



**AN BILLE UM BUNACHAIS PÓRÚCHÁIN MADRAÍ
(LEASÚ), 2021
DOG BREEDING ESTABLISHMENTS (AMENDMENT) BILL 2021**

EXPLANATORY MEMORANDUM

Purpose of the Bill

The purpose of this Bill is to enhance the welfare of dogs by strengthening the regulation of dog breeding establishments and ensuring enforcement of relevant statutory provisions.

Provisions of the Bill

Section 1 defines certain terms used in the Bill.

Section 2 amends the definition of “authorised person” in the Act of 2010 so as to ensure that persons who act as authorised persons under that Act are specifically appointed under it to fulfil that role. At present, dog wardens are also automatically “authorised persons” under the Act of 2010.

Section 3 ensures that, where an offence to which it applies carries only a fine, or where a fine is imposed either in addition to or instead of imprisonment, the fine will be at least the specified minimum amount. The specified minimum is €5,000 for summary offences or offences otherwise dealt with summarily, or €10,000 for convictions on indictment. *Section 4* also increases the maximum fines for summary offences under the Act of 2010. It also includes within the penalty provisions the new offence created by *section 6* of the Bill.

Section 4 makes it mandatory for local authorities to refuse registration of a dog breeding establishment in circumstances where, for the reasons stated in *section 9(7)* of the Act of 2010, the local authority considers that refusal of registration is necessary to ensure the safeguarding of animal welfare.

Section 5 amends *section 15* in order to ensure that it better fulfils the five freedoms of animal welfare in the context of dog breeding establishments. In line with that objective, it also makes breach of *section 15(1)* an offence, gives an enhanced status to guidelines issued under *section 15*, and facilitates the admission of copies of those guidelines in evidence in proceedings for breach of *section 15(1)*.

Section 6 requires local authorities to ensure a sufficient number of authorised persons under the Act of 2010 and precludes the appointment of dog wardens as authorised persons.

Section 7 introduces a new section into the Act of 2010, requiring local authorities to ensure that the provisions of that Act are properly enforced in their respective functional areas. This includes, but is not limited to,

ensuring that powers conferred on authorised persons by that Act are exercised with sufficient frequency.

Section 8 provides for the short title of the Bill and its commencement, and specifies establishments to which the Bill does not apply.

Peadar Tóibín, TD, Noel Grealish, TD, Seán Canney, TD, Bealtaine, 2021.