



# **DÁIL ÉIREANN**

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## **AN BILLE UM BUNACHAIS PÓRÚCHÁIN MADRAÍ 2009 DOG BREEDING ESTABLISHMENTS BILL 2009**

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

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**[It is proposed to take all stages of this Bill today. Accordingly, this numbered list of amendments is circulated in advance of the conclusion of Second Stage. 08-07-10]**



# DÁIL ÉIREANN

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## AN BILLE UM BUNACHAIS PÓRÚCHÁIN MADRAÍ 2009 —AN COISTE

### DOG BREEDING ESTABLISHMENTS BILL 2009 —COMMITTEE STAGE

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#### *Leasuithe Amendments*

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#### SECTION 2

1. In page 3, before section 2, to insert the following new section:

“Non-application.

2.—This Act does not apply to any matter regulated by the Greyhound Industry Acts 1958 and 1993.”

—Ciarán Lynch.

2. In page 4, lines 1 and 2, to delete paragraph (b).

—Phil Hogan.

3. In page 4, between lines 15 and 16, to insert the following:

““dog” includes bitch;”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

4. In page 4, to delete from “at which” in line 16 down to and including “purposes,” in line 19 and substitute the following:

“or any number of premises owned by the same proprietor where 5 or more litters of pups are produced in a calendar year.”.

—Martin Ferris.

5. In page 4, line 18, to delete “4 months” and substitute “6 months”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

6. In page 4, paragraph (b), line 19, after “purposes,” to insert the following:

“and,

(c) have already had one litter in their lifetime;”.

—Phil Hogan.

7. In page 4, line 20, after “pound” to insert “or hunt club”.

—Phil Hogan.

8. In page 4, between lines 32 and 33, to insert the following new paragraph:

“and

(c) that does not breed dogs for any commercial purpose;”.

—Phil Hogan.

9. In page 4, between lines 41 and 42, to insert the following:

[ SECTION 2 ]

“ “public trainer’s licence” means a public trainer’s licence granted by Bord na gCon under the Regulations of 1961;”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**10.** In page 5, between lines 2 and 3, to insert the following:

“ “Regulations of 1961” means the Greyhound Trainers’ Regulations 1961 (S.I. No. 58 of 1961);”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 6

**11.** In page 5, subsection (1), line 40, to delete “exceeding €5,000” and substitute “exceeding €2,500”.

—Phil Hogan.

**12.** In page 5, subsection (2)(a), line 44, to delete “exceeding €5,000” and substitute “exceeding €2,500”.

—Phil Hogan.

**13.** In page 6, subsection (2)(b), line 2, to delete “€100,000 or” and substitute “€50,000 or”.

—Phil Hogan.

SECTION 7

**14.** In page 6, subsection (1), lines 27 and 28, to delete “*subsection (17) of section 8,*” and substitute “a provision referred to in *section 6(1),*”.

—Ciarán Lynch.

SECTION 8

**15.** In page 7, before section 8, but in Part 1, to insert the following new section:

“Review of operation of Act.

8.—The Minister shall, not later than 12 months after the commencement of *section 8*, conduct a review of the operation of this Act.”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**16.** In page 7, before section 8, but in Part 2, to insert the following new section:

“Application to Greyhound Industry.

8.—Nothing in this Part shall apply to any activity conducted under the Greyhound Industry Act 1958 or the Greyhound Trainers’ Regulations (S.I. No. 58 of 1961).”.

—Phil Hogan.

**17.** In page 7, before section 8, but in Part 2, to insert the following new section:

“Application to Hunt Clubs.

8.—Nothing in this Part shall apply to any activity conducted by a hunt club.”.

—Phil Hogan.

**18.** In page 7, subsection (3), line 34, to delete “3 months” and substitute “6 months”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil, Ciarán Lynch.

**19.** In page 8, between lines 16 and 17, to insert the following subsection:

[ SECTION 8 ]

“(6) Without prejudice to the executive function of determining any additional conditions specific to a particular registration, the determination of conditions of a general character to apply to any registration in the functional area of the local authority is a reserved function.”

—Ciarán Lynch.

20. In page 8, subsection (7), line 23, to delete “may” and substitute “shall”.

—Ciarán Lynch.

21. In page 9, subsection (12), line 17, after “establishment” to insert the following:

“and shall comply with any conditions attaching to such registration”.

—Ciarán Lynch.

22. In page 9, subsection (18)(c), line 46, to delete “or”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

23. In page 10, subsection (18)(d), line 2, to delete “only.” and substitute the following:

“only, or

(e) the operator of a dog breeding establishment that is used solely for the purposes of the management and training of greyhounds for reward pursuant to a public trainer’s licence.”

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 10

24. In page 10, subsection (2), line 23, to delete “*subsection (8)*” and substitute “*subsection (9)*”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 11

25. In page 12, subsection (8)(d)(i), line 10, to delete “*subsection (8)*” and substitute “*subsection (9)*”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

26. In page 12, paragraph (d), between lines 12 and 13, to insert the following:

“(iii) a duty imposed by *section 14* or *15*.”

—Ciarán Lynch.

SECTION 12

27. In page 12, subsection (1)(a), line 18, to delete “12 bitches” and substitute “18 bitches”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

28. In page 12, subsection (1)(b), line 19, to delete “than 13” and substitute “than 19”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

29. In page 12, subsection (1)(b), line 20, to delete “25 bitches” and substitute “30 bitches”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

[ SECTION 12 ]

- 30.** In page 12, subsection (1)(c), line 21, to delete “than 26” and substitute “than 31”.  
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
- 31.** In page 13, subsection (5), line 5, to delete “4 months” and substitute “6 months”.  
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 13

- 32.** In page 13, subsection (3)(a), line 19, to delete “12 bitches” and substitute “18 bitches”.  
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
- 33.** In page 13, subsection (3)(b), line 20, to delete “than 13” and substitute “than 19”.  
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
- 34.** In page 13, subsection (3)(b), line 21, to delete “25 bitches” and substitute “30 bitches”.  
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
- 35.** In page 13, subsection (3)(c), line 22, to delete “than 26” and substitute “than 31”.  
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
- 36.** In page 14, subsection (8), between lines 6 and 7, to insert the following new paragraph:  
“(a) who is a registered member of the Irish Coursing Club,”.  
—Martin Ferris.
- 37.** In page 14, subsection (8)(c), line 14, to delete “or”.  
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
- 38.** In page 14, subsection (8)(d), line 16, to delete “only.” and substitute the following:  
“only, or  
(e) the dog breeding establishment is used solely for the purposes of the management and training of greyhounds for reward pursuant to a public trainer’s licence.”.  
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
- 39.** In page 14, subsection (9), line 17, to delete “4 months” and substitute “6 months”.  
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 14

- 40.** In page 14, subsection (1), lines 37 to 39, to delete paragraph (f) and substitute the following:  
“(f) during any period of 3 years, not more than 3 litters of pups are born to a bitch.”.  
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

[ SECTION 15 ]

SECTION 15

41. In page 15, lines 20 to 29, to delete subsections (1) and (2) and substitute the following:

“(1) (a) It shall be unlawful for the operator of a dog breeding establishment to keep at that establishment a dog that is over 8 weeks old and that is not implanted with a microchip.

(b) It shall be unlawful for the operator of a dog breeding establishment to remove, cause to be removed, or permit the removal of, a dog kept at that establishment that is not implanted with a microchip to other accommodation, consequent upon a sale, or decision to transfer possession, of the dog to another person.

(c) This subsection comes into operation on the day from which *subsection (2)* ceases to have effect.

(2) (a) It shall be unlawful for the operator of a dog breeding establishment to keep at that establishment a dog that is over 12 weeks old and that is not implanted with a microchip.

(b) This subsection ceases to have effect from the day immediately following the expiration of the period of 12 months after its commencement.

(3) *Subsections (1) and (2)* shall not apply to the operator of a dog breeding establishment if—

(a) that operator is a hunt or game club,

(b) the dog concerned is registered in a register (in this section referred to as a “hunt club register”) established and maintained by the Hunting Association of Ireland or the Irish branch of the Federation of Associations for Hunting and Conservation of the European Union (FACE), and

(c) in relation to the hunt club register there is compliance with *subsections (4) and (5)* and regulations (if any) under *subsection (6)*.

(4) A hunt club register shall contain the following particulars:

(a) a reproduction of the mark imprinted on the skin or coat of the dog to enable its identification;

(b) the name of the owner of the dog and the address at which he or she resides;

(c) the address of the dog breeding establishment at which the dog is kept;

(d) the date of birth and sex of the dog;

(e) the dog’s colouring and any particular feature or features that distinguish the dog.

(5) A hunt club register shall be made available for inspection by an authorised person at all reasonable times.

(6) The Minister may make regulations in relation to the maintenance and content of a hunt club register.”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

[ SECTION 15 ]

42. In page 15, lines 20 to 21, to delete subsection (1) and substitute the following:

“(1) The Minister may make Regulations under this Act to ensure the identification of each dog kept at a dog breeding establishment.”.

—Ciarán Lynch.

SECTION 16

43. In page 15, before section 16, to insert the following new section:

“Notification of sale or transfer of dog. 16.—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—

(a) the local authority in whose functional area the dog breeding establishment is situated, or

(b) 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.”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

44. In page 15, lines 41 to 42 and in page 16, lines 1 to 5, to delete subsection (1) and substitute the following:

“16.—(1) A local authority may appoint such and so many of its officers or employees as it considers appropriate to be an authorised person or authorised persons for the purposes of this Act.”.

—Ciarán Lynch.

45. In page 15, subsection (1)(a), line 42, after “practitioners” to insert “who are employed by the Department of Agriculture”.

—Phil Hogan.

46. In page 16, subsection (1), lines 1 to 3, to delete paragraph (b).

—Phil Hogan, Martin Ferris.

47. In page 16, lines 6 to 10, to delete subsection (2).

—Phil Hogan.

48. In page 16, subsection (3), lines 15 and 16, to delete paragraph (b).

—Phil Hogan.

SECTION 17

49. In page 16, subsection (1), between lines 20 and 21, to insert the following:

“(a) remove without warrant any animal from premises which he or she has reasonable grounds for believing are being used for the operation of a dog breeding establishment, if he or she has reasonable grounds for believing that such removal is necessary for the protection of the welfare of such animal,”.

—Ciarán Lynch.

50. In page 17, lines 26 to 29, to delete subsection (2) and substitute the following:

[ SECTION 17 ]

“(2) When performing a function under this Act, an authorised person may, subject to any warrant under *subsection (4)*—

- (a) be accompanied by such number of other authorised persons or members of the Garda Síochána as the authorised person considers appropriate, or
- (b) in the case of the performance of such functions in relation to—
  - (i) a dog breeding establishment operated solely for the training and management for reward of greyhounds pursuant to a public trainer’s licence, or
  - (ii) a dog breeding establishment operated solely for the breeding of thoroughbred greyhounds registered in the Irish Greyhound Stud Book in accordance with rules approved by the Irish Coursing Club under Article 16 of the Constitution of the Irish Coursing Club,

be accompanied by a veterinary practitioner, or a stipendiary steward within the meaning of the Regulations of 1961, nominated by Bord na gCon or the Irish Coursing Club.”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 18

**51.** In page 19, between lines 34 and 35, to insert the following new subsection:

“(7) In this section “authorised person” means a person appointed to be an authorised person pursuant to *section 16(1)(a)*.”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 22

**52.** In page 21, line 37, to delete “issued, a” and substitute “issued, for a”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 23

**53.** In page 22, line 7, to delete “The following” and substitute “Subject to subsection (2)\*, the following”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

[\*Note: This is a reference to the subsection proposed to be inserted by Amendment No. 56.]

**54.** In page 22, line 11, to delete “applies, €20” and substitute “applies, €12.50”.

—Martin Ferris.

**55.** In page 22, line 14, to delete “licence, €400” and substitute “licence, €267”.

—Martin Ferris.

**56.** In page 22, between lines 14 and 15, to insert the following:

“(2) The operator of a dog breeding establishment registered under the *Dog Breeding Establishments Act 2010* shall not be liable to pay a fee in respect of the issue of a general dog licence.”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**57.** In page 22, line 15, to delete “(2) The Minister” and substitute the following:

[ SECTION 23 ]

“(3) The Minister”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**58.** In page 22, line 19, to delete “*subsection (3)*” and substitute “subsection (4)”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**59.** In page 22, line 23, to delete “(3) The figure” and substitute the following:

“(4) The figure”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**60.** In page 22, line 23, to delete “subsection (2)” and substitute the following:

“subsection (3)”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**61.** In page 22, line 29, to delete “(4) Whenever” and substitute the following:

“(5) Whenever”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**62.** In page 22, line 33, to delete “(5) In this” and substitute the following:

“(6) In this”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.