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**An Bille um Thoirmeasc ar Rásaíocht Sulcaithe, 2018**  
**Prohibition of Sulky-Racing Bill 2018**

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*Mar a tionscnaíodh*

*As initiated*

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**AN BILLE UM THOIRMEASC AR RÁSAÍOCHT SULCAITHE, 2018**  
**PROHIBITION OF SULKY-RACING BILL 2018**

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*Mar a tionscnaíodh*

*As initiated*

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ACT REFERRED TO

Local Government Act 2001 (No. 37)



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**AN BILLE UM THOIRMEASC AR RÁSAÍOCHT SULCAITHE, 2018**  
**PROHIBITION OF SULKY-RACING BILL 2018**

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# Bill

*entitled*

An Act to prohibit sulky-racing where no lawful permission has been granted. 5

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

## Definitions

1. In this Act—

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

“sulky-racing” means the racing of a horse-drawn vehicle on any road under local authority jurisdiction. 10

## Prohibition of Sulky-Racing

2. A person shall not organise or cause or permit to take place any performance involving—

(a) sulky-racing,

(b) riding or attempting to ride an animal which, by the use of any appliance horse drawn carriage, is or has been stimulated with the intention of making it race, 15

or

(c) any other activity that may cause unnecessary suffering to an animal and is prohibited by animal health and welfare regulations.

## Local Authorities

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3. (1) A local authority shall, within its functional area (within the meaning of the Local Government Act 2001) enforce this Act insofar as it is to be enforced by a local authority.

(2) Where a local authority fails to perform a function of a local authority under this Act, the Minister may direct the manager of that local authority to perform the function which the local authority has failed to perform. 25

(3) The manager of a local authority shall comply with a direction under *subsection (2)*.

(4) All expenses incurred in relation to the performance of a function to which *subsection (2)* refers shall, unless a direction under that subsection provides otherwise, be paid

out of moneys at the disposal of the local authority.

### Offences

4. A person who contravenes a provision of this Act commits an offence and is liable on summary conviction to a fine not exceeding €5,000 and a term of imprisonment not exceeding 6 years. 5

### Proceedings and sanctions

5. (1) Where an authorised officer has reasonable grounds for believing that a person is committing or has committed an offence under *section 4* he or she shall report this to, as the case may be, another officer of the Minister or another officer of the local authority concerned, authorised by the manager of that local authority, in that behalf. 10
- (2) An officer who receives a report under *subsection (1)*, if he or she considers it appropriate, may serve on the person a notice in writing (“fixed payment notice”) stating that—
- (a) the person is alleged to have committed the offence,
  - (b) the person may during the period of 28 days beginning on the date of the notice make to the Minister or a local authority, at the address specified in the notice, a payment of €1,000 (or such other amount as stands specified by order made, from time to time, by the Minister and different amounts may be specified in respect of different offences) accompanied by the notice, 15
  - (c) the person is not obliged to make the payment, and 20
  - (d) prosecution in respect of the alleged offence will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.
- (3) Where a fixed payment notice is served under *subsection (2)*— 25
- (a) the person to whom the notice applies may, during the period specified in the notice, make to the Minister or the relevant local authority at the address specified in the notice the payment specified in the notice,
  - (b) the Minister or the relevant local authority may receive the payment, issue a receipt for it and retain the money so paid, and any payment so received shall not be recoverable in any circumstances by the person who made it, and 30
  - (c) prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

### Short title, commencement and collective citation

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6. (1) This Act may be cited as the Prohibition of Sulky-Racing Act 2018.
- (2) This Act shall come into operation on such day or days as the Minister for Agriculture, Food and the Marine, may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so

appointed for different purposes or different provisions.

An Bille um Thoirmeasc ar Rásaíocht  
Sulcaithe, 2018

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# BILLE

*(mar a tionscnaíodh)*

*dá ngairtear*

Acht do thoirmeasc rásaíocht sulcaithe i gcás nach  
mbeidh aon chead dleathach deonaithe ina leith.

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*An Teachta Maitiú Mac Craith a thug isteach,*  
31 Eanáir, 2018

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Prohibition of Sulky-Racing Bill 2018

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# BILL

*(as initiated)*

*entitled*

An Act to prohibit sulky-racing where no lawful  
permission has been granted.

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*Introduced by Deputy Mattie McGrath,*  
31st January, 2018

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BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
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