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**An Bille um Rásaíocht Con, 2018**  
**Greyhound Racing Bill 2018**

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*Meabhrán Mínitheach*  
*Explanatory Memorandum*

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**AN BILLE UM RÁSAÍOCHT CON, 2018  
GREYHOUND RACING BILL 2018**

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**EXPLANATORY AND FINANCIAL MEMORANDUM**

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**General**

The purpose of this Bill is to improve the governance of Bord na gCon, strengthen regulatory controls in the industry, modernise sanctions and improve integrity with a view to building a reputation for excellence in the sector.

In broad terms the Bill addresses issues relating to governance and regulation in the greyhound racing sector. It addresses governance issues in Bord na gCon, strengthens regulatory controls in the industry, modernises sanctions, improves integrity, includes the welfare of greyhounds as one of the statutory functions of Bord na gCon and provides it with powers to make regulations in relation to integrity, anti-doping, administration and traceability to improve welfare and integrity deficits impacting the industry.

The Bill reflects the recommendations made in the Indecon Report, commissioned by the Minister for Agriculture, Food and the Marine in 2014, in a Report of the Joint Committee on Agriculture, Food and the Marine published on the greyhound industry in 2015 and in the Morris Review of Anti-Doping and Medication in Ireland commissioned by Bord na gCon and published in July 2016.

The Programme for Partnership Government states that “the Animal Health and Welfare Act 2013 will be strengthened and enforced.” The opportunity is being taken here, in fulfilment of this commitment, to revise elements of the 2013 Act where potential problems have been identified and to remove some minor errors of a typographical nature.

**Detailed provisions**

*Section 1* provides for the short title, collective citation and commencement of the Bill.

*Section 2* provides the definitions for the Bill. Significantly it inserts a definition for “Racing code”, “Sanction breach” and “Racing sanction”. These definitions provide a basis for administrative sanctions for breaching the rules of greyhound racing in addition to the current criminal sanctions. The section also inserts a definition for substance, a veterinary practitioner, the Control Committee and the Scientific Advisory Committee and includes a definition for disqualification and exclusion orders as Racing sanctions.

*Section 3* amends the definition of Board and Minister in the Greyhound Industry Act 1958.

*Section 4* updates the provisions for service of documents and provides that emails may be used to serve documents.

*Section 5* is a general regulation making provision and sets out the procedures to be followed by the Board, including consultation with interested parties, when the Board proposes to make new regulations under this Act.

*Section 6* allows for summary prosecution by the Board.

*Section 7* provides that existing Regulations will be revoked on enactment of the measures in the Bill. A number of provisions similar to those in the revoked Regulations are being brought into primary legislation.

However subsection (2) allows matters before the existing regulatory committees to continue as though the regulations have not been revoked for the smooth administration of justice. If this provision wasn't inserted, cases before the existing committees would have to be reheard by the statutory Committees established under this Act.

Any appeal from a decision of the existing Control Committee provided for in subsection (2) shall be appealed to the Appeal Committee.

*Section 8* provides for a change of name for Bord na gCon to Rásaíocht Con Éireann.

*Sections 9 and 10* are on foot of recommendations in the Indecon Report and relate to the governance of Bord na gCon. They consist of the following:

- an increase in the number of members of the Board from a Chairperson and 6 members to a Chairperson and 8 members
- an increase in the quorum of the Board from 4 to 6
- a term of office of 5 years for the Chairperson, as opposed to the current indeterminate period
- a statutory prohibition on the re-appointment of a person to the Board beyond two consecutive terms, to reflect the Code of Practice for the Governance of State Bodies
- statutory powers permitting the Minister to remove a Board member where the member falls ill and is unable to perform his/her duties or breaches the Code of Practice for the Governance of State Bodies as published by the Minister for Public Expenditure and Reform
- cessation of appointment to the Board in a number of circumstances, including if a Board member is adjudicated bankrupt, is found guilty of offences relating to the Greyhound Industry, welfare of animals, intimidation or assault, fraud or dishonesty

*Section 11* provides for the current standard provisions in relation to elected representatives' participation on State Boards. This provision is standard in modern law.

*Section 12* provides for disclosure of potential conflicts of interests. This new provision is recommended in the Indecon Report.

*Section 13* sets out for the first time by statute, an overarching statement outlining the functions of the Board. It is intended to provide additional legal certainty in relation to the functions of the Board.

*Section 14* provides that the Board is statutorily subject to the Code of Practice for the Governance of State Bodies issued by the Minister for Public Expenditure and Reform.

*Section 15* allows the Board of Rásaíocht Con Éireann to delegate its functions to the CEO as the Board considers necessary for efficiency and effectiveness reasons.

*Section 16* inserts an explicit provision permitting the Board to apply funds to enhance greyhound health and welfare.

*Section 17* modernises the wording regarding the ability of Rasiocht Con Eireann to borrow, but retains the requirement for the consent of the Minister and the Minister for Public Expenditure and Reform, acting with the consent of the Minister for Finance. Section 17 of the Principal Act is repealed.

*Section 18* explicitly provides for the reporting of the accounts of subsidiaries of the Board.

*Section 19* increases the maximum fine to €250,000 following conviction on indictment for operating a greyhound racing track without a licence. This brings the 1958 Act into line with current sanction regimes.

*Sections 20, 21* and *22* of this Bill replace section 25 of the Principal Act.

*Section 20* provides for the making of regulations in relation to race tracks and provides for a sanction of a class A fine. It provides for regulations prohibiting racing officials operating unless they have permits and prohibiting individuals from having beneficial interests in aspects of the business.

*Section 21* extends the regulatory powers of the Board to control racing officials and ensuring the integrity of the sport. Subsection (1) deals with the control of racing; subsection (2) with the conduct of racing and the promotion of integrity and fair play in racing, including the use of information technology to assist towards this end; subsection (3) with the administration of racing including the registration and grading of greyhounds and the promotion of racing; subsection (4) deals with charges for entry of a greyhound to a race; and finally, subsection (5) states that breaches of regulations provided for in this section carry Racing sanctions.

*Section 22* allows the Board to make guidelines to control the establishment, lay out, construction and maintenance of greyhound race tracks or the use of equipment at such tracks. Enforcement of guidelines in this area will be dealt with by way of the track licensing regime.

*Section 23* repeals section 25 of the Principal Act .

*Sections 24, 25* and *26* are a recasting of the provisions in sections 37, 38 and 39 of the Principal Act in relation to the training of greyhounds for reward, the public sale of greyhounds and the artificial insemination of greyhounds. The corresponding sections/ subsections in the Principal Act are repealed. The consent of the Minister is now required for any new regulations made under these sections. It continues to be an offence to engage in these activities without a license, permit or approval issued by the Board, however the contravention of regulations made under these sections by a licensee, permit or approval holder now carries a Racing sanction.

*Section 27* details the regulation making powers of the Board in the area of doping control and the administration of substances to a greyhound. Among other things it allows the Board to list substances that may and may not be given to a greyhound, setting residue limits, withdrawal periods, declaring thresholds and the methodologies by which thresholds can be determined for substances. The Board may make regulations requiring the keeping of records regarding the administration of substances, the controls to be operated and records to be kept by persons participating in greyhound racing in relation to doping and medication control. The advice and recommendations of the Scientific Advisory Committee is to be used to determine the processes, methods, levels of accuracy etc by which samples

are deemed to contain a substance. It also provides that a greyhound that fails a test for prohibited substance is disqualified from racing or trialling until it passes a subsequent test.

*Section 28* provides enabling powers in relation to the regulation for the traceability of greyhounds. The Board may make regulations to require the registration of greyhound owners, the registration of racing greyhounds and the notification by owners, breeders and trainers of greyhounds of many more life events than those currently captured on existing stud book and microchipping databases. The regulations will support the Board in its ambition to establish and maintain a new comprehensive tracing database for racing greyhounds.

*Section 29* allows the Board to make regulations for the health and welfare of a greyhound including requiring those involved to provide information for the sound administration of the industry and to protect the health and welfare of greyhounds. It allows the Board to set down provisions for the treatment of diseased and injured greyhounds and the establishment of funds to protect the health and welfare of a greyhound.

*Sections 30, 31, 32, 33 and 34* relate to the Board's right to grant or refuse licenses, to attach conditions to licenses, permits and approvals, make charges for the grant and renewal of licenses etc and to revoke or suspend such licenses. The fair procedures to be followed, including the right to reply, where the Board refuses, revokes or suspends a license etc is provided for.

*Sections 35, 36, 37 and 40* relate to the appointment, investigatory powers and functions of authorised officers. This is the first time the appointment of authorised officers for the purposes of greyhound legislation has been provided for in primary legislation. It provides amplified powers for authorised officers to investigate matters including investigating the use of performance altering substances. Section 40 specifically provides that subject to the jurisdiction of the District Court authorised officers may seek a search warrant to search a domestic dwelling, where the authorised officer believes that there may be evidence of a breach or an intended breach of the racing code or of the commission or intended commission of an offence under the Greyhound Industry Acts.

*Sections 38, 39 and 41* relate to the obligation of persons to provide assistance to and follow the directions of authorised officers when carrying out their functions under the Act including a requirement to produce a greyhound at a specific time and place. In addition it is being made a criminal offence to obstruct, fail to give information, to give false information or to fail to provide assistance or follow the direction of an authorised officer when carrying out his/her functions. The standard provisions regarding self incrimination are provided for.

*Section 42* sets out the procedures for the conduct of investigations by the Board and permits the Board to notify the Club where there is a possibility that matters known to it may be of concern to the Club.

*Section 43* sets down the classes of people who are subject to the jurisdiction of the Control and Appeal Committees. It also states that the determination of Racing sanctions rests with these Committees.

*Section 44* provides for the establishment by statute of the Control Committee and details its operations. The Control Committee will consist of a chairperson and a maximum of 8 other members to ensure that there is a sufficient pool of members to deal promptly with control matters. The Control Committee will require a quorum of the Chairperson (or deputy chairperson) and two other members. Appointments to the committee are

by the Minister for a maximum of two terms. The Chair has a term of 5 years with ordinary members having a term of 4 years.

*Section 45* provides for fair procedures in relation to hearings of the Control Committee. It specifically provides that decisions may be made in absentia in respect of persons who fail to attend the Control Committee.

*Section 46* sets out details of the Racing sanctions which may be applied by the Control Committee and Appeal Committee. Racing sanctions may be advice, admonishment or censure, the disqualification of greyhounds or the exclusion of individuals from racing activities or the revocation or suspension of licences or permits. In addition a person may be required to pay a sum not exceeding €12,500 to the Board in certain circumstances, including where the person has an adverse analytical finding for a prohibited or controlled substance.

It provides that a person who fails to make a payment shall not be permitted to train, transfer ownership of, race greyhounds or attend at a greyhound race track until the amount is paid in full. It also provides for the publication of the names of those who have failed to pay a sanction payment.

*Section 47* relates to disqualification orders. At the present time, the Board may issue a disqualification order in respect of a greyhound for breach of the Racing code. Such disqualification orders apply to racing and trials only. Some individuals have circumvented these orders by transferring ownership. This section provides that disqualification orders issued by the Control Committee or the Appeal Committee are racing sanctions and disqualify greyhounds from racing and trials and circumvention of the order is prevented by extending the potential restriction to transferring ownership of the greyhound and use of the greyhound for breeding purposes. The disqualification order can be for a specific period and the terms and conditions for revocation or variation of the order will be specified at the time of making of the order.

*Section 48* provides for the exclusion of individuals from certain activities relating to racing greyhounds. This power currently rests with the Board or the Club however under this Bill, power to issue an exclusion order is limited to the Control Committee and the Appeal Committee. In addition it is now possible to specify a time period for which the order applies and the terms and conditions for revocation or variation of the order will be specified at the time of making. Non-compliance with an Exclusion order is a criminal offence. The Club will issue its own orders under its rules.

This section also provides explicitly that the Committee is independent in the exercise of its functions and requires the committee to publish its decisions.

*Section 49* sets down the procedures for appeals in respect of Racing sanctions or payments imposed by the Control Committee.

*Section 50* provides for a single avenue of appeal for decisions in relation to sanctions and payments imposed by the Control Committee following the abolition of the current Control Appeal Committee established under Regulation 10 of the Greyhound Industry (Control Committee and Control Appeal Committee) Regulations 2007 (S.I. 301 of 2007). The Appeal Committee retains its function in respect of appeals under section 51 of the Principal Act from decisions of the Board.

In the interests of good governance it imposes a maximum of 2 consecutive terms on committee members. It also provides that the Board

will pay the remuneration and expenses of Appeal Committee members and will provide secretarial services to the committee.

*Section 51* provides the procedures for appeals in respect of sanctions or payments imposed by the Control Committee and is a re-casting of existing provisions in section 51 of the Principal Act.

*Section 52* provides for the communication of decisions of the Control Committee and the Appeal Committee to the individual concerned. This section also provides for the staying of sanctions and payments while the situation is under appeal. An exception applies to decisions in relation to adverse analytical findings where sanctions are effective immediately.

*Section 53* provides for appeals to the District Court for findings of the Appeal Committee in relation to Exclusion Orders and/or Sanction payments. Appeals in relation to Sanction payments are limited to the quantum of the sum. It also provides that the District Court may grant a stay on the application of the relevant determination of the Appeal Committee.

*Section 54* relates to evidential certificates issued by testing laboratories in the case of adverse analytical findings

*Section 55* provides for the updating of fines generally, the modernisation of wording and the deleting of sections of the Principal Act which are no longer relevant.

*Section 56* is intended to provide legal certainty in relation to the eligibility of greyhounds registered in the studbook.

*Section 57* makes it a criminal offence for a person who is intoxicated or aggressive to refuse to leave a track or sale when required to do so.

*Section 58* allows for the transfer of information between different entities for the purposes of those Acts relating to Greyhounds.

*Section 59* relates to the Welfare of Greyhounds Act 2011 and provides that only progeny produced in compliance with (2) and (3) of section 11 of the Welfare of Greyhounds Act 2011 (i.e. 1st to 6th litter or 7th and 8th following certification) are permitted to be registered in the Irish Greyhound Stud Book and makes it an offence for a person to attempt to register litters not in compliance with the Act.

*Section 60* provides a definition specific to Part 11. Part 11 relates to amendments to the Animal Health and Welfare Act 2013 (the 2013 Act).

*Section 61* makes technical amendments in relation to offences under section 36 of the 2013 Act and is to be read in conjunction with section 63.

*Section 62* is a technical amendment that clarifies the penalty applicable for breach of an obligation under an EU Regulation.

*Section 63* provides for making and recovering charges for the costs associated with the detention of seized animals.

*Section 64* provides explicitly for record keeping requirements and the making of returns to facilitate monitoring compliance with animal health and welfare notices.

*Section 65* amendments in this section are made on legal advice to remove doubt as to the extent to which the Minister may make regulations in relation to EU matters, databases, animal traceability and transport.

*Section 66* provides for a range of minor amendments to the 2013 Act either of a typographical nature or that could be better clarified and are proposed on the basis of experience in applying the Act since it came into operation.



**Financial Implications**

The Bill will not result in any additional costs to the exchequer.

*An Roinn Talmhaíochta, Bia agus Mara,*  
*October, 2018.*