

On 17th February 2016, as part of so called Operation Storm, 29 horses were seized from the Carthy family in Kilkenny. This family live at St Catherine's halting site, aka Wetlands. The operation was carried out by agents of the Department of Agriculture (ACS) and An Garda Siochana. Some of the men wore balaclavas, others wore hoodies zipped up over their faces and some of the guards were accompanied by dogs.

The horses were rounded up in two separate locations and jeeps were used to do this, as young children looked on. The horses were then herded into a cattle truck. Stallions, heavily pregnant mares, Shetlands and Miniature Shetlands were all put into the one transport.

In terms of the Department's own **General Conditions for the Transport of Animals Animal Welfare Guidelines**, it is a requirement that sexually mature males and females must be kept separate, breeding stallions must be kept separate while being transported and animals of **significantly different sizes** must be transported separately. Each of these conditions were breached in this instance.

It is also a rule that 'no one shall transport animals, or cause them to be transported, in a way likely to cause them injury or undue suffering.' This regulation was breached.

It is also against the regulations for pregnant mares who are more than 90 percent through their term to be transported. This was breached.

It is required that personnel 'carry out their tasks without using violence or any method likely to cause unnecessary fear, injury or suffering.' This rule was breached.

In addition, the horses were transported in an open roofed vehicle with unsuitable flooring. Again, regulations breached.

The Carthy family, through their solicitors Michael Lanigan and Chris Hogan of Kilkenny went to court to appeal the seizure. The last two weeks have been spent, with two court hearings, in determining whether or not the family have the right to appeal. Yesterday, in the Kilkenny District Court, Judge Colin Daly gave them that right.

In brief.

The European Union (Identification Of Equidae) Regulations 2016 26 (2) (v) were passed on the 2nd February, one day before the dissolution of the Dail. They came into effect on the 16th February. The horses were seized on the 17th February, **the very next day**. At that stage no one knew which law was being used to seize them.

On the 19th February the Department of Agriculture put up notices stating that the horses had been seized under the regulations above. However, this law was not available – either in the law Library or through the government publishers. The following Monday evening, at 6.00 p.m. the Department sent our solicitors a copy of the law. Two days later he filed an appeal against the seizure.

In court today the Department argued that the family had no right to appeal as the appeal had to be made within five days of the seizure. Five days would have taken us to the 22nd – the Monday – by which stage the regulations were not even available to the solicitors!

This argument was rejected by Judge Daly who stated that he believed in terms of European human rights law there were exceptional circumstances in this case, notably around issues of fundamental access to the law, and he would grant the right to appeal. The case will now be referred to the High Court.

This is only the first step – but in our view it constitutes a victory against high handed government action against citizens of the Irish state.

For further information please contact:

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