other reasonable method of selection;
- (p) analytical processes or methods by which samples or other things may be determined to contain a substance, for the processes or methods by which the levels of substances in such samples or other things may be determined, and for the acceptable level of accuracy which may be associated with such determinations, having regard to the advice and recommendations of the Scientific Advisory Committee;
- (q) providing that analytical processes or methods may be adopted to ensure consistency with analytical processes or methods used in other greyhound racing jurisdictions;
- (r) approval of laboratories for the analysis of samples taken from a greyhound under regulations made under this section;

- (s) publication of the results of any analysis and for the publication of such information as is considered appropriate in relation to the greyhound in question.
- (2) The Board may publish details (including the name and address of the owner and trainer and the name of the dog and of the substance) of breaches of substances regulations in respect of which a racing sanction has been imposed.
- (3) Where a sample from a greyhound is found to have present—
  - (a) a prohibited substance, or
  - (b) a substance for which a maximum residue limit has been set and that limit has been exceeded,under regulations made under this section, that greyhound shall be disqualified from racing and trialling—
  - (i) until such time as it passes a subsequent test with negative results, and
  - (ii) where the substance is a substance, or belongs to a class of substances, in respect of which the Board has decided, having regard to a recommendation of the Scientific Advisory Committee, that an additional disqualification period should apply, during which period such substance may continue to be capable of affecting the performance of the greyhound, for such period after that test.
- (4) A person who contravenes a regulation made under this section, and which is stated in the regulations to be a racing sanction provision, or races or trials a greyhound in contravention of *subsection (3)*, commits a sanction breach of the Racing code and is liable to a racing sanction.

### **Traceability of greyhounds – traceability database**

- 28.** (1) The Board may, after consultation with the Minister, make regulations for the registration and traceability of greyhounds in relation to the following:
- (a) making provision for the registration in the traceability database of owners of greyhounds or holders of licences granted for the purposes of *paragraph (b)* or both prior to engaging in greyhound racing activities, including trialling, breeding, training, selling or racing;
  - (b) licensing of classes of owners;
  - (c) requiring owners of greyhounds to register greyhounds intended for greyhound racing activities in the traceability database;
  - (d) making provisions for the conditions for registration and the information required to be kept in the traceability database;
  - (e) requiring the owners, breeders or the trainers of such greyhounds to notify specified life events to the Board;
  - (f) specifying the life events which are to be notified in accordance with the regulations (which events may include birth, sale, acquisition, death, loss,

treatment for disease or injury, training, race entries, stud or breeding events, the collection of semen or embryos, periodic status reports, track injuries, tests and results, including adverse analytical findings in relation to substances regulations, appearance at sales, export, offences under the *Greyhound Racing Acts 1958 to 2019* or racing sanctions);

- (g) requiring the owner, breeder or trainer of a greyhound to provide the Board with details of the keeper of and location where a greyhound is being kept;
  - (h) requirements in respect of the electronic identification of greyhounds (including the implantation into, or the attachment to, a greyhound of any electronic device).
- (2) The Board may establish and maintain by it, or by another person on its behalf, a database for the registration and traceability of greyhounds (in this section referred to as the “traceability database”) to hold details of matters provided for in regulations made under *subsection (1)*.
- (3) A person who contravenes a regulation made under *subsection (1)*, and which is stated in the regulations to be a racing sanction provision, commits a sanction breach of the Racing code and is liable to a racing sanction.

#### **Welfare of racing greyhounds**

29. (1) The Board, after consultation with the Minister, may make regulations for the health and welfare of racing greyhounds in relation to the following:
- (a) requiring measures to be taken by the owner, breeder or trainer of a racing greyhound to protect the health and welfare of the greyhound;
  - (b) requiring an owner, a breeder or trainer of a racing greyhound to inform the Board of measures taken in respect of the greyhound to comply with the requirements of regulations made under this section for the purposes of *paragraph (a)*;
  - (c) the establishment of and administration of funds for the health and welfare of greyhounds, including to make provision for the rehoming of greyhounds, at the end of their racing or breeding careers;
  - (d) making provision for a racing greyhound affected by disease or which may be affected by disease to be refused entry or removed from race tracks, trials and public sales;
  - (e) making provision for the treatment of a racing greyhound that is affected by a disease or disease agent or injury.
- (2) A person who contravenes a regulation made under this section, and which is stated in the regulations to be a racing sanction provision, commits a sanction breach of the Racing code and is liable to a racing sanction.



## PART 5

MATTERS RELATING TO LICENSING UNDER *PARTS 3 AND 4***Definition (*Part 5*)**

- 30.** In this Part “licence, permit or approval” means a licence, permit or approval granted by the Board under *section 31* in respect of a licence, permit or approval provided for in regulations made under *Part 3* or *4*.

**Licences, permits and approvals**

- 31.** (1) The Board may grant or refuse to grant an application for a licence, permit or approval or its renewal provided under regulations made under *Part 3* or *4*.
- (2) An application for a licence, permit or approval shall be in such form and accompanied by the appropriate charge and such information and documentation as the Board determines.
- (3) The Board shall refuse an application where—
- (a) the application is not accompanied by the appropriate charge, or
  - (b) the applicant fails to provide to the Board information or documentation required by the Board.
- (4) The Board may attach conditions to a licence, permit or approval.
- (5) The Board may by notice served on the holder of a licence, permit or approval, revoke or vary any conditions attached thereto.
- (6) In this section “appropriate charge” means such charges made by the Board in respect of the grant or renewal of a licence, permit or approval.

**Charges for licences, permits or approvals**

- 32.** The Board may make charges in respect of the grant or renewal of a licence, permit or approval and different charges may be made in respect of different classes of licence, permit or approval.

**Revocation or suspension of licences, permits or approvals**

- 33.** Where the holder of a licence, permit or approval fails to comply with a condition attached to it, the Board may suspend for such time as it thinks fit or revoke the licence, permit or approval.

**Representations**

- 34.** Whenever the Board proposes under *section 31* to refuse to grant or renew a licence, permit or approval or to suspend or revoke a licence, permit or approval, it shall notify in writing the applicant or holder of the licence, permit or approval of the proposal and the

reasons for the proposal and shall, if any representations are made by or on behalf of the applicant or holder, not later than 14 days or such further period as the Board allows from the date of the service of the notification, consider the representations.

## PART 6

### AUTHORISED OFFICERS

#### Authorised officers

- 35.** (1) The Board may appoint, in writing, such persons or classes of persons as it considers appropriate to be authorised officers for the exercise of all or any of the functions conferred on an authorised officer under this Part specified in the appointment.
- (2) The Board may terminate the appointment of an authorised officer appointed by it whether or not the appointment was for a fixed period or specified purpose.
- (3) The appointment of a person as an authorised officer ceases—
- (a) if it is terminated in accordance with *subsection (2)*,
  - (b) if it is for a fixed period, on the expiration of that period,
  - (c) if it is for a specified purpose, on the completion of that purpose, or
  - (d) if the person appointed—
    - (i) is an employee of the Board on ceasing to be an employee, or
    - (ii) is a member of a class of persons, on ceasing to be such a member.
- (4) Nothing in *subsection (3)* is to be construed so as to prevent the Board from re-appointing as an authorised officer a person to whom *subsection (3)* relates.
- (5) An authorised officer appointed under this section shall be furnished with a warrant of his or her appointment and, when exercising a function conferred on him or her as an authorised officer, the officer shall, if requested by a person affected, produce the warrant or other evidence (including an identity document relating to the officer under section 17 of the Animal Remedies Act 1993) that he or she is such an officer, for inspection.

#### Investigations by authorised officers

- 36.** (1) An authorised officer present at any race meeting or trial at a greyhound race track or any public sale of greyhounds may investigate any occurrence observed by him or her or brought to his or her notice in relation to any race at the race meeting or trial, the performance (including behaviour) of any greyhound at the race meeting or trial or any sale at the public sale.
- (2) An authorised officer shall report the findings of any investigation he or she makes under this section to the Board.

- (3) Subsection (1) of section 44 of the Principal Act is repealed.
- (4) This section is in addition to the functions conferred on an authorised officer under *section 37*.

### Functions of authorised officers

37. (1) For the purposes of investigating a suspected breach of the Racing code or enforcing or ensuring compliance with the *Greyhound Racing Acts 1958 to 2019* an authorised officer may:
- (a) at all reasonable times, enter on (unless he or she is already present there) and inspect any greyhound race track or place used for the public sale of greyhounds or the training or breeding of greyhounds for the purposes generally of ensuring compliance with this Act or where he or she has reasonable grounds for believing that—
    - (i) a greyhound is, may be or has been present,
    - (ii) a record relating to a greyhound, is, may be or has been present, or
    - (iii) any substance, equipment, machinery or other thing used in connection with a greyhound, is, may be or has been present;
  - (b) examine thereon a greyhound, animal feed, substance, equipment, machinery or other thing;
  - (c) scan thereon electronically any electronic identification device attached to or implanted in a greyhound in accordance with regulations made under *section 28(1)* for the purposes of *paragraph (h)* of that subsection or scan the greyhound to see if such device is attached to it or implanted in it in accordance with such regulations;
  - (d) require the name and address of the person in possession or control of a greyhound, animal feed, substance, equipment, machinery or other thing;
  - (e) require the production of any licence or permit granted under this Act for inspection;
  - (f) require any person to give to him or her any information which he or she may reasonably consider necessary;
  - (g) inspect thereon a vehicle, substance, equipment, machinery or other thing used in connection with a greyhound or animal feed and require a person in charge or control of such to refrain from moving it or interfering with it;
  - (h) require the licensee or person in charge of the race track, the owner, occupier or person in charge of the place or the owner or person in charge of the greyhound or animal feed or the vehicle, substance, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person's possession

or procurement, or under the person's control, as the officer may reasonably require;

- (i) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection;
  - (j) take, without making a payment, samples from a greyhound, animal feed, water, substance, equipment, machinery or other thing relating to a greyhound, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;
  - (k) restrain a greyhound found thereon.
- (2) For the purposes of his or her functions under this Part, an authorised officer may require a person in possession or control of a greyhound in a public place to permit the animal to be examined by the officer or a veterinary practitioner.
- (3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of a greyhound or animal feed, substance, equipment, machinery or other thing relating to the greyhound as is in the person's knowledge or procurement.
- (4) Where an authorised officer has reasonable grounds for believing that—
- (a) there is a risk of disease,
  - (b) there is a risk to the health or welfare of a greyhound,
  - (c) there is a breach of the Racing code,
  - (d) there is a breach of a disqualification order, or
  - (e) evidence relating to *paragraph (a), (b), (c) or (d)* may be, is or has been on any land or premises, or in a vehicle, equipment or machinery,
- the officer may, in addition to the powers exercisable by him or her under *subsection (1)*:
- (i) search the greyhound race track or place used for the public sale of greyhounds or the training or breeding of greyhounds;
  - (ii) search the vehicle, equipment or machinery;
  - (iii) require a person in charge or control of the greyhound, animal feed, vehicle, substance, equipment, machinery or other thing related to a greyhound to—
    - (I) refrain from moving it, or move it to a location where it may be searched, and
    - (II) give information regarding its place of departure, journey or destination;
  - (iv) seize and detain a greyhound, animal feed, vehicle, substance, equipment, machinery or other thing related to a greyhound and mark or otherwise identify it;

- (v) remove any greyhound, animal feed, vehicle, substance, equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under this Part.
- (5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling other than in accordance with a search warrant under *section 40*.
- (6) An authorised officer, when exercising a power under this section, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.
- (7) Where, in the course of exercising a power under this Part, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence relating to the commission of an offence under the *Greyhound Racing Acts 1958 to 2019* or a breach of the Racing code, the officer may seize and retain it for use in evidence.
- (8) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by this Part.
- (9) In this section “vehicle” includes a trailer, designed for use or used with a vehicle, or container designed or used for carriage on a vehicle, whether either is attached to or detached from a vehicle.

#### **Assistance to authorised officer**

**38.** (1) A person who has—

- (a) a greyhound or animal feed, or
- (b) a vehicle, substance, equipment, machinery or other thing used in connection with a greyhound or animal feed,

in his or her possession or under his or her control, or information or a record relating to any of them, shall give such—

- (i) assistance to an authorised officer, or person who accompanies the officer, and
- (ii) information to an authorised officer on request being made in that behalf by the officer,

as the officer may reasonably require for the exercise of his or her functions under *sections 36 and 37*.

- (2) The owner, occupier or person in charge of land or premises used in connection with a greyhound or animal feed shall, if required by an authorised officer, where it is practicable and possible, provide suitable equipment or facilities or a suitable part of the land or premises or both for the officer to carry out his or her functions under *sections 36 and 37*.

**Requirements and directions of authorised officer**

**39.** An authorised officer may—

- (a) require a person to give to the officer such information as is in the person's power or procurement or as regards any land specified by the officer including—
  - (i) whether or not the land is used, either partly or wholly, for or in connection with the keeping of greyhounds,
  - (ii) the name of the person who is in occupation of the land, and
  - (iii) whether or not the land is let and, if let, the name and address of the person to whom, and the period of time for which it is let,
- (b) require a person to produce a greyhound for inspection at a specified time and place, or
- (c) give such directions as he or she may reasonably consider necessary as to the examination of a greyhound (including providing facilities for its examination) or the detention for a specified purpose of a greyhound or of documents relating thereto.

**Search warrant**

**40.** (1) If a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for believing that—

- (a) evidence of or relating to a breach or intended breach of the Racing code or commission of or intended commission of an offence under the *Greyhound Racing Acts 1958 to 2019* relating to a greyhound, substance, animal feed or matters subject to a licence, permit or approval under those Acts is to be found in a dwelling or premises or on land,
- (b) there is or was a greyhound, animal feed, substance, machinery, equipment or other thing made, used or adapted for use (including manufacture and transport) in connection with a greyhound, animal feed or matters subject to a licence, permit or approval under the *Greyhound Racing Acts 1958 to 2019* in a dwelling or premises or on land, or
- (c) a record related to a thing to which *paragraph (a) or (b)* refers is or may be in the dwelling or premises or on land,

then the judge may issue a search warrant.

- (2) A search warrant under this section shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers or other persons as the named authorised officer thinks necessary, at any time, within one month from the date of issue of the warrant, on production, if so requested, of the warrant, to enter the land or premises named in the warrant and to exercise all or any of the functions conferred on an authorised officer under this Part.

**Obstruction etc. of authorised officer****41.** (1) A person who—

- (a) obstructs, interferes with or impedes an authorised officer, or any person who accompanies such officer, in the course of exercising a function conferred on the officer under this Part,
- (b) fails or refuses to give to an authorised officer any information within his or her knowledge which the officer requires under this Part,
- (c) in giving any such information, gives information which, to his or her knowledge, is false or misleading in any material particular, or
- (d) fails or refuses to comply with any requirement for assistance under *section 38(1)*, requisition of facilities under *section 38(2)* or a requirement or direction under *section 39*,

commits an offence and is liable on summary conviction to a class C fine.

- (2) A statement or admission made by a person under a requirement for information under *section 37(1)(f)* or *39(a)* is not admissible as evidence in proceedings brought against that person for an offence (other than an offence under this section for failing to give information or giving false information) under the *Greyhound Racing Acts 1958 to 2019*.
- (3) In proceedings brought against a person for an offence under this section, it shall be a defence for the person to show that, at the time of the alleged offence, he or she had reasonable cause for not complying with the requirements or directions of an authorised officer under this Part.

**PART 7****INVESTIGATIONS BY BOARD****Investigations by Board – breaches of Racing code**

- 42.** (1) Subject to *subsection (2)*, the Board may cause any matter in relation to an alleged breach of the Racing code to be investigated in such manner as it thinks proper.
- (2) Where the Board is notified of an alleged breach of substances regulations it shall refer the matter to the Control Committee.
- (3) The Board shall appoint an authorised officer or a member of its staff or such other person it considers suitably qualified to be an investigating officer for the purposes of conducting an investigation under this section.
- (4) For the purposes of an investigation under this section, the investigating officer may, by notice served on any person, require that person—

- (a) to furnish to him or her any information or records in his or her possession which he or she may reasonably consider necessary for the investigation and specified in the notice, and
  - (b) where appropriate to attend before the investigating officer for the purposes of the investigation.
- (5) (a) Where an investigating officer forms the view that there has been a breach in respect of any matter which he or she is investigating or the person concerned has failed to co-operate with the investigation, the officer shall report this to the Board.
- (b) The report of an investigating officer in relation to an investigation given to the Board shall include—
- (i) the investigating officer's findings in relation to the matter,
  - (ii) details of any failure by the person concerned to comply with *subsection (4)*, and
  - (iii) the recommendation of the investigating officer.
- (6) Where the Board, having considered a report under *subsection (5)*, considers there may be a sanction breach of the Racing code, other than in respect of a breach of substances regulations, by a person it shall give notice to the person that it intends to refer the matter to the Control Committee and offer the person an opportunity to make representations to it within 14 days of the service of the notice, and if, no such representations are received or having considered any representations it decides to refer the matter to the Control Committee, it shall then refer the matter to the Control Committee to decide the matter at a hearing and shall, if it so considers, may make recommendation as to any appropriate racing sanction the Control Committee might impose.
- (7) Where the Board considers that there are matters of concern to the Club, it may notify such matters to the Club.

## PART 8

### CONTROL COMMITTEE AND APPEAL COMMITTEE — RACING SANCTIONS

#### CHAPTER 1

##### *Control Committee*

#### **Jurisdiction of Control Committee and Appeal Committee**

43. (1) The Control Committee and the Appeal Committee has the power under *section 46* to determine matters in respect of sanction breaches of the Racing code.
- (2) A person who enters a greyhound in a greyhound race at a greyhound race track or at trial, trains greyhounds for the purposes of racing or trials, breeds or sells greyhounds



for the purpose of greyhound racing or participates in greyhound racing is subject to the jurisdiction of the Control Committee and Appeal Committee in respect of any sanction breach of the Racing code which may result in the imposition of a racing sanction.

- (3) It is a condition of a greyhound race track licence, a course-betting permit or a licence, permit or approval (within the meaning of *section 30*), whether stated on the face of the licence, permit or approval or not, that the licensee or permit or approval holder is subject to the jurisdiction of the Control Committee and Appeal Committee in respect of any sanction breach of the Racing code which may result in the imposition of a racing sanction.
- (4) In this section “participates in greyhound racing”, in relation to a person, means—
  - (a) the owner, trainer, agent, kennel hand or handler of a greyhound entered in a greyhound race at a greyhound race track,
  - (b) a person who enters a greyhound in a greyhound race as agent for or on behalf of another and a person who causes another to enter a greyhound in a greyhound race on his or her behalf,
  - (c) a person who presents a greyhound for sale or enters a greyhound at a trial, or
  - (d) any person who is subject to the Racing code.
- (5) The Control Committee or the Appeal Committee may, following consultations with the Board, make procedural rules for the conduct of hearings and, if such rules are made, shall publish those rules.

#### **Greyhound Racing Control Committee**

- 44.** (1) There is established a committee to be known as the Greyhound Racing Control Committee (“Control Committee”) to perform the functions conferred on it under *subsection (2)*.
- (2) It is the function of the Control Committee to decide if there has been a sanction breach of the Racing code.
  - (3) The Control Committee is independent in the performance of its functions.
  - (4) The quorum for the Control Committee shall consist of a chairperson or deputy chairperson (if one is appointed) and any 2 ordinary members.
  - (5) The chairperson of the Control Committee—
    - (a) shall be appointed by the Minister, and
    - (b) shall hold office for 5 years from the date of his or her appointment.
  - (6) A maximum of 8 ordinary members of the Control Committee shall be appointed by the Minister and shall include one or more than one veterinary practitioner and a practising solicitor or barrister of at least 5 years standing.

- (7) The chairperson may nominate one of the 8 ordinary members as deputy chairperson and such member will deputise for the chairperson when the chairperson so requests or in the event that the chairperson is unable to perform his or her functions.
- (8) An ordinary member of the Control Committee shall hold office for 4 years from the date of his or her appointment.
- (9) A member of the Control Committee may serve not more than 2 consecutive terms.
- (10) Where a member of the Control Committee, whose term of office has expired, has not been reappointed or may not be reappointed by virtue of having served 2 consecutive terms, the member shall continue in office until the vacancy occasioned by the expiration of his or her term of office is filled by the appointment of another person.
- (11) If the chairperson or an ordinary member of the Control Committee dies, becomes disqualified from holding, resigns or is removed from office, the Minister may appoint a person to be the chairperson or a member of the Control Committee to fill the vacancy so occasioned.
- (12) The person appointed to be the chairperson or a person appointed to be an ordinary member of the Control Committee under *subsection (11)* holds office for the remainder of the term of office of the member of the Committee, the cessation of whose term of office occasioned the vacancy.
- (13) The chairperson or an ordinary member of the Control Committee may resign from office by notice in writing to the Minister and the resignation takes effect on the date on which the Minister receives the notice.
- (14) A member of the Board or the Appeal Committee shall not be a member of the Control Committee.
- (15) A member of the Control Committee shall disclose any potential conflict of interest in accordance with *section 12*.
- (16) A member of the Control Committee ceases to be qualified for office and ceases to hold office if he or she—
  - (a) is adjudicated bankrupt,
  - (b) has a composition or arrangement with creditors,
  - (c) is convicted of an offence under the Non-Fatal Offences against the Person Act 1997 or an offence involving cruelty to an animal or relating to animal welfare,
  - (d) is convicted of an indictable offence in relation to a company or an existing company (within the meaning of the Companies Act 2014),
  - (e) has a conflict of interest of such significance that, in the opinion of the Minister, such conflict requires that he or she should cease to hold office,
  - (f) is convicted of an offence involving fraud or dishonesty,
  - (g) is sentenced to a term of imprisonment by a court of competent jurisdiction,

- (h) fails to disclose any potential conflict of interest in accordance with *subsection (15)*, or
  - (i) is subject to an exclusion order.
- (17) There shall be paid out of the income of the Board to members of the Control Committee such remuneration and allowances for expenses (if any) incurred by them in the discharge of their functions as the Board may determine with the consent of the Minister and the Minister for Public Expenditure and Reform.
- (18) The Board shall provide the secretarial and executive functions necessary to serve the work of the Control Committee.
- (19) The Control Committee may, after consulting with the Appeal Committee, make policy recommendations to the Board in relation to matters within the jurisdiction of the committee.
- (20) The Control Committee may publish its decisions including the details of any racing sanctions it imposes together with the name and address of any individual who is the subject of a racing sanction after—
- (a) the period for appeal has expired without an appeal being made by that individual, or
  - (b) in the event of an appeal being made, the appeal be not successful.

#### **Hearings of Control Committee**

45. (1) Where the Board refers to the Control Committee under *section 42(2)* or *(6)* an alleged breach of the Racing code, the Control Committee shall hold a hearing in respect of the matter in order to make a decision on the matter.
- (2) The Control Committee shall establish procedures for the conduct of hearings under this section.
- (3) The Control Committee shall notify the person affected of any matter referred to it under *section 42(2)* or *(6)* and details of any procedure to be followed by the Committee and the time and place of any hearing to be held. The notification shall state that submissions may be made within the period stated in the notice.
- (4) Where a person is alleged to have breached the Racing code and the matter has been referred to the Control Committee under *section 42(6)*, the person may make submissions to the Control Committee (whether orally or in writing as the Committee may decide) within 14 days of being notified under *subsection (3)* or, upon the application of the Board such lesser period.
- (5) *Subsections (3) and (4)* do not apply where in the opinion of the Board, in consultation with the Control Committee, in the event of an alleged breach of substances regulations, the matter should be heard immediately or at such time as the Board decides.

- (6) In considering any matter referred to it under this section, the Control Committee may require attendance at a hearing of such persons as it considers necessary and hear such submissions as may be made at a hearing.
- (7) The Control Committee may make a decision on any matter referred to it in the absence of a person who has failed to attend a hearing, where the person, has failed not later than 21 days from the date set for the hearing, to give to the Committee an explanation for such non-attendance, which in the opinion of the Committee is reasonable in the circumstances.
- (8) Where the Control Committee holds a hearing in respect of any matter it shall make a decision on the matter.

## CHAPTER 2

*Racing sanctions***Racing sanctions**

46. (1) Where the Control Committee under *section 45* or the Appeal Committee under an appeal under *section 49* determines that a person has breached the Racing code which is a sanction breach of the code, the Committee, having regard to the seriousness of the breach and any recommendation of the Board under *section 42(6)*, may, giving reasons, decide to impose any of the following sanctions (“administrative racing sanctions”) that is to say—
- (a) give an advice, admonishment or censure, in writing,
  - (b) make—
    - (i) a disqualification order, or
    - (ii) an exclusion order,
- or
- (c) revoke or suspend a greyhound race track licence, a course-betting permit or a licence, permit or approval (within the meaning of *section 31*), held by the person,
- and may direct the person to pay costs or expenses of any investigations or hearings.
- (2) In addition to any administrative racing sanction imposed under *subsection (1)*, the Control Committee or the Appeal Committee, where—
- (a) it believes that a person—
    - (i) sought or attempted to cause a benefit or a detriment to a person involved in the sport (including himself or herself),
    - (ii) neglected or disregarded the health or welfare of a greyhound, or
    - (iii) failed to co-operate with an investigation under *section 42* in relation to the breach concerned,

or

- (b) the person has breached substances regulations,
- may, giving reasons, require the person to pay a sum (“sanction payment”) not exceeding €12,500 to the Board.
- (3) A person who fails to pay a sanction payment or the costs or expenses of any investigation or hearing imposed on him or her shall not be permitted to train, transfer ownership of or race greyhounds or attend at a greyhound race track until the amount is paid in full.
- (4) A person who enters a greyhound race track in contravention of *subsection (3)* may be required to leave the track. A person who fails to leave may be removed (using reasonable force) by any person acting under the direction of the licensee under the greyhound race track licence relating to the track.
- (5) The Board may publish the names and addresses of persons who have failed to pay sanction payments required to be paid under *subsection (2)* by the Control Committee or on appeal under *section 49* confirmed or imposed by Appeal Committee or costs or expenses referred to in *subsection (3)*.
- (6) A sanction payment payable under the direction of the Control Committee or the Appeal Committee shall be paid to the Board and be accounted for by the Board in its annual accounts.
- (7) The Board may recover a sanction payment and the costs or expenses of any investigations or hearings as a simple contract debt in a court of competent jurisdiction from the person who is liable for such debt.
- (8) The Control Committee may stay the imposition of an administrative racing sanction providing for revocation or suspension of a licence, permit or approval for the period of 21 days following the Control Committee’s decision or in the event of an appeal under *section 49* pending the outcome of that appeal.
- (9) The Control Committee shall keep records of its decisions at hearings and any racing sanctions it imposes and state in the records the reasons for reaching the decision or imposing the sanction.

### **Disqualification orders**

47. (1) Where the Control Committee imposes as an administrative racing sanction a disqualification order, the order disqualifies any greyhound specified in the order and any other greyhound kept, owned, trained or managed by the person specified in the order from one or more of the following as is specified in the order:
- (a) registration in the Irish Greyhound Stud Book;
- (b) entry to any greyhound race or trial at any greyhound race track;
- (c) transfer of ownership;
- (d) acceptance for sale at any public sale of greyhounds;

- (e) use in breeding, including use of ova, semen or embryos of the greyhound.
- (2) A disqualification order shall specify the terms and conditions in which the order may be revoked or varied by the Control Committee and, where appropriate, it shall specify the period of time for which the disqualification order applies.
- (3) A disqualification order may be varied or revoked in whole or in part on appeal by the Appeal Committee upon application to it under *section 49*.
- (4) Section 45 of the Principal Act is repealed.
- (5) A disqualification order in place under section 45 of the Principal Act on the commencement of this section—
  - (a) shall continue in being as though it was made under *section 46(1)(b)(i)*, and
  - (b) may be revoked by the Board.

### **Exclusion orders**

- 48.** (1) Where the Control Committee imposes as an administrative racing sanction an exclusion order, the order prohibits the person specified in the order from either or both of the following as is specified in the order:
- (a) being on a greyhound race track;
  - (b) being at a public sale of greyhounds.
- (2) An exclusion order shall specify the terms and conditions in which the order may be revoked or varied by the Control Committee and, where appropriate, it shall specify the period of time for which the exclusion order applies.
- (3) An exclusion order may be varied or revoked by the Appeal Committee upon application to it under *section 49*.
- (4) Where a person to whom an exclusion order applies—
- (a) enters or is found on any greyhound race track, any person acting under the direction of the licensee under the greyhound race track licence relating to the track, or
  - (b) is found at any public sale of greyhounds, any person acting under the direction of the person conducting the sale,
- may require the first-mentioned person to leave the track.
- (5) A person who fails to comply with a requirement under *subsection (4)* to leave a greyhound race track or public sale—
- (a) may be removed (using reasonable force) from the track or sale by a person acting under the direction of the licensee under the greyhound track licence relating to the track or the person conducting the sale, as the case may be, and
  - (b) commits an offence and is liable on summary conviction to a class C fine.

- (6) An exclusion order made by the Board in place under section 47 of the Principal Act shall on the commencement of this section—
- (a) continue in being as though it was made under *section 46(1)(b)(ii)*, and
  - (b) may be revoked by the Board.
- (7) Section 47 of the Principal Act is amended—
- (a) by substituting for subsection (1) the following:

“(1) The Club may by order (in this section referred to as an “exclusion order”) prohibit a person from being at an authorised coursing meeting.”,
  - and
  - (b) by deleting subsections (2) to (5) and (7).

### CHAPTER 3

#### *Appeal Committee*

#### **Appeals of decision of Control Committee to Appeal Committee**

- 49.** (1) A person to whom it relates or the Board may appeal a decision of the Control Committee under *section 45* to the Appeal Committee within 21 days of the making of the decision.
- (2) An appeal (other than by the Board) under this section shall be accompanied by such reasonable fee (if any) as may be determined by the Board in consultation with the Appeal Committee.
- (3) An appeal under this section, if not withdrawn, shall be determined by the Appeal Committee—
- (a) by confirming the decision of the Control Committee to which the appeal relates including its decision in relation to costs, or
  - (b) by cancelling the decision and replacing it with such other decision as the Appeal Committee considers appropriate, which may be a decision—
    - (i) to impose different racing sanctions, or
    - (ii) not to impose a racing sanction on the person.
- (4) The Board is a party to an appeal under this section.
- (5) The Appeal Committee shall keep records of its decisions in respect of appeals under this section and the reasons for reaching them.
- (6) The Appeal Committee may publish the details of its decisions, including details of any racing sanctions or licence or permit revocations or suspensions that it confirms or imposes together with the name and address of any person who is the subject of a decision of the Committee.

**Appeal Committee**

**50.** Section 50 of the Principal Act is amended—

(a) by substituting for subsection (1) the following:

“(1) The Greyhound Racing Appeal Committee (‘Appeal Committee’) continues in being to determine appeals provided for by—

(a) *section 49* of the *Greyhound Racing Act 2019* pertaining to decisions of the Control Committee, and

(b) *section 51* pertaining to decisions of the Board.

(1A) The members of the Appeal Committee who held office immediately before the commencement of *section 50* of the *Greyhound Racing Act 2019* cease to hold office upon such commencement but any such member is eligible to be reappointed as a member of the committee under this section.”,

(b) in subsection (2)(a), by inserting “Court of Appeal,” after “Supreme Court,”,

(c) by inserting after subsection (2) the following:

“(2A) A member of the Board, an office holder in the Club or member of the Control Committee shall not be a member of the Appeal Committee.”,

(d) by substituting for subsection (4) the following:

“(4) A member of the Appeal Committee may—

(a) by letter addressed to the Minister resign his or her membership and the resignation takes effect when the Minister receives the letter, or

(b) at any time be removed from office by the Minister if, in the opinion of the Minister, he or she has become incapable through ill-health of effectively performing his or her functions or has committed stated misbehaviour.”,

(e) by inserting after subsection (5) the following:

“(5A) A member of the Appeal Committee may serve a maximum of 2 consecutive terms.

(5B) Where a member of the Board, whose term of office has expired, has not been reappointed or may not be reappointed by virtue of having served 2 consecutive terms, the member shall continue in office until the vacancy occasioned by the expiration of his or her term of office is filled by the appointment of another person.”,

and

(f) by substituting for subsection (9) the following:



- “(9) A member of the Appeal Committee (other than a judge) shall be paid by the Board such remuneration (if any) and allowances for expenses (if any) as the Board with the consent of the Minister and the Minister for Public Expenditure and Reform determines.
- (10) The Board shall provide the secretarial and executive functions necessary to serve the work of the Appeal Committee.”.

### Appeals to Appeal Committee

#### 51. Section 51 of the Principal Act is amended—

- (a) by substituting for subsections (1) and (2) the following:

- “(1) Where a greyhound race track licence, a course-betting permit or a licence, permit or approval (within the meaning of *section 30* of the *Greyhound Racing Act 2019*) is refused or is revoked or suspended (other than as an administrative racing sanction under *section 46(1)(c)* of the *Greyhound Racing Act 2019*) the applicant, licensee or permit or approval holder may, within the period of 21 days beginning on the day on which the Board decides on the refusal, revocation or suspension and subject to subsection (8), appeal in writing (including by electronic means) to the Appeal Committee in such form as it decides against the refusal, revocation or suspension.
- (2) Where a regulation is made under *section 20(1)* of the *Greyhound Racing Act 2019* for the purposes of *paragraph (c)* of that subsection, a licensee of a greyhound race track may, within the period of 21 days beginning on the day on which the regulation is made and subject to subsection (8), appeal in writing to the Appeal Committee against the regulation.”.

- (b) by substituting for subsection (4) the following:

- “(4) For the purposes of subsection (1), where a licence, permit or approval referred to in that subsection is refused, revoked or suspended—
- (a) notice of the refusal, revocation or suspension and of the appeal procedure under this section shall be served on the applicant, licensee or permit holder within the period of 7 days beginning on the day on which the Board decides on the refusal, revocation or suspension, and
- (b) in the case of a revocation or suspension, the revocation or suspension shall be expressed (and, subject to subsection (6), shall have effect accordingly) as coming into operation on a specified day after the expiration of the period of 21 days beginning on the day on which the Board decides on the revocation or refusal.”.

- (c) in subsection (6), by substituting for paragraph (a) the following:

“(a) an appeal is taken under this section against the revocation or suspension or a licence, permit or approval, and”,

and

(d) in subsection (8), by substituting “€500” for “the sum of five pounds”.

#### **Notification of decisions of Control Committee and Appeal Committee**

- 52.** (1) The Control Committee and Appeal Committee shall make known its decision on any matter, giving reasons, to the person affected by it either—
- (a) at the conclusion of the hearing, or
  - (b) by notification sent within one month after the conclusion of the hearing.
- (2) In the event of an appeal of a decision of the Control Committee to the Appeal Committee (other than a decision in relation to the breach of substances regulations) any racing sanction or any sanction payment shall be stayed pending the outcome of the appeal.

#### **Appeal to District Court**

- 53.** (1) Where the Appeal Committee determines that an exclusion order should be imposed under *section 46(1)(b)(ii)*, the person the subject of that determination, may appeal that decision to the District Court.
- (2) (a) Where the Appeal Committee determines that a person is required to pay a sanction payment, the person subject of that determination, may appeal the amount of the sum to the District Court.
- (b) The Court, in any application made to it under *paragraph (a)*, may affirm the sum, or vary the sum by substituting a greater or lesser amount having regard to—
- (i) the findings of the Appeal Committee,
  - (ii) the seriousness of the factors mentioned in *section 46(2)*, in particular the potential harm to the integrity of the sport, and
  - (iii) the fairness of the sum in all the circumstances.
- (3) In the event of an appeal of a decision mentioned in *subsection (1)* or *(2)*, the District Court may, upon application to it, stay an exclusion order under *section 46(1)(b)(ii)* or a sanction payment, subject of that appeal, pending the outcome of the appeal.
- (4) An appeal under this section shall be taken within 14 days from the date the appellant is notified of the determination of the Appeal Committee.

## CHAPTER 4

*Proofs***Proof of certificate of analysis**

54. In any hearing under *section 45* by the Control Committee or appeal to the Appeal Committee under *section 49* or *section 51* of the Principal Act or in any proceedings, a certificate, issued under regulations under *section 27*, purporting to be signed by a person employed or engaged in the analysis of samples provided under those regulations at an analysis laboratory, stating the capacity in which the person is so employed or engaged and stating any one or more of the following, namely—

- (a) that the person received the sample sent under regulations under *section 27*, to the analysis laboratory,
- (b) that, for such period as is specified in the certificate, the person had in his or her custody the sample so sent,
- (c) that the person gave to such other person as is specified in the certificate the sample so sent,
- (d) that the person carried out the analysis of the sample, and
- (e) the results of the analysis,

shall, unless the contrary is shown, be evidence of the matters stated in the certificate.

## PART 9

## MISCELLANEOUS

**Miscellaneous amendments to Principal Act**

55. The Principal Act is amended—

- (a) in *section 5(4)*, by inserting “or the Minister under *section 36(1A)*” after “by the Board under this Act”,
- (b) in *section 22(3)*, by inserting “and the reasons for the refusal” after “proposal”,
- (c) in *section 23(6)*, by substituting “class A fine” for “fine not exceeding £1,500” (as amended by the Act of 1999),
- (d) in *section 24(2)*, by inserting “and the reasons for the suspension or revocation” after “proposal”,
- (e) in *section 28(2)*, by substituting “class A fine” for “fine not exceeding £1,500” (as amended by the Act of 1999),
- (f) in *section 29(3)*, by inserting “and the reasons for the refusal, suspension or revocation” after “proposal”,

- (g) in section 30(3), by substituting “class B fine” for “fine not exceeding £500” (as amended by section 12 of the Act of 1999),
- (h) in section 34(2), by substituting “class A fine” for “fine not exceeding £1,000” (as amended by the Act of 1999),
- (i) in section 35(2), by substituting “class A fine” for “fine not exceeding £1,000” (as amended by the Act of 1999),
- (j) in section 36—
  - (i) by deleting subsection (1), and
  - (ii) in subsection (2) (inserted by the Greyhound Industry (Amendment) Act 1993) by substituting “class A fine” for “fine not exceeding £1,000”,
- (k) by deleting section 41,
- (l) in section 43(7), by substituting “class C fine” for “fine not exceeding £500” (as amended by the Act of 1999),
- (m) in section 44—
  - (i) in subsection (2), by inserting “of the Club” after “authorised officer”, and
  - (ii) in subsection (4), by substituting “class C fine” for “fine not exceeding £500” (as amended by the Act of 1999),
- (n) by deleting section 46,
- (o) in section 48—
  - (i) in subsection (15), by substituting “class B fine” for “fine not exceeding £500” (as amended by the Act of 1999), and
  - (ii) in subsections (17) and (18), by substituting “class A fine” for “fine not exceeding £1,000” (as amended by the Act of 1999), in each place where it occurs,and
- (p) in section 49(2), by substituting “class A fine” for “fine not exceeding £1,000” (as amended by the Act of 1999).

#### **Eligibility of registered greyhound to race**

- 56.** A greyhound registered in an Irish Greyhound Stud Book by the holder of the studbook is eligible to race in a greyhound race at a greyhound race track, unless the greyhound is determined to be ineligible to race in accordance with this Act.

#### **Requirement on person who is intoxicated or aggressive to leave race track or public sale or the right to refuse such person entry**

- 57.** (1) Where a person—

- (a) on a greyhound race track, acting under the direction of the licensee under the greyhound race track licence, or
- (b) at a public sale of greyhounds, acting under the direction of the person conducting the sale,

is of the opinion that a person found there or trying to gain entry thereto is intoxicated or acting in an aggressive or intimidating manner to such an extent so as to be unfit to be on the track or at the public sale, or has previously been required to leave or prohibited from entering a race track or public sale, he or she may—

- (i) require that other person to leave the race track or sale, or
  - (ii) refuse admission to that person to the race track or sale.
- (2) A person who fails to comply with a requirement to leave a race track or public sale or a refusal of admission to such or obstructs the person making the requirement or refusing admission—
- (a) may be removed (using reasonable force) from the track or sale, if thereon or thereat, by a person acting under the direction of the licensee under the greyhound track licence relating to the track or the person conducting the sale, as the case may be, and
  - (b) commits an offence and is liable on summary conviction to a class A fine.

#### Data transfer

**58.** Information, including personal data (within the meaning of Article 4 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> and section 69 of the Data Protection Act 2018) held by—

- (a) the Board,
- (b) the holder of an Irish Greyhound Stud Book,
- (c) the operator of a laboratory for the analysis of samples approved by the Board under regulations made under *section 27(1)* for the purposes of *paragraph (r)* of that subsection,
- (d) the operator of a database recognised, approved or established under regulations made under section 36 of the Animal Health and Welfare Act 2013, or
- (e) the Minister under the animal tracing systems database established under section 63 of that Act,

for the purposes of the *Greyhound Racing Acts 1958 to 2019*, the Welfare of Greyhounds Act 2011 or the Animal Health and Welfare Act 2013 may be exchanged by them with each other if such exchange is reasonably necessary and proportionate for the performance by them of their functions under those Acts.

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<sup>1</sup> OJ No. L119, 4.5.2016, p.1

## PART 10

## WELFARE OF GREYHOUNDS

**Amendment to Welfare of Greyhounds Act 2011**

**59.** The Welfare of Greyhounds Act 2011 is amended—

(a) in section 11—

(i) in subsection (3), by substituting “subsection (2)” for “subsection (1)”, and

(ii) by inserting after subsection (3) the following:

“(3A) Only the progeny from the first 6 litters, or the first 8 litters where subsection (3) applies, of a greyhound bitch may be registered in the Irish Greyhound Stud Book.

(3B) A person who attempts to register a greyhound in contravention of section (3A) commits an offence,”

and

(b) in section 26(2), by substituting “11(1), (2) or (3B)” for “11(1) or (2)”.

## PART 11

## AMENDMENTS TO ANIMAL HEALTH AND WELFARE ACT 2013

**Definition (*Part 11*)**

**60.** In this Part “Act of 2013” means Animal Health and Welfare Act 2013.

**Offences under section 36**

**61.** Section 36 of the Act of 2013 is amended—

(a) in subsection (4), by substituting for paragraph (b) the following:

“(b) to which this paragraph applies, commits an offence and is liable—

(i) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 6 months, or to both, or

(ii) on conviction on indictment, to a fine not exceeding €250,000 or to imprisonment for a term not exceeding 5 years, or to both.”,

(b) by inserting after subsection (4) the following:

“(4A) A person who contravenes or fails to comply with a provision of an instrument to which section 75 refers commits an offence and is liable—

- (a) on summary conviction, to a class A fine, or to imprisonment for a term not exceeding 6 months, or to both, or
- (b) on conviction on indictment, to a fine not exceeding €250,000 or to imprisonment for a term not exceeding 5 years, or to both.”,

and

- (c) by inserting after subsection (6) the following:

“(7) In proceedings for an offence under this section for a contravention of or failure to comply with animal health and welfare regulations in respect of the matters set out in paragraph 14B or 47 of Schedule 3, a certificate purporting to be signed by a person employed in connection with an animal identification database or an animal tracing system stating the capacity in which the person is employed and stating that on a particular day or days, or during a particular period—

- (a) specified information required to be submitted—

- (i) was received, or
- (ii) by a named person was not received,

and

- (b) the information received and specified in the certificate is a legible copy of information stored in the system,

is, until the contrary is shown, sufficient evidence of the facts stated in the certificate.”.

### **Compliance with EU Regulations – offence and penalty**

- 62.** The following section is inserted after section 36 of the Act of 2013:

“**36A.** Where a person contravenes or fails to comply with an obligation imposed on the person by a provision of a Regulation of an institution of the European Union relating to animals or animal products, including disease, health, welfare, identification, movement, transport, import, export, traceability, sale or supply, which is stated in regulations made under this section to be a breach to which this section applies, the person commits an offence and where the contravention or failure is stated in the regulations—

- (a) to be a breach to which this paragraph applies, is liable, on summary conviction, to a class A fine, or
- (b) to be a breach to which this paragraph applies, is liable—
  - (i) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 6 months, or to both, or

- (ii) on conviction on indictment, to a fine not exceeding €250,000 or to imprisonment for a term not exceeding 5 years, or to both.”.

### **Costs of detention of seized animal**

**63.** The following section is inserted after section 38 of the Act of 2013:

“**38A.**(1) Where an animal is seized and detained under section 38(4)(v), the Minister or local authority in whose custody the animal is detained may make reasonable charges in respect of the costs of seizing the animal and of keeping the animal during its detention, of—

- (a) the occupier or person in charge of the land or premises on which the animal was found,
  - (b) the person in possession or control of the animal at the time it was seized,
  - (c) the owner of the animal, or  
any or all of them.
- (2) A charge under subsection (1) shall include provision for expenses associated with transporting, sheltering and sustaining the animal, veterinary and other care and overheads incurred.
- (3) The Minister or local authority in whose custody an animal is detained may dispose of the animal if a person mentioned in subsection (1) fails to discharge a sum charged on him or her within 14 days of the placing of a notice on or near the land or premises from which the animal was detained or where representations received under subsection (5)(a) are unsuccessful, upon the person being informed of the decision.
- (4) The costs (including ancillary costs) of detaining an animal seized under section 38(4)(v) may be recovered by the Minister or local authority in whose custody the animal is detained from a person mentioned in subsection (1)—
- (a) as a simple contract debt in a court of competent jurisdiction, or
  - (b) by deducting the sum from any moneys due, or becoming due, and payable by the Minister or local authority to a person mentioned in subsection (1).
- (5) Where the Minister or local authority in whose custody an animal is detained proposes to recover a charge under this section, the Minister or local authority, as the case may be, shall—
- (a) place or cause a notice to be placed on or near the land or premises from which the animal was seized and detained stating the sum due, the reason the sum is due and that a person mentioned in



subsection (1) may make representations relating to the proposal not later than 14 days from the date of the notice and specified in the notice,

- (b) consider any representations made, and
- (c) make a decision and inform the person making the representations of the decision and the reasons for the decision.”.

#### **Animal health and welfare notice**

**64.** Section 42 of the Act of 2013 is amended by inserting after subsection (3) the following:

“(3A) An animal health and welfare notice may contain such incidental, supplementary and consequential measures relating to the keeping of records and the making of returns by the person on whom the notice is served as appear to the authorised officer serving the notice to be necessary for the purposes of the notice having full effect or of providing evidence that the notice has full effect.”.

#### **Animal health and welfare regulations – matters in Schedule 3**

**65.** Schedule 3 to the Act of 2013 is amended—

(a) by inserting after paragraph 14 the following:

“14A. The regulation (including the restriction or prohibition) of the acquisition, possession, sale, supply or transport of an animal required to be identified.

14B. The establishment and maintenance of a database and entry on the database of information relating to an animal required to be identified and publication of information relating to such an animal.

14C. The operation and training of persons in connection with the provision and publication of information on and the operation of a database referred to in paragraph 14B.”,

(b) by substituting for paragraph 21 the following:

“21. The regulation (including restriction or prohibition) of transport or movement of animals, animal products or animal feed, including provisions in respect of—

(a) the conditions (including provision of adequate food and water) in which an animal is kept while being moved or transported to avoid any unnecessary suffering or discomfort, and

(b) notification of the transport or movement, including any notification of adverse weather conditions forecast for the period of transport or movement.”,

and

(c) by substituting for paragraphs 46 and 47 the following:

*“EU matters*

46. Giving effect to an act, or a provision of an act, of an institution of the European Union in respect of animals or animal products, including disease, health, welfare, identification, movement, transport, import, export, traceability or sale or supply of animals or animal products.

*Collection of information in relation to animals and animal products (tracing systems)*

47. The establishment and maintenance of systems (‘tracing systems’) by the Minister or another person to collect and process information (in electronic form or otherwise) relating to animals and animal products, including disease, health, welfare, identification, movement, transport, import, export, traceability, and sale or supply of animals or animal products.

48. Establishing standards for tracing systems whether established and maintained by the Minister or another person (including the training of persons involved in the operation of the systems).

49. Matters regarding tracing systems (including keeping a database in electronic form or otherwise) relating to animals and animal products for the purpose of—

(a) monitoring, controlling or preventing disease or the risk of disease,

(b) eradicating or reducing the incidence of disease, or

(c) monitoring, optimising or enhancing animal welfare.

50. The persons or classes of persons required to submit or keep information for tracing systems.

51. The species, type, breed or class of animal or type of animal product to which the collection of information to be kept on the database of a tracing system applies.

52. The period within which information to be kept on the database of a tracing system is to be submitted and to whom.

53. The form and content of information to be kept on the database of a tracing system.

54. Access to tracing systems (including databases).

55. Collection and management of information to be kept on the database of a tracing system on events relating to animals, including but not limited to, birth, movement (including persons who move animals), sale, slaughter, import, export and death, and land or premises where animals are kept.
56. Conferring functions, in relation to tracing systems (including management of information on databases) on specified persons or classes of person.
57. Regulating (including restricting or prohibiting) the use of tracing systems (including databases) in relation to the identification and traceability of animals, including collecting and managing information relating to animals, including birth, death, movement, sale, supply, export, slaughter or disposal.
58. Notification of the acquisition, movement, sale, supply, export or death of the animal entered or required to be entered on a database.
59. Regulating—
- (a) the identification of animals by a local authority or charity engaged in work relating to the welfare of animals, and
  - (b) access to information kept on an animal tracing system database by a local authority or charity engaged in work relating to the welfare of animals.
60. Requiring cooperation between operators of tracing system databases, and the use of a common portal to facilitate access to information maintained on such a database, by persons or classes of persons specified, the parameters of access, the making and application of protocols between such operators and the giving of directions by the Minister in relation to such cooperation to operators of tracing system databases.”.

### Miscellaneous amendments to Act of 2013

66. The Act of 2013 is amended as indicated in the Table to this section.

Table

Item	Provision amended	Amendment
1	Section 7(2)	Delete “, which is”.
2	Section 8(1)	Substitute “contained” for “contained, having regard to shared boundaries or commonage”.
3	Section 9	Delete section
4	Section 24(4)	Substitute “be recovered” for “berecovered”.

5	Section 27(2)(f)	Substitute “or class” for “or a class”.
6	Section 32(6)	Substitute “this section” for “section 34”.
7	Section 36(2)(a)	Delete “(including disease eradication areas)”.
8	Section 37(1)	Delete “or an authorised officer of the Department”.
9	Section 38(4)(c)	Insert “or an EU measure” after “under this Act”.
10	Section 39(1)	Delete “section 36(4)(b) or 52(2)” and substitute “section 36(4)(b) or (4A)(b), 36A(b) or 52(2)”.
11	Section 39(2)	Substitute “of that section” for “of that Act”.  Delete “section 36(4)(b) or 52(2)” and substitute “section 36(4)(b) or (4A)(b), 36A(b) or 52(2)”.
12	Section 49(1)	Delete “section 18, 51(4) or 36(4)(a)” and substitute “section 18, 51(4), 36(4)(a) or 36A(a)”.
13	Section 51(5)	Substitute “a company formed and registered under the Companies Act 2014 or an existing company with the meaning of that Act” for “a company within the meaning of the Companies Acts”.
14	Section 55(1)	Delete “that”.
15	Section 60(1)	Delete “section 36(4)(b)(ii)” and substitute “section 36(4)(b)”.
16	Section 61(1)	Substitute “that a person is not taking adequate care of an animal, is unfit to keep the animal or that the owner of the animal is unknown or cannot be found, or” for “that, having regard, amongst other considerations, to medical evidence presented to him or her”.
17	Section 72(1)(e)	Delete “or an animal health and welfare notice”.
18	Section 72(2)(e)	Delete “or an animal health and welfare notice”.