



**Roscommon County Council**

*Comhairle Contae Ros Comáin*

# Policy on Control of Dogs and Dog Breeding Establishments



***Adopted at a Plenary Meeting of  
Roscommon County Council  
on 25<sup>th</sup> April 2016***

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## Introduction

The Control of Dogs Acts 1986 and 1992 place statutory responsibility for dog control and licensing services on local authorities. Under these Acts, Roscommon County Council has the power to appoint dog wardens, to provide shelters for stray and other dogs, to impose on-the-spot fines for a number of offences and to take court prosecutions. The Department of the Environment, Community and Local Government formulates policy and legislation in relation to Dog Control.

### (i) Dog Licencing and Fees

A Dog licence shall be issued to a person by Roscommon County Council or local Post Office within the county for the functional area in which the dog is kept at or is intended to be kept at, after the issue of the licence. There are three types of Dog Licences: Individual, Lifetime or General Dog Licence.

#### Dog Licence Fees are as follows:

Type of Dog Licence	Description	Cost	Where to purchase Licence
Individual Dog Licence	Licence for One Dog which must be renewed annually	€20	Post Office or Roscommon Dog Pound for rehomed dogs
Lifetime Dog Licence	Licence for the Lifetime of the Dog	€140	Roscommon County Council
General Dog Licence	Licence entitling a person to keep an unspecified number of dogs - must be renewed annually	€400	Roscommon County Council

### (ii) Exemptions from holding a dog licence (Section 5 Control of Dogs Act 1986)

A licence shall not be required in respect of any dog:

1. While in the possession of Roscommon County Council.
2. While in the possession of a service provider with whom a local authority has entered into an arrangement.
3. While in the possession of An Garda Síochána in the execution of his/her duty.
4. Which is kept and wholly used of the purpose of guidance by a blind person or whose sight is defective that he/ she is unable to find his way about without guidance.
5. Which is under four months and is kept with its dam or foster-mother.
6. While in the possession of an inspector or other officer of the Minister of Agriculture.

7. Which is imported into State for a period not exceeding 30 days.
8. Which is a greyhound and is purchased for export and which is exported from the State within 30 days of the date of purchase.
9. A Member or Officer of the Defence Forces.
10. An Official of the Customs and Excise Service of the Revenue Commissioners.
11. A member of the Canine unit of the Irish Prison Service.

### **(iii) Disqualification from holding a dog licence or keeping a dog**

A dog licence or general dog licence shall not be issued to any person who is

- Under 16 years of age or
- Is disqualified from keeping a dog

Any person who is convicted under the Protection of Animals Act, 1911 to 1965 of the offence of cruelty to a dog may in addition to any penalty imposed under those Acts be disqualified from keeping a dog for such a period as the Court thinks fit.

### **(iv) Control of Dogs and Stray Dogs**

The owner or any other person in charge of a dog shall not permit the dog to be in a place other than:

1. The premises of the owner or
2. The premises of such other person in charge of the dog or
3. The premises of any other person with the consent of that person
4. Unless such owner or such other person in charge of the dog accompanies it and keep it under effectual control.
5. If a dog worries livestock, the owner or any other person in charge of the dog shall be guilty of any offence unless it is established that at the material time the dog worried the livestock for the purpose of removing trespassing livestock and that having regard to all the circumstances the action was reasonable and necessary.
6. A person shall not permit a greyhound to be in any public place unless such greyhound is being led by means of a sufficiently strong chain or leash. In addition, a person shall not lead more than four greyhounds at a time in any public place.

### **Stray Dogs**

A Dog Warden or member of An Garda Síochána shall take all reasonable steps to seize and detain any dog that appears to him to be a stray dog and he may enter any premises (other than dwelling) for the purposes of such seizure and detention.

Where a Dog Warden or member of An Garda Síochána seize a dog, he shall give notice to the owner or other person in charge of the dog, if the name of such owner or other person is known to it or him or can be readily ascertained, that the dog has been seized and detained and the dog will be disposed of or destroyed after 5 days from the date of giving the notice, if such dog is not claimed and all expenses relating to its seizure and detention are not paid by the owner or as the case may be in the person in charge of the dog.

#### **(v) Duties of Roscommon County Council**

Every Local Authority shall employ one or more person to be a Dog Warden or may enter into an arrangement with any other local authority or ISPCA or with a person connected with animal welfare for the exercise of its functions under the Control of Dogs. Roscommon County Council has entered a contract to manage Dog Control Services within the county, since January 2015. Roscommon County Council Dog Pound located at Rockfield, Roscommon which is a shelter for the acceptance, detention, destruction and disposal of stray and unwanted dogs. The Pound is staffed by a Kennel Assistant and is open to the public from Monday to Saturday, 11.00am – 2.00pm. The Dog Warden and Kennel Assistant are *authorised officers* under the Control of Dogs legislation and Dog Breeding Establishment legislation.

#### **(vi) Powers of Dog Warden / Dog Fines**

A Dog Warden may:

1. Request of any person his name and address and any other information where he has reasonable grounds for believing that a person is committing or has committed any offence under the Control of Dogs legislation.
2. Seize any dog and detain it in order to ascertain where an offence under the Control of Dogs is being or was committed and may enter any premises (other than a dwelling) for the purpose of same.
3. Enter any premises (other than a dwelling) for the purpose of preventing or ending an attack by a dog on person or worrying of livestock
4. Request any person who owns, is in charge of or is in possession of a dog to produce as the case may be a dog licence or general licence within 10 days of the date of request for examination by the Dog Warden. Refer to *10 Day Notice* (APPENDIX B)

When a Dog Warden is carrying out his duties, he may bring with him other persons as he believes necessary to the purpose of assisting him in the exercise of his powers and functions under the Control of Dogs Acts and may take with him any equipment as they consider necessary.

A person who obstructs or impedes the Dog Warden or refuses to give his name and address to the Dog Warden when requested to do so, is guilty of an offence under the Control of Dogs legislation.

### **Dog Fines**

Dog Fines are prescribed under the Dog Control Regulations 2013. Failure to pay the fine within 21 days, Roscommon County Council will prosecute under Section 30 of the Control of Dogs. The Dog warden may issue an on-the spot fine of €100 under the Control of Dogs Act 1986 prescribed list of alleged offences (Appendix C). Offences include:

1. Keeping a dog without a licence
2. Failing to produce, within ten days of being requested to do so by a dog warden, a dog licence or a general dog licence in respect of a dog of which you are the owner
3. Failing to ensure that a dog wears a collar bearing the name and address of the owner inscribed thereon or on a plate, badge or disc attached
4. Allowing a dog that is required to be muzzled in a public place to be unmuzzled in a public place

### **(vii) Liability of Owner for damage caused by dogs**

The owner of a dog shall be liable in damages for damage caused in attack on any person by the dog and for injury by it to any livestock. It shall not be necessary for the person seeking such damages to show a previous mischievous propensity in the dog. Where livestock are injured by a dog on land onto which it had strayed and either the dog belonged to the occupier of the land or the presence on the land was authorised by the occupier, a person shall not be liable in respect of injury done to the livestock unless the person caused the dog to attack the livestock.

### **(viii) Restricted Breeds**

Under the Control of Dogs, Restriction of Certain Dogs Regulations, 1991, every strain or cross of every breed or type of dog mentioned below is required to be leashed and muzzled:

1. American Pit Bull Terrier,
2. Bull Mastiff,
3. Doberman Pinscher,
4. English Bull Terrier,
5. German Shepherd (Alsatian),
6. Japanese Akita,
7. Japanese Tosa,
8. Rhodesian Ridgeback,
9. Rottweiler,
10. Staffordshire Bull Terrier, and every dog of the type commonly known as a Ban Dog.

A person shall not permit a restricted breed (see list above) to be in a public place unless the dog is securely muzzled and being led by a sufficiently strong chain or leash, not exceeding 2 metres in length, by a person over the age of 16yrs who is capable of controlling the said dog.

Where a complaint has been made to the District Court by any interested person that a dog is dangerous and not kept under proper control and it appears to the Court this is the situation, they may in addition to any other penalty which it may impose, order that the dog be kept under proper control or be destroyed.

Whenever a dog is delivered to a Dog Warden or any other person pursuant to an order of the Court to be destroyed, the person to whom the dog is delivered shall, as soon as possible destroy the dog in a humanely manner.

Where a dog is proved to have caused damage in an attack on any person, or to have injured livestock, it may be dealt with under Section 22 of Control of Dogs Act 1986 as a *dangerous dog* which has not been kept under proper control.

#### **(ix) Nuisance by Barking Dogs**

A person may make a complaint to the District Court if a nuisance has been created by excessive barking. The complainant shall serve a notice on a prescribed format (Appendix A / FORM 5) of their intention to make such a complaint on the occupier of the premises in which the dog is kept.

#### **(x) Defence in action for damages for shooting a dog**

It shall be a defence to any action for damages against a person for the shooting of a dog or any charge arising out of the shooting of a dog if the defendant proves that:

1. The dog was shot when it was worrying or about to worry livestock and there was no reasonable means to ending or preventing the worrying.
2. Dog was a stray dog which was in the vicinity of a place where livestock was injured or killed.
3. The defendant reasonably believed the dog was involved in injuring or killing.
4. He was the person in charge of the livestock and he notified within 48 hrs the nearest Garda station where the dog was shot of the incident.

#### **(xi) Offences and Penalties under Control of Dogs Regulations**

A person is liable on summary conviction to a fine not exceeding €1,000 or to imprisonment for a term, not exceeding 3 months or both in respect of the following:

1. Any person keeping a dog without a licence.
2. Keeps, takes or transfers possession of a dog before the issue of the licence in respect of a dog.

3. Fails to keep their dog under effective control
4. Fails to produce a licence when requested to do so under Section 16 of the Control of Dogs Act, 1986 by a Dog Warden.
5. Is in breach of any bye-law made by Roscommon County Council under Section 17 of the Control of Dogs Act, 1986.
6. Is in breach of any regulation made under the Control of Dogs legislation.

A more comprehensive, but not exhaustive, list of offences is available in Appendix C (Page 16).

## **(xii) Seizure of Dogs Procedures**

Roscommon County Council Service Provider will carry out dog licensing inspections. If Dog Owner does not present Dog Licence, a 10 Day Notice is issued by Dog Warden to the Dog Owner. If the Dog Owner does not present a dog licence within 10 days, the dog will be seized under Section 16 of the Control of Dogs Act 1986. Roscommon County Council Service Provider will seize any dog(s) that is out of control, attack any person or livestock.

All dogs reclaimed or re-homed will be micro-chipped before they are released from Roscommon Dog Pound. Seized dogs are micro-chipped before returning to their owners. The dog owner must produce a current dog licence or to purchase a new one at local post office or Roscommon County Council Offices or Roscommon Dog Pound if resident in the County

Fees charged cover the cost to Roscommon County Council of maintaining the animal in the kennel; staff, heat, light and food. It includes microchip, dog licence if required, veterinary fees, vaccination.

### **The following charges apply:**

Cost of re-claiming a restricted breed	€100 + Kennel Charge
Cost of re-claiming a dog	€10 (if already have dog licence but no microchip) + Kennel Charge
Cost of re-claiming a dog	€30 ( if no dog licence or micro-chip) + Kennel Charge
Cost of re-homing	€50 (includes micro-chipping, primary vaccination and dog licence) <i>This charge will be waived to approved welfare organisations</i>
Surrender Fee	€50 per dog
Kennel Charge	€15 per day from 2 <sup>nd</sup> day onwards
<i>Roscommon County Council will re-home a restricted breed to an approved welfare organisation only, following an assessment by Pound management</i>	



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**Note:**

Dog Fouling is dealt with Under Section 22 of the Litter Pollution Act 1997. Under Section 22 it is an offence for an owner/person in charge of a dog to allow a dog to foul in a public place. The owner/person in charge of the dog is required under this law to remove dog faeces and dispose of it in a suitable, sanitary manner.

### **(xiii) Dog Breeding Establishments**

#### **Background**

The Dog Breeding Establishments Act 2010 came into force on 1 January 2012. Owners and operators of all dog breeding establishments should strive to achieve the highest possible standards. Breeders acknowledge that the welfare and performance of their dogs go hand in hand. The Guidelines published alongside the legislation will enable people to see the standards that are required. The majority of dog breeding establishments in the country are well run and the owners and operators maintain high standards. There are problems with a small number of establishments. This legislation will deal with these operators, who seem to have no respect for the animals that they use for breeding purposes. Owners and operators of good quality establishments where dogs are well treated have absolutely nothing to fear from these regulations.

In Appendices D & E, are the Department Guidelines for the:

- Construction and Maintenance of a Dog Breeding Establishment – Part 1
- Operation and Management of a Dog Breeding Establishment –Part 2

#### **Definition of a *Dog Breeding Establishment***

A Dog Breeding Establishment means premises at which bitches are kept, not less than 6 of which are more than six months old, and capable of being used for breeding purposes. A bitch means a bitch of more than 6 months old and that is capable of being used for breeding purposes

#### **Dog Breeding Establishment Register**

Where a person proposes to operate a Dog Breeding Establishment, he or she shall. In accordance with Section 9 of the Act, apply to the Local Authority in whose functional area the premises at which it is proposed to operate the DBE is situated to have the premises registered in the Register maintained by the Local Authority.

A person who, immediately before the commencement of this Act, was operating a DBE shall, if he or she wishes to continue operating the establishment after such commencement, apply not later than 6 months after such commencement, to the local authority in whose functional area the dog breeding establishment is situated to have the establishment registered in the register maintained by that Local Authority.

## **Application Process**

An Application shall –

1. be in writing,
2. specify the name of the applicant and the address at which he or she ordinarily resides
3. specify the address of the premises at which the applicant intends to operate a DBE or is operating a DBE, as the case may be,
4. contain such other information as may be prescribed under regulations and
5. unless the applicant is a fee exempt applicant, be accompanied by the appropriate fee.

### **The Register includes the following:**

1. the name of the applicant and the address at which he or she ordinarily resides
2. the address of the premises or DBE to which the application relates
3. the maximum number of bitches over 6 months old capable of being used for breeding purposes that may be kept at the premises or DBE, or
4. any conditions attaching to the registration set out by the Local Authority

The Local Authority shall publish in such a manner as it thinks fit, and make available for inspection at all reasonable times by members of the public, the register maintained by it under this section.

### **A Local Authority may refuse an application on the following grounds:**

1. the application does not comply with application process outlined under subsection 9 (4) of DBE Act.
2. it is of the opinion that the premises in respect of which the application concerned was made is not suitable for the operation of a DBE.
3. the commission by the applicant of an offence under the DBE Act or Control of Dogs Act 1986 or an offence involving cruelty to an animal.
4. the contravention by the applicant of a provision of the DBE Act or any regulations under this Act or a provision of the Control of Dogs Act 1986 or any regulations or bye-laws under that Act.

### **Adjudication of Application**

A Local Authority shall notify an applicant not later than 14 days from the making of the decision of its decision on the application process.

1. a decision to grant an application or
2. a decision to grant such an application subject to conditions or
3. a decision to refuse to grant such an application

The Local Authority will issue a Registration Certificate that must be renewed annually.

## **Right to Appeal Local Authority Decision**

1. A person whose application for registration of a premises or DBE under section 9 of the DBE Act is refused may appeal the refusal to a judge of the District Court sitting in the district court district in which the premises or DBE concerned is situated, not later than 14 days, or such longer period as a judge of the District Court sitting in that district may for good and sufficient reason determine, after service on the person of a notification in writing of the refusal.

A judge of the District Court may make an order –

1. requiring the Local Authority concerned to register the premises or the DBE in the register maintained by it,
2. requiring the Local Authority concerned to register the premises or DBE in the register maintained by it subject to the Appellant's complying with such conditions as are specified in the order, or
3. affirming the refusal

The Local Authority shall publish in such a manner as it thinks fit, and make available for inspection at all reasonable times by members of the public, the register, maintained by it under the Dog Breeding Establishment Act 2010.

## **Fees and Fee Exemptions**

1. a DBE at which not more than 18 bitches are kept, Fee is €400
2. a DBE at which not less than 19 and not more than 30 bitches are kept, fee is €800
3. a DBE at which not less than 31 and not more than 100 bitches are kept, fee is €1,600
4. a DBE at which not less than 101 and not more than 200 bitches are kept. Fee is €3,000 and
5. a DBE at which more than 200 bitches are kept, fee is €3,000 and €1,600 in respect of every 100 bitches in excess of that number.

## **Fee Exemptions**

1. the operator of the establishment is a hunt club,
2. the operator of the establishment is a charitable organisation within the meaning of the Charities Act 2009
3. the operator of the establishment is entitled to an exemption under section 207 or 208 of the Taxes Consolidation Act 1997 and in respect of whom the Revenue Commissioners have issued a number (commonly referred to as a CHY number) for the purpose of such exemption,
4. the DBE is used for commercial boarding kennel purposes only, or
5. the DBE is used solely for the purposes of the management and training of greyhounds for reward pursuant to a public trainer's licence.

**Notification of Sale or Transfer of Dog**

The operators of the DBE shall notify the particulars of any sale or transfer of a dog kept by him or her at that establishment in writing to the Local Authority in whose functional area the DBE is situated, or the person charged with the maintenance of a database.

## APPENDIX A

### NOTICE OF INTENTION TO MAKE A COMPLAINT TO THE DISTRICT COURT IN RELATION TO NUISANCE ALLEGED TO BE CAUSED BY THE EXCESSIVE BARKING OF A DOG

District Court Area of ..... District  
No.....

To

.....

(Occupier)

of.....

.....

(the premises in which the dog is kept)

Notice is hereby given, in pursuance of [section 25](#) (2) of the [Control of Dogs Act, 1986](#) ,

that I ..... of .....

.....

intend to make a complaint to the District Court sitting at

. ....

on the..... day of ....., at ..... am/pm, being a date within 7 days from the date hereof, in respect of the nuisance which I allege to have been caused by the excessive barking of a dog kept in the above-named premises, situated in the said court area and district.

Where it appears to the District Court that a nuisance has been created as a result of excessive barking, the Court may:—

(a) order you to abate the nuisance by exercising due control over the dog;

(b) make an order limiting for such period as may be specified in the order the number of dogs to be kept by you on your premises;

(c) direct that the dog be delivered to a dog warden to be dealt with by him, as if the dog were an unwanted dog, in accordance with the provisions of the [Control of Dogs Act, 1986](#) .

Dated this ..... day of ....., .

Signed .....

## APPENDIX B - 10 Day Notice

### ***Comhairle Chontae Ros Comáin*** ***Roscommon County Council***



CONTROL OF DOGS ACT 1986 & 1992  
Section 16 (1) (e) / Section 9

Name: .....

Address: .....

The above named being the owner / person in charge of/ in possession of a dog / dogs is hereby requested to produce a dog licence(s) in respect of such dog/dogs within 10 days from the date hereof for examination by me, a duly appointed Dog Warden for the County Council of Roscommon, Roscommon Dog Pound, Rockfield, Roscommon.

IF YOU FAIL TO PRODUCE THE SAID LICENCE / LICENCES WITHIN THE SPECIFIED TIMES YOU MAY BE LIABLE TO PROSECUTION UNDER SECTION 27 OF THE ABOVE ACT, AS AMENDED BY SECTION 9 OF 1992 ACT.

Description of Dog: .....

Time: .....

Dated: .....

Signed: .....

**Dog Warden**

#### **NOTICE**

You should also enclose a stamped addressed envelope for return of your licence.  
Please enclose this notice with your licence. Licences may be produced to the  
Dog Warden at Roscommon Dog Pound, Rockfield, Roscommon during office hours as follows:  
Monday to Friday 9.30am to 12.30pm.

ROSCOMMON DOG POUND NUMBER : 090 – 66 62992

Remarks: .....

*Top Page is Customer Copy / 2nd Page is Office Copy*

## Appendix C

### Notice of Alleged Offences under Control of Dogs

An tAcht Um RialúMdraí, 1986 / Control of Dogs Act, 1986

FÓGRA I nDÁIL LE CION(TA) LÍOMHNAITHE/ NOTICE IN RELATION TO ALLEGED OFFENCE(S)

ÚdarásÁitiúil / Local Authority \_\_\_\_\_

Chuig / To \_\_\_\_\_ Seoladh / Address \_\_\_\_\_

Líomhnaítear go bhfuilcionnóciontadéantaagatfaoinAcht um RialúMdraí, 1986 ag/ It is alleged that you have committed an offence or offences under the Control of Dogs Act, 1986 at

<sup>1</sup> \_\_\_\_\_ aran / on the \_\_\_\_\_ lá de / day of \_\_\_\_\_, 20\_\_\_\_.

Tugtarsonraíanchiona/nagcionta le fiosthíos/ Particulars of the alleged offence(s) are indicated below.

Níthionscnófarionchúiseamhileith an chiona / nagciontaatálíomhnaitheiriththréimhsena 21 ládartúsdátaanfógraseo. Máíocanntúantsuimatá le feiceáilthíos, irithnatréimhse sin, leis an ÚdarásÁitiúil a dtugtar a shonraíthuas, níthionscnófarionchúiseamh. Nímór an íocaíocht a bheithigcuideachtaanfógraseo/ A prosecution in respect of the alleged offence(s) will not be instituted during the period of 21 days beginning on the date of this notice.If during that period you pay the sum show below to the Local Authority detailed above a prosecution will not be initiated. Payment must be accompanied by this notice.

Suim / Sum €\_\_\_\_\_ <sup>3</sup>.

<sup>1</sup>Iontráilseoladhnaháite mar a líomhnaítear go ndearnadh an cion/ Insert the address of the place where the offence is alleged to have been committed.

<sup>2</sup>Cuir 'X' amháinnóníos mó sacho lúnarchlétaobh leis an gcion / naciontacuí/ Insert one or more 'X' in left hand column opposite appropriate offence(s).

<sup>3</sup>Iontráilantsuimatá le híocagus a fhorordaítearfaoi alt 28(1) den Acht/ Insert the amount standing prescribed under section 28(1) of the Act.

Cineál an Chiona a Líomhnaítear	Nature of Alleged Offence	Alt Ábhartha san Acht/ Relevant Section of Act
Madra a choimeádgancheadúnascontrárthad'alt 2 den Acht	Keeping a dog without a licence, contrary to section 2 of the Act	Alt / Section 27(1)(a)
Seilbh a ghlacadharmhadra, de bhunathrúúinéireachtageadúnas madraginea rálaábhartha a bheithagduineagussula n-eiseofarceadúnas madraileith an mhadra sin, contrárthad'alt 2 den Acht	Taking possession of a dog pursuant to a change of ownership without having a relevant general dog licence and before the issue of a dog licence in respect of that dog, contrary to section 2 of the Act	Alt / Section 27(1)(a)



Seilbharmhadra a aistriú, de bhunathrúúinéireachta, chuigduíneenachsealbhóir é nó í archeadúnasmadra le haghaidh an mhadra sin nóarcheadúnasmadraginearáltaábhartha, contrárthad'alt 2 den Acht	Transferring possession of a dog pursuant to a change of ownership to another person who is not the holder of a dog licence in respect of that dog or of a relevant general dog licence, contrary to section 2 of the Act	Alt / Section 27(1)(a)
Maidir le madraarleat é, tusanóduíneile a bheidhinafheighil, é a cheadú a bheith in áitseachas - (a) in áitreabhanúinéara, nó (b) in áitreabhcibéduíneile a bheidhibhfeighil an mhadra, nó (c) in áitreabhaonduíneile, le toiliú an duine sin, agusloiceadh an madra a thionlacanagus é a choimeádfaoirialúéifeachtúilcontrárthad'alt 9 den Acht	Permitting a dog of which you are the owner or other person in charge to be in a place other than - (a) the premises of the owner, or (b) the premises of such other person in charge of the dog, or (c) the premises of any other person, with the consent of that person, and failing to accompany it and keep it under effectual control, contrary to section 9 of the Act	Alt / Section 27(1)(b)
Cú a cheadú a bheith in áitphoiblímurambeidh an cú sin aréillnóarslabhra a bheidhsáchláidircontrárthad'alt 10 den Acht	Permitting a greyhound, which is not being led by means of a sufficiently strong chain or leash, to be in a public place contrary to section 10 of the Act	Alt / Section 27(1)(b)
Níosmónáceithrechúsaturas a bheitharéillagduine in áitphoiblíno a churfaoidearanó a cheadúd'aonduíneamháinníosmónáceithrechúsaturas a bheitharéillaige in áitphoiblí, contrárthad'alt 10 den Acht	Leading or causing or permitting to be led by any one person, more than four greyhounds at a time in a public place, contrary to section 10 of the Act	Alt / Section 27(1)(b)
I gcás go dtiocfaidhduínearmhadrafáinagus go nglacfaidhanduíneseilbh air, loiceadhanméidseo a leanas a dhéanamh – (a) an madra a thabhairtaraisdáúinéir, nó (b) an madra a sheachadadharmhaormadraí, nó (c) an madra a choinneáilagusfógraiscríbhinninambeidhtuairiscar an madra, seoladhnaháiteinarthángthas air agusseoladhnaháiteinabhfuilsé á choinneáil, a thabhairt don chomhaltaigceannasag an Stáisiún Garda is gaire don áitinarthángthasar an madra, nó do mhaormadraí, contrárthad'alt 13 den Acht	Having found and taken possession of a stray dog, failing to – (a) return the dog to its owner, or (b) deliver the dog to a dog warden, or (c) detain the dog and give notice in writing containing a description of the dog, the address of the place where it was found, and the address of the place where it is detained to the member in charge at the nearest Garda Station to the place where the dog was found, or to a dog warden, contrary to section 13 of the Act	Alt / Section 27(1)(b)
I gcás go mbeidhforaisréasúnachaagatlenachreidiúintmaidir le madrafáin, a d'urghabháiltú, gurchiapsébeostocno go bhfuilséartíbeostoc a chiapadh, loiceadh an madra sin a sheachadadharmhaormadraí, contrárthad'alt 13 den Acht	Failing to deliver to a dog warden a stray dog which you seized where you believed that the dog had worried or was about to worry livestock, contrary to section 13 of the Act	Alt / Section 27(1)(b)

Ceadúnas madranó ceadúnas madraginearálta a thabhairtar aird laistigh de dheichlá ó dhátanahiarra ó mhaormadraí le haghaidh madra ar leat é, a bhfuil tú ina fheighil nó atá do sheilbh, contráirthead'alt 16 den Acht	Failing to produce, within ten days of being requested to do so by a dog warden, a dog licence or a general dog licence in respect of a dog of which you are the owner or in charge or in possession, contrary to section 16 of the Act	Alt / Section 27(1)(c)
Loiceadh a chinntiú go mbeidh coiléar armhadra a mbeidh ainm agus seoladh an úineáragreanta air nó ar phláta, suaitheantas nó diosca a bheidh daingnithe de, contráirthead'airteagal 6 de na Rialacháin um Rialú Madraí, 1998	Failing to ensure that a dog wears a collar bearing the name and address of the owner inscribed thereon or on a plate, badge or disc attached thereto, contrary to article 6 of the Control of Dogs Regulations, 1998	Alt / Section 27(1)(f)
Sonraí ar coiléar a bheidh armhadra, nó ar phláta, suaitheantas nó diosca a bheidh daingnithe den coiléar, a athrú, a aghlot, a lot nó a fhágáil do-léite, contráirthead'airteagal 6 de na Rialacháin um Rialú Madraí, 1998	Altering, defacing, mutilating or rendering illegible the particulars on a collar worn by a dog, or on a plate, badge or disc attached thereto, contrary to article 6 of the Control of Dogs Regulations, 1998	Alt / Section 27(1)(f)
Madra a cheadú coiléar, pláta, suaitheantas nó diosca a bheidh daingnithe de, a chaitheamh gicás go mbeidh séathraithe, aghloite, loitenó do-léite nó ar a mbeidh nasonraí taghachun bheith do-léite, contráirthead'airteagal 6 de na Rialacháin um Rialú Madraí, 1998	Allowing a dog to wear a collar, or a plate, badge or disc attached thereto, which has been altered, defaced, mutilated or rendered illegible or upon which the particulars have become illegible, contrary to article 6 of the Control of Dogs Regulations, 1998	Alt / Section 27(1)(f)
I gcás madra argá é a bheith aréill in áit phoiblí, an madra sin a cheadú a bheith in áit phoiblí gan é a bheith aréill, contráirthead'airteagal 5 de na Rialacháin um Rialú Madraí, 1998	Allowing a dog that is required to be leashed in a public place to be unleashed in a public place, contrary to article 5 of the Control of Dogs Regulations, 1998	Alt / Section 27(1)(f)
I gcás madra argá é a bheith a faoistiúir ag duine os cionn sé bliana déag atá in ann rialú a dhéanamh ar an madra in áit phoiblí, an madra sin a cheadú a bheith faoistiúir in áit phoiblí ar shlí eile, contráirthead'airteagal 5 de na Rialacháin um Rialú Madraí, 1998	Allowing a dog that is required to be led in a public place by a person over the age of sixteen years who is capable of controlling the dog to be otherwise led in a public place, contrary to article 5 of the Control of Dogs Regulations, 1998	Alt / Section 27(1)(f)
I gcás madra argá é féasrach a bheith air in áit phoiblí, an madra sin a cheadú a bheith in áit phoiblí gan féasrach a bheith air, contráirthead'airteagal 5 de na Rialacháin um Rialú Madraí, 1998	Allowing a dog that is required to be muzzled in a public place to be unmuzzled in a public place, contrary to article 5 of the Control of Dogs Regulations, 1998	Alt / Section 27(1)(f)

Dar dáta / Dated this \_\_\_\_\_ lá de / day of \_\_\_\_\_, 20\_\_\_\_

(Arnashíniúag / Signed) \_\_\_\_\_ Maor Madraí / Dog Warden

## **APPENDIX D**

### **PART 1 Construction and Maintenance of a Dog Breeding Establishment**

#### **1. GENERAL STANDARDS FOR ALL DOG BREEDING ESTABLISHMENTS**

##### **1.1. In order to comply with the Act the owner or manager of a dog breeding establishment should:**

- 1.1.1. provide accommodation and equipment which suits the physical, behavioural and social requirements of the dogs held
- 1.1.2. protect the dogs from other animals and adverse environmental conditions
- 1.1.3. provide sufficient space for dogs to stand, move around freely, stretch fully and rest
- 1.1.4. provide sufficient quantities of appropriate food and clean water to maintain good health and support optimal growth and reproduction
- 1.1.5. protect the dogs from disease, distress, injury, fear and pain
- 1.1.6. maintain the hygiene of the breeding premises and health of the dogs held
- 1.1.7. ensure the premises is appropriately licensed under the Control of Dogs Acts 1986 to 2010.

#### **2. ANIMAL HOUSING**

##### **2.1 Location**

- 2.1.1 Buildings which house dogs should be located away from sources of excessive noise or pollution that could cause injury or stress to animals.
- 2.1.2 Buildings which house dogs should not be a source of nuisance such as excessive noise or smell.
- 2.1.3 All kennels should have an adequate supply of clean water which should be available to all dogs at all times.
- 2.1.4 Suitable isolation facilities should be available on site.

##### **2.2 Construction**

- 2.2.1 The Dog Breeding Establishment should:
  - protect dogs from rain and wind
  - provide adequate shade
  - provide a sheltered sleeping area
  - be suitable for dogs as regards temperature, humidity and ventilation
- 2.2.2 Kennels should be separated from each other by a suitable barrier that will minimise noise, prevent fighting injuries and prevent the spread of infectious disease.

- 2.2.3 The floor surface for all kennels should be constructed of an impervious material that facilitates thorough cleaning, disinfection and drainage in order to prevent/control disease. Similarly all surfaces that may come in contact with dogs should be capable of being easily cleaned and disinfected. Grassed or landscaped sections may form part of large outdoor runs and must be adequately maintained.
- 2.2.4 Whelping bitches should be provided with a separate area away from interference by other animals.

### **2.3 Size and Number of Occupants**

- 2.3.1 Dog housing, whether for a single dog or for a group of dogs should provide enough space for each dog to feed, sleep, sit, stand, lie with limbs extended, stretch and move about unimpeded.
- 2.3.2 The accommodation of dogs in any way other than loose in a kennel is not acceptable and, in particular, the use of portable crates as a kennel will not be permitted.

### **2.4 Temperature**

- 2.4.1 Dogs should be protected from extremes of temperature.
- 2.4.2 Special consideration should be given to young and old dogs which are more sensitive to changes in temperature. They may require special provision of heating or cooling.

### **2.5 Noise**

- 2.5.1 Noise from barking dogs should be managed to ensure that the premises is not a source of noise nuisance. For example noise may be reduced by limiting external stimulation by having partitions between kennels or the use of blinds, by holding dogs in singles or in compatible groups, by situating kennels so that they do not face each other, or by any other appropriate noise attenuating measure.

### **2.6 Lighting**

- 2.6.1 Lighting should be as close as possible, in duration and intensity, to natural conditions.
- 2.6.2 Sunlight is the preferred means of lighting, provided shaded areas are available to the dogs.
- 2.6.3 Artificial light should be provided where necessary to allow animal housing areas to be thoroughly cleaned and dogs to be checked.

**2.7 Ventilation** Suitable ventilation should be provided and should ensure that dampness, draughts, noxious odours and the spread of infectious disease is minimised.

## **2.8 Bedding and Sleeping Area**

2.8.1 All kennels should be provided with an appropriate sleeping area. Ideally this should be a separate, raised sleeping area, free of draughts. Where required, suitable bedding should be provided.

2.8.2 Bedding, where provided, should be kept clean and dry and changed as appropriate.

2.8.3 Whelping bitches should be provided with a suitable whelping area that is provided with clean bedding.

## **2.9 Safety**

2.9.1 In the event of an emergency any security methods used should allow for ready access by staff to dogs and ready exit of staff and dogs from the premises.

2.9.2 Under Health and Safety legislation adequate fire-fighting equipment must be readily available.

# **3 HYGIENE**

## **3.1 Cleaning and disinfection**

3.1.1 In order to facilitate cleaning and disinfection dog kennels, housing and exercise areas should be kept clean and maintained in a good state of repair.

3.1.2 To aid a thorough sanitation programme a convenient method of delivering water, such as the appropriate number and location of hose points should be available.

## **3.2 Pest Control**

3.2.1 A suitable vermin control programme should be in place.

## **3.3 Waste Disposal**

3.3.1 All dog breeding establishments should be constructed such that all waste, including washings, urine and faeces is managed by a suitable waste, drainage, storage and disposal system.

3.3.2 All waste should be collected and stored in suitable, closed, lidded, leak proof containers held in a dedicated waste storage area. Waste removal or storage should not be a source of nuisance or public health risk.

## **4 EXERCISE**

4.1 A Dog Breeding Establishment should have a suitable exercise facility in order to:

- allow dogs to urinate and defecate
- allow dogs contact with humans and, if appropriate, with other dogs
- allow dogs to be checked over
- allow dogs to exercise appropriately.

## **5 FOOD STORE**

5.1 A Dog Breeding Establishment should have a suitable enclosed room or area to store dog food. The food store should;

- allow food to be stored in vermin proof conditions
- guard against extremes of heat, cold and condensation
- be secure from contamination
- be located to facilitate orderly feeding of dogs

## **6 CHEMICAL STORE**

6.1 A Dog Breeding Establishment shall have a suitable enclosed room or area to safely store chemicals, including cleaning agents and disinfectants. The storage area should be secure, suitably located for operational reasons and should not be a source of contamination.

## **7 EQUIPMENT AND WASHING FACILITY**

7.1 The dog breeding establishment should have a suitable facility to properly wash all equipment, including utensils.

## **APPENDIX E**

### **PART 2 Operation and Management of a Dog Breeding Establishment**

#### **1. REGISTRATION**

- 1.1 Any premises containing six or more female dogs over 6 months of age and capable of breeding, is a Dog Breeding Establishment as defined under the Act.
- 1.2 In accordance with Section 15 of the Act the operator of a Dog Breeding Establishment must apply to the local authority responsible for the area in which it is situated for registration as a Dog Breeding Establishment. For existing Dog Breeding Establishments, an application for registration must be submitted within 6 months of the commencement of the Act.
- 1.3 The application should be completed without delay and returned to the relevant local authority. Unless the premises is fee exempted as described by section 9 (18) of the Act, it must be accompanied by the appropriate registration fee. Any false or misleading information will invalidate the application and will be an offence under the Act. Fee exempt premises include registered hunt clubs<sup>1</sup>, charitable organisations (Charities Act 2009 or having a Revenue CHY number), and commercial boarding kennels.
- 1.4 In processing the application, the local authority may visit the premises and/or may request further information. In such instances the local authority will give at least 24 hours notice for the initial assessment visit.
- 1.5 If registration is granted the applicant will be notified within 14 days. A registration certificate will be issued to the applicant who should display this certificate in a prominent location at the establishment. The details of the registration will also be entered into a register maintained by the local authority and will include details of the applicant, the address of the dog

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<sup>1</sup> For the purposes of these guidelines, fee exemption under the "hunt club" means a registered hunt or game club—

(a) registered with a national hunting association that is a member of—

(i) the Hunting Association of Ireland or

(ii) the Irish branch of the Federation of Associations for Hunting and Conservation of the European Union (FACE), and

(b) that operates in accordance with the guidelines for kennel management issued by the HAI.

breeding establishment, the maximum number of bitches over 6 months that may be kept and, if applicable, any conditions attached to the registration.

- 1.6 Where a local authority proposes to either attach conditions or refuse the application, it will notify the applicant in writing and the applicant may make representations to the local authority within 14 days after receiving this notification. These representations will be considered by the Local Authority Veterinary Officer - as outlined in Section 18(1) (a) of the Act.
- 1.7 The local authority shall notify the applicant of its decision within 14 days of making that decision. Appeals against a refusal or against any conditions attached to the registration may be made to the appropriate District Court within 14 days of receipt of the notification, or such longer period as a judge of the District Court may determine.

## **2. STAFF**

- 2.1 Staff must comply with dog welfare legislation and must have experience in handling dogs. Formal training in animal care is encouraged.
- 2.2 Staff should be competent and be aware of their responsibilities.
- 2.3 An adequate number of staff/persons should be available, appropriate to the size of the establishment and the number of dogs being kept.

## **3. ANIMAL CARE**

- 3.1 Grooming must be to at least a minimum standard of care required for that breed. Coats should not be left unduly dirty, tangled or unkempt.
- 3.2 Dogs should be protected from distress or injury.
- 3.3 Dogs should be protected from excessive or rough handling.
- 3.4 Dogs should be fed adequately and regularly to maintain good health as appropriate to their breed.
- 3.5 Clean water must be available to all dogs at all times.
- 3.5 Bedding, where provided, should be appropriate and cleaned at suitable intervals
- 3.6 To ensure bio-security all reasonable measures should be taken to prevent and control the spread of infectious disease. This also applies to both staff and persons visiting the premises.



- 3.7 A suitable treatment and prevention programme to control endoparasites (eg roundworms, tapeworms, etc.) and ectoparasites (fleas, lice, etc.) should be in place.
- 3.8 A suitable vaccination programme, as advised by a veterinary practitioner, should be in place.
- 3.9 All dogs should be exercised appropriately. Such exercise regimes will facilitate dogs to urinate and defecate, stretch limbs, allow contact with humans and dogs if appropriate, and allow dogs to be checked for signs of ill health

#### **4. HYGIENE**

- 4.1 In order to facilitate cleaning and disinfection, dog kennels, housing and exercise areas should be kept clean and maintained in a good state of repair.
- 4.2 Faeces should be removed at least once daily.
- 4.3 Kennels and associated housing and exercise areas should be cleaned and disinfected as appropriate, and on a risk basis e.g. before new dogs or puppies are introduced or after an outbreak of infectious disease.
- 4.4 After cleaning/disinfection, housing or kennels should be free of surface water.
- 4.5 Cleaning and disinfection agents should be chosen on the basis of their suitability, safety and effectiveness. The manufacturer's instructions in respect of the correct use, dilution and contact time for the product should always be followed.
- 4.6 A suitable vermin control programme should be in place

#### **5 HEALTH CHECKS**

- 5.1 Each dog should be checked at least once a day to monitor its health and well-being, and more frequently as appropriate, for example in the case of whelping bitches.
- 5.2 The person checking the dogs should observe their general health, for instance checking that they are eating, drinking, defecating, urinating and are of normal appearance.

- 5.3 Any change in the health status of any dog should be reported promptly to the person in charge. Prompt veterinary attention should be obtained as appropriate.
- 5.4 Dogs known or suspected to be suffering from an infectious disease should not be admitted to the premises or else placed in suitable isolation.

## **6 VETERINARY CARE**

- 6.1 The operator of the premises should be a client of a veterinary practice.
- 6.2 Any dog(s) showing signs of disease/ill-health should receive timely and appropriate treatment including, where necessary, veterinary examination and treatment
- 6.3 Veterinary attention must be obtained immediately in cases of suspected exotic diseases  
such as rabies.

## **7 RECORDS AND IDENTIFICATION OF DOGS**

- 7.1 A Dog Breeding Establishment operator should establish and maintain a system to record the details of births, deaths, sale, movement or other event relating to dogs kept within the establishment. These records must include all microchip details, dates of whelping of each bitch, number of pups in each litter (including the number of live and dead pups), and details of sale or disposal. The premises should also have a separate record of all bitches, over 6 months of age and capable of breeding.
- 7.2 For a period of 12 months after this Act comes into force, all dogs over 12 weeks of age on the premises must be micro-chipped and the details recorded on a suitable database.
- 7.3 After this 12 month period, all dogs over 8 weeks of age on the premises must be micro-chipped and all dogs must be micro-chipped prior to being moved out of the premises.
- 7.4 Records of all micro-chipped dogs must be recorded in a register maintained at the Dog Breeding Establishment and this register must be available for inspection by an authorised officer.
- 7.5 The requirement to microchip shall not apply to a dog breeding establishment that is a registered hunt or game club member where the dogs concerned are registered in a register maintained by the Hunting

Association of Ireland or the Federation of Associations for Hunting and Conversation of the European Union. The register held by these clubs and/or evidence of registration, which will be available for inspection by an authorised officer, must contain the following details;

- a reproduction of the mark imprinted on the skin or coat of the dog to enable its identification;
- the name of the owner of the dog and the address at which he or she resides;
- the address of the dog breeding establishment at which the dog is kept;
- the date of birth and sex of the dog;
- the dog's colouring and any particular feature or features that distinguish the dog.

7.6 The operator of a dog breeding establishment shall notify the particulars of any sale or transfer of a dog kept by him or her at that establishment in writing to the local authority in whose functional area the dog breeding establishment is situated or the person charged with the maintenance of a database to which paragraph (aa) (inserted by section 24) of section 19(2) of the Act of 1986 applies.

## **8 INSPECTION OF A DOG BREEDING ESTABLISHMENT BY AUTHORISED OFFICER**

8.1 A person appointed by a local authority as an authorised officer under this Act is allowed to inspect a dog breeding establishment at all reasonable times. Routine inspections will be by arrangement. The inspection process should be managed by the authorised person as outlined by Section 18(1) (a) of the Act.

8.2 An authorised officer may inspect, take copies or remove and detain any books, records or other documents found in the course of an inspection and may require the operator to answer any questions relative to the dog breeding establishment. Obstruction of an authorised officer will be an offence under this Act.

8.3 In cases of significant deviation from the standards outlined in the Act an authorised officer may serve a Fixed Payment Notice or an Improvement Notice. An Improvement Notice will outline the remedial actions required and the time scale within which these actions need to be completed. An Improvement Notice may be appealed in the District Court within 7 days of

service. Enforcement actions will be overseen by a Local Authority Veterinary Officer (authorised person as outlined by Section 18(1) (a) of the Act).

- 8.4 In cases where the authorised officer is of the opinion that a serious and immediate threat exists to public health or animal health and welfare a closure notice may be issued, requiring the operator of the dog breeding establishment to cease the breeding and keeping of dogs at the premises and to surrender the registration certificate. A closure notice must state the grounds for this action, and will outline the measures required to be taken by the operator to enable any dogs affected to be kept at suitable alternative accommodation at the expense of the operator. A copy of the notice will be affixed to the premises by the local authority who will also publish the notice.. This notice may be appealed in the District Court within 7 days of service. Enforcement actions will be overseen by a Local Authority Veterinary Officer (authorised person as outlined by Section 18(1) (a) of the Act).

## **APPENDIX F**

### **Legislation**

- Control of Dogs Act 1986
- Control of Dogs Act (Amendment) Act 1992
- Control of Dogs (Restriction of Certain dogs) Regulations, 1991 – SI No. 123 of 1991
- Control of Dogs Regulations, 1998 – S.I. No 442 of 1998
- Control of Dogs (Amendment) Act, 1992 (Commencement) Order 1998 – S.I. No 443 of 1998.
- Control of Dogs (Amendment (Regulations)), 2013
- Dog Breeding Establishments Act, 2010

### **DOG POUND Address & Telephone Number**

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