
**REPORT ON THE SOCIO-ECONOMIC CONSEQUENCES
OF THE CONTROL OF HORSES ACT 1996 ON THE
TRAVELLER COMMUNITY**

Acknowledgements

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We would like to thank the local groups who participated in the survey, went out to the local communities and interviewed the participants

We would also like to thank the participants who completed the questionnaires. We hope that the results we have compiled are a good reflection of peoples' views

A special thanks goes to Gabriel Haughton for his expert legal advice.

Finally thank-you to Fintan Farrell, Anne Jennings-Tauciene for editing the report.

We hope that this document will give an insight into the difficulties Travellers are faced with in trying to maintain their cultural and traditions and hope this will contribute to positive change for all.

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1. Background

The Control of Horses Act was introduced in December 1996, in response to the problem of wandering urban horses. The act became law the following March and has had serious consequences for the Traveller community.

In the mid nineties there was a lot of negative media coverage surrounding horse related incidences. Reports highlighted wandering horses, property damage and cruelty to horses, however, in many cases the reporting was biased and badly researched and led to a public demand for government action. It was in this climate that the Horses Bill was tabled.

Unfortunately the government of the time failed to recognise the importance of the role that the horse plays in both the settled and Traveller communities. While they established an advisory group to make recommendations on the implementation of a horses act, no representatives from Traveller organisations were included. When the Irish Traveller Movement (ITM) learned there was going to be an act introduced and that there was an advisory group, we requested to have representatives from both the Traveller community and settled community included, unfortunately our requests were ignored. From the outset, those who would be directly affected by a Horses Act, who have an understanding of the socio-cultural importance of the horse in these communities, were excluded from the decision making process.

Subsequently, the ITM subgroup with responsibility for horses held a number of meetings with Travellers and settled people on the issues in the legislation that would affect both communities. As a result the Dublin Horse Owners Association (DHOA) came into being. This group was made up of Travellers and settled people who represented horse owners from all parts of Dublin and in the case of Travellers, from all parts of the country. The aim of this group was to represent the needs and issues of the Traveller and settled communities and highlight the gaps in the legislation. We held a number of meetings with the Department of Agriculture, Food and Forestry to examine the proposals in the legislation and their effects on both the Traveller community and settled people keeping horses in urban areas. Regrettably, those drafting the legislation ignored our concerns. We pointed out that there were more progressive ways of dealing with the issues involved and the detrimental impact that the act would have if it were introduced without changes; however, none of our recommendations were taken on board.

In December 1996 the Minister for Agriculture, Food and Forestry Jimmy Deenahan introduced The Control of Horses Act. Significantly, this act gave local authorities the power to draw up by-laws that would control horses in their areas.

After the act was introduced the ITM subgroup attempted to target local authorities that were in the process of drawing up by-laws. The subgroup supported the DHOA and other local groups in lobbying local authorities and drawing their attention to the issues involved. Numerous meetings were held between Traveller groups and the local authorities throughout the country, with little or no impact. When the bylaws were drafted local authorities throughout the country ignored the recommendations and paid no attention to their local situation or the needs at a local level of Travellers or the settled people represented by the DHOA. In addition, the bylaw process demanded that local authorities advertise the drawing up of by-laws and seek submissions from interested parties, nevertheless, in some cases there was little or no advertising and in other cases the advertising was inadequate i.e. it would not reach those affected by the bylaws. The result was that many Travellers did not see the advertisements or make the deadlines, or in some cases, did not have the capacity to respond.

Most local authorities went ahead and introduced by-laws which were discriminatory and with conditions that Travellers would not be able to meet. In the drawing up of the by-laws no attention was paid to the needs of Travellers or the settled people represented by the DHOA, illustrated by the uniformity of local authorities' by-laws. The by-laws penalise Travellers for being marginalized and demand Travellers to meet conditions that it is impossible for them to meet. It was in this context that the ITM subgroup decided to research and report on the impact of the Horses Act on Travellers lives. Our goal was to use the results as a tool to influence change.

2. Traveller Horse Culture

Travellers see themselves and are seen by others as an ethnic minority group with their own culture and nomadic way of life. In this regard horses have played a key role in the overall culture of the Traveller community. The Traveller community have a long history and tradition of keeping horses. The ownership of horses by the Traveller community differs from that of the wider community with regard to nomadism and economics, in addition to social and recreational use, which is very much associated with Traveller culture.

Nomadism.

In the past horses were specifically bred to facilitate the nomadic way of life of the Traveller community. The settled community in Ireland refers to these horses as tinker horses; they are a very muscular piebald breed and complemented the nomadism of the Traveller community at the time. Nowadays vehicles have taken on the role of the horse in relation to nomadism as they are faster, stronger, provide greater comfort and reach their destination in a shorter time span with less maintenance

Economics

For generations, Travellers have kept horses as an alternative method of saving rather than using financial institutions. They will cash in for occasions such as weddings, funerals and family gatherings, which require the sale of one or two horses to cover expenses. This form of economics has kept many Travellers out of debt and away from moneylenders. For many keeping horses is a full time occupation and requires a lot of skill and care. These skills have been acquired over generations and are passed on at an early age keeping young Travellers occupied. Many horse owners gather at horse fairs in Ballinasloe and Smithfield. Others still use horses to work within the Traveller economy: for example in recycling, which generates an income that doesn't involve a lot of overheads.

Social & Recreational Use

Horses play an immense social and cultural role in Travellers lives; Traveller men are responsible for the care of horses, which is considered an important social role. It is an arena for interacting with other Traveller men and passing on skills and information to the next generation. Traveller owners take pride in displaying their finest horses at horse fairs and markets, for many this can be the only opportunity to meet other horse owners from around the country. The fairs are annual events marked in each Traveller calendar. The horse-based economy, including as it does the breeding of specific types of horses for the wider market, has made a huge contribution to sales within the Irish market. In return this has impacted on Travellers financially, allowing some Travellers to become financially independent.

Horses are a part of social networking between Travellers and non-Travellers, breaking down misinformation and prejudices and creating solidarity with one another. This is done through Traveller participation in markets, fairs and other outlets such as horse racing events, trotting, and show jumping. For Traveller children horses are a great source of activity and fun, furthermore in teaching them how to care for their horses, the older generation passes on vital knowledge central to Traveller horse culture.

Conclusion

Horses have greatly contributed to both Irish and Traveller culture. They provide the Traveller community with economic and financial security and impact on all areas of Traveller life. Horses have also contributed to breaking down barriers within the wider community. Travellers and

Traveller organisations view the present control of horses act and the by-laws as a further erosion of their culture and heritage. The by-laws are having a more detrimental impact on Travellers given their poor accommodation status, discrimination and lack of ownership of land.

3. The Act Becoming Law

The Control of Horses Act is operated through local authorities. Local authorities must draw up byelaws that cover part, or all, of their jurisdiction, where the provisions of the Control of Horses Act can be implemented. From August 1997, five months after the act had become law, Dublin local authorities, starting with the Dublin Corporation, drew up and implemented byelaws in their jurisdictions. Local authorities around the country began to follow suit.

The Legal Framework - Focus

Although byelaws around the country differ, there are common criteria laid out in the act itself, the central tenets of the act and consequent byelaws are as follows:

1. Local authorities establish ‘control areas,’ within their jurisdiction, areas to which the byelaws will apply. A control area can be part or the whole of the local authority jurisdiction. Within control areas a horse owner must have a license for every horse that they own. The exact criteria for getting a licence are laid out in individual byelaws, but they all include stabling facilities and land for grazing to a standard that very few Traveller or urban horse owners could comply with.
2. Local authorities are responsible for issuing licences. There is provision (section 19) for exempting certain groups from being required to hold a licence within a control area, these exemptions typically include: those who operate riding schools, equestrian centres, stud farms, farmers, the Gardai and the Defence Forces.
3. A licence may be revoked if an offence has been committed.

Offences include a horse that is:

- straying
- causing a nuisance
- not under proper control
- likely to cause a danger to any person or animal
- minors are not entitled to licences and therefore not eligible to own a horse, consequently, it is illegal to sell a horse to a minor

4. Horses without licences in control areas can be impounded.

Horses can be impounded if they are:

- straying
- causing a nuisance
- not under proper control
- likely to cause a danger to any person or animal
- do not having proper identification
- are being kept, ridden or driven in a control area without a licence

A horse that has been impounded three times in one twelve month period can be disposed of, i.e. destroyed or sold, by the local authority. If owners of horses that have been impounded cannot be located a horse can be disposed of, a horse must be retrieved from the pound within five days. When a horse has been impounded it is micro chipped for identification so local authorities can keep track of how many times it has been impounded.

When a local authority has drawn up by-laws they are very difficult to challenge in the courts. The only legal challenge that can be made is against specific implementation practices e.g. particular impounding practices, however, areas such as licensing requirements and exemptions have yet to be successfully challenged.

4. Research Methodology

The purpose of this research was to examine the issue of Traveller horse ownership in the light of the Control of Horses Act, 1996. The act has made it more difficult for Travellers to legally own horses as well as giving rise to concerns over the practices being pursued by some local authorities in implementing the Horses Act.

In order to complete this research ITM established a sub-committee whose function was to carry out the research, pull together relevant information and compile a report. At a later point the sub-committee was expanded to look at collating and analysing the material that had been collected.

In the summer of 2000, ITM researched Traveller horse ownership to determine:

- the experience of Traveller horse owners around the county
- how many horses are being impounded
- details on impounding practices

Research Tasks

A number of research tasks were identified as vital to obtain this information:

- a survey needed to be conducted
- community and public meetings had to be held
- legal expertise should be sought

The survey

The sub-committee drafted a questionnaire¹ to survey Traveller organisations across the country; the questionnaire was then piloted with two Traveller horse owners.

Along with a covering letter explaining the rationale of the research and an overview of the research topic, the questionnaires were sent out to an extensive list of Traveller organisations throughout the country.² Local organisations were asked to fill in the questionnaires with Traveller horse owners in their area; this method was used to gain access to as many Traveller horse owners across the county as possible. The knowledge of local Traveller organisations was invaluable in identifying and gaining access to these Travellers. Administering questionnaires through local Traveller organisations also ensured that Travellers with literacy difficulties are represented in the survey results.³ The surveys were sent out in September 2000, with an expectation of their return by December 2000, the questionnaires were followed up with phone calls requesting their return. In total 41 were completed and returned.

Community/Public Meetings

As the legislation was being implemented countrywide, local Traveller support groups requested ITM to hold public information meetings for Traveller horse owners around the country. Information was sought on all aspects of the legislation and the local byelaws in addition to strategies and

¹ Based on a model previously used by ITM when examining the issue of Traveller accommodation

² Compiled from the ITM database.

³ Questionnaires could be completed in a one to one or group situation. All of the returned questionnaires were completed in a one to one situation.

actions that Travellers and local support groups could adopt to tackle some of the problems resulting from the act. Meetings took place in Cork, Galway, Kerry, Tipperary, Wicklow, Wexford, and Dublin.⁴ The issues raised at these meetings are reflected in the sections of this report dealing with the impact of the act and our recommendations.

Legal Advice

Solicitor, Gabriel Haughton, based in Dun Laoghaire, Co. Dublin, has taken an interest in the Control of Horses Act and its impact on Traveller horse ownership since the introduction of the legislation. Haughton has taken some cases on behalf of Traveller horse owners to challenge the legality of the impounding practices, set out in the act.

As well as taking individual cases on behalf of Travellers, Haughton has also supported the ITM Horses' Subgroup by providing legal advice and attending information sessions.

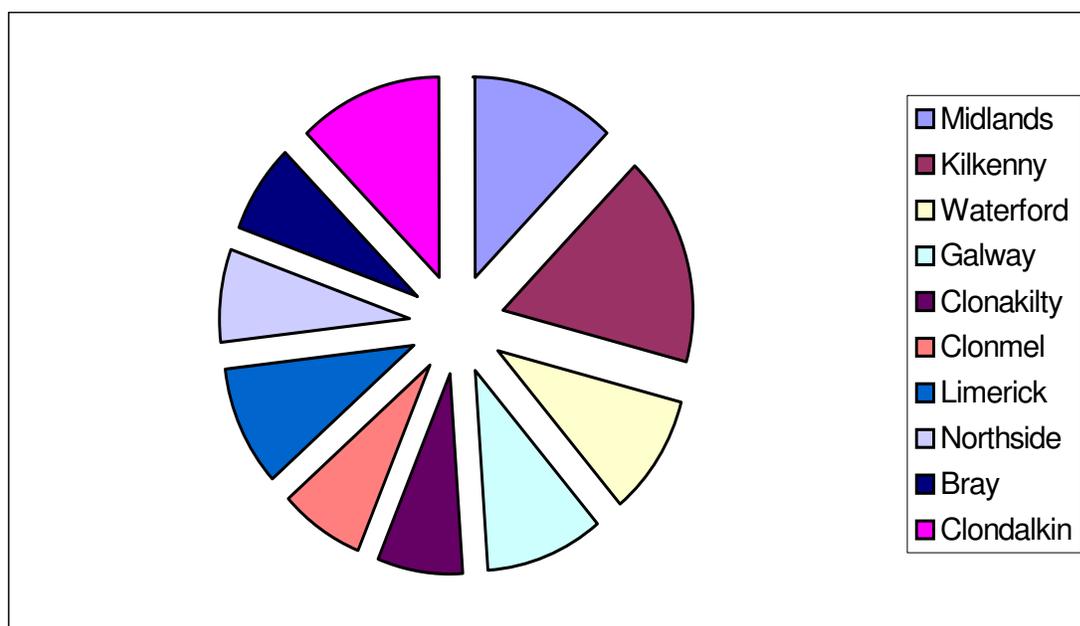
⁴ The meetings were organised by the local Traveller support groups, with an invitation to the ITM Horses' Subgroup to participate and provide information to the community. All meetings were minuted, the events and attendance recorded, as well as the actions to be taken as a result of the meetings.

5. Survey Results

Irish Traveller Movement/ Horses Survey 2000/01
Total number of questionnaires: 41

Geographical Breakdown

Tullamore	5
Kilkenny	7
Waterford	4
Galway	4
Clonakilty	3
Clonmel	3
Limerick	4
Northside Dublin	3
Bray	3
Clondalkin	5

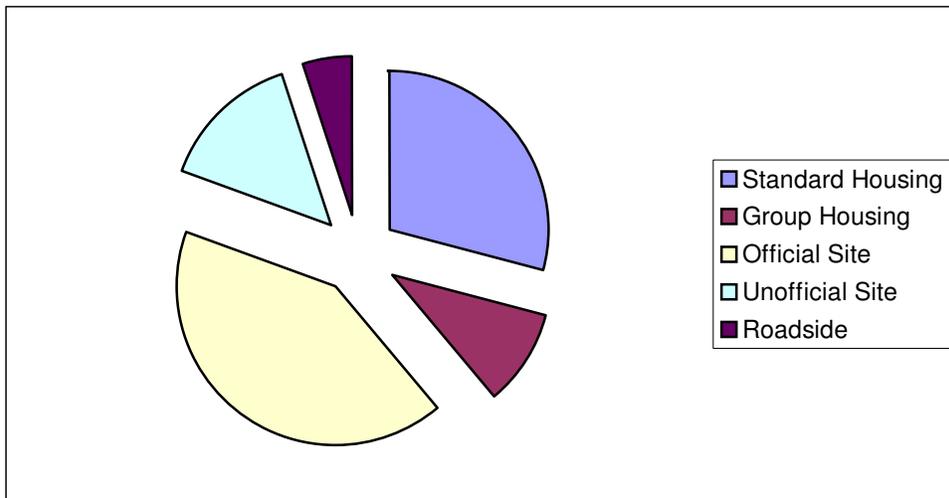


The figures represent a geographical spread from around the country, indicating that Travellers throughout the country are involved at various levels with horses.

The majority of those interviewed were men, only four women responded to the survey and all but one of the respondents were married. The age profile showed that the majority of horse owners are in their 40's and 50's. The most significant indicator with regard to family status is the high number of dependants, for 38 respondents the total number of dependents was 233. This together with respondents (41) and their spouses (40) totals 314 people represented through this survey, that are involved at various levels in the horse trade.

The type of accommodation of the respondents is also extremely relevant and revealing. The following pie chart is divided into five sections: **Standard housing; Group housing; Official Halting Site; Unofficial Halting site; Roadside.**

Accommodation Type	
Standard Housing	12
Group Housing	4
Official Site	17
Unofficial Site	6
Roadside	2



An analysis of these figures shows that the majority of horse owners reside in Traveller specific accommodation, which supports the fact that such accommodation should take into account space for animals in the design and building of group housing and halting sites. The high percentage of Travellers living in standard housing, who continue to keep horses, reveals that even if Travellers do not remain in Traveller specific accommodation the economic necessity and traditions of keeping horses do not disappear.

Where people keep their horses is also of significance.

Location of horses	Number
Beside the home	17
Council land	22
Rented land	14

There is overlap in these figures, as a lot of people would have kept horses at one or more of the locations, depending on the time of year or if animals were sick or with foals.

The figures indicate that while a number of Travellers rent land, the majority still use Council land or what is referred to by many as 'waste land.' This is significant as the survey indicates that the majority of animals are taken from Council land and that most of this land lies within 'control areas.'

The reasons given for not renting land are as expected: refusal of land-owners to rent land to Travellers, the rents are too high, too great a distance from the home to the rented land and horses having previously disappeared from rented land. People have given a number of reasons for keeping their animals beside the home or on council land:

- 'peace of mind' i.e. they can see the animals
- the usual abundance of council/free land in the vicinity of Halting sites
- families see the horses as pets
- tradition of keeping animals tethered beside the home

Impact of the control of Horses Act⁵

In relation to the Control of Horses Act there was a wide-ranging understanding of the Act and the provisions required. Of those who responded half were aware of the Act and half were not. It is interesting to note that those who knew of the Act lived in areas where there was a Traveller Project involved in the ITM Horses' Sub-group i.e. Waterford, Clondalkin, Dublin north-side, Galway and Tullamore. Out of those that knew of the Act none had applied for a license to keep horses. Some respondents said they believed it was ridiculous to have to get a license for a horse, most knew of the strict measures for ownership outlined in the Act and admitted that they would never be able to meet them. One replied 'how are we supposed to keep the horses in those conditions when Travellers aren't given a chance to have those conditions for themselves.'⁶

Out of the 41 interviews all but 9 had horses taken from their care. Of the other 32 people interviewed the majority had their horses taken from local authority land or free land, the horses were taken in the most by 'security firms' hired in by the councils. Some people had also experienced these 'firms' taking animals from privately rented land, however they had good relationships with the landowners who worked with them to get the horses back without difficulty. These reports indicate that there are 'firms' out there who are targeting Travellers. The tactics used to remove the animals are reported as 'very heavy handed,' animals have been taken during the night and early morning, no warnings were given in many cases and threats and abuse were common. There was also concern for the welfare of the animals removed with many of the lorries, which were used to remove the horses, appearing unsafe for the transport of animals and in certain cases there was apparent overcrowding.

⁵ As per returned questionnaires

⁶ Interview held Tullamore, October 2000

However the main concern, while the Act continues to remain in its current state, is the lack of consistency in fines/costs incurred in the recovery of horses. Of the 29 who had paid to get horses out of pounds, the animals were kept an average of 2/3 days, this depended on how long it took to discover where the animals were and how much it would cost to recover them. The costs varied from £50 per animal in some areas (Clonmel) to looking for over £700 in others (Galway City, the respondent could not afford to pay and so their animals were sold). Some people had to pay the staff of the pounds while others were required to go to the local authority to pay to recover their animals.

The inconsistency in costs incurred in paying for the release of horses indicates that the area has remained unregulated by local authorities. The number of pounds has not increased, in fact Travellers have pointed out that since the introduction of the Act that the number of pounds taking horses has dropped in the last number of years.

Councils have not fully informed people of the introduction of the Act and in addition, in relation to the provision of Traveller Accommodation within controlled areas, Councils have chosen to ignore the reality of Travellers being involved in horse-trading.

The Future

When looking at the future of keeping horses a number of areas were examined:

- Meeting other traders
- Attending fairs and markets
- Family interests

Traveller contact with other traders countrywide has declined dramatically in the last number of years. Nevertheless, a number of respondents said that they had as much, if not more, contact with people in their own area because they now shared the costs of renting land, shared common ground and were more likely to help each other when animals were impounded.

Attendance at fairs and markets around the country has also been declining in relation to horse trading, people now attend more as a social event rather than to bring animals to trade. In relation to family the majority of Travellers interviewed pointed out that they would not encourage their families to stay involved in horse-trading. However, they did express the hope that they would keep a few animals to pass on Traveller horse culture to the next generation and also to provide leisure and sporting activities for young Travellers.

6. Impact of the Control of Horses Act

Apart from the actual legislation the implementation of the Act and the byelaws have given major cause for concern. Certain aspects of the implementation of the Act mean it is difficult to challenge, some aspects are being poorly implemented, while other implementation practises have been shown to be illegal and have been successfully challenged in court. This section of the report draws on the survey results, the community/public meetings and the information from our legal expert.

Some of the implementation practices of cause for concern include poor notification when a horse has been impounded. Local authorities are obliged to notify the owners of horses that their animal has been impounded, however, there have been many instances where this notification has not taken place, or been handled so poorly as to define non-notification. This has resulted in owners being delayed in claiming their horses and as previously stated, when a horse is not claimed within five days the local authorities are entitled to destroy or sell the animal. There is also a problem for Travellers when notification is in written format given the low levels of literacy in the Traveller community.

Under section 40 of the Control of Horses Act 1996, an owner or keeper of a horse has five days to claim the animal from a pound before it is disposed of at the local authorities discretion. This is not enough time, particularly when notification of impounding has not been consistent. There are reports of animals being removed from fields where they have been tethered. Animals have been cut loose from control areas and then impounded upon claims that they were wandering. In some of these cases the horses were grazing on land that had been rented by the horse owners for such a purpose. In these cases the land is private therefore local authority personnel are trespassing when entering to impound a horse. Some local authorities have hired contractors to carry out the impounding of horses. These individuals or organisations have not been named nor do the local authorities directly employ them, furthermore, the qualifications of these individuals regarding the handling of horses and the treatment of their owners is seriously in question. Some Travellers have heard that their animals have been sold on to other horse owners or sold abroad. Without proper verification of who these individuals are, and how and by whom they are authorised, this is tantamount to legalised rustling.

Where horses have been impounded has also raised questions. In many cases they are not impounded in the pounds closest to their owners. Therefore the cost of retrieving the horse is greater, the horse is also subject to a longer road journey than may be necessary. The legality of using pounds outside of the local authorities own jurisdiction has been challenged. The act permits that local authorities can take horses to a pound outside their own jurisdiction, but only if they have an agreement with the local authorities within whose jurisdiction the pound is located. In some cases this agreement is not in place and cases have been taken and won against local authorities for illegal impounding practices.

In addition, many questions have been raised about the quality of the pounds; many are privately owned and come under the Pounds (Provision and Maintenance) Act, 1935. The local authorities contract pounds and it is the responsibility of the local authority to ensure that the pounds provide suitable conditions. For example, do they meet the criteria outlined in the byelaws as suitable stabling and grazing conditions for horses? Horses and foals have died due to inadequate care taken in the pounds and no compensation has been given to their owners.

There are reports that the fees being charged to redeem horses from pounds are arbitrary. Some horse owners have not been given receipts while others have received hand written notes as proof of payment. There are grants available from the Department of Agriculture, which are available to local authorities or to groups affected by the legislation. These grants can only be drawn down by the local authorities and to date very little use has been made of the monies available to try and help Traveller groups to meet the conditions set out in the by-laws.

The implementation and orientation of this Act is a class and cultural issue. Travellers and the urban working class are unfavourably affected by the Act. Urban areas have all been designated control areas, and the landless must comply with the regulations while those with the means (land and wealth) to do so are exempt. Horse owners, other than Travellers and urban horse owners are not required to licence their horses, because they are not housing their horses in a control area, because they are exempt through section 19 of the Act, or because of implementation practices.

At this stage, apart from legally challenging some of the implementation practices used by the local authorities, such as illegal impounding, the act is almost impossible to challenge. The only method of challenging the legislation is to seek a judicial review.

7. Recommendations

The survey confirms that the keeping of horses has been and will continue to be an important expression of Traveller culture. The research also reveals that the Control of Horses Act and the way it has been implemented is putting intolerable strain on this aspect of Traveller Culture. To address this curtailment of Traveller culture the following recommendations should be acted upon:

- **Review of the Control of Horses Act**
The Equality Authority should conduct a review of the implementation of the Control of Horses Act and its impact on the Traveller community.
- **Implementation of the Traveller Accommodation Programme**
The local authorities, in implementing the Traveller Accommodation Programme, should address the needs of Traveller horse owners in consultation with the Travellers concerned. The Traveller Unit in the Department of the Environment and Local Government should include this aspect in their monitoring of the programme.
- **Traveller Horse Projects**
Projects that have been designed or could be developed with Traveller horse owners to assist Traveller horse owners to comply with the legislation should be supported through the grants available from the Department of Agriculture and Food.
- The Department of Agriculture should conduct a review of the Horses Act and make the necessary changes
- Local authorities should regulate the impounding of animals and clear processes should be put in place to ensure the return of animals.
- More time should be allocated for claim deadlines.
- The relevant department should put regulations in place to ensure high standards of accommodation for horses in pounds.
- Tax incentives should also be put in place.