ANIMALS

GENERAL

RIDING ESTABLISHMENTS (INSPECTION) ACT 1968

Arrangement of Sections

1. Licensing of riding establishments.
2. Inspection of riding establishments.
3. Offences.
4. Penalties.
5. Appeals.
6. Interpretation.
7. .......
8. Short title and commencement.

Schedule

Provisions as to appeals under section one or section four of this Act.

Received Royal Assent: 8 May 1968

Passed: 18 June 1968

GENERAL NOTES

1. The maximum fines in this Act are as increased by the Criminal Justice (Penalties, Etc.) Act 1993 s 1.

2. References to a Board of Tynwald are to be construed in accordance with the Government Departments Act 1987 s 7.

AN ACT

to prohibit the keeping of a riding establishment except under the authority of a licence granted in accordance with the provisions of this Act and providing for the inspection thereof.

1 Licensing of riding establishments

(1) No person shall keep a riding establishment except under the authority of a licence granted in accordance with the provisions of this Act.

(2) The Department may on application being made for that purpose by a person who is an individual over the age of eighteen years or a body corporate, on payment of a fee of £105, grant a licence to that person to keep a riding establishment at such premises within the Isle of Man as may be specified in the application:

Provided that such individual or body corporate appears to the Department to be suitable or qualified, either by experience in the management of horses or otherwise, to be the holder of such a licence and that such licence shall be of no effect or, as the case may be, shall cease to have effect if the person to whom it is granted is or becomes disqualified under section 5 of the Cruelty to Animals Act 1997, from having the custody of animals.
(3) In determining whether to grant a licence for the keeping of a riding establishment by any person at any premises the Department shall in particular (but without prejudice to their discretion to withhold a licence on any grounds) have regard to-

(a) whether that person appears to them to be suitable and qualified, either by experience in the management of horses or by being the holder of an approved certificate or by employing in the management of the riding establishment a person so qualified, to be the holder of such a licence; and

(b) the need for securing-

(i) that paramount consideration will be given to the condition of the horses and that they will be maintained in good health, and in all respects physically fit and that, in the case of a horse kept for the purpose of its being let out on hire for riding or a horse kept for the purpose of its being used in providing instruction in riding, the horse will be suitable for the purpose for which it is kept;

(ii) that the feet of all horses are properly trimmed and that, if shod, their shoes are properly fitted and in good condition;

(iii) that there will be available at all times, accommodation sufficient for horses which are to be kept stabled, and suitable as respects construction, size, number of occupants, lighting, ventilation, drainage and cleanliness and that these requirements be complied with not only in the case of new buildings but also in the case of buildings converted for use as stabling;

(iv) that in the case of horses maintained at grass there will be available for them at all times during which they are so maintained adequate pasture and shelter and water and that supplementary feeds will be provided as and when required;

(v) that horses will be adequately supplied with suitable food, drink and (except in the case of horses maintained at grass, so long as they are so maintained) bedding material, and will be adequately exercised, groomed and rested and visited at suitable intervals;

(vi) that all reasonable precautions will be taken to prevent and control the spread among horses of infectious or contagious diseases and that veterinary first aid equipment and medicines will be provided and maintained in the premises;

(vii) that appropriate steps will be taken for the protection and extrication of horses in case of fire and, in particular, that the name, address and telephone number of the licence holder or some other responsible person will be kept displayed in a prominent position on the outside of the premises and that instructions as to action to be taken in the event of fire, with particular regard to the extrication of horses, will be kept displayed in a prominent position on the outside of the premises;

(viii) that adequate accommodation will be provided for forage, bedding, stable equipment and saddlery;
(ix) that saddlery and other equipment used for the riding of horses will be kept in such a condition as not to cause danger to riders or other persons or danger or suffering to horses;

(x) that protective headgear will be provided for all riders, and advice given by clearly visible notices and otherwise as to the need to wear such headgear;

(xi) that, where necessary, suitable warning devices are available for both horses and persons leading and riding them, and advice given by clearly visible notices and otherwise as to the need to use such devices on roads during the hours of darkness;

(xii) that, where groups of horses are ridden or led on roads, they should be supervised by a sufficient number of experienced persons aged 16 years or over who the holder of the licence is satisfied are competent to do so;

(xiii) where instruction in riding is provided in return for payment, that a suitable place is available for that instruction;

and shall specify such conditions in the licence, if granted by them, as appear to the Department necessary or expedient in the particular case for securing all the objects specified in paragraph (b).

[Subs (3) substituted by Riding Establishments Act 1986 s 1 and amended by GC121/86.]

(3A) Without prejudice to subsection (2) or (3), every licence granted under this Act after the 31st March 1986 shall be subject to the following conditions, namely-

(a) a horse found on inspection of the premises by an authorised officer to be in need of veterinary attention shall not be returned to work until the holder of the licence has obtained at his own expense and has lodged with the Department a veterinary certificate that the horse is fit for work;

[Para (a) amended by GC121/86.]

(b) no horse will be let out on hire for riding or used for providing instruction in riding without supervision by a responsible person of the age of 16 years or over, unless (in the case of a horse let out for hire for riding) the holder of the licence is satisfied that the hirer of the horse is competent to ride without supervision;

(c) the carrying on of the business of a riding establishment shall at no time be left in the charge of any person under 16 years of age;

(d) the licence holder shall hold a current insurance policy which insures him against liability for any injury sustained by those who hire a horse from him for riding and those who use a horse in the course of receiving from him, in return for payment, instruction in riding and arising out of the hire or use of a horse as aforesaid and which also insures such persons in respect of any liability which may be incurred by them in respect of injury to any person caused by, or arising out of, the hire or use of a horse as aforesaid;

(e) a register shall be kept by the licence holder of all horses in his possession whose permanent lateral incisor teeth have not erupted and which are usually kept on the premises, and shall be available for inspection by an authorised officer at all
reasonable times.

[Subs (3A) inserted by Riding Establishments Act 1986 s 1.]

(4) Any such licence shall come into operation on the day on which it is granted and shall continue in operation until and including the thirty-first day of March then next ensuing and shall then expire.

(5) In the event of the death of a person who immediately before his death was keeping a riding establishment at any premises under the authority of a licence granted under this Act, that licence shall be deemed to have been granted to his personal representatives in respect of those premises and shall remain in force for the remainder of the then current period:

Provided that the Department may from time to time on the application of those representatives, extend or further extend the period granted by the said licence if the Department are satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that there are no circumstances making it undesirable.

[Subs (5) amended by GC121/86.]

(6) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence; and if any condition to which a licence under this Act is subject by virtue of subsection (3) or (3A) is contravened or not complied with, the person to whom the licence is granted shall be guilty of an offence.

[Subs (6) amended by Riding Establishments Act 1986 s 1.]

(7) Any person aggrieved by the refusal of the Department to grant or renew a licence under the provisions of this Act, or by any condition specified in a licence by virtue of subsection (3), may appeal to the tribunal constituted under the provisions of section five of this Act.

[Subs (7) amended by Riding Establishments Act 1986 s 1 and by GC121/86.]

2 Inspection of riding establishments

(1) The Department shall, subject to the provisions of this section, authorise in writing any such person as the following, namely an official of the Department who is a veterinary surgeon, to inspect at periods of at least every six months, any such premises in the Isle of Man as the following, that is to say-

(a) any premises where they have reason to believe a person is keeping a riding establishment;

(b) any premises as respects which a licence granted in accordance with the provisions of this Act is for the time being in force; and

(c) any premises in respect of which an application for a licence has been made.

[Subs (1) amended by GC121/86 and by Veterinary Surgeons Act 2005 Schs 2 and 3.]

(2) Any person authorised under this section may, on producing his authority if so required, enter at all reasonable times any premises which he is authorised under this section to enter and inspect them and any horses found thereon or anything therein for the
purpose of making a report to the Department—

(a) as to whether a riding establishment is being kept on the premises; and

(b) the condition of any horses found thereon.

[Subs (2) amended by GC121/86.]

(3) Any person who—

(a) wilfully obstructs or delays any person in the exercise of his powers of entry or inspection conferred by subsection (2) above; or

(b) with intent to avoid inspection under this section, conceals, or causes to be concealed, any horse maintained by the riding establishment,

shall be guilty of an offence under this Act.

3 Offences

If any person—

(a) lets out on hire, uses for riding instruction or for demonstration purposes any horse which is in such a condition that the purpose for which it is being used would be likely to cause suffering; or

(aa) lets out on hire for riding or uses for the purpose of providing, in return for payment, instruction in riding or for the purpose of demonstrating riding any horse whose permanent lateral incisor teeth have not erupted or any mare heavy with foal or any mare within 3 months after foaling;

[Para (aa) inserted by Riding Establishments Act 1986 s 2.]

(b) supplies for a horse let out on hire by him riding equipment which suffers from a defect, apparent on inspection, which is likely to cause an accident to the rider or suffering to the horse; or

(c) fails to provide such curative care as may be suitable, if any, for a sick or injured horse which is kept by him with a view to its being let out on hire, used for riding instruction or for demonstration purposes; or

(d) in keeping a riding establishment, knowingly permits any person who is disqualified under this Act from keeping a riding establishment to have control or management of the establishment; or

(e) with intent to avoid inspection under section two of this Act, conceals or causes to be concealed any horse maintained by the riding establishment,

he shall be guilty of an offence under this Act.

4 Penalties

(1) Any person guilty of an offence under any provision of this Act other than section two (3) hereof shall be liable on summary conviction to a fine not exceeding £2,500.
(2) Any person guilty of an offence under section two (3) of this Act shall be liable on summary conviction to a fine not exceeding £1,000.

(3) Where a person is convicted of any offence under this Act or of any offence under section 6 of the Cruelty to Animals Act 1997, the Department may cancel any licence held by him under this Act and may, whether or not he is the holder of such a licence, disqualify him from keeping a riding establishment for such period as the Department thinks fit.

(4) If the Department has ordered the cancellation of a person’s licence or his disqualification in pursuance of the last foregoing subsection, the Department may, if it thinks fit, suspend the operation of the cancellation or disqualification until the expiration of the time for appealing against conviction or for appealing under the next following subsection or, if any such appeal is entered, until the determination thereof.

(5) Any person aggrieved by the decision of the Department under subsection (3) of this section may appeal to the tribunal constituted under the provisions of section five of this Act.

5 Appeals

(1) There shall be constituted an appeal tribunal to be called the Riding Establishments Appeal Tribunal and to consist of a chairman and two other members appointed from time to time in accordance with the Tribunals Act 2006.

(2) The provisions as to appeals set forth in the Schedule to this Act shall apply to appeals to the tribunal under section one or section four of this Act.

6 Interpretation

(1) References in this Act to the keeping of a riding establishment shall, subject to the provisions of this section, be construed as references to the carrying on of a business of keeping horses for either or both of the following purposes, that is to say, for the purpose of their being let out on hire for riding, or for the purpose of their being used in providing, in return for payment, instruction in riding, but not as including a reference to the carrying on of such a business in a case where the premises where the horses employed for the purposes of the business are kept, are occupied by or under the management of any Board of Tynwald or of Her Majesty's Government in the Isle of Man or any department thereof.

(2) For the purposes of this Act a person keeping a riding establishment shall be taken to keep it at the premises where the horses employed for the purposes of the business are kept.

(3) In this Act the following words and expressions have the meanings hereinafter respectively assigned to them, that is to say-
'approved certificate' means-

(a) any of the following certificates issued by the British Horse Society, namely, assistant instructor's certificate, instructor's certificate and fellowship;

(b) fellowship of the Institute of the Horse;

(c) any other certificate for the time being prescribed by order of the Department;

[Definition of 'approved certificate' inserted by Riding Establishments Act 1986 s 3. Para (c) amended by GC121/86.]

'authorised officer' means a person authorised by the Department under section 2;

[Definition of 'authorised officer' inserted by Riding Establishments Act 1986 s 3 and amended by GC121/86.]

'Board' ......

[Definition of 'Board' repealed by GC121/86.]

'Department' means the Department of Agriculture, Fisheries and Forestry;

[Definition of 'Department' inserted by GC121/86.]

'horse' includes any mare, gelding, pony, foal, colt, filly or stallion and also any ass, mule or jennet;

'premises' includes land;

'tribunal' means the Riding Establishments Appeal Tribunal constituted under the provisions of section five of this Act;

'veterinary practitioner' ......

[Definition of 'veterinary practitioner' repealed by Veterinary Surgeons Act 2005 Schs 2 and 3.]

'veterinary surgeon' has the meaning given by section 1(1) of the Veterinary Surgeons Act 2005;

[Definition of 'veterinary surgeon' substituted by Veterinary Surgeons Act 2005 Sch 2.]

7 ......

[S 7 repealed by Riding Establishments Act 1986 s 3.]

8 Short title and commencement

(1) This Act may be cited as the Riding Establishments (Inspection) Act, 1968.

(2) This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys.

Schedule
Provisions as to Appeals under Section One or Section Four of this Act
1. The Department shall assign to the tribunal a clerk of the tribunal.

[Para 1 amended by GC121/86.]

2. Notice of an appeal signed by the appellant or by his agent on his behalf and stating the general grounds of the appeal shall be given by him to the clerk of the tribunal and also to the Department.

[Para 2 amended by GC121/86.]

3. A notice of appeal shall be given within 14 days after the date on which the appellant has received notice of the decision of the Department in respect of which he is aggrieved or, where he has appealed against a conviction for an offence under this Act or under section 6 of the Cruelty to Animals Act 1997, within 14 days after the date of the determination of that appeal.

[Para 3 amended by GC121/86 and by Cruelty to Animals Act 1997 Sch 5.]

4. On receiving notice of an appeal the clerk of the tribunal shall enter the appeal and give notice to the appellant and to the Department of the date, time and place fixed for the hearing.

[Para 4 amended by GC121/86.]

5. An appellant may at any time, not less than two clear days before the date fixed for the hearing, abandon the appeal by giving notice in writing to the clerk of the tribunal and to the Department and, in the event of any such abandonment, the tribunal may order the appellant to pay to the Department such costs as appear to the Department to be just and reasonable in respect of the expenses properly incurred by the Department in connection with the appeal before notice of the abandonment was given to the Department.

[Para 5 amended by GC121/86.]

6. Any member or officer of the Department may appear and be heard at the hearing of an appeal.

[Para 6 amended by GC121/86.]

7. The tribunal may from time to time adjourn the hearing of an appeal.

8. On the hearing of an appeal the tribunal may either dismiss the appeal or give to the Department such directions as the tribunal thinks fit as respects the licence which is the subject of the appeal, which directions shall be carried into effect by the Department.

[Para 8 amended by GC121/86.]

9. On the determination of an appeal the tribunal may make such order as to payment of costs as the tribunal thinks fit, or may fix a sum to be paid by way of costs in lieu of directing a taxation thereof and any costs ordered to be paid by the tribunal may be recovered summarily as a civil debt and shall not be recoverable in any other manner.

10. The tribunal may-

(a) by summons require any person to attend at such time and place as is set forth in
the summons, to give evidence or to produce any documents in his custody or under his control which are relevant to the subject matter of the appeal;

(b) take evidence on oath, and for that purpose the chairman of the tribunal may administer oaths or may, instead of administering an oath, require the person examined to make and submit a declaration of the truth of the matter in respect of which he is examined; and

(c) by order require any person who appears to the tribunal to have knowledge of the subject matter of the appeal, to furnish in writing or otherwise such particulars in relation thereto as the tribunal may require and, where necessary, to attend before the tribunal and give evidence on oath.

11. Subject as aforesaid, the tribunal shall regulate its own procedure.

RIDING ESTABLISHMENTS ACT 1986

(Chapter 4)

Arrangement of Sections

1 to 3. Amendments.
4. Short title and commencement.

Received Royal Assent: 18 February 1986
Passed: 28 February 1986

AN ACT

to amend the Riding Establishments (Inspection) Act 1968.

1 [Amends section 1 of the Riding Establishments (Inspection) Act 1968 (in this Act referred to as ‘the principal Act’).]

2 [Amends sections 3 and 4 of the Riding Establishments (Inspection) Act 1968.]

3 (1) [Amends section 6 of the Riding Establishments (Inspection) Act 1968.]

(2)......

[Subs (2) repealed by Statute Law Revision Act 1992 Sch 2.]

4 Short title and commencement

(1) This Act may be cited as the Riding Establishments Act 1986, and the principal Act and this Act may be cited together as the Riding Establishments Acts 1968 and 1986.

(2) This Act shall come into operation on the 1st April 1986.