Draft General Scheme of the Greyhound Industry Bill 2017

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Draft General Scheme of

Greyhound Industry Bill 2017

An Act to amend and extend the Greyhound Industry Acts 1958 to 1993, the Welfare of Greyhounds Act 2011 and to change the name of Bord na gCon and to provide for related matters

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

Part 1

**Head 1**

**Short title, collective citation, construction and commencement.**

1.(1) This Act may be cited as the Greyhound Industry Act 2017.

(2) The Greyhound Industry Acts 1958 and 1993, sections 8 to 13 of the Act of 1999, sections 14 and 15 (in so far as they relate to *Greyhound Racing Ireland*) of the Horse and Greyhound Racing Act 2001 and this Act may be cited together as the Greyhound Industry Acts 1958 to 2017 and shall be read together as one.

(3) This Act comes into operation on such day or days as the Minister may appoint by order either generally or with reference to any particular purpose or provision and different days may be appointed for different purposes or different provisions.

**Explanatory Note**

This Head provides for the short title, collective citation and commencement of the Bill.

**Head 2**

**Interpretation**

2. In this Act –

“Act of 1999” means Horse and Greyhound Racing (Betting Charges and Levies) Act 1999;

“Appeal Committee” means Greyhound Racing Appeal Committee;

“authorised officer” means a person appointed by the Board under *section 16*;

“Board” means *Greyhound Racing Ireland*;

“Control Committee” means Greyhound Racing Control Committee established under *section 22*;

“disqualification order” is read in accordance with *section 19*;

“exclusion order” is read in accordance with *section 20*;

“greyhound” means a dog (including a bitch) entered in the Irish Greyhound Stud Book or the pup of a greyhound dog and greyhound bitch so entered:

“Principal Act” means Greyhound Industry Act 1958;

“Racing code” means a provision of the Greyhound Industry Acts 1958 to 2017 or any regulation or rule made under those Acts other than a provision that is explicitly a criminal offence;

“Racing sanction” means a sanction listed in *section 17(1)*;

“subsidiary” means a company established by *Greyhound Racing Ireland* under section 18B (inserted by section 10 of the Act of 1999) of the Principal Act.

**Explanatory Note**

This Head provides the definitions for the Bill. The most significant change is the insertion of definitions for “Racing code” and “Racing sanction”. These definitions provide a basis for administrative sanctions for breaching the rules of greyhound racing instead of the current criminal sanctions. This Head also defines the Control Committee and includes a definition for disqualification and exclusion orders.

**Head 3**

**Amendment of section 2 of Principal Act (interpretation).**

3. Section 2 of the Principal Act is amended in subsection (1) by –

(a) substituting for the definition of “the Minister” the following:

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

(b) inserting after the definition of “totalisator licence” the following:

“‘veterinary practitioner’ means a veterinary practitioner within the meaning of the Veterinary Practice Act 2005.”.

**Explanatory Note**

This Head amends the definition of Minister in the Greyhound Industry Act 1958 and inserts a definition for veterinary practitioner.

[Comment – this Head will require the insertion of the definition of “Board” to reflect the change to Greyhound Racing Ireland.]

**Head 4**

**Notifications, notices and documents**.

4. (1) Where a notification is required under this Act or a notice or document under the Principal Act is required to be given to or served on a person it shall be addressed to the person and shall be given to or served on the person –

(a) by delivering a copy to the person or in the case of a partnership by delivering it to any of the partners,

(b) by leaving a copy at the address at which the person ordinarily resides or carries on business,

(c) by sending a copy by post in a pre-paid registered letter addressed to the person at the address at which the person ordinarily resides or carries on business,

(d) if an address for the service of the notification, notice or document has been furnished by the person, by leaving a copy at, or sending it by pre-paid registered post addressed to the person to, that address, or

(e) by sending a copy by means of electronic mail to a device or facility for the reception of electronic mail where such an electronic mail address has been furnished by the person, but only if the sender’s facility for the reception of electronic mail generates a message confirming a receipt of the electronic mail confirming successful transmission of the total number of pages of the notification, notice or document.

(2) For the purposes of subsection (1), a company registered under the Companies Act is considered to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body is considered to be ordinarily resident at its principal office or place of business.

(3) A copy of a notification, notice or document, which has endorsed on it a certificate by a welfare officer (appointed under the Welfare of Greyhounds Act) or an authorised officer, as the case may be, stating that the copy is a true copy of the notification may, without proof of signature of that person, be produced in every court or before the Control Committee or Appeal Committee and is evidence, unless the contrary is shown, of the notification.

(4) Section 53 of the Principal Act is repealed.

**Explanatory Note**

This Head updates the provisions for service of documents and provides that faxes and emails may be used to serve documents.

[Comment: This Head may not be required – see section 25 of the Interpretation Act 2005]

**Head 5**

**Revocations**

5. The following are revoked:

(a) the Greyhound Industry (Control Committee and Control Appeal Committee) Regulations 2007 (S.I. No. 301 of 2007), and

(b) the Greyhound Industry (Control Committee and Control Appeal Committee) (Amendment) Regulations 2008 (S.I. No. 242 of 2008).

**Explanatory Note**

This Head provides that existing Regulations will be revoked on enactment of the measures in the Bill. Provisions similar to those in the S.I.s are being brought into primary legislation.

**PART 2**

**GREYHOUND RACING IRELAND**

**Head 6**

**Change of name and other matters relating to Board**

6. (1) The name of the body (established by section 6 of the Greyhound Industry Act 1958) the present name of which is Bord na gCon, shall be, in the English language, the Greyhound Racing Ireland, and in the Irish language, Rásaíochta Con Éireann.

(2) The Principal Act is amended by substituting for sections 7, 8 and 9 the following:

“**Constitution of Board**

7. (1) The Board of Greyhound Racing Ireland shall consist of -

(a) a chairperson, and

(b) 8 ordinary members,

who have, in the opinion of the Minister, experience of or shown capacity in matters relevant to the functions of the Board.

(2) The Minister shall, insofar as practicable and having regard to the relevant experience of the persons concerned, ensure an equitable balance between men and women in the composition of the Board.

**Members of Board**

8. (1) The Minister shall appoint the members of the Board, having regard to Government policy and procedures.

(2) The chairperson of the Board holds office for 5 years from the date of his or her appointment.

(3) Subject to subsection (4), an ordinary member of the Board holds office for 3 years from the date of his or her appointment.

(4) On commencement of *section 6 of the* *Greyhound Industry Act 2017* any Board member with less than 3 years service on the Board from his or her first or second appointment, shall continue as a Board member until he or she has served 3 years.

(5) A person who has served two terms of office as a member of the Board is not eligible for re-appointment.

(6) A member of the Board to whom subsection (4) applies may, subject to subsection (5), be eligible to be reappointed as an ordinary member of the Board under this section.

(7) A member of the Board, subject to this Act, holds office upon such terms and conditions (including terms and conditions relating to remuneration and allowances) as the Minister, with the consent of the Minister for Public Expenditure and Reform, determines.

(8) If a member of the Board dies, resigns, ceases to be qualified for office and ceases to hold office, or is removed from office, the Minister may appoint a person to be a member of the Board to fill the casual vacancy so occasioned.

(9) A person appointed to be a member of the Board under subsection (8) holds office for that period of the term of office of the member who occasioned the casual vacancy that remains unexpired at the date of his or her appointment and is eligible for reappointment as a member of the Board for one term of office on the expiry of that period.

(10) Where a member of the Board, whose term of office has expired, has not been reappointed or may not be reappointed by virtue of having served 2 consecutive terms, the member shall continue in office until the vacancy occasioned by him or her is filled by the appointment of another person.

(11) The Board may act notwithstanding any vacancy in its membership.

**Conditions of office of members of Board**

9. (1) The Minister may at any time remove a member of the Board from office for stated reasons including if, in the opinion of the Minister -

(a) the member -

(i) becomes incapable through ill health of effectively performing his or her duties, or

(ii) breaches the Code of Practice for the Governance of State Bodies issued by the Minister for Public Expenditure and Reform or other such codes or policy documents that may issue from time to time by a member of the Government, or

(b) the removal is necessary for the effective performance of the functions of the Board.

(2) A member of the Board may resign from office by letter addressed to the Minister and the resignation takes effect when the Minister receives the letter.

(3) A member of the Board ceases to hold office if -

(a) he or she is adjudicated bankrupt,

(b) he or she makes a composition or arrangement with a creditor,

(c) he or she is convicted of an offence under the Non-Fatal Offences against the Person Act 1997 or an offence involving cruelty to an animal or relating to animal welfare,

(d) he or she is the subject of an exclusion order under this Act,

(e) he or she is convicted of an indictable offence in relation to a company (within the meaning of the Companies Act 2014),

(f) he or she is convicted of an offence involving fraud or dishonesty,

(g) he or she is sentenced to a term of imprisonment by a court of competent jurisdiction, or

(h) he or she is the subject of an order under section 842 of the Companies Act 2014.”.

(3) Section 10 of the Principal Act is amended by substituting for subsection (2) the following:

“(2) The quorum for a meeting of the Board is 6.”.

**Explanatory Note**

This Head provides for –

* changing the name of Bord na gCon to Greyhound Racing Ireland.
* an increase in the number of members of the Board from a Chairperson and 6 members to a Chairperson and 8 members,
* a term of office of 5 years for the Chairperson, as opposed to the current indeterminate period;
* a statutory prohibition on the re-appointment of a person to the Board beyond two terms, to reflect the Code of Practice for the Governance of the State Bodies
* statutory powers permitting the Minister to remove a Board member where the member falls ill and is unable to perform his/her duties or breaches the Code of Practice for the Governance of State Bodies as published by the Minister for Public Expenditure and Reform (which takes effect from 1 September 2016)
* cessation of appointment to the Board in a number of circumstances, including if a Board member is adjudicated bankrupt is found guilty of offences relating to the Greyhound Industry, welfare of animals, intimidation or assault, fraud or dishonesty.

These changes are on foot of the Indecon Report.

**Head 7**

**Exclusion from membership of Board.**

7. (1) Where a member of the Board, or a committee of the Board, or a director of a subsidiary, is nominated as a candidate for election to the European Parliament, or to either House of the Oireachtas, he or she is suspended from membership of the Board or as a director of the subsidiary, and is not entitled to participate in meetings of the Board or the subsidiary or receive from the Board or the subsidiary any remuneration or allowances in respect of the period commencing on such nomination and ending when the person is regarded as not having been elected.

(2) Where a member of the Board or a committee of the Board or the chief executive or a director of a subsidiary, is -

(a) nominated as a member of Seanad Éireann,

(b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament or

(c) regarded under Part XIII of the Second Schedule to the European Parliament Elections Act 1997, as having been elected to the European Parliament, he or she ceases to be a member of the Board, or the committee, the chief executive or director of the subsidiary.

(3) A person who is entitled under the Standing Orders of either House of the Oireachtas to sit in that House or who is a member of the European Parliament, while he or she is so entitled or is such a member, is disqualified from membership of the Board.

(4) Where a person who is a member of the staff of the Board is -

(a) nominated as a candidate for election to either House of the Oireachtas or the European Parliament,

(b) elected as a member of either House of the Oireachtas or the European Parliament,

(c) nominated as a member of Seanad Éireann, or

(d) regarded under Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to the European Parliament to fill a vacancy, he or she is seconded from employment by the Board and shall not be paid by, or be entitled to receive from, the Board any remuneration or allowances in respect of the period commencing on such nomination or election, or when he or she is so regarded as having been elected, as the case may be, and ending when the person is regarded as not having been elected or ceases to be a member of either House or the Parliament.

**Explanatory Note**

This Head provides the current standard provisions in relation to elected representatives’ participation on State Boards. This is a new provision that is standard in modern law.

**Head 8**

**Disclosure of interests**

8.(1) Where a –

(a) member of the Board, or a committee of the Board,

(b) director of a subsidiary,

(c) member of the staff of *Greyhound Racing Ireland* or a subsidiary, or

(d) consultant or adviser engaged by Greyhound Racing Ireland or a subsidiary, or

(e) member of the controls committee or the appeals committee

has any pecuniary interest or other beneficial interest in, or material to, any matter which falls to be considered by the Board, committee or a subsidiary, he or she shall -

(i) disclose to the Board or committee or subsidiary, as the case may be, the nature of the interest in advance of any consideration of the matter,

(ii) neither influence nor seek to influence a decision relating to the matter,

(iii) take no part in any consideration of the matter,

(iv) withdraw from a meeting at which the matter is being discussed or considered for so long as it is being so discussed or considered, and

(v) if he or she is a member of the Board or a committee or a director of a subsidiary, neither vote nor otherwise act as such a member or director in relation to the matter.

(2) For the purposes of this section, but without prejudice to the generality of subsection (1), a person is regarded as having a beneficial interest if -

(a) the person, a connected relative of the person or a nominee of either of them is a member of a company or any other body which has a beneficial interest in, or material to, any matter referred to in that subsection,

(b) the person or a connected relative of the person is in partnership with or is in the employment of a person who has a beneficial interest in, or material to, any such matter,

(c) the person or a connected relative is a party to any arrangement of agreement (whether or not enforceable) concerning land to which any such matter relates, or

(d) a connected relative has a beneficial interest in, or material to, any such matter.

(3) For the purposes of this section, a person is not regarded as having a beneficial interest in, or material to, any matter by reason only that he or she or any company or other body or person mentioned in subsection (2) has an interest which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a person in considering or discussing, or in voting on, any question in respect of the matter or in performing any function in relation to the matter.

(4) The Board shall determine any question as to whether a course of conduct, if pursued by a person, would be a failure by him or her to comply with subsection (1) and particulars of the determination shall be recorded in the minutes of a meeting at which the determination is made.

(5) If a person makes disclosure under subsection (1) at a meeting of the Board, a committee or a subsidiary, particulars of the disclosure shall be recorded in the minutes of the meeting.

(6) Where the Minister is satisfied that a member of the Board or a committee or a director of a subsidiary has contravened subsection (1), he or she may remove the member or director and, where a person is removed from office under this subsection he or she is disqualified from being a member of the Board or a committee or a director of a subsidiary.

(7) Where a person other than a person to whom subsection (6) applies contravenes subsection (1), the Board or, as appropriate, the subsidiary shall decide the appropriate action to be taken in relation to the person, including the termination of a contract of service or a contract for services with the person.

(8) Nothing in this section prejudices the operation of any rule of law restricting directors of a company from having any interest in contracts with the Board or a subsidiary.

(9) In this section -

“committee” means committee of the Board or the Control Committee or Appeal Committee;

“connected relative” in relation to a person, means a spouse, partner, parent, brother, sister, child or the spouse of a child of the person.

**Explanatory Note**

This Head provides for disclosure of potential conflicts of interests. This is a new provision recommended in the Indecon Report.

**Head 9**

**Application of funds and functions of Greyhound Racing Ireland**

9. (1) Section 16 of the Principal Act is amended by-

(a) in subsection (1)(c) inserting the following subparagraph after subparagraph (viii)-

“(ix) the enhancement of the welfare of greyhounds.”

(b) inserting a new subsection (3) –

“(3) The general functions of *Greyhound Racing Ireland* are to provide for the overall administration, regulation, governance, development and promotion of the Irish greyhound industry and the welfare of greyhounds and the Board [of Greyhound Racing Ireland] may identity functions, role and responsibilities such that there is a clear division of responsibilities between leading and managing the Board and the executive responsibility for running the State body in accordance with the Code of Practice for the Governance of the State Bodies as published by the Minister of Public Expenditure and Reform or other such codes or policy documents that may issue from time to time by a member of the Government.”

**Explanatory Note**

This Head provides, for the first time by statute, an overarching statement outlining the functions of Greyhound Racing Ireland. It also inserts an explicit provision permitting the Board to apply funds to enhance greyhound welfare.

It is intended to provide additional legal certainty in relation to the functions of the Board.

**Head 10**

**Code of Practice for Governance of State Bodies**

10. The Board and its subsidiaries shall have regard to the Code of Practice for the Governance of State Bodies as published by the Minister for Public Expenditure and Reform or other such codes or policy documents that may be issued from time to time by a member of the Government.

**Explanatory Note**

This Head obliges the Board and its subsidiaries to have regard to Government Codes of Practice

**Head 11**

Subsidiaries

11. Section 19 of the Principal Act (as amended by section 14 of the Horse and Greyhound Racing Act 2001) is amended by the insertion in subsection (1) after “The Board” of “and its subsidiaries”

Explanatory Note

This Head explicitly provides for the reporting of the accounts of subsidiaries of Bord na gCon.

**Head 12**

Chief executive officer

31. Subsection (2) of section 11 of the Principal Act is amended by substituting the following-

“(2) The Board may appoint an officer of the Board to be the Chief Executive Officer and the Chief Executive Officer shall carry on and manage and control generally the administration and business of the Board, advise the Board in relation to the performance of its functions and perform such other functions as may be determined by the Board as it considers necessary for the efficient and effective operation of the industry having regard to the Code of Practice for the Governance of State Bodies.

(2A) The chief executive shall hold office on and subject to such terms and conditions (including terms and conditions relating to remuneration) as may be approved of by the Board with the consent of the Minister and the Minister for Public Expenditure and Reform having regard to the Code of Practice for the Governance of State Bodies.

(2B) The chief executive shall be paid, out of moneys at the disposal of the Board, such allowances for expenses incurred by him or her in the performance of his or her functions as may be determined by the Board with the consent of the Minister and the Minister for Public Expenditure and Reform.

(2C) The chief executive shall devote the whole of his or her time to the duties as chief executive and shall not hold any other office or position without the consent of the Board.

(2D) The chief executive may make proposals to the Board on any matter relating to its activities.”.

**Explanatory Note**

The Head explicitly allows the Board to delegate its functions to the CEO as the Board considers necessary for efficiency and effectiveness reasons.

**Head 13**

**Part 3**

**Greyhound Racing**

**Head 13**

Prohibition on operating greyhound race track without licence

### 13.(1) The following section is substituted for section 21 (as amended by section 12 of the Act of 1999) of the Principal Act:

“**21.** (1) A person (other than *Greyhound Racing Ireland*) shall not operate a greyhound race track except under a greyhound race track licence.

(2) A person who contravenes subsection (1) commits an offence and is liable -

(a) on summary conviction to a class A fine , or

(b) on conviction on indictment, to a fine not exceeding €250,000.”.

#### (2) Subsection (1) of section 12 of the Act of 1999 is repealed.

Explanatory Note

This Head increases the maximum fines for operating a greyhound racing track without a licence. This brings the 1958 Act in line with current sanction regimes.

**Head 14**

Amendment of section 25 of Principal Act (regulations and rules in relation to greyhound race tracks).

### 14. Section 25 of the Principal Act is amended by:

##### (a) substituting for subsection (1) the following:

“(1) The Board may, by regulations make provision with respect to the establishment, layout, construction, maintenance, equipment, use, management and control of greyhound race tracks and the conduct generally of greyhound races (including the promotion of integrity and fair play in races) at such tracks.”,

##### (b) in subsection (2) -

###### (i) paragraph (a) by inserting “kennelhand” following “time-keeper”,

###### (ii) by inserting after paragraph (e) the following:

“(ea) operation of electronic surveillance at greyhound race tracks or parts thereof,”

###### (iii) paragraph (i), by substituting “*section 19* of the *Greyhound Industry Act 2017*” for “section 45 of this Act”,

###### (iv) by inserting after paragraph (k) the following:

“(ka) the functions of judges, stewards and other officials at a greyhound race meeting,”, and

(v) by inserting after paragraph (m) the following:

“(ma) restricting (including prohibiting) the use of mobile phones or other devices capable of communication in defined areas of a greyhound racing track,”.

##### (c) inserting after subsection (2) the following:

“(2A) A person who administers, without reasonable excuse or lawful authority –

(a) a prohibited substances as set out in regulations made under subsection (2B), or

(b) a controlled substance to the extent that the residue is above the limit set out in regulations made under subsection (2B)

breaches the Racing code.

(2B) The Board may make regulations for the purposes of subsection (2A), in relation to substances that may be harmful to greyhounds or affect the performance of a greyhound in a greyhound race to the extent that the substance should be not be administered (orally or otherwise) to a greyhound (hereinafter referred to as a “prohibited substance”) or the amount to be administered (orally or otherwise) to a greyhound to should be limited (hereinafter referred to as a “controlled substance”), to —

(a) prohibited substances, by reference, class or otherwise, that may not be given to a greyhound;

(b) controlled substances by reference, class or otherwise, that may be given to a greyhound to which this Act or the Welfare of Greyhounds Act 2011 applies;

(c) set limits for residues for controlled substances (including different residue limits for a substance or class of substances depending on the manner, nature of the test or sample taken):

(d) set periods following administration of a substance that a greyhound may not participate in greyhound racing or trials;

(e) provide for the publication of the substances that are prohibited or controlled under Regulations made under paragraphs (a) or (b), the residue limits set under paragraph (c) and the periods that a greyhound may not participate in greyhound racing or trials under paragraph (d);

(f) set out procedures for recording substances given to a greyhound to which this Act or the Welfare of Greyhounds Act 2011 applies;

(g) set out procedures for notifying when a greyhound to which this Act or the Welfare of Greyhounds Act 2011 applies has been treated by a controlled substance;

(h) set out controls to be applied by an owner, trainer or keeper of greyhounds shall ensure that greyhounds are not given prohibited or controlled substances;

(i) provide for controls at greyhound race tracks or at greyhound trials or sales to endure that greyhounds are not given prohibited or controlled substances;

(j) provide for sampling of greyhounds at any location and at any stage in such greyhound’s life;

(k) approve laboratories and methods of analysis for testing samples for prohibited and controlled substances;

(l) publish details (including the name and address of the owner and trainer and the name of the dog and of the substance) of adverse analytical findings in relation to a prohibited or controlled substance.

##### (d) substituting for subsections (4) and (5) the following:

“(4) A person who contravenes a regulation under this section is liable to one or more Racing sanctions.

(5) Notwithstanding subsection (4), where a sample from a greyhound is found to have-

(a) a prohibited substance present or

(b) a substance for which there is a maximum residue limit has been set and that limit has been exceed

that greyhound shall be disqualified from racing until such time as the Control Committee has decided on whether a Racing sanction should be imposed. ”, and

##### (e) deleting subsections (7) and (8).

**Explanatory Note**

This Head extends regulatory powers of the Board to control racing officials and ensure the integrity of the sport. It extends powers to include permitting of kennel hands and also provides that the Board may make regulations restricting the use of mobile phones, use of CCTV etc. in areas of the greyhound racing track.

It also introduces regulatory powers to deal with doping of greyhounds. The powers will allow the Board to prohibit substances and control others. The Board will also be allowed regulate the level of residues of controlled substances in greyhound and approved laboratories for testing for residues. It may also regulate the keeping of records for treatment of greyhounds and the periods for which a greyhound may not run following treatment with certain substances. This Head also provides that where a greyhound is found to have residues of a prohibited substance or residues above the maximum residue limit, the greyhound will not be allowed to race pending a Control Committee hearing

This Head is intended to provide the Board with powers to introduce a comprehensive anti-doping set of rules.

[Comment: Further detail on principles and policy for regulatory powers in relation to prohibited and controlled substances]

**Head 15**

Investigations by Greyhound Racing Ireland

### 15.(1) Section 43 of the Principal Act is amended by substituting for subsection (1) the following:

“(1) *Greyhound Racing Ireland* may cause any matter in relation to -

(a) a breach of the Racing code,

(b) any matter related to the regulation of the greyhound racing industry,

(c) the welfare of greyhounds involved with the greyhound racing industry, or

(d) a request to investigate received from the Control Committee under *section 21*

to be investigated in such manner as Greyhound Racing Ireland thinks proper.

#### (1A) The Board may make regulations for the conduct of investigations and related matters .

#### (1B) Where *Greyhound Racing Ireland* considers there may be a breach by a person of the Racing code it shall refer the matter to the Control Committee and may make recommendation as to the appropriate sanction.

#### (1C) Where *Greyhound Racing Ireland* considers that there are matters of concern to the Club, it may notify such matters to the Club.”.

Explanatory Note

This Head includes an explicit reference to welfare in the matters Greyhound Racing Ireland may investigate. It also provides for regulatory powers for procedures for the conduct of investigations. This Head permits Greyhound Racing Ireland to notify the Club where there is a possibility that matters known it may be of concern to the Club.

Head 16

**Authorised officers**

16. (1) The Principal Act is amended by inserting the following section after section 43 of that Act-

“**Appointment of authorised officers**

43A. (1) The Board may appoint, in writing, such persons or classes of persons as it considers appropriate to be authorised officers for the exercise of all or any of the functions conferred on an authorised officer specified in the appointment.

(2) The Board may terminate the appointment of an authorised officer appointed by it whether or not the appointment was for a fixed period or specified purpose.

(3) An appointment as an authorised officer ceases—

(a) if it is terminated in accordance with paragraph (2),

(b) if it is for a fixed period, on the expiration of that period,

(c) if it is for a specified purpose, on the completion of that purpose, or

(d) if the person appointed-

(i) is an employee of the Board on ceasing to be an employee, or

(ii) is a member of a class of persons, on ceasing to be such a member.

(4) Nothing in paragraph (3) is to be construed so as to prevent the Board from re-appointing as an authorised officer a person to whom paragraph (3) relates.

(5) An authorised officer appointed under this section shall be furnished with a warrant of his or her appointment and, when exercising a function conferred on him or her as an authorised officer, the officer shall, if requested by a person affected, produce the warrant, or other evidence (including an identity document relating to the officer under section 17 of the Animal Remedies Act 1993) that he or she is such an officer, for inspection.

**Functions of authorised officers**

43B. (1) For the purposes of this Act, other than matters covered by section 44(2), an authorised officer may—

(a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—

(i) a greyhound is, may be or has been present,

(ii) a record relating to a greyhound, may be or has been present, or

(iii) equipment, machinery or other thing used in connection with a greyhound, may be or has been present,

(b) examine a greyhound animal feed, equipment, machinery or other thing,

(c) require the name and address of the person in possession or control of a greyhound, animal feed, equipment, machinery or other thing,

(d) inspect a vehicle, equipment, machinery or other thing used in connection with a greyhound or animal feed and require a person in charge or control of such to refrain from moving it,

(e) require the owner, occupier or person in charge of land or premises or a greyhound or animal feed or a vehicle, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person’s possession or procurement, or under the person’s control, as the officer may reasonably require,

(f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,

(g) take, without making a payment, samples from a greyhound, animal feed, water, equipment, machinery or other thing relating to an animal, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it; or

(h) to restrain a greyhound.

(2) For the purposes of his or her functions under this Act, other than matters covered by section 44(2), an authorised officer may require a person in possession or control of a greyhound in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of a greyhound or animal feed, equipment, machinery or other thing relating to the greyhound as is in the person’s knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

(a) there is a risk of disease,

(b) there is a risk to the welfare of a greyhound,

(c) there is a breach of the Racing code, or

(d) evidence relating to paragraphs (a), (b) or (c) may be, is or has been on any land or premises, or in a vehicle, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under subsection (1):

(i) search the land or premises;

(ii) search the vehicle, equipment or machinery;

(iii) require a person in charge or control of the vehicle, equipment or machinery to—

(I) refrain from moving it, or move it to a location where it may be searched, and

(II) give information regarding its place of departure, journey or destination;

(iv) seize and detain animal feed or other thing related to a greyhound and mark or otherwise identify it;

(v) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under this Act.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling.

(6) An authorised officer, when exercising a power under this section, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under this Act.

(8) Where, in the course of exercising a power under this Act, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of a breach of the Racing code the officer may seize and retain it for use in evidence in a Control Committee hearing.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by this Act.

(10) In this section vehicle includes a trailer, designed for use or used with a vehicle, or container designed or used for carriage on a vehicle, whether either is attached to or detached from a vehicle.

**Assistance to authorised officer**

43C. (1) A person who has—

(a) a greyhound or animal feed, or

(b) a vehicle, equipment, machinery or other thing used in connection with a greyhound or animal feed,

in his or her possession or under his or her control, or information or a record relating to any of them, shall give such—

(i) assistance to an authorised officer, or person who accompanies the officer, and

(ii) information to an authorised officer on request being made in that behalf by the officer,

as the officer may reasonably require for the exercise of his or her functions under *section 43B*.

(2) The owner, occupier or person in charge of land or premises used in connection with a greyhound or animal feed shall, if required by an authorised officer, where it is practicable and possible, provide suitable equipment or facilities or a suitable part of the land or premises or both for the officer to carry out his or her functions under *section 43B*.

(3) An authorised officer may require a person to give to the officer such information as is in the person’s power or procurement or as regards any land specified by the officer including—

(a) whether or not the land is used, either partly or wholly, for or in connection with the keeping of greyhounds,

(b) the name of the person who is in occupation of the land,and

(c) whether or not the land is let and, if let, the name and address of the person to whom, and the period of time for which, it is let.

**Search warrant**

43D. (1) For the purposes of an offence under this Act, if a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for believing that—

(a) evidence of or relating to a criminal offence relating to a greyhound, animal feed or matters subject to a licence or permit under this Act is to be found in the dwelling,

(b) there is or was a greyhound, animal feed, machinery, equipment or other thing made, used or adapted for use (including manufacture and transport) in connection with a greyhound, animal feed or matters subject to a licence or permit under this Act in the dwelling,

(c) a record related to a thing to which paragraph (a) or (b) refers is or may be in the dwelling,

then the judge may issue a search warrant.

(2) A search warrant under this section shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers or other persons as the named authorised officer thinks necessary, at any time, within one month from the date of issue of the warrant, on production, if so requested, of the warrant, to enter the land or premises named in the warrant and to exercise all or any of the functions conferred on an authorised officer under this Act.

(2) Section 44(1) is repealed.

**Explanatory Note**

This Head provides that Board may appoint authorised officers.

This is the first time appointment of authorised officer has been provided for in primary legislation. It provides amplified powers of authorised officers to investigate matters including investigating the use of prohibited substances. It provides that subject to the jurisdiction of the District Court authorised officers may seek a search warrant to search a domestic dwelling where the authorised officer believes that there may be evidence of an offence under the Greyhound Industry Acts. The power to seek a search warrant for a domestic dwelling will not be apply to Racing sanctions.

**Part 4**

**Racing sanctions etc.**

**Head 17**

**Racing sanctions**

### 17.(1) Where the Control Committee or the Appeals Committee determines that a person has breached the Racing code, the Committee, having regard to the seriousness of the breach and any recommendation of *Greyhound Racing Ireland* under *section 43(1B)* , may apply the following sanctions -

##### (a) give an advice, admonishment or censure, in writing,

##### (b) impose a financial sanction not exceeding €5,000,

##### (c) make –

###### a disqualification order, or

###### an exclusion order,

(d) revoke or suspend a licence or permit be revoked,

and may direct a person to pay costs or expenses of any investigations or hearings.

#### (2) A person who fails to pay a financial sanction and the costs or expenses of any investigations or hearings imposed on him or her shall not be permitted to train, transfer ownership of or race greyhounds or attend at a greyhound race track until the amount is paid in full.

#### (3) A person who enters a greyhound race track in contravention of *subsection (2)* may be required to leave the track. A person who fails to leave may be removed by any person acting under the direction of the licensee under the greyhound race track licence relating to the track.

(4) A financial sanction imposed by the Control Committee or the Appeals Committee shall be paid to *Greyhound Racing Ireland* and be accounted for by the *Greyhound Racing Ireland* in its annual accounts.

(5) *Greyhound Racing Ireland* may recover a financial sanction and the costs or expenses of any investigations or hearings as a simple contract debt in a court of competent jurisdiction from the person on whom the sanction is imposed.

Explanatory Note

#### The intention is to transfer decisions in relation to the application of sanctions from the Board to the Control and Appeal Committees, which are independent in the exercise of their functions

#### Racing sanctions may be advice, admonishment or censure, financial sanctions up to €5,000, the disqualification of greyhounds or the exclusion of individuals from racing activities or the revocation or suspension of licences or permits.

#### This Head provides that decisions in relation to breaches of the Racing code should be applied by the Control Committee and the Appeals Committee.

#### It also provides that a person who fails to pay a financial sanction shall not be permitted to train, transfer ownership of or race greyhounds or attend at a greyhound race track until the amount is paid in full.

**Head 18**

Jurisdiction of Control Committee and Appeal Committee

18. (1) A person who enters a greyhound in a greyhound race at a greyhound race track or at trial, trains greyhounds for the purposes of racing or trials, breeds or sells greyhounds for the purpose of greyhound racing or participates in greyhound racing is subject to the jurisdiction of the Control Committee and Appeal Committee in respect of any breach of the Racing code which may result in the imposition of one or more Racing sanctions.

(2) It is a condition of any licence or permit granted under the Principal Act, whether stated on the face of the licence or not, that the licensee or permit holder is subject to the jurisdiction of the Control Committee and Appeal Committee in respect of any breach of the Racing code which may result in the imposition of a Racing sanction.

(3) The Control Committee or the Appeal Committee shall determine matters in respect of Racing sanctions (including applications for disqualification orders under *section 19* and exclusion orders under *section 20*).

(4) In this section “person” includes -

(a) the owner, trainer, agent, kennelhand or handler of a greyhound entered in a greyhound race at a greyhound race track,

(b) a person who enters a greyhound in a greyhound race as agent for or on behalf of another and a person who causes another to enter a greyhound in a greyhound race on his or her behalf,

(c) a person who presents a greyhound for sale or enters a greyhound at a trial, and

(d) any person to whom the Racing code refers. and

(e) a person who accepts bets, lays or acts an intermediary for the purposes of betting on greyhound racing.

(5) The Control Committee or the Appeal Committee may, following consultations with *Greyhound Racing Ireland*, make regulations for the conduct of hearings.

Explanatory Note

This Head provides that people participating in the sport of greyhound racing subject themselves to the jurisdiction of the Control and Appeals Committees.

Head 19

Disqualification orders

### 19.(1) A disqualification order made in respect of all or specified greyhounds kept, owned, trained or managed by a specified person, disqualifies such greyhounds from one or more of the following as is specified in the order:

##### (a) entry for any greyhound race at any greyhound race track;

##### (b) transfer ownership;

##### (c) acceptance for sale at any public sale of greyhounds;

##### (d) use in breeding, including use of ova, semen or embryos of the greyhound.

#### (2) A disqualification order may be for a specified period.

#### (3) A disqualification order may be revoked in whole or in part on appeal by the Appeal Committee upon application to it.

#### (4) Section 45 of the Principal Act is repealed.

(5) A disqualification order in place under section 45 of the Principal Act shall on the commencement of the this section continue in being as though it was made under section 17 of this Act

**Explanatory Note**

At the present time, the Board may issue a disqualification order in respect of a greyhound for breach of the Racing code. Such a disqualification order applies to racing and trials only. Some individuals have circumvented these orders by transferring ownership. This Head provides that disqualification orders issued by the Control Committee or the Appeals Committee disqualifies greyhounds from racing and trials and prevents circumvention of the order by extending the potential restriction to transferring ownership of the greyhound and use for breeding purposes.

Head 20

Exclusion orders

### 20.(1) An exclusion order prohibits a person from all or any of the following as is specified in the order:

##### (a) being on a greyhound race track;

##### (b) being at a public sale of greyhounds.

#### (2) An exclusion order may be for a specified period.

#### (3) An exclusion order may be revoked on appeal by the Appeals Committee or the District Court as the case may be upon application to it.

#### (4) A person who is the subject of an exclusion order shall be prohibited from attending an authorised coursing meeting.

#### (5) A person, who is the subject of an exclusion order issued by the Irish Coursing Club that prohibits the person from attending an authorised coursing meeting, shall be prohibited from attending a greyhound race track or being at a public sale of greyhounds.

#### (6) Section 47 of the Principal Act is repealed.

(7) A disqualification order in place under section 47 of the Principal Act shall on the commencement of the this section continue in being as though it was made under section 17 of this Act

Explanatory Note

This Head provides for the exclusion of individuals from certain activities relating to racing greyhounds. This power currently rests with the Board or the Coursing Club however under this Bill, power to issue an exclusion order is limited to the Control Committee and the Appeals Committee. The Coursing Club has powers to issue exclusion orders in respect of its members. Exclusion Orders issued by the Irish Coursing Club shall have like affect at greyhound race tracks and sales, and vice versa.

**Head 21**

Greyhound Racing Control Committee

### 21. (1) There is established a committee to be known as the Greyhound Racing Control Committee (“Control Committee”) to perform the functions conferred on it by or under *subsection (2)*.

#### (2) It is the function of the Control Committee to decide if there has been a breach of the Racing code and the contravention of which may lead to the possibility of one or more Racing sanctions being imposed.

#### (3) The Control Committee is independent in the performance of its functions.

#### (4) The Control Committee may make rules providing for its own procedures and if such rules are made the Committee shall publish those rules.

#### (5)The Control Committee may request *Greyhound Racing Ireland* to investigate any matter it considers appropriate in order to fulfil the Committee’s function as set out in subsection (2).

#### (6)The quorum for the Control Committee shall consist of a chairperson or deputy chairperson (if one is appointed) and any 2 ordinary members.

#### (7) The chairperson of the Control Committee -

##### (a) shall be appointed by the Minister, and

##### (b) holds office for 5 years from the date of his or her appointment.

#### (8) A maximum of 8 ordinary members of the Control Committee shall be appointed by the Minister and shall include one or more than one veterinary practitioner (within the meaning of the Veterinary Practice Act 2005) and a practising solicitor or barrister of at least 5 years standing.

(9) The Chairperson may nominate one of the 8 ordinary members as deputy chairperson and such member will deputise for the chairperson when the chairperson so requests or in the event that the chairperson is unable to perform his or her functions due to ill health.

#### (10) An ordinary member of the Control Committee holds office for 3 years from the date of his or her appointment.

(11) A member of the Control Committee may serve a maximum of 2 terms.

(12) Where a member of the Control Committee, whose term of office has expired, has not been reappointed or may not be reappointed by virtue of having served 2 consecutive terms, the member shall continue in office until the vacancy occasioned by him or her is filled by the appointment of another person.

#### (13) If the chairperson or an ordinary member of the Control Committee dies, becomes disqualified from holding, resigns or is removed from, office, the Minister may appoint a person to be the chairperson or a member of the Control Committee to fill the resultant casual vacancy.

#### (14) The person appointed to be the chairperson or a person appointed to be an ordinary member of the Control Committee under *subsection (13)* holds office for the remainder of the term of office of the member of it who occasioned the casual vacancy.

#### (15) The chairperson or an ordinary member of the Control Committee may resign from office by notice in writing to the Minister and the resignation takes effect on the date on which the Minister receives the notice.

#### (16) A member of the Board or the Appeal Committee shall not be a member of the Control Committee.

#### (17) A member of the Control Committee shall disclose any potential conflict of interest.

#### (18) A member of the Control Committee ceases to be qualified for office and ceases to hold office if he or she -

##### (a) is adjudicated bankrupt,

##### (b) has a composition or arrangement with creditors,

##### (c) is convicted of an offence involving cruelty to an animal or relating to animal welfare,

##### (d) is convicted of an indictable offence in relation to a company (within the meaning of the Companies Act),

##### (e) has a conflict of interest of such significance that, in the opinion of the Board, requires that he or she should cease to hold office,

##### (f) is convicted of an offence involving fraud or dishonesty,

##### (g) is sentenced to imprisonment by a court of competent jurisdiction,

##### (h) breaches *subsection (17)*, or

##### (i) is subject to an exclusion order under the Greyhound Industry Act 1958.

### (19) A member of the Control Committee shall be paid such remuneration and such allowances for expenses as may be determined by the Minister and the Minister for Public Expenditure and Reform.

#### (20) The costs of the services provided by the Control Committee shall be guaranteed by *Greyhound Racing Ireland* on the basis that a report of such costs shall be made annually by the Control Committee to *Greyhound Racing Ireland*in the form that *Greyhound Racing Ireland* requires and a budget prepared by the Control Committee shall be submitted to and agreed annually with *Greyhound Racing Ireland* and the guarantee shall be limited to the amount of the agreed costs of services contained in the budget.

(21) If in respect of the costs referred to in subsection (20), agreement is not reached between *Greyhound Racing Ireland* and the Control Committee—

(a) they may agree to the appointment of one expert or group of persons or consultancy to arbitrate on the cost of the provision of those costs for that year and the decision of the expert or group or consultancy shall be final and binding on both parties, or

(b) in case they fail to agree to any such appointment to arbitrate on that cost, the Minister may appoint a person to so arbitrate and the decision of that person shall be final and binding on both parties.

#### (22) The Control Committee may, after consulting with the Appeal Committee, make policy recommendations to *Greyhound Racing Ireland* in relation to matters within the jurisdiction of the committee.

#### (23) The Control Committee shall keep records of its decisions and any Racing sanctions it imposes and state in the records the reasons for reaching the decision or imposing the sanction.

#### (24) The Control Committee may stay the imposition of a Racing sanction providing for revocation or suspension of a licence or permit for the period of 21 days following the Control Committee’s decision or in the event of an Appeal under *section 23* pending the outcome of that appeal.

#### (25)The Control Committee shall publish the details of any Racing sanctions it imposes including the name and address of any individual who is the subject of a Racing sanction after the period for appeal.

#### (26) Any matter pending under the Greyhound Industry (Control Committee and Control Appeal Committee) Regulations 2007 (S.I. No. 301 of 2007) immediately before the revocation of those Regulations before the Control Committee shall be dealt with and decided by the Control Committee under this Act.

Explanatory Note

#### This Head provides for the establishment by statute of the Control Committee and details its operations. The Control Committee will consist of a chairperson and a maximum of 8 other members to ensure that there is a sufficient pool of members to deal promptly with control matters. The Control Committee will require a quorum of the Chairperson (or deputy chairperson) and two other members.

This Head also provides explicitly that the Committee is independent in the exercise of its functions and ensures that the funding needed for it to to conduct its business is guaranteed.

**Head 22**

Hearings of Control Committee.

### 22. (1) The Control Committee shall notify the person affected of any matter referred to it under section 43 of the Principal Act and details of any procedure to be followed by the Committee and the time and place of any hearing to be held.

#### (3) Where a person is alleged to have breached the Racing code and the matter has been referred to the Control Committee under *section 15*, the person may make submissions to the Control Committee (whether orally or in writing as the Committee decides).

#### (4) In considering any matter referred to it under this section, the Control Committee may require attendance at a hearing of such persons as it considers fit and hear such submissions as may be made at a hearing.

#### (5) The Control Committee may make decision on any matter referred to it in the absence of a person who has failed to attend a hearing.

**Explanatory Note**

This Head provides rules in relation to hearings of the Control Committee. It specifically provides that decisions may be made in absentia in respect of persons who fail to attend the Control Committee.

**Head 23**

Appeals to Appeal Committee.

### 23.(1) A person to whom it relates or *Greyhound Racing Ireland* may appeal a decision of the Control Committee under *section 22* to the Appeal Committee within 21 days of the making of the decision.

(2) An appeal under this section shall be accompanied by such fee (if any) as may be determined by the Appeals Committee in consultation with *Greyhound Racing Ireland*.

#### (3) The appeal, if not withdrawn, shall be determined by the Appeal Committee -

##### (a) by confirming the decision of the Control Committee to which the appeal relates including its decision in relating to cost, or

##### (b) by cancelling the decision and replacing it with such other decision as the Appeal Committee considers appropriate, which may be a decision –

###### (i) to impose, different racing sanctions under *section 17(1)*, or

###### (ii) to impose no racing sanction on the person,

###### (iii) to revoke the licence or permit, or

###### (iv) to suspend the licence or permit for such periods that the Appeals Committee considers appropriate.

#### (5) *Greyhound Racing Ireland* is a party to an appeal in relation to appeals under subsection (2).

#### (6) The Appeal Committee shall keep records of its decisions in respect of appeals under this section and the reasons for reaching them.

(7) The Appeal Committee shall publish the details of its decisions including details of any Racing sanctions and license or permit revocations or suspensions that it imposes including the name and address of any individual who is the subject to a decision

Explanatory Note

This Head provides the procedures for appeals in respect of sanctions imposed by the Control Committee.

**Head 24**

Amendment of sections 50 and 51 of Principal Act (Appeal Committee).

### 24.(1) Section 50 of the Principal Act is amended:

##### (a) by substituting for subsection (1) the following:

“(1) The Greyhound Racing Appeal Committee (“Appeal Committee”) continues in being to determine appeals provided for by section *23 of the Greyhound Industry Act 2017* and decisions of the Control Committee.

(1A) The members of the Appeal Committee who held office immediately before the commencement of *section 24* of the *Greyhound Industry Act 2017* cease to hold office upon such commencement but any such member is eligible to be reappointed as a member of the committee under this section.”,

##### (b) by inserting after subsection (2) the following:

“(2A) A member of the Board, the Club or the Control Committee shall not be a member of the Appeal Committee.”,

##### (c) by substituting for subsection (4) the following:

“(4) A member of the Appeal Committee may -

(a) by letter addressed to the Minister resign his or her membership and the resignation takes effect when the Minister receives the letter;

(b) at any time be removed from office by the Minister if, in the opinion of the Minister, he or she has become incapable through ill-health of effectively performing his or her functions or has committed stated misbehaviour.”, and

(d) by inserting after subsection (5) the following:

“(5A) A member of the Appeal Committee may serve a maximum of 2 terms.

(5B) Where a member of the Board, whose term of office has expired, has not been reappointed or may not be reappointed by virtue of having served 2 consecutive terms, the member shall continue in office until the vacancy occasioned by him or her is filled by the appointment of another person.”.

#### (2) Section 51 of the Principal Act is repealed.

(3) On commencement of this section, the Control Appeal Committee established under Regulation 10 of the Greyhound Industry (Control Committee and Control Appeal Committee) Regulations 2007 (S.I. 301 of 2007) is disbanded and all appeals pending shall be passed to the Appeal Committee.

**Explanatory Note**

This Head provides for the abolition of the current Control Appeal Committee established under Regulation 10 of the Greyhound Industry (Control Committee and Control Appeal Committee) Regulations 2007 (S.I. 301 of 2007), in order to provide a single avenue of appeal for decisions in relation to sanctions made by the Control Committee.

**Head 25**

Decisions of Control Committee and Appeal Committee.

### 25.(1) The Control Committee and Appeal Committee shall make known its decision on any matter to the person affected by it either -

##### (a) at the conclusion of the hearing, or

##### (b) by notification sent within one month after the conclusion of the hearing.

#### (2) In the event of an appeal of a decision of the Control Committee to the Appeal Committee (other than a decision in relation to the use of a prohibited or controlled substance) any Racing sanction shall be withheld pending the outcome of the appeal.

Explanatory Note

This Head provides for the publication of the decisions of the Control Committee and the Appeals Committee. This does not prevent adverse analytical findings from tests carried out concerning prohibited substances being published as is currently the case.

Head 26

### **Amendment to Principal Act - updating fines and introduction of Racing sanctions**

### 26.(1) The Principal Act is amended -

##### (a)

##### in section 30 subsection (3), by substituting “class B fine” for “fine not exceeding £500” (as amended by section 12 of the Horse and Greyhound Racing (Betting Charges and Levies) Act 1999),

##### (b) in section 33, by deleting subsection (3),

##### (c) in section 34 subsection (2), by substituting “class A fine” for “fine not exceeding £1,000” (as amended by the Horse and Greyhound Racing (Betting Charges and Levies) Act 1999), for

##### (d) in section 35subsection (2), by substituting “class A fine”for “fine not exceeding £1,000” (as amended by the Horse and Greyhound Racing (Betting Charges and Levies) Act 1999),

###### (e) in section 37, by substituting for subsection (3) the following:

“(3) A person who contravenes a regulation under this section is liable to one or more Racing sanctions.”,

##### (f) in section 38, by substituting for subsection (4) the following:

“(4) A person who contravenes a regulation under this section is liable to one or more Racing sanctions”,

##### (g) in section 39, by –

###### (i) deleting “and with the consent of the Minister” in subsection (1), and

###### (ii in subsection (3) substituting “class A fine” for fine not exceeding £1,000” (as amended by the Horse and Greyhound Racing (Betting Charges and Levies) Act 1999), (h) in section 40, by deleting “and with the consent of the Minister” in subsection (1),

##### (i) in section 41 by substituting for subsection (3) the following:

“(3) A person who contravenes a regulation under this section is liable to –

(a) on summary conviction to a Class A fine, or

(b) on conviction on indictment to a fine not exceeding €250,000. ”,

##### (j) in section 43subsection (7) substituting “class B fine” for “fine not exceeding £500” (as amended by the Horse and Greyhound Racing (Betting Charges and Levies) Act 1999),

##### (k) in section 44 subsection (4), by substituting “class B fine” for “fine not exceeding £500” (as amended by the Horse and Greyhound Racing (Betting Charges and Levies) Act 1999),

##### (l) by deleting section 46,

##### (m) in section 48, by -

###### (i) deleting subsection (2),

(ii) in subsection (15) substituting “class B fine” for “fine not exceeding £500” (as amended by the Horse and Greyhound Racing (Betting Charges and Levies) Act 1999”, and

(iii) in subsection (17) and (18) substituting “class A fine” for fine not exceeding £1,000” (as amended by the Horse and Greyhound Racing (Betting Charges and Levies) Act 1999), in each place where it occurs and

##### (n) in section 49, in subsection (2) substituting “class A fine” for fine not exceeding £1,000” (as amended by the Horse and Greyhound Racing (Betting Charges and Levies) Act 1999),.”.

#### (2) Section 12(1) of the Act of 1999 is repealed.

Explanatory Note

This Head provides for updating fines generally and providing for racing sanctions to be applied where contraventions of Regulations relating to trainers and public sales of greyhounds.

**Part 5**

**Welfare of Greyhounds**

**Head 27**

**Amendment to Welfare of Greyhounds Act 2011**

27. Section 11 of the Welfare of Greyhounds Act 2011 is amended by inserting the following subsection after subsection (3) –

“(3A) The progeny of the ninth or subsequent litter of a greyhound bitch shall not be certified to race.

(3B) A person races a greyhound in contravention of section (3A) commits an offence,”

**Explanatory Note**

This Head provides that progeny of the 9th and subsequent litter cannot be certified to race.

**Head 28**

**Registered greyhounds**

28. A greyhound registered in the studbook and certified to race by the Irish Coursing Club is eligible to race unless the greyhound is the subject of a disqualification order.

**Explanatory Note**

This Head is intended to provide legal certainty in relation to the elgibility of greyhounds registered in the studbook.