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An Comhchoiste um Thalmhaíocht, Bia agus Muir **Rásaíocht Capall in Éirinn**

Samhain 2021

Joint Committee on Agriculture, Food and the Marine

Horse Racing in Ireland

November 2021

Membership

The following Deputies and Senators are members of the Joint Committee on Agriculture, Food and the Marine of the 33rd Dáil Éireann and the 26th Seanad Éireann.



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Independent



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Michael Collins T.D.
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Sen. Paul Daly
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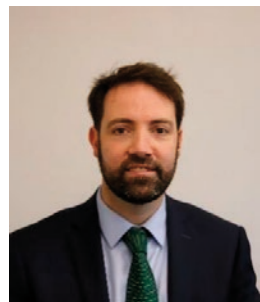
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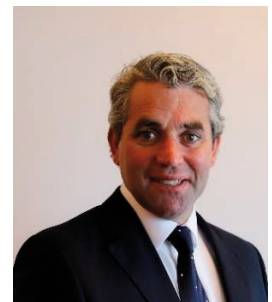
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Sen. Denis O'Donovan
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Foreword



The horse racing sector is an important contributor to Ireland's rural economy that provides direct employment and also brings additional indirect economic benefits to rural areas on race days. Despite its small size, Ireland plays a significant role globally in the horse racing and breeding industries and is ranked among the leading exporters and sellers of thoroughbreds in the world. Ireland is the third largest producer of thoroughbreds in the world and Irish trained and bred horses compete successfully in many of the major races worldwide. Trade in Irish-bred horses is estimated at €300 million per annum. As such, the reputation and integrity of this industry is essential.

The primary objective of the Committee in this series of meetings was to establish what systems and processes are in place in relation to drug testing in the horse racing industry and whether they match top international standards, and to discuss any policy issues arising.

As Cathaoirleach of the Committee, I would like to thank Members for their input and their commitment in bringing forward this important Report. On behalf of the Committee, I would like to express my sincere gratitude to every stakeholder that came before the Committee to give evidence in person or remotely, especially under the current circumstances. These discussions with stakeholders were critical to the development of this Report. From the series of Committee meetings, the shared commitment of all stakeholders in ensuring that the horse racing sector is a drug free sport was evident.

A handwritten signature in dark ink that reads "Jackie Cahill".

Jackie Cahill T.D.
Cathaoirleach
November 2021

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Introduction

The Joint Committee of Agriculture, Food and the Marine ('the Committee') held a series of meetings in relation to the processes and systems in place with regards to integrity in the horse racing industry. Stakeholders from the industry were invited to explain their role in the sector and what processes they have in place to ensure integrity and enforce anti-doping measures in the sport. Horse racing is a significant industry in Ireland and is especially beneficial to rural economies.

The series of meetings was held by the Committee due to commentary in the media regarding alleged issues in the horse racing industry in Ireland. The Committee felt it was important to invite the relevant stakeholders in the horse racing industry before the Committee to deal with public concerns promptly and to allow the industry to explain the processes that they currently have in place. Transparency around governance and oversight is key to maintaining and building public confidence in the industry.

Horse Racing Industry in Ireland

The horse racing industry in Ireland is governed by three major pieces of legislation:

- Irish Horseracing Industry Act 1994¹
- Horse and Greyhound Racing Act 2001²
- Horse Racing Ireland Act 2016³

Under the Horse and Greyhound Racing Act, 2001 the horse racing sector receives annual funding from the Horse and Greyhound Racing Fund. The Government allocated €76.8 million to the horse racing sector in Budget 2021.

¹ Irish Statute Book, *Irish Horseracing Industry Act 1994*, Legislation, 10 July 1994. [Link](#) to legislation.

² Irish Statute Book, *Horse and Greyhound Racing Act 2001*, Legislation, 2 July 2001. [Link](#) to legislation.

³ Irish Statute Book, *Horse Racing Ireland Act 2016*, Legislation, 8 February 2016. [Link](#) to legislation.

Stakeholders

The Joint Committee on Agriculture, Food and the Marine held three days of hearings in July 2021 and engaged with relevant stakeholders to discuss alleged issues in the horse racing industry. Table 1 below provides details of these meetings with stakeholders.

Table 1 - Joint Committee Hearings - Stakeholders / Witnesses

8 July 2021	
Horse Racing Ireland (HRI)	Mr Brian Kavanagh, CEO
Irish Horseracing Regulatory Board (IHRB)	Mr Denis Egan, CEO Dr Lynn Hillyer, Chief Veterinary Officer and Head of Equine Anti-Doping Mr Niall Cronin, Communications Manager Dr Clive Pearce, LGC Laboratories Newmarket
13 July 2021	
Irish Racehorse Trainers Association (IRTA)	Mr Michael Grassick, CEO Mr Michael Halford, Chairperson
Horse Racing Ireland (HRI)	Mr Brian Kavanagh, CEO
Irish Horseracing Regulatory Board (IHRB)	Mr Denis Egan, CEO Dr Lynn Hillyer, Chief Veterinary Officer and Head of Equine Anti-Doping Mr Niall Cronin, Communications Manager Dr Clive Pearce, LGC Laboratories Newmarket

20 July 2021

Department of Agriculture, Food and the Marine (DAFM)	Dr Kevin Smith, Assistant Secretary General
	Mr Michael Sheahan, Deputy Chief Veterinary Officer
	Mr Tim Drea, Head of Investigation Unit

Transcripts

The transcripts of the meetings of 8 July 2021,⁴ 13 July 2021⁵ and 20 July 2021⁶ are available online.

Presentations and Submissions

The presentations and submissions made to the Committee for the meetings of 8 July 2021, 13 July 2021 and 20 July 2021 are available online.⁷

⁴ Debate: Joint Committee on Agriculture and the Marine, 8 July 2021. [Link](#) to debate.

⁵ Debate: Joint Committee on Agriculture and the Marine, 13 July 2021. [Link](#) to debate.

⁶ Debate: Joint Committee on Agriculture and the Marine, 20 July 2021. [Link](#) to debate.

⁷ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Webpage. [Link](#) to webpage.

Role of Organisations in the Sector

The following section presents the role of each of stakeholders that attended Committee meetings on this topic.

Horse Racing Ireland (HRI)

Representatives of Horse Racing Ireland (HRI) appeared before the Committee on this matter on two occasions: 8 July 2021⁸ and 13 July 2021.⁹

Role:

HRI, founded in 2001, is the national authority for thoroughbred racing in Ireland. Under the Horse and Greyhound Racing Act 2001,¹⁰ HRI is responsible for the governance, development, and promotion of the industry. The Horse and Greyhound Racing Fund was also established under this Act which provides annual public funding to HRI and Rásaíocht Con Éireann (RCÉ) for the purpose of giving support to Ireland's horse and greyhound racing industries.

The Horse Racing Ireland Act 2016¹¹ provides that HRI is responsible for the overall administration, governance, development and promotion of the Irish horse racing industry and for guaranteeing funding to the Irish Horseracing Regulatory Board (IHRB) to carry out its functions through an Integrity Services Budget which is agreed annually by the board of HRI. Under the terms of the Horse Racing Ireland Act 2016, the board of HRI consists of a Chairman and 13 ordinary members, representing key sectors of the Irish racing and breeding industry. HRI's board members include representatives from IHRB and the Irish Racehorse Trainers Association (IRTA).

HRI represents Ireland on international racing bodies including the International Federation of Horseracing Authorities, the European and Mediterranean Federation of Horseracing Authorities and the European Pattern Committee.

⁸ Horse Racing Ireland, Debate: Joint Committee on Agriculture and the Marine, 8 July 2021. [Link](#) to debate.

⁹ Horse Racing Ireland, Debate: Joint Committee on Agriculture and the Marine, 13 July 2021. [Link](#) to debate.

¹⁰ Irish Statute Book, *Horse and Greyhound Racing Act 2001*, Legislation, 2 July 2001. [Link](#) to legislation.

¹¹ Irish Statute Book, *Horse Racing Ireland Act 2016*, Legislation, 8 February 2016. [Link](#) to legislation.

Irish Horseracing Regulatory Board (IHRB)

Representatives of the Irish Horseracing Regulatory Board (IHRB) appeared before the Committee on this matter on two occasions: 8 July 2021¹² and 13 July 2021.¹³

Role:

The IHRB, founded in 2018, is the regulatory body for all horse racing in Ireland. The IHRB is a company limited by guarantee set up by the Turf Club (which was established in 1790) and the Irish National Hunt Steeplechase Committee (which was established in 1866) for the purpose of carrying out the regulatory and licensing functions for horse racing in Ireland. The IHRB has continued to develop the professional services provided by these two bodies in the regulation of Irish horse racing for over 200 years.

Section 39 of the Irish Horse Racing Industry Act 1994¹⁴ (as amended) provides that the IHRB, as the Racing Regulatory Body, shall:

- regulate horseracing,
- make and enforce the Rules of Racing and in so doing to promote integrity and fair play in horseracing,
- provide adequate integrity services for horseracing, and
- license racecourses under the Rules of Racing.

The IHRB operates under a service level agreement with HRI in relation to the provision of integrity services. The IHRB informed the Committee that they are in regular contact with HRI in relation to budgetary or integrity related matters. The IHRB has representatives on the HRI board. The IHRB is responsible for employing racing officials, doping control and forensics and representing Ireland internationally in the context of their functions.

¹² Irish Horseracing Regulatory Board, Debate: Joint Committee on Agriculture and the Marine, 8 July 2021. [Link](#) to debate.

¹³ Irish Horseracing Regulatory Board, Debate: Joint Committee on Agriculture and the Marine, 13 July 2021. [Link](#) to debate.

¹⁴ Irish Statute Book, *Irish Horseracing Industry Act 1994*, Legislation, 10 July 1994. [Link](#) to legislation.

The IHRB is also in regular contact with the Investigation Division in DAFM due to the recent introduction of Authorised Officers in the IHRB. As of 21 May 2021, 12 IHRB officials have been appointed as Authorised Officers under the Animal Remedies Act 1993¹⁵ by DAFM. An Authorised Officer can identify and sample any thoroughbred at any time and in any place and they have the authority to seize products, documentation, or other evidence as necessary.

Irish Racehorse Trainers Association (IRTA)

Representatives of the Irish Racehorse Trainers Association (IRTA) appeared before the Committee on 13 July 2021.¹⁶

Role:

The IRTA, founded in 1950, is the official representative body of Irish Racehorse Trainers and is an inclusive all island association. The IRTA plays a role in the Irish horse racing training sector by assisting and addressing any issues of concern that may arise from their Members. Trainers who may experience any difficulty with rules or general issues with the IHRB or HRI can approach the IRTA and it will act on their behalf to help resolve their concerns. They will also, on request, represent the trainer at IHRB appeal hearings. The IRTA has a representative on the HRI board.

Department of Agriculture, Food and the Marine (DAFM)

Officials from the Department of Agriculture, Food and the Marine (DAFM) appeared before the Committee on 20 July 2021.¹⁷

Role:

DAFM provides public funding annually to HRI under Section 12 of the Horse and Greyhound Racing Act 2001.¹⁸ HRI is a commercial state body which falls under the aegis of the Department. In Budget 2021, €96m was allocated to the Horse and Greyhound Racing Fund of which €76.8m was allocated to HRI. DAFM's oversight of

¹⁵ Irish Statute Book, *Animal Remedies Act 1993*, Legislation, 14 July 1993. [Link](#) to legislation.

¹⁶ Irish Racehorse Trainers Association, Debate: Joint Committee on Agriculture and the Marine, 13 July 2021. [Link](#) to debate.

¹⁷ Department of Agriculture, Food and the Marine, Debate: Joint Committee on Agriculture and the Marine, 20 July 2021. [Link](#) to debate.

¹⁸ Irish Statute Book, *Horse and Greyhound Racing Act 2001*, Legislation, 2 July 2001. [Link](#) to legislation.

the role of HRI is provided through a Shareholder's Letter of Expectation, HRI Strategic Plan, compliance with the Code of Governance for State Bodies, and regular liaison meetings. Under the terms of the Horse Racing Ireland Act 2016,¹⁹ the Minister of Agriculture, Food and the Marine appoints the Chairman and ordinary members of board of HRI. On the current HRI board, the Minister has two appointees as ordinary members.

With regards to investigations in the horse racing industry, DAFM's role has changed slightly. DAFM's Investigations Division supports the work of IHRB through a Memorandum of Understanding and has provided training material as well as an Official as a consultant to the IHRB's newly formed team of Authorised Officers.

¹⁹ Irish Statute Book, *Horse Racing Ireland Act 2016*, Legislation, 8 February 2016. [Link](#) to legislation.

Themes arising

Governance

Financial resources

In 2017, HRI commissioned a report from Deloitte on the ‘Economic Impact of Irish Breeding and Racing’.²⁰ This report showed that employment from the core breeding and racing industry, off-course betting and arising from secondary expenditure resulted in circa 28,500 jobs and generated €1.84 billion. The horse racing industry brings employment opportunities to rural areas as well as benefitting Ireland’s economy. As a result of this, successive Governments have acknowledged the importance of the thoroughbred horse racing industry and have supported it through legislation and policy. According to DAFM, the continued support provided by public funds through investment in the industry has enabled Ireland to develop a world class reputation for excellence in thoroughbred horse racing and breeding.

Horse and Greyhound Racing Act 2001

In the period 2001 to date, a total of €1.46 billion has been paid from the Horse and Greyhound Racing Fund to the horse and greyhound racing industries in accordance with the provisions of this Act. In accordance with section 12(6) of the Horse and Greyhound Racing Act 2001, the €96 million allocated in Budget 2021 was distributed with 80%, or just over €76.8 million, going to HRI and 20%, or €19.2 million, going to Rásaíocht Con Éireann (RCÉ).

In HRI’s 2019 Annual Report, around 65% of HRI’s income was from funding received from the ‘Horse and Greyhound Racing Fund’. The HRI also receives income from Tote Ireland, racecourses, foal levies, sponsors, etc. (more information can be found in HRI’s ‘Annual Report 2019’²¹). DAFM’s oversight of the HRI is provided through a Shareholder’s Letter of Expectation, HRI’s Strategic Plan, compliance with the Code of Governance for State Bodies, and regular liaison meetings.

²⁰ Horse Racing Ireland, *Economic Impact of Irish Breeding and Racing*, Report, 2017. [Link](#) to report.

²¹ Horse Racing Ireland, *Annual Report 2019*, Report, 2020. [Link](#) to report.

In HRI's budget for 2021 it provided €9.6 million to the IHRB for the provision of integrity services. According to HRI, their spending on doping control has increased by 27% in the last four years and they have advised IHRB that funding will never be an issue for meaningful initiatives to improve capability or increase capacity in this area.

Board structures

Horse Racing Ireland (HRI)

The board of HRI was established through the Horse and Greyhound Act 2001. HRI's board structure is determined by the Horse Racing Ireland Act 2016. Under its terms, the board of HRI shall consist of a Chairman and 13 ordinary members which shall be appointed by the Minister for Agriculture, Food and the Marine, having regard to creating a balance between the different interests in the horseracing industry. Membership of the HRI board includes two IHRB representatives and one IRTA representative. (More information can be found on HRI's website²²).

Irish Horseracing Regulatory Board (IHRB)

From 1 January 2018, the IHRB is the regulatory body for all horseracing in Ireland. IHRB is a company limited by guarantee set up by the Turf Club (established 1790) and the Irish National Hunt Steeplechase Committee (established 1866) for the purpose of carrying out the regulatory and licensing functions for Irish horseracing. There are six directors on the board of the IHRB, three of whom are nominees of the Turf Club, and three of whom are nominees of the Irish National Hunt Steeplechase Committee. (More information can be found on the IHRB's website²³). The Committee raised their concerns about a lack of independence and gender balance on the current composition of the IHRB board. The IHRB should work with HRI and DAFM to address the lack of independence and gender balance.

It is the Committee's view that DAFM should review legislation in relation to the IHRB's statutory functions and examine the current governance and structure in place. As the IHRB receives public funding to provide a regulatory role in horse racing in Ireland, it should be considered if legislation should be altered to reclassify

²² Horse Racing Ireland, *The Board Members of Horse Racing Ireland*, Webpage. [Link](#) to webpage.

²³ Irish Horseracing Regulatory Board, *Organisation Structure*, Webpage. [Link](#) to webpage.

the IHRB as a semi state body under the aegis of DAFM to ensure complete transparency in its governance. The IHRB should be directly funded and independent of HRI, with clear distinction between the organisations. Transparency in the operation and structure of the IHRB, as the independent regulator of the horse racing industry, could help increase public confidence in the integrity of the sport.

Contracts of Employment:

Salaries of members of HRI are made public as HRI is a semi state body under the aegis of DAFM. The IHRB is an independent regulator and is contracted by HRI to provide integrity services in the horse racing sector. HRI and IHRB report their Chief Executive Officers' salaries to the Minister of Agriculture, Food and the Marine. HRI salaries can be published publicly as it's a semi state body whereas the IHRB is not a semi state body and can provide limited transparency. Both organisations are audited annually by the Comptroller & Auditor General. In the course of these meetings the Committee highlighted the issue of lack of transparency in the salaries in the IHRB which is a body that is funded by public monies. The Committee believe that any future contracts of employment should specify that employees' income bands can be made available publicly, in line with all other public service bodies and employees.

Integrity services

As the regulator of Irish horse racing and the provider of integrity services, the IHRB has an anti-doping programme in place. Testing is the main part of the IHRB's programme, however, intelligence and information gathering also plays an essential role.

Authorised Officer

As of 21 May 2021, 12 IHRB officials were appointed as Authorised Officers under the Animal Remedies Act 1993²⁴ by DAFM. Five out of the 12 Authorised Officers are veterinary surgeons. An Authorised Officer can identify and sample any thoroughbred at any time and in any place and have the authority to seize products, documentation or other evidence as necessary. The Department provided training

²⁴ Irish Statute Book, *Animal Remedies Act 1993*, Legislation, 14 July 1993. [Link](#) to legislation.

material to the IHRB on the role of an Authorised Officer and the IHRB have a consultant from the DAFM on retainer to act as a mentor for the team. The Committee recommends that a copy of the manual, when it is finalised, is sent to the Committee, HRI, DAFM and the IRTA for full transparency in their procedures.

Type of testing samples:

The IHRB described to the Committee the testing processes that they currently have in place. The IHRB sample horses both on and off the racecourse and use three testing methods: blood, urine, and hair testing. The IHRB informed the Committee that they are the first racing authority to take hair samples routinely on the racecourse. Hair samples allow the IHRB to take samples in a more non-invasive way. The IHRB stated that hair testing gives them more confidence in the blood and urine results as it provides more of an understanding of how long the drug has been in the horse's system or for how long the horse has been exposed to it. However, each of these testing methods has its own strengths and weaknesses. Some substances are more readily detectable in different testing methods.

The IHRB confirmed that a blood sample must be taken by a veterinary surgeon, whereas hair or urine sample can be taken by non veterinary surgeons. With regards to which form of sample is best, the IHRB informed the Committee that they are all beneficial and that the use of the three methods can allow the IHRB to detect a range of thousands of substances for varying lengths of time.

Process of testing:

Sampling is witnessed by a representative of the person responsible for the horse. The test sample is split into an "A" and a "B" portion, anonymised with a number and then sealed in a tamper proof bottle. The IHRB confirmed that from the moment a sample is taken it given an anonymous number, not the name of the horse or the person responsible for the horse.

The IHRB use an app-based system which they stated ensures integrity, real time data transfer and minimises the risk of human error. In the presence of the person responsible for the horse, the samples are sealed into a locked box and transported

under chain of custody to a secure unit, prior to being couriered to the IHRB's lab provider, LGC Laboratories.

The Committee were informed that the laboratory has detailed procedures in place to ensure that the sample numbers received correspond with the anonymised consignment record sent immediately when the sample is taken, and that none of the sample bottles have been tampered with. The IHRB informed the Committee that all samples are analysed, and screening results are reported to the IHRB within 7 working days.

Analysis of a sample happens in two stages:

1. screening, which gives the first part of the substance's fingerprint; and
2. confirmatory analysis, which definitively identifies the substance.

If a screening finding is reported, the IHRB's veterinary team initiate an investigation. This can involve an unannounced inspection of the yard with sampling of the case horse and other horses, review of veterinary records and interviews of licensees involved.

The trainer has the option of counter-analysis of the "B" portion at a separate certified laboratory and if the adverse analytical finding is confirmed, or if the trainer accepts the results of the "A" portion, the matter is then dealt with by an IHRB Disciplinary Committee. The IHRB state that all adverse analytical findings for prohibited substances are prosecuted via a disciplinary procedure. The trainer of the horse has the right of appeal against any penalty and can request the IRTA to represent them in their appeal.

Results:

At the Committee's meeting on 8 July 2021, the IHRB informed the Committee that to date in 2021 they had taken 2,449 samples. 72% of these samples were taken on the racecourse and at point-to-point meets and the remaining 28% were taken as part of the out-of-competition testing programme. The IHRB stated that the vast majority of results are negative. Of the 2,449 test samples taken this year, 10 Adverse Analytical Findings (AAF) were confirmed, none of which involved

substances that are prohibited. The IHRB present a detailed Equine Anti-Doping Report to HRI biannually. The first report was published in July 2021, and the IHRB confirmed that future reports will be published. The Committee recommends that an independent review is conducted in relation to the current processes in place by an individual from another horse racing authority internationally. The Committee supports the testing system currently in place, however, this review is to ensure that Ireland's procedures match international best practices. The Committee also recommends that DAFM consider developing a testing capacity in Ireland and to build national expertise in testing.

CCTV at racecourses:

HRI has provided funding to the IHRB for the installation of CCTV in stable yards in Irish racecourses as part of their agreement for the provision of integrity services in horse racing. This is to add an additional layer of security to the IHRB's existing anti-doping measures. The IHRB informed the Committee that there has been delays in the installation of CCTV in each racecourse due to money being reallocated elsewhere. At the time of the Committee's meeting in July 2021, the CCTV system was in the process of public procurement and tenders were being evaluated. The Committee expressed the need for urgency in having these systems in place in all racecourses. The IHRB confirmed that they aim to have CCTV in place on all racecourses prior to the commencement of the 2022 racing season. The Committee requests that the IHRB provides a quarterly update to it regarding progress made in the installation of CCTV.

Information Disclosures:

The Committee queried what systems the IHRB have in place with regards to intelligence leads or whistleblowing on alleged equine doping. They confirmed that they have a confidential hotline in place which is managed by the head of legal licensing compliance in the IHRB and that all leads are given to the investigation team. The IHRB informed the Committee that they assess and log every single piece of information, in whatever format that they receive it, into a database for future reference. The IHRB stated that a piece of information could come in which, on its own, would not seem to make much sense but it might make sense two months later

when it is put together with another piece of information. The IHRB investigate based on the information that they receive and what they gather themselves.

The Committee welcomed engagement on this issue with the IHRB and supports their system of following up on all information leads that they receive to ensure integrity in Irish horse racing. Such a system should encourage anyone with concerns to come forward in confidence with any information. It is the Committee's view that a robust system to ensure that all leads are followed up and reduce the risk of any information being mislaid is of utmost importance.

Equine Traceability

The issue of traceability in the overall horse population in Ireland was highlighted several times in the series of meetings. Currently in Ireland there are three aspects to the identification system for horses:

1. An equine (horse) passport, which is valid for the horse's lifetime
2. A microchip implant, which links the animal to the passport
3. A Unique Equine Life Number (UELN)

There are currently seven passport-issuing organisations approved by DAFM²⁵ to maintain studbooks and to issue passports for registered equines. When a horse dies, the owner should return its passport to the issuing body so that its details on the database can be updated. The Committee recommends that DAFM should examine the current passport-issuing systems in place and consider streamlining the system by having a central database for all equine passports to decrease errors and perhaps passport costs.

Thoroughbred stock

Improvements to registration have been made in the horse racing sector and among the thoroughbred population. DAFM informed the Committee that the thoroughbred sector has a high-level compliance in microchips, with nearly 100% of the thoroughbred population microchipped. HRI informed the Committee that this year's

²⁵ Department of Agriculture, Food and the Marine, *Equine Passports and Microchips*, Webpage, 27 May 2020. [Link](#) to webpage.

foal stock was the first crop to be issued with an e-passport. The e-passport provides the ability to record historical movement, real-time movement and future scheduling of movement which will allow greater traceability in comparison to paper passports. A working group comprising of HRI, IHRB, DAFM and Weatherby's, who operate the thoroughbred stud book, is working to complete the circle with regards to traceability of horses at stud and in breeding farms.

Online traceability system

During the meeting with DAFM, the Animal Identification and Movement (AIM) system used for cattle was raised by the Committee. This online traceability system for cattle in Ireland is first class in monitoring every movement of cattle throughout their lives. A similar online traceability system should be put in place for horses in order to have an accurate figure of horse stock in Ireland as well as making it possible to track a horse's movement throughout its life. Currently, when arriving to a stable yard, the IHRB cannot know for certain the number of horses on site unless they are registered in the Weatherby's stud book. DAFM stated at a meeting that they plan to have an equine census carried out by the end of this year. The Committee welcomes the recent announcement²⁶ that DAFM will undertake the first annual equine census at end of November 2021.

It is the view of the Committee that the current system needs to be updated, with a move from a paper-based to an online system, as there are potential discrepancies in the current system. A central database similar to the AIM system would provide data on the number of horses in Ireland, horse ownership details, track the movements of every horse through its life and record if they are exported to another jurisdiction. The Committee is concerned that there might be traceability gaps in the current system and how equine passports are monitored throughout the lives of horses. The Committee recommends that electronic passports should be implemented for all horses in Ireland.

²⁶ Department of Agriculture, Food and the Marine, *Minister McConalogue announces Equine Census 2021*, Press Release, 6 September 2021. [Link](#) to press release.

International Context

Despite its small size, Ireland plays a significant role globally in the horse racing and breeding industries. Ireland is the third largest producer of thoroughbreds in the world and Irish trained and bred horses compete successfully in many of the major races worldwide. According to HRI, Ireland proportionally races more horses overseas than any other country. In 2019, 1,733 Irish trained horses raced in the UK, France, Germany, United States, Hong Kong and Japan and were tested under various international regimes. No adverse findings were returned from these tests. Ireland is a full signatory to Article 6 of the International Agreement on Racing and Breeding. This is a formal agreement between global horse racing authorities which commits countries to meeting best international standards in drug testing and forensics.

At a meeting the IHRB informed the Committee that they are the first racing authority to take hair samples routinely on the racecourse. The IHRB has also increased its out-of-competition testing in line with best international practice. As these horses spend the majority of their time at home it is essential that the IHRB has testing coverage during this time period too. The IHRB has increased this testing from 7% in 2016 to 18% in 2019 and confirmed to the Committee that it is now approximately 28%. The Committee was informed that the recent appointment of 12 Authorised Officers in the IHRB is ground breaking as no other racing authority has the ability to identify and sample any thoroughbred at any time and in any place, and have the authority to seize products, documentation, or other evidence as necessary. The Committee hopes that the IHRB will continue to develop their testing systems and continue to increase the number of testing on race days and non-race days.

Other Regulatory Bodies internationally

At the Committee's meetings the governance of the American horse racing regulatory body was raised as a sample of best practice of an independent board. The United States has recently put in place a new governing body under the Horseracing Integrity and Safety Act which came into effect in December 2020. From this Act the Horseracing Integrity and Safety Authority (HISA)²⁷ was created with the

²⁷ Horseracing Integrity and Safety Authority, Board of Directors, Webpage. [Link](#) to webpage.

responsibility for developing, implementing, and enforcing a series of uniform anti-doping, medication control, racetrack safety and operational rules to enhance equine safety and protect the integrity of the horse racing sport.

In the formation of the board of directors and sub committees of HISA, nominees were considered from within and outside of the industry. The board of directors is comprised of five members from outside of the thoroughbred horse industry and four industry representatives. HISA's standing committees, the Anti-Doping and Medication Control Standing Committee and the Racetrack Safety Standing Committee, are both comprised of four independent members and three industry members. Members of the board of directors and standing committees underwent a comprehensive screening process, and the members of the board of directors and any independent member of a standing committee are subject to HISA's strict conflict of interest restrictions to ensure the Authority's independence and integrity. The Committee believes that such a governance structure, comprising a certain number of independent members from outside of the horse racing industry, provides an example of best practice and calls on the IHRB to take steps to improve the independence and gender balance of its board.

BBC Panorama documentary

The evening prior to the final Committee meeting on 20 July 2021 a Panorama documentary²⁸ was aired by BBC in relation to the treatment of racehorses after retirement. Although Members highlighted their concerns arising from watching this documentary at the Committee's meeting with DAFM officials, the focus of this meeting was on the systems and processes in place to prevent equine doping in the horse racing industry, as set out in the meeting agenda which was agreed weeks before the documentary aired. Accordingly, this Report is focused on the issue of anti-doping measures in the horse racing industry and the concerns and issues discussed in the documentary have been added to the Committee's Work Programme for future consideration.

²⁸ BBC Panorama, *The Dark Side of Horse Racing*, Documentary, 19 July 2021.

Recommendations, observations and conclusions

1. The Committee recognises the importance of the integrity services that the IHRB provides in the horse racing industry. However, as the IHRB is funded by public money, the Committee recommends that the IHRB board composition be reviewed and that the lack of independent members and the lack of gender balance be examined. A clear policy on the composition of the board would help build public confidence in the integrity of the horse racing sector. A clear policy and transparency on any potential conflicts of interest of board members should also be put in place. The Committee suggests that the board structure of the new governance regulatory body in the United States could be used as an example in this regard. With regards to the composition of the board, the Committee recommends that a majority of independent members be appointed to the board by the Minister of Agriculture, Food and the Marine.
2. It's the Committee's view that DAFM should review legislation in relation to the statutory functions of the IHRB and examine the current governance structure in place, with input from anti-doping organisations and horse-racing authorities internationally. As the IHRB receives public funding to provide a regulatory role in horse racing in Ireland, it should be considered if legislation should be altered to reclassify the IHRB as a semi state body under the aegis of DAFM to ensure complete transparency in its governance. The Committee recommends that a full and transparent set of accounts need to be published by the board of the IHRB annually.
3. As the IHRB's annual budget is funded by public money, the Committee believes that any future contracts of employment should specify that employees' income bands can be made available publicly, in line with all other public service bodies and employees.
4. The Committee supports the work of the IHRB and the developments that they have made in their testing capacity and processes. However, the

Committee believes that an independent review of the horse racing industry by an outside body is needed to ensure that Ireland's procedures match international best practices. This review by the independent body should also include a full audit of all tests previously carried out with particular reference to:

- a. The number of samples taken, and laboratory tests carried out, with a clear indication of the correlation between these two numbers going back over the past 5 years;
 - b. Where, when & how the samples were acquired;
 - c. Which substances were tested for;
 - d. Was each sample tested individually or group tested; and
 - e. What actions, if any, were taken based on these test results.
5. It is the Committee's view that DAFM needs to employ vets and technicians to manage and oversee the sampling of racehorses when it comes to testing for doping and ensure that the most modern and comprehensive testing regime is in place both before, during and after the race meeting. At race meets, all favourites and those finishing in the top five of any race must be mandatorily tested after the race by taking hair samples. There must also be a point on the track prior to the start of the race at the stall or before the start tape that random samples can be taken, taking into full account animal welfare.
 6. The Committee welcomes the recent introduction of Authorised Officers in the IHRB and hopes that it will assist the IHRB in increasing their testing capacity. When the Authorised Officer Manual is finalised the Committee requests that a copy is provided to the Committee. The Committee also requests more information on the type, quality, frequency and content of the training provided to the IHRB Authorised Officers previously along with a detailed plan for all future proposed training.
 7. The IHRB confirmed that they aim to have CCTV in place on all racecourses prior to the commencement of the 2022 racing season. The Committee believes that this is a matter of urgency and will be monitoring its progress.

The Committee requests that the IHRB provide quarterly updates on progress made in installing CCTV.

8. As Ireland has a large horse racing industry, the Committee recommends that DAFM considers developing laboratory testing capacity in Ireland to build national expertise in testing as well as employment opportunities in this field. The Committee recommends that the laboratory testing must be carried out by independent sources: a laboratory in the proposed new National Equine Centre under the control of racing authorities would not be acceptable.
9. The Committee supports the IHRB commitment to following up on all information leads. The Committee recommends that a robust system is in place between the organisations and in the IHRB itself to ensure that all information and leads are received and considered.
10. The Committee recommends that DAFM examines the current equine passport-issuing systems in place and considers streamlining the system by having a central database for all equine passports to decrease errors and passport costs.
11. Full traceability of all horses via an electronic system, like the AIM system for cattle, needs to be introduced by DAFM immediately. A database that can provide data on the number of horses in Ireland, horse ownership details, track the movements of every horse through its life and record if they are exported to another jurisdiction is essential for animal welfare and public health. The Committee is concerned that there might be traceability gaps in the current system and recommends that electronic passports should be implemented for all horses in Ireland. Responsibility for the location of the horse should rest with the person authorised to be in control of the horse, for example a trainer, and all overnight movements of the horse must be accounted for at all times.

Appendix 1: Terms of Reference

Scope and context of activities of Select Committees (DSO 94 and SSO 70)

DSO 94

- (1) The Dáil may appoint a Select Committee to consider and, if so permitted, to take evidence upon any Bill, Estimate or matter, and to report its opinion for the information and assistance of the Dáil. Such motion shall specifically state the orders of reference of the Committee, define the powers devolved upon it, fix the number of members to serve on it, state the quorum, and may appoint a date upon which the Committee shall report back to the Dáil.
- (2) It shall be an instruction to each Select Committee that—
 - (a) it may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders;
 - (b) such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil;
 - (c) it shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Petitions in the exercise of its functions under Standing Order 125(1) ¹; and
 - (d) it shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
 - (i) a member of the Government or a Minister of State, or
 - (ii) the principal office-holder of a State body within the responsibility of a Government Department or
 - (iii) the principal office-holder of a non-State body which is partly funded by the State,

Provided that the Committee may appeal any such request made to the Ceann Comhairle, whose decision shall be final.

- (3) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice to the Business Committee by a Chairman of one of the Select Committees concerned, waives this instruction.

¹ Retained pending review of the Joint Committee on Public Petitions.

SSO 70

- (1) The Seanad may appoint a Select Committee to consider any Bill or matter and to report its opinion for the information and assistance of the Seanad and, in the case of a Bill, whether or not it has amended the Bill. Such motion shall specifically state the orders of reference of the Committee, define the powers devolved upon it, fix the number of members to serve on it, state the quorum thereof, and may appoint a date upon which the Committee shall report back to the Seanad.
- (2) It shall be an instruction to each Select Committee that—
 - (a) it may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders;
 - (b) such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Seanad;
 - (c) it shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Petitions in the exercise of its functions under Standing Order 108 (1) ¹; and
 - (d) it shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
 - (i) a member of the Government or a Minister of State, or
 - (ii) the principal office-holder of a State body within the responsibility of a Government Department, or
 - (iii) the principal office-holder of a non-State body which is partly funded by the State,

Provided that the Committee may appeal any such request made to the Cathaoirleach, whose decision shall be final.

¹ Retained pending review of the Joint Committee on Public Petitions

Functions of Departmental Select Committees (DSO 95 and SSO 71)

DSO 95

- (1) The Dáil may appoint a Departmental Select Committee to consider and, unless otherwise provided for in these Standing Orders or by order, to report to the Dáil on any matter relating to—
 - (a) legislation, policy, governance, expenditure and administration of—
 - (i) a Government Department, and
 - (ii) State bodies within the responsibility of such Department, and
 - (b) the performance of a non-State body in relation to an agreement for the provision of services that it has entered into with any such Government Department or State body.
- (2) A Select Committee appointed pursuant to this Standing Order shall also consider such other matters which—
 - (a) stand referred to the Committee by virtue of these Standing Orders or statute law, or
 - (b) shall be referred to the Committee by order of the Dáil.
- (3) The principal purpose of Committee consideration of matters of policy, governance, expenditure and administration under paragraph (1) shall be—
 - (a) for the accountability of the relevant Minister or Minister of State, and
 - (b) to assess the performance of the relevant Government Department or of a State body within the responsibility of the relevant Department, in delivering public services while achieving intended outcomes, including value for money.
- (4) A Select Committee appointed pursuant to this Standing Order shall not consider any matter relating to accounts audited by, or reports of, the Comptroller and Auditor General unless the Committee of Public Accounts—
 - (a) consents to such consideration, or
 - (b) has reported on such accounts or reports.
- (5) A Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann to be and act as a Joint Committee for the purposes of paragraph (1) and such other purposes as may be specified in these Standing Orders or by order of the Dáil: provided that the Joint Committee shall not consider—
 - (a) the Committee Stage of a Bill,
 - (b) Estimates for Public Services, or

- (c) a proposal contained in a motion for the approval of an international agreement involving a charge upon public funds referred to the Committee by order of the Dáil.
- (6) Any report that the Joint Committee proposes to make shall, on adoption by the Joint Committee, be made to both Houses of the Oireachtas.
- (7) The Chairman of the Select Committee appointed pursuant to this Standing Order shall also be Chairman of the Joint Committee.
- (8) Where a Select Committee proposes to consider—
 - (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 133, including the compliance of such acts with the principle of subsidiarity,
 - (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
 - (c) non-legislative documents published by any EU institution in relation to EU policy matters, or
 - (d) matters listed for consideration on the agenda for meetings of the relevant Council (of Ministers) of the European Union and the outcome of such meetings,

the following may be notified accordingly and shall have the right to attend and take part in such consideration without having a right to move motions or amendments or the right to vote:

- (i) members of the European Parliament elected from constituencies in Ireland,
 - (ii) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
 - (iii) at the invitation of the Committee, other members of the European Parliament.
- (9) A Select Committee appointed pursuant to this Standing Order may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department consider—
 - (a) such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and
 - (b) such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select: Provided that the provisions of Standing Order 130 apply where the Select Committee has not considered the Ombudsman report, or a portion or portions thereof, within two months (excluding Christmas, Easter or summer recess periods) of the report being laid before either or both Houses of the Oireachtas.²

² Retained pending review of the Joint Committee on Public Petitions.

SSO 71

- (1) The Seanad may appoint a Departmental Select Committee to consider and, unless otherwise provided for in these Standing Orders or by order, to report to the Seanad on any matter relating to—

- (a) legislation, policy, governance, expenditure and administration of-
 - (i) a Government Department, and
 - (ii) State bodies within the responsibility of such Department, and
 - (b) the performance of a non-State body in relation to an agreement for the provision of services that it has entered into with any such Government Department or State body.
- (2) A Select Committee appointed pursuant to this Standing Order shall also consider such other matters which –
- (a) stand referred to the Committee by virtue of these Standing Orders or statute law, or
 - (b) shall be referred to the Committee by order of the Seanad.
- (3) The principal purpose of Committee consideration of matters of policy, governance expenditure and administration under paragraph (1) shall be—
- (a) for the accountability of the relevant Minister or Minister of State, and
 - (b) to assess the performance of the relevant Government Department or a State body within the responsibility of the relevant Department, in delivering public services while achieving intended outcomes, including value for money.
- (4) A Select Committee appointed pursuant to this Standing Order shall not consider any matter relating to accounts audited by, or reports of, the Comptroller and Auditor General unless the Committee of Public Accounts—
- (a) consents to such consideration, or
 - (b) has reported on such accounts or reports.
- (5) A Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Dáil Éireann to be and act as a Joint Committee for the purposes of paragraph (1) and such other purposes as may be specified in these Standing Orders or by order of the Seanad: provided that the Joint Committee shall not consider-
- (a) the Committee Stage of a Bill,
 - (b) Estimates for Public Services, or
 - (c) a proposal contained in a motion for the approval of an international agreement involving a charge upon public funds referred to the Committee by order of the Dáil.

- (6) Any report that the Joint Committee proposes to make shall, on adoption by the Joint Committee, be made to both Houses of the Oireachtas.
- (7) The Chairman of a Joint Committee appointed pursuant to this Standing Order shall be a member of Dáil Éireann.
- (8) Where a Select Committee proposes to consider—
 - (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 116, including the compliance of such acts with the principle of subsidiarity,
 - (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action, non-legislative documents published by any EU institution in relation to EU policy matters, or
 - (d) matters listed for consideration on the agenda for meetings of the relevant EC Council (of Ministers) of the European Union and the outcome of such meetings,

the following may be notified accordingly and shall have the right to attend and take part in such consideration without having a right to move motions or amendments or the right to vote:

- (i) members of the European Parliament elected from constituencies in Ireland,
 - (ii) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
 - (iii) at the invitation of the Committee, other members of the European Parliament.
- (9) A Select Committee appointed pursuant to this Standing Order may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department consider—
 - (a) such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and
 - (b) such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select: Provided that the provisions of Standing Order 113 apply where the Select Committee has not considered the Ombudsman report, or a portion or portions thereof, within two months (excluding Christmas, Easter or summer recess periods) of the report being laid before either or both Houses of the Oireachtas.²

² Retained pending review of the Joint Committee on Public Petitions.

Powers of Select Committees (DSO 96 and SSO 72)

DSO 96

Unless the Dáil shall otherwise order, a Committee appointed pursuant to these Standing Orders shall have the following powers:

- (1) power to invite and receive oral and written evidence and to print and publish from time to time—
 - (a) minutes of such evidence as was heard in public, and
 - (b) such evidence in writing as the Committee thinks fit;
- (2) power to appoint sub-Committees and to refer to such sub-Committees any matter comprehended by its orders of reference and to delegate any of its powers to such sub-Committees, including power to report directly to the Dáil;
- (3) power to draft recommendations for legislative change and for new legislation;
- (4) in relation to any statutory instrument, including those laid or laid in draft before either or both Houses of the Oireachtas, power to—
 - (a) require any Government Department or other instrument-making authority concerned to—
 - (i) submit a memorandum to the Select Committee explaining the statutory instrument, or
 - (ii) attend a meeting of the Select Committee to explain any such statutory instrument: Provided that the authority concerned may decline to attend for reasons given in writing to the Select Committee, which may report thereon to the Dáil, and
 - (b) recommend, where it considers that such action is warranted, that the instrument should be annulled or amended;
- (5) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss—
 - (a) policy, or
 - (b) proposed primary or secondary legislation (prior to such legislation being published),

for which he or she is officially responsible: Provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such policy or proposed legislation;

- (6) power to require that a member of the Government or Minister of State shall attend before the Select Committee and provide, in private session if so requested by the attendee, oral briefings in advance of meetings of the relevant EC Council (of Ministers) of the European Union to enable the Select Committee to make known its views: Provided that the Committee may also require such attendance following such meetings;
- (7) power to require that the Chairperson designate of a body or agency under the aegis of a Department shall, prior to his or her appointment, attend before the Select Committee to discuss his or her strategic priorities for the role;
- (8) power to require that a member of the Government or Minister of State who is officially responsible for the implementation of an Act shall attend before a Select Committee in relation to the consideration of a report under Standing Order 197;
- (9) subject to any constraints otherwise prescribed by law, power to require that principal officeholders of a—
 - (a) State body within the responsibility of a Government Department or
 - (b) non-State body which is partly funded by the State,

shall attend meetings of the Select Committee, as appropriate, to discuss issues for which they are officially responsible: Provided that such an office-holder may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil; and

- (10) power to—
 - (a) engage the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters; and
 - (b) undertake travel;

Provided that the powers under this paragraph are subject to such recommendations as may be made by the Working Group of Committee Chairmen under Standing Order 120(4)(a).

SSO 72

Unless the Seanad shall otherwise order, a Committee appointed pursuant to these Standing Orders shall have the following powers:

- (1) power to invite and receive oral and written evidence and to print and publish from time to time –
 - (a) minutes of such evidence as was heard in public, and
 - (b) such evidence in writing as the Committee thinks fit;
- (2) power to appoint sub-Committees and to refer to such sub-Committees any matter comprehended by its orders of reference and to delegate any of its powers to such sub-Committees, including power to report directly to the Seanad;
- (3) power to draft recommendations for legislative change and for new legislation;
- (4) in relation to any statutory instrument, including those laid or laid in draft before either or both Houses of the Oireachtas, power to –
 - (a) require any Government Department or other instrument making authority concerned to –
 - (i) submit a memorandum to the Select Committee explaining the statutory instrument, or
 - (ii) attend a meeting of the Select Committee to explain any such statutory instrument: provided that the authority concerned may decline to attend for reasons given in writing to the Select Committee, which may report thereon to the Seanad, and
 - (b) recommend, where it considers that such action is warranted, that the instrument should be annulled or amended;
- (5) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss–
 - (a) policy, or
 - (b) proposed primary or secondary legislation (prior to such legislation being published),

for which he or she is officially responsible: provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Seanad: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such policy or proposed legislation;
- (6) power to require that a member of the Government or Minister of State shall attend before the Select Committee and provide, in private session if so requested by the attendee, oral briefings in advance of meetings of the relevant EC Council (of Ministers) of the European Union to enable the Select Committee to make known its views: Provided that the Committee may also require such attendance following such meetings;

- (7) power to require that the Chairperson designate of a body or agency under the aegis of a Department shall, prior to his or her appointment, attend before the Select Committee to discuss his or her strategic priorities for the role;
- (8) power to require that a member of the Government or Minister of State who is officially responsible for the implementation of an Act shall attend before a Select Committee in relation to the consideration of a report under Standing Order 168;
- (9) subject to any constraints otherwise prescribed by law, power to require that principal office-holders of a –
 - (a) State body within the responsibility of a Government Department, or
 - (b) non-State body which is partly funded by the State,

shall attend meetings of the Select Committee, as appropriate, to discuss issues for which they are officially responsible: Provided that such an office-holder may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Seanad; and

- (10) power to-
 - (a) engage the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters; and
 - (b) undertake travel;

Provided that the powers under this paragraph are subject to such recommendations as may be made by the Working Group of Committee Chairmen under Standing Order 107(4)(a).



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