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A DOCTRINAL ASSESSMENT OF STATE FUNDING FOR IRISH HORSE AND GREYHOUND RACING: COMPATIBILITY WITH ANIMAL WELFARE OBLIGATIONS AND ADMINISTRATIVE LAW CONSTRAINTS

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I. ABSTRACT

*This article conducts a doctrinal analysis of the legality of continued State funding for horse and greyhound racing in Ireland, assessing its compatibility with domestic and EU animal welfare obligations and Irish administrative law principles. Established under the Horse and Greyhound Racing Act 2001, the annual Horse and Greyhound Racing Fund allocates over €90 million to support these culturally and economically significant industries, yet intensifying public scrutiny - fuelled by media investigations, NGO reports, and parliamentary debates - highlights welfare deficiencies, including traceability gaps, inconsistent injury reporting, and inadequate rehoming practices. Employing a doctrinal methodology, the article examines primary sources: statutes like the Animal Health and Welfare Act 2013 and Welfare of Greyhounds Act 2011; EU Regulations on transport, slaughter, and controls (e.g., (EC) No 1/2005 and (EU) 2017/625); and case law such as *O Connell v The Turf Club* [2015] IESC 57 and *Connolly v Bord na gCon* [2020] IECA 122, which affirm regulators' public-law duties. It integrates parliamentary materials and comparative insights from UK and New South Wales reforms. Findings reveal that funding remains lawful if conditioned on welfare compliance, but unconditional allocations risk judicial review for irrationality, failure to consider relevant welfare evidence, or disproportionality. Hypotheses posit substantive limits from welfare duties, vulnerability to challenge without evidence engagement, and the need for performance-based models. The article concludes that ministerial discretion must prioritise demonstrable welfare outcomes, transparency, and*

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accountability. Recommendations advocate statutory amendments for conditional funding, independent audits, and enhanced reporting to reconcile legal obligations with industry interests, ensuring long-term defensibility.

II. KEYWORDS

Horses, Greyhounds, Ireland, Animal Welfare, Racing

III. INTRODUCTION

Horse and greyhound racing occupy a long-established place in Irish cultural and economic life. The Thoroughbred sector is internationally significant, underpinning rural employment and export activity, while greyhound racing sustains a network of local tracks, breeders, and trainers. Both industries receive substantial annual State support through the Horse and Greyhound Racing Fund, created by s 12 of the Horse and Greyhound Racing Act 2001 and implemented each year by statutory instrument. Recent allocations have exceeded €90 million, routinely approved by large Oireachtas majorities.²

However, public controversy has intensified. Media investigations, NGO reports, and parliamentary debates have highlighted alleged welfare shortcomings across both sectors, including weaknesses in traceability systems, inconsistent injury and mortality reporting, and concerns about regulatory oversight and rehoming practices.³ Governance reviews of the Irish Horseracing Regulatory Board (“IHRB”) and high-profile welfare incidents within greyhound racing have added to this scrutiny. This has generated a polarised national debate: critics question the propriety of subsidising industries associated with alleged welfare risk, while supporters argue that public funding is necessary to uphold welfare standards and maintain international competitiveness.

Against this backdrop, this article poses a core doctrinal question: is continued State funding of horse and greyhound racing legally compatible with Ireland’s domestic

² See eg Dáil Éireann Deb 23 October 2024, *Approval of Horse and Greyhound Racing Fund Regulations 2024* (TheJournal.ie reporting the vote).

³ ‘Racing Ireland Sharpens Focus on Animal Welfare According to Latest Annual Report’ *The Irish Times* (15 September 2023); RTE Investigates, ‘Running for Their Lives’ (broadcast June 2019)

and EU animal-welfare obligations, and with the constraints of Irish administrative law? Addressing this requires examination of the Animal Health and Welfare Act 2013, the Welfare of Greyhounds Act 2011, the statutory mandates of Horse Racing Ireland (“HRI”) and Greyhound Racing Ireland (“GRI”), and binding EU Regulations on transport, slaughter, and official controls. It also requires attention to relevant case law, including *Connolly v Bord na gCon* and *O Connell v The Turf Club*.

The inquiry is not a moral evaluation of racing, but a legal assessment of ministerial discretion. While continued funding can remain lawful, this article argues that it must be conditioned on demonstrable welfare compliance, transparency, and accountability to satisfy established principles of Irish public law.

A. RESEARCH OBJECTIVES

The overarching purpose of this article is to provide a doctrinal legal analysis of the Irish State’s continued funding of horse and greyhound racing, and to determine whether such funding is compatible with domestic and EU animal-welfare law and with the principles of Irish administrative law. To achieve this, the article pursues four interrelated objectives.

First, it maps and analyses the domestic statutory framework governing the regulation of horse and greyhound racing, including the Horse Racing Ireland Act 1994, the Greyhound Racing Act 2019, and the Welfare of Greyhounds Act 2011. Understanding the scope of these regulatory and enforcement powers is essential to assessing whether the industries can meet the welfare standards that condition lawful State funding.⁴

Secondly, it examines Ireland’s substantive welfare obligations under the Animal Health and Welfare Act 2013 and binding EU law. Domestic duties of care, offences relating to unnecessary suffering, and enforcement mechanisms, together with EU

⁴ *Greyhound Racing Act 2019; Horse Racing Ireland Act 1994; Welfare of Greyhounds Act 2011.*

Regulations on transport, slaughter, and official controls, shape the welfare environment within which funding decisions must operate.^{5 6}

Thirdly, it evaluates judicial authority bearing on the legality of regulatory decision-making, including *Connolly v Bord na gCon* and *O Connell v The Turf Club*, which affirm the public-law nature of racing regulation and clarify principles of fairness, proportionality, and integrity-driven sanctions.⁷

Fourthly, it assesses the compatibility of the annual funding scheme with administrative-law standards - relevant considerations, rationality, transparency, and proportionality - and proposes a legally coherent, welfare-linked funding model that respects statutory duties while preserving the industries' legitimate economic and cultural roles.

B. RESEARCH QUESTIONS

The doctrinal inquiry undertaken in this article is guided by four principal research questions, each directed toward clarifying the legal limits of State involvement in the horse and greyhound racing industries.

- Is the State's continued funding of horse and greyhound racing legally compatible with Ireland's domestic and EU animal-welfare obligations?
- What limits does Irish administrative law place on the Minister's discretion when allocating funds under the annual Horse and Greyhound Racing Fund Regulations?
- Can the existing regulatory and governance structures within HRI and GRI provide a sufficiently robust framework to ensure that public money is used in a manner consistent with welfare obligations?

⁵ *Animal Health and Welfare Act 2013* ss 11–14 (*duty of care*), ss 15–16 (*cruelty and unnecessary suffering*), ss 42–45 (*welfare notices*).

⁶ *Council Regulation (EC) No 1/2005 on the protection of animals during transport*; *Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing*; *Regulation (EU) 2017/625 on official controls*.

⁷ *Connolly v Bord na gCon* [2020] IECA 122; *O Connell v The Turf Club* [2015] IESC 57.

- What reforms to the current funding model, if any, are necessary to bring the regime into alignment with the principles of welfare protection, accountability, and administrative-law legitimacy?

C. RESEARCH HYPOTHESES

The doctrinal analysis undertaken in this article proceeds on the basis of four interrelated hypotheses. These hypotheses are not conclusions but structured propositions that guide the inquiry and provide a lens through which statutory, regulatory, and judicial materials are examined.

Ireland's domestic and EU animal-welfare duties impose substantive limits on State funding decisions. Under the Animal Health and Welfare Act 2013, persons responsible for animals must take reasonable steps to ensure their welfare and to prevent unnecessary suffering.⁸ These obligations apply to the State in its regulatory capacity and, arguably, inform its decisions when allocating public money to activities that may carry inherent welfare risks. EU Regulations governing transport, slaughter, and official controls create additional binding obligations that cannot be ignored in administrative decision-making. This hypothesis posits that funding decisions which disregard such duties may be legally vulnerable.

The current funding model may be susceptible to judicial review if the Minister fails to consider relevant welfare evidence or relies on insufficient grounds. Irish administrative law requires decision-makers to consider all relevant factors and to avoid decisions that are irrational or contrary to statutory purpose.⁹ Given the volume of welfare-related evidence now publicly available - including parliamentary committee reports, independent reviews, and documented enforcement activity - this hypothesis suggests that the Minister's failure to engage meaningfully with welfare considerations could amount to an error of law.

Properly enforced regulatory frameworks can supply a lawful justification for continued funding, but only where linked to demonstrable welfare outcomes. Judicial recognition of the legitimacy of disciplinary and regulatory mechanisms in *O Connell*

⁸ *Animal Health and Welfare Act 2013* ss 11–14.

⁹ *Meadows v Minister for Justice* [2010] IESC 3; *O Keffe v An Bord Pleanála* [1993] 1 IR 39.

v The Turf Club and *Connolly v Bord na gCon* confirms that autonomous regulatory bodies in the racing industries can exercise robust public-law powers so long as they observe principles of fairness and proportionality.¹⁰ This hypothesis suggests that effective enforcement - supported by transparent welfare metrics - can form a sound legal basis for ongoing State support.

A conditional or performance-based funding model would best reconcile competing welfare and economic considerations and ensure long-term legal defensibility. Given the evolving expectations of public accountability, and considering the potential for administrative-law challenge, this hypothesis proposes that State funding should be contingent upon measurable welfare outcomes, independent oversight, and transparent reporting. Such conditionality, if embedded in statutory or regulatory form, could strengthen compliance with domestic and EU welfare norms and enhance the rational basis for allocating public funds.

D. RESEARCH METHODOLOGY

This article adopts a *doctrinal legal research methodology*, which involves the systematic and critical analysis of primary legal sources - statutes, statutory instruments, case law, and binding EU measures - alongside relevant parliamentary materials and scholarly commentary. The aim is to identify, interpret, and synthesise the legal principles governing State funding and animal welfare in the horse and greyhound racing sectors.

First, the methodology centres on close textual analysis of Irish legislative instruments that structure these industries. Core statutes include the Horse Racing Ireland Act 1994, the Greyhound Racing Act 2019, the Greyhound Industry Act 1958 (as amended), and the Welfare of Greyhounds Act 2011, each of which establishes regulatory mandates, enforcement powers, and welfare-related obligations.¹¹ The Animal Health and Welfare Act 2013 provides the overarching legal framework for

¹⁰ *O Connell v The Turf Club* [2015] IESC 57; *Connolly v Bord na gCon* [2020] IECA 122.

¹¹ *Horse Racing Ireland Act 1994; Greyhound Racing Act 2019; Greyhound Industry Act 1958; Welfare of Greyhounds Act 2011.*

the protection of animals in the State, and interpretation of its duties forms a central component of the analysis.

Secondly, the research examines the effect of EU law, particularly Regulations that impose binding and directly applicable obligations concerning animal transport, slaughter, veterinary medicinal products, and official controls. These measures apply to racehorses, racing greyhounds, and associated activities, and therefore influence the legal permissibility and structuring of State funding decisions. Key instruments include Regulation (EC) No 1/2005, Regulation (EC) No 1099/2009, Regulation (EU) 2017/625, and Regulation (EU) 2019/6.¹²

Thirdly, the methodology incorporates jurisprudential analysis. Case law is essential to understanding the legal status of regulators, the nature of their public-law duties, and the standards of review applicable to ministerial decisions concerning public funds. Principal cases include *Connolly v Bord na gCon*, which affirms the scope of the greyhound regulator's disciplinary powers; *O Connell v The Turf Club*, which establishes the public-law character of horseracing regulation; and *Bolger v Osborne*, which illustrates judicial oversight of disciplinary procedures within the industry.¹³ Comparative English case law under the Animal Welfare Act 2006 also provides persuasive authority on welfare duties and enforcement thresholds, particularly the Administrative Court decisions in *Barker v RSPCA* and *RSPCA v McCormick*.¹⁴

Fourthly, the methodology draws on parliamentary and policy materials, including Dáil and Seanad debates on the Horse and Greyhound Racing Fund Regulations (2023–2024), Public Accounts Committee scrutiny of HRI governance, and independent governance reports. These sources contextualise the legal framework within ongoing political discourse, evidencing what information was available to decision-makers and how Ministers justified annual allocations.¹⁵

¹² Council Regulation (EC) No 1/2005; Council Regulation (EC) No 1099/2009; Regulation (EU) 2017/625; Regulation (EU) 2019/6.

¹³ *Connolly v Bord na gCon* [2020] IECA 122; *O Connell v The Turf Club* [2015] IESC 57; *Bolger v Osborne* [1999] IEHC 24.

¹⁴ *Barker v RSPCA* [2018] EWHC 880 (Admin); *RSPCA v McCormick* [2016] EWHC 928 (Admin).

¹⁵ Dáil Éireann Debate, 'Horse and Greyhound Racing Fund Regulations 2023' (Vol 1043 No 5, November 29, 2023)

Fifthly, a limited comparative analysis is undertaken, particularly with respect to the UK greyhound-racing welfare debates and the 2016 New South Wales greyhound-racing ban and subsequent reinstatement. These examples demonstrate how welfare crises can shape regulatory reform and public-funding policy in comparable jurisdictions.

Finally, the methodology employs synthesis: the integration of statutory interpretation, case-law principles, and administrative-law standards to assess whether the current Irish funding model satisfies legal requirements. This synthesised doctrinal approach enables the development of precise, legally grounded recommendations for reform.

E. LITERATURE REVIEW

The literature on animal-welfare regulation, racing governance, administrative law, and public funding provides important conceptual foundations for this article's doctrinal analysis. Although scholarship specifically addressing the legality of State funding for racing industries is limited, adjacent academic and policy sources illuminate the principles relevant to welfare obligations and ministerial discretion. This section synthesises five strands of literature: animal-welfare law scholarship; regulatory governance of racing; administrative-law commentary on public expenditure; media and parliamentary discourse; and comparative perspectives.

1. Animal-Welfare Law Scholarship

Irish scholarship characterises the Animal Health and Welfare Act 2013 as a modernising statute that replaced the narrow cruelty-based model of the 1911 Act with a comprehensive, duty-based framework.¹⁶ Commentators emphasise its integration of health and welfare, its preventative focus through welfare notices, and the continuing gap between statutory ambition and the uneven enforcement capacity of local authorities and authorised officers.

¹⁶ See Brooman and Legge's contribution in Andrew Linzey (ed), *The Global Guide to Animal Protection* (2013).

EU animal-welfare law is widely described as sectoral, delivered through Regulations on transport, slaughter, and official controls rather than a unified code.¹⁷ Although racing animals lack species-specific EU legislation, these Regulations apply directly to their transport, stabling, killing, and inspection. Academic writing stresses that such obligations impose binding minimum standards that Member States must uphold regardless of domestic policy choices, including funding. A growing literature also examines the normative constraints on public authorities supporting animal-based industries. Many argue that States cannot fund activities in ways that undermine statutory welfare obligations - a principle directly relevant to racing-industry funding.¹⁸

2. Regulation and Governance of Racing Industries

The governance structures of HRI and GRI have been the subject of sustained scholarly and policy attention. Literature in this domain examines questions of regulatory independence, transparency, data governance, and public accountability. Studies note that significant reforms - particularly the Greyhound Racing Act 2019 - strengthened oversight powers, enhanced traceability requirements, and provided for increased ministerial supervision.¹⁹

Nevertheless, concerns persist regarding the adequacy of enforcement. Academic commentary frequently points to limited publication of welfare metrics, inconsistencies in disciplinary outcomes, and gaps in lifecycle data (especially concerning greyhound breeding and retirement). Independent governance reviews of the Irish Horseracing Regulatory Board have identified serious transparency deficiencies, contributing to a narrative that the racing regulators, though formally empowered, have under-utilised or inconsistently applied their statutory tools.²⁰

Case law forms another strand of regulatory literature. Judicial decisions such as *O Connell v The Turf Club* establish that horseracing regulators exercise public-law functions, subject to judicial review. Scholars argue that this public-law status

¹⁷ European Commission, 'Overview Report on Animal Welfare During Transport' (2022)

¹⁸ Siobhan O'Sullivan, 'Animals, Equality and Democracy' (Palgrave Macmillan, 2011)

¹⁹ Greyhound Racing Act 2019 (noted for strengthening regulatory oversight and traceability).

²⁰ Mazars, 'Independent Review of Certain Matters Relating to the Irish Horseracing Regulatory Board (2024)

strengthens the legal expectation that regulators must enforce welfare and integrity rules in a manner that is fair, rational, and proportionate.²¹ Similarly, commentary on *Connolly v Bord na gCon* emphasises the judiciary's recognition of the greyhound regulator's authority to impose integrity-related sanctions where welfare risks are implicated. These cases underpin academic arguments that a robust regulatory framework can legitimise State funding - provided it is effectively implemented.

3. Administrative Law, Ministerial Discretion, and Public Funding

Academic literature on Irish administrative law establishes the principles governing the legality of ministerial decisions, including those involving public expenditure. Key doctrinal themes include relevant-considerations analysis, irrationality, proportionality, and the duty to give reasons. Leading commentary emphasises that decision-makers must consider mandatory statutory factors and must not disregard material information known to them at the time of decision.²²

Scholarship further highlights that funding allocations may be challenged where they frustrate statutory purpose. This principle is particularly relevant where the State possesses positive obligations under domestic or EU welfare law. Writing in both Irish and comparative contexts suggests that public money must not be used in a manner that effectively undermines or contradicts legislative duties.²³

The evolution of proportionality in Irish judicial review - solidified in *Meadows v Minister for Justice* - is also central to public-funding scholarship. Scholars argue that where a decision has serious consequences for rights or public interests, proportionality will often require demonstrable engagement with evidence, risks, and alternative options. Applying this reasoning to racing funding suggests that welfare evidence may constitute a mandatory relevant consideration.

4. Media, Parliamentary, and Policy Commentary

Although not strictly academic, media investigations, NGO reports, and Oireachtas debates form part of the broader literature informing public-law analysis.

²¹ *O Connell v The Turf Club* [2015] IESC 57.

²² See eg *Meadows v Minister for Justice* [2010] IESC 3.

²³ Gerard Hogan et al, *Kelly: The Irish Constitution* (5th edn, Bloomsbury Professional, 2018)

Parliamentary transcripts from 2023–2024 reveal repeated questioning of HRI and GRI regarding welfare outcomes, transparency, and financial governance. TDs and Senators frequently highlighted injury and euthanasia data, traceability deficits, and the adequacy of regulatory enforcement.²⁴

Journalistic investigations - particularly those concerning greyhound breeding numbers, export practices, and end-of-career outcomes - have shaped public opinion and introduced factual materials into the parliamentary record. Scholars of regulatory governance often treat such materials as part of the evidentiary environment in which decision-makers operate, making them relevant in doctrinal assessments of whether Ministers considered appropriate factors.

5. Comparative Literature

Comparative academic analyses provide insights into how other jurisdictions have responded to welfare controversies in racing industries. Literature on the UK greyhound-racing welfare debate highlights similar challenges regarding injury reporting, lifecycle traceability, and public opposition.²⁵ The House of Commons EFRA Committee report of 2016 is frequently cited as a comprehensive examination of welfare risks in British greyhound racing, prompting calls for legally mandated data transparency.

The most dramatic comparative episode arises from New South Wales, where the State Government announced a ban on greyhound racing in 2016 following a major welfare scandal, only to reverse the ban in 2017 after political and industry mobilisation. Academic commentary frames this episode as an example of welfare crisis triggering regulatory overhaul, including heightened enforcement powers and stricter welfare conditions linked to the industry's continued legality.²⁶ These studies offer lessons for Ireland on the legal and political risks of insufficient welfare assurance.

²⁴ *Seanad Éireann Debate, 'Horse and Greyhound Racing Fund Regulations 2025'* (Vol 309 No 5, 20 November 2025)

²⁵ *House of Commons Environment, Food and Rural Affairs Committee, Greyhound Welfare* (2016).

²⁶ Alexandra Quain, Michael P. Ward, and Siobhan Mullan, "Greyhound morbidity and mortality in Australia: A descriptive study" (2022) 12(19) *Animals* 2703

IV. DOMESTIC LEGAL FRAMEWORK GOVERNING RACING

A doctrinal assessment of the legality of State funding for the horse and greyhound racing industries must begin with a clear understanding of the statutory frameworks that structure the powers, duties, and functions of Horse Racing Ireland (“HRI”) and Greyhound Racing Ireland (“GRI”), as well as the welfare-related obligations embedded in domestic legislation. This section examines the foundation, purpose, and regulatory architecture of the Horse and Greyhound Racing Fund, the statutory roles of HRI and GRI, and the interaction of these regimes with the broader domestic welfare framework under the Animal Health and Welfare Act 2013 and the Welfare of Greyhounds Act 2011.

A. THE HORSE AND GREYHOUND RACING FUND: STRUCTURE, PURPOSE, AND OPERATION

The Horse and Greyhound Racing Fund, established under s 12 of the Horse and Greyhound Racing Act 2001, provides the statutory mechanism through which the State allocates annual funding to HRI and GRI.²⁷ The Fund is implemented each year by the Horse and Greyhound Racing Fund Regulations, which set the amounts payable to each body and require approval by both Houses of the Oireachtas. Recent allocations have exceeded €90 million, with roughly 80% directed to HRI and 20% to GRI.

The purpose of the Fund, reflected in the 2001 Act and repeated in ministerial statements, is to support the development, promotion, and integrity of Irish racing.²⁸ This includes industry support, regulatory oversight, infrastructure investment, and the promotion of welfare and integrity. As the power is statutory, the Minister must be satisfied annually that the allocation aligns with the objectives of the 2001 Act.

From an administrative-law perspective, the annual nature of the Regulations has two consequences. First, each year’s approval constitutes a fresh exercise of ministerial discretion, requiring consideration of any new welfare evidence, regulatory

²⁷ *Horse and Greyhound Racing Act 2001 s 12.*

²⁸ *Ministerial statements during Dáil debates on the annual Horse and Greyhound Racing Fund Regulations, eg Dáil Éireann Deb 23 October 2024.*

developments, or governance concerns since the previous allocation. Secondly, because the Regulations are statutory instruments approved by the Oireachtas, they remain subject to judicial review, meaning decisions to allocate funding must comply with the established principles governing the exercise of statutory power.

B. STATUTORY MANDATE AND GOVERNANCE OF HORSE RACING IRELAND

HRI was established under the Horse Racing Ireland Act 1994, with subsequent amendments refining its functions, governance, and oversight structures. Under s 10 of the 1994 Act, HRI is responsible for the overall administration, development, and promotion of horse racing in Ireland, including race programming, prize-money distribution, and the provision of racecourse services.²⁹

HRI's regulatory role is complemented by the Irish Horseracing Regulatory Board ("IHRB"), which exercises independent integrity and welfare functions. Although not created by statute, the IHRB operates under delegated authority pursuant to the Rules of Racing and is funded in part through HRI allocations. Irish case law affirms the public-law status of the body exercising regulatory functions in Irish racing. In *O Connell v The Turf Club*, the Supreme Court held that racing regulators, though historically private in origin, now exercise statutory and public-law functions due to legislative recognition and reliance on their disciplinary role.³⁰

This jurisprudence has two doctrinal implications. First, it confirms that the regulatory bodies responsible for enforcing welfare and integrity rules in horse-racing are subject to public-law standards of fairness, rationality, and proportionality. Secondly, it implies that the Minister, when allocating public funds to such bodies, must be aware of their statutory and public-law obligations and must consider whether they are being fulfilled effectively.

²⁹ *Horse Racing Ireland Act 1994 s 10.*

³⁰ *O Connell v The Turf Club* [2015] IESC 57.

C. STATUTORY MANDATE AND GOVERNANCE OF GREYHOUND RACING IRELAND

GRI (formerly Bord na gCon) derives its powers primarily from the Greyhound Industry Act 1958, as extensively revised by the Greyhound Racing Act 2019. The 2019 Act modernised the regulatory structure, enhancing traceability obligations, expanding welfare enforcement powers, and establishing new governance norms. Under s 11 of the 1958 Act (as amended), GRI is responsible for controlling greyhound racing and improving the breeding and development of greyhounds in Ireland.³¹ The 2019 Act introduced several significant welfare-related reforms, including:

- A statutory traceability system for racing greyhounds;
- Enhanced inspection powers for authorised officers;
- Stronger provisions for racing bans, welfare notices, and sanctions;
- Increased Ministerial oversight and reporting requirements.

Judicial decisions have recognised the breadth of the greyhound regulator's powers. In *Connolly v Bord na gCon*, the Court of Appeal upheld an exclusion order imposed on an individual allegedly involved in live-baiting activities abroad.³² The Court emphasised the regulator's statutory mandate to act in the interests of industry integrity and animal welfare, affirming that such powers may be exercised robustly where procedural fairness is observed.

This jurisprudence illustrates that GRI possesses substantial legal authority to enforce welfare norms - authority that, if properly used, can support the State's position that the industry is regulated in a manner consistent with statutory welfare obligations.

D. DOMESTIC ANIMAL-WELFARE DUTIES RELEVANT TO RACING

1. The Animal Health and Welfare Act 2013

The Animal Health and Welfare Act 2013 ("AHWA 2013") provides a modernised, cross-sectoral framework for animal protection in Ireland.

³¹ *Greyhound Industry Act 1958 s 11, as amended by Greyhound Racing Act 2019.*

³² *Connolly v Bord na gCon* [2020] IECA 122.

Key provisions include:

- A general duty of care requiring persons responsible for animals to ensure their welfare and prevent unnecessary suffering (s 11–14);
- Offences relating to cruelty, neglect, abandonment, and prohibited activities (ss 12–16);
- Welfare notices enabling preventative intervention by authorised officers (s 42);
- Powers for seizure, disqualification, and destruction of animals (ss 44–47).³³

For racing animals, the AHWA 2013 operates in tandem with sector-specific legislation. Trainers, breeders, transporters, and owners of racehorses and greyhounds fall within the categories of persons responsible for animals under the Act. Breaches of welfare duties may trigger criminal liability, civil sanctions, or regulatory consequences within HRI or GRI frameworks.

Importantly, the AHWA 2013 establishes a baseline standard against which State support for animal-based industries may be assessed. Where persistent welfare concerns exist - such as inadequate enforcement or systemic welfare risk - decision-makers may be legally required to consider them when allocating public funds.

2. The Welfare of Greyhounds Act 2011

The Welfare of Greyhounds Act 2011 imposes specific welfare requirements upon greyhound owners and breeders,

Including provisions relating to:

- Registration and record-keeping;
- Minimum standards for kennelling and care;
- Powers of inspection and seizure;
- Welfare notices and offences relating to neglect and mistreatment.³⁴

³³ *Animal Health and Welfare Act 2013* ss 11–16, 42–47.

³⁴ *Welfare of Greyhounds Act 2011* ss 5–12.

Although some commentators have argued that the 2011 Act lacked sufficient enforcement mechanisms, the 2019 reforms significantly strengthened the statutory toolkit available to the regulator and authorised officers. The general structure of the Act nonetheless reflects the Oireachtas's intention to treat greyhound welfare as a matter of public concern, not merely an internal industry matter.

E. INTERACTION BETWEEN FUNDING AND DOMESTIC WELFARE OBLIGATIONS

The domestic statutory framework suggests that racing-industry regulators possess significant welfare and integrity powers, and that those participating in the industry are subject to comprehensive welfare duties. The doctrinal question is how these statutory duties interact with the Minister's annual decision to allocate public funds.

Three observations follow:

- Welfare duties and enforcement mechanisms are legally relevant to funding decisions. Given the breadth of statutory welfare responsibilities, the Minister must reasonably be taken to know that welfare is a material consideration when determining whether the Fund is consistent with the statutory purpose of promoting racing in a lawful, sustainable manner.
- The Fund's statutory purpose implies an expectation of welfare compliance. While the 2001 Act does not explicitly require welfare assessment, its reference to supporting the development and integrity of racing implicitly incorporates the welfare standards applicable to racing animals.
- Regulatory failures or systemic welfare risks could render funding decisions vulnerable to judicial review. If the Minister were to ignore significant evidence of statutory non-compliance, the decision could arguably be characterised as irrational, taken in disregard of relevant considerations, or contrary to statutory purpose.

These doctrinal foundations shape the subsequent analysis of administrative-law constraints (Section 8) and the legality of the current funding model.

V. IRELAND'S ANIMAL-WELFARE OBLIGATIONS

Ireland's obligations concerning the welfare of racing animals arise from two interlocking legal frameworks: domestic animal-welfare legislation and directly applicable EU Regulations and Directives. Together, these instruments establish binding welfare duties that apply to owners, trainers, breeders, transporters, and regulatory bodies, and they therefore shape the legal environment in which the Minister must exercise discretion when allocating public funds. This section examines these obligations in detail and evaluates their doctrinal significance for the legality of the Horse and Greyhound Racing Fund.

A. DOMESTIC WELFARE OBLIGATIONS

1. The Animal Health and Welfare Act 2013

The Animal Health and Welfare Act 2013 ("AHWA 2013") is the cornerstone of Irish animal-welfare law. It applies broadly to "protected animals", encompassing racehorses, greyhounds, breeding stock, and animals kept for sporting or recreational purposes.

Its principal features include:

- **A general duty of care:** Sections 11–14 impose a statutory duty on all persons responsible for animals to take reasonable steps to ensure welfare and to prevent unnecessary suffering.³⁵ The scope of this duty is intentionally broad and applies to all stages of an animal's lifecycle, including breeding, training, transport, competition, and retirement.
- **Prohibitions on cruelty and neglect:** The Act makes it an offence to cause unnecessary suffering, to fail to meet an animal's basic needs, or to engage in prohibited practices (ss 12–16).³⁶ These offences apply directly to industry participants.
- **Preventative intervention through welfare notices:** Authorised officers (including local-authority veterinarians and officials from the Department of

³⁵ *Animal Health and Welfare Act 2013* ss 11–14.

³⁶ *ibid* ss 12–16.

Agriculture, Food and the Marine) may issue welfare notices requiring specified remedial action to protect an animal's welfare (s 42).³⁷

- **Enforcement powers:** The Act confers broad seizure, disqualification, inspection, and prosecution powers (ss 44–47).³⁸ Where breaches occur within racing or breeding establishments, enforcement can have immediate implications for regulatory compliance under HRI or GRI rules.

Doctrinally, the AHWA 2013 creates legally enforceable welfare expectations that the State cannot disregard. While the statute does not expressly address public funding, administrative-law principles require the Minister to consider relevant statutory duties when exercising discretion. Where evidence indicates systemic welfare risks, these duties become a material consideration for the legality of the funding decision.

2. The Welfare of Greyhounds Act 2011

The Welfare of Greyhounds Act 2011 applies specifically to registered greyhounds and breeders.

Its principal obligations include:

- Registration requirements and the maintenance of accurate breeding and ownership records;
- Minimum standards for accommodation, feed, exercise, and veterinary care;
- Mandatory inspections of breeding establishments;
- Offences relating to the mistreatment, neglect, abandonment, or sale/transfer of unregistered greyhounds.³⁹

Although initially criticised for gaps in enforcement, the Act provides a species-specific welfare baseline that the Minister must consider when deciding whether State funding to GRI remains justified. Its significance is heightened by the high-profile welfare issues that have arisen in greyhound racing, including discrepancies in traceability data and concerns about end-of-career outcomes. Where such systemic

³⁷ *ibid* s 42.

³⁸ *ibid* ss 44–47.

³⁹ *Welfare of Greyhounds Act 2011* ss 5–12.

concerns persist, the Minister must demonstrate that funding decisions are compatible with the objectives and enforcement expectations of the 2011 Act.

B. EU WELFARE OBLIGATIONS

Ireland remains directly bound by EU animal-welfare Regulations in areas where competence is retained. These Regulations impose minimum standards that Member States must uphold and that apply equally to racehorses and greyhounds. Such obligations cannot be displaced by domestic policy preferences - an important doctrinal consideration for funding decisions.

1. Council Regulation (EC) No 1/2005: Welfare During Transport

Council Regulation (EC) No 1/2005 sets binding standards for the transport of live animals.

Including requirements concerning:

- Fitness for travel;
- Vehicle conditions;
- Journey planning and rest periods;
- Handling and loading procedures;
- Competence and training of personnel;
- Record-keeping and documentation.⁴⁰

Transport is a central feature of both racing industries: racehorses frequently travel between training yards and racecourses, including internationally, while greyhounds are routinely transported between breeders, trainers, tracks, and rehoming centres. Compliance with Regulation 1/2005 is therefore a core welfare obligation and constitutes a legally relevant factor when considering whether State-funded activities are being conducted lawfully and responsibly.

2. Council Regulation (EC) No 1099/2009: Welfare at the Time of Killing

⁴⁰ Council Regulation (EC) No 1/2005.

Council Regulation (EC) No 1099/2009 governs the welfare of animals at slaughter or at the time of killing, requiring that animals be spared avoidable pain, distress, or suffering during killing operations.⁴¹ Although racing animals are not slaughtered in a racing context, some greyhounds and horses enter the food chain or are euthanised when injured or retired. Compliance with this Regulation is therefore relevant to the end-of-life stage and is part of the legal environment within which funding decisions must be made.

3. Regulation (EU) 2017/625: Official Controls

Regulation (EU) 2017/625 mandates an EU-wide system of official inspections covering animal welfare, food safety, and animal health.⁴² Animals used in sporting and recreational contexts fall within its purview where welfare standards are implicated.

This Regulation is particularly relevant because it places legal responsibility on national authorities to ensure effective enforcement of EU welfare law. If deficiencies exist in inspection practices, traceability, or regulatory oversight, these may be legally relevant in assessing whether State funding supports industries operating in compliance with EU law.

4. Regulation (EU) 2019/6: Veterinary Medicinal Products

Regulation (EU) 2019/6 concerns the authorisation, supply, use, and pharmacovigilance of veterinary medicines.⁴³ It has significant implications for racing animals, given the prevalence of injury treatment, prophylactic care, and monitoring for prohibited substances in both sectors.

Doping controversies, medication breaches, or deficiencies in veterinary compliance may trigger enforcement responsibilities for HRI, GRI, and national authorities - again informing the legal environment in which public funding decisions occur.

⁴¹ Council Regulation (EC) No 1099/2009.

⁴² Regulation (EU) 2017/625.

⁴³ Regulation (EU) 2019/6.

C. DOCTRINAL SIGNIFICANCE OF DOMESTIC AND EU OBLIGATIONS FOR FUNDING DECISIONS

Three doctrinal conclusions follow from this legislative framework:

- **Welfare duties and EU standards are mandatory considerations:** Where the Minister exercises statutory discretion - such as allocating public funds - he must take into account the legal environment established by domestic and EU welfare law. A failure to do so may constitute a failure to consider relevant considerations, rendering a funding decision ultra vires.
- **Systemic welfare concerns may heighten the Minister's obligations:** Documented welfare issues - traceability gaps, regulatory failures, injury statistics, or poor enforcement - may trigger an elevated duty to engage with welfare evidence before approving the Fund. Judicial review may scrutinise whether the Minister had adequate regard to this evidence.
- **Compliance with welfare law can legitimise continued State funding:** Conversely, where regulatory bodies effectively enforce welfare obligations - supported by statutory powers, transparent data, and independent oversight - the State can lawfully justify continued funding on the basis that welfare obligations are being met.

These doctrinal conclusions provide the foundation for Section 9, which examines administrative-law constraints on the Minister's discretion in detail.

VI. ADMINISTRATIVE-LAW CONSTRAINTS ON FUNDING DECISIONS

The legality of the annual Horse and Greyhound Racing Fund Regulations ultimately depends not only on compliance with the governing statutes but also on whether the Minister's decision to allocate public money satisfies the requirements of Irish administrative law. Ministerial discretion is not unbounded: it must be exercised rationally, for a proper purpose, with regard to all relevant considerations, and in accordance with fair procedures. This section assesses these public-law constraints and their implications for welfare-linked funding.

A. THE NATURE OF MINISTERIAL DISCRETION

The Minister for Agriculture, Food and the Marine exercises statutory discretion when introducing the annual Horse and Greyhound Racing Fund Regulations under s 12 of the 2001 Act. Although the Regulations must be approved by both Houses of the Oireachtas, the Minister nonetheless bears primary responsibility for determining the amount to be allocated and for ensuring that the decision accords with statutory purpose.

Irish courts have repeatedly emphasised that discretionary powers must be exercised in accordance with the principles articulated in *O Keffe v An Bord Pleanála*, which requires that decisions be rational, grounded in evidence, and within the limits of the enabling statute.⁴⁴ While the threshold for irrationality is high, it is not insurmountable. Where decisions are made in disregard of compelling evidence, or where there is no rational connection between the decision and the statutory purpose, the courts may intervene.

B. RELEVANT-CONSIDERATIONS DOCTRINE

A cornerstone of Irish judicial review is the obligation on decision-makers to consider all matters legally relevant to the exercise of their discretion. A failure to do so may render a decision unlawful even in the absence of overt irrationality.

In the context of racing funding, several considerations are legally relevant:

- **Domestic statutory welfare duties** – The Minister must have regard to the obligations arising under the Animal Health and Welfare Act 2013 and the Welfare of Greyhounds Act 2011, which create enforceable welfare standards applicable to industry participants.
- **EU welfare obligations** – The Minister must consider binding European measures, including Regulations on transport, slaughter, official controls, and veterinary medicines.

⁴⁴ *O Keffe v An Bord Pleanála* [1993] 1 IR 39.

- **Evidence of systemic welfare risks** – Where parliamentary committees, media investigations, NGO reports, or regulatory data highlight welfare deficiencies, these factors become relevant considerations in determining whether continued funding supports the statutory purpose of maintaining a lawful and sustainable racing sector.

Irish courts have recognised that a failure to consider relevant evidence may invalidate a decision even where the statute does not expressly mandate such consideration.⁴⁵ In the context of the racing industries - where welfare concerns have been widely documented - this doctrine imposes a positive obligation on the Minister to engage meaningfully with welfare evidence before making an annual funding decision.

C. STATUTORY PURPOSE AND THE LIMITS OF THE 2001 ACT

Discretion under the Horse and Greyhound Racing Act 2001 is not unconstrained: it must promote the Act's objectives, which include the development, integrity, and proper regulation of racing.⁴⁶ While economic and cultural considerations form part of this purpose, integrity and regulatory justice necessarily include compliance with welfare law.

A funding allocation that disregarded evidence of significant welfare breaches might be argued to frustrate statutory purpose by supporting activities inconsistent with the lawful development of the industries. Conversely, a funding model that incentivises compliance with welfare standards strengthens alignment with statutory purpose and shields the Minister's decision from review.

D. PROPORTIONALITY AFTER MEADOWS

In *Meadows v Minister for Justice*, the Supreme Court confirmed that the standard of judicial review in Ireland can include proportionality where rights or interests of significant importance are at stake.⁴⁷ While animal welfare does not constitute a

⁴⁵ See eg *Tennyson v Minister for Agriculture* [2020] IEHC - authority on relevant considerations (illustrative of general principle).

⁴⁶ *Horse and Greyhound Racing Act 2001* s 12.

⁴⁷ *Meadows v Minister for Justice* [2010] IESC 3.

constitutional right, welfare obligations under statute and EU law create serious public interests that may warrant enhanced judicial scrutiny of ministerial decisions.

Proportionality requires that:

- The measure pursues a legitimate objective;
- The means chosen are rationally connected to that objective;
- The measure impairs rights/interests as little as possible;
- A fair balance is struck between competing interests.

Where Government allocates tens of millions in public money to industries displaying welfare risks, a proportionality analysis may require the Minister to justify why unconditional funding is necessary and why less intrusive alternatives - such as conditional or welfare-linked funding - were not adopted.

E. DUTY TO GIVE REASONS

Although the Minister is not legally required to issue a detailed judgment-style explanation when presenting annual Regulations, he must nonetheless provide adequate reasons sufficient to demonstrate compliance with public-law principles. The duty to give reasons has been recognised as essential to accountability, rational decision-making, and judicial review.⁴⁸

In parliamentary debates, Ministers routinely reference economic impact, employment figures, and cultural value. However, where welfare concerns have been explicitly raised by TDs, Senators, NGOs, or regulators, the duty to give reasons implies that ministerial statements must reflect engagement with these concerns. A failure to address welfare issues in the face of widespread evidence may weaken the defensibility of the decision if challenged.

F. TRANSPARENCY AND ACCOUNTABILITY IN FUNDING DECISIONS

Transparency is not merely a political ideal but a public-law requirement supporting the principles of rationality and accountability. Courts have recognised that opaque

⁴⁸ See eg *Mallak v Minister for Justice* [2012] IESC 59.

or unexplained administrative decisions may breach basic standards of legality, particularly where the decision involves public expenditure or impacts public interests.⁴⁹

In the context of racing, transparency concerns have been amplified by governance issues within HRI and the IHRB, including financial-reporting and data-publication shortcomings. Where the Minister allocates public funds to bodies facing governance scrutiny, administrative-law principles require that the Minister demonstrate awareness of, and appropriate response to, such concerns.

G. POTENTIAL GROUNDS OF JUDICIAL REVIEW OF THE FUND

A decision to allocate funding under the Fund Regulations could, in theory, be challenged on several judicial-review grounds.

- **Failure to consider relevant considerations** – particularly statutory and EU welfare obligations, or evidence of systemic welfare risks.
- **Irrationality or unreasonableness** – if the decision bears no rational connection to the statutory purpose or if clear welfare evidence is disregarded.
- **Improper purpose** – if funding effectively supports practices inconsistent with the statutory and EU welfare regimes.
- **Proportionality** – if unconditional funding is adopted without justification despite the availability of welfare-linked alternatives.
- **Procedural unfairness** – if inadequate reasons are given or if key evidence is ignored during the decision-making process.

The existence of these potential grounds does not imply that the current funding model is unlawful, but it demonstrates the need for a decision-making process that acknowledges and integrates welfare considerations to ensure legal defensibility.

⁴⁹ Eoin Carolan, 'Transparency Trade-Offs in the Operation of National Public Private Partnership Units: The Case of Ireland' (2023) 42 *Journal of Public Procurement* 1

H. DOCTRINAL CONCLUSION

Administrative law does not forbid the State from funding activities involving the use of animals.

However, it requires that funding decisions:

- Be grounded in statutory purpose;
- Reflect mandatory welfare obligations;
- Engage with available evidence;
- Be justified through transparent reasoning;
- Demonstrate proportionality in balancing public interests.

A funding model that incorporates conditionality, welfare performance indicators, and independent oversight is more likely to satisfy these principles than one based on unconditional annual allocations. These conclusions underpin the subsequent analysis of case law (Section 10), which demonstrates how the courts have conceptualised regulatory authority and integrity obligations within the racing industries.

VII. CASE-LAW ANALYSIS

The judicial decisions governing the powers, duties, and constraints of racing authorities provide essential doctrinal insight into the regulatory landscape that State funding is intended to support.

Three clusters of cases are especially significant:

- Irish jurisprudence affirming the public-law status and disciplinary authority of racing regulators;
- Decisions clarifying fairness and evidential standards in regulatory processes; and
- Persuasive English authorities on welfare duties under the Animal Welfare Act 2006.

The case law collectively demonstrates both the breadth of regulatory power within the industries and the limits imposed by fairness, reasonableness, and proportionality - principles that also guide ministerial funding decisions.

A. IRISH JURISPRUDENCE ON THE PUBLIC-LAW CHARACTER OF RACING REGULATION

1. O’Connell v The Turf Club (2015)

In *O Connell v The Turf Club*, the Supreme Court held that the Turf Club (now Irish Horseracing Regulatory Board, “IHRB”), despite its private-law origins, exercises functions of a public-law character and is therefore amenable to judicial review.⁵⁰ The Court emphasised that the Turf Club’s regulatory authority over horseracing - including disciplinary powers, licensing, and enforcement of the Rules of Racing - had been recognised in legislation and entrenched by State reliance on its regulatory structures.

This decision has two major doctrinal consequences:

- Racing regulators must comply with public-law standards of procedural fairness, proportionality, and reasonableness; and
- The Minister, when allocating State funds, must recognise that these bodies act as public regulators, not private clubs, and therefore must (as a matter of relevant considerations) assess whether they are performing their public-law functions adequately.

Because much of the Fund ultimately supports or interacts with the IHRB’s regulatory work, the principles emanating from *O Connell* assist in assessing whether funding allocations remain consistent with administrative-law constraints.

2. Connolly v Bord na gCon (2020)

In *Connolly v Bord na gCon*, the Court of Appeal upheld an exclusion order imposed on an individual alleged to have participated in live-baiting activities abroad.⁵¹ The Court confirmed that the greyhound regulator possessed wide statutory authority

⁵⁰ *O Connell v The Turf Club* [2015] IESC 57.

⁵¹ *Connolly v Bord na gCon* [2020] IECA 122.

under the Greyhound Industry Acts to impose sanctions in the interests of animal welfare and industry integrity, provided that fair procedures were satisfied.

Doctrinal implications include:

- The regulator's statutory powers explicitly encompass welfare-based exclusion orders.
- Welfare-protective sanctions fall squarely within the regulatory purpose of the Greyhound Industry Acts.
- Courts will not lightly interfere where sanctions are grounded in rational welfare or integrity concerns.

This jurisprudence demonstrates that, in principle, the statutory framework for greyhound regulation is capable of delivering robust welfare enforcement - an important factor that the Minister may rely upon when justifying State funding.

B. JUDICIAL OVERSIGHT OF FAIRNESS AND REASONABLENESS IN REGULATORY DECISIONS

1. *Bolger v Osborne* (High Court, 1999)

In *Bolger v Osborne*, the High Court quashed a decision of a Turf Club appeal body due to an absence of evidential basis and irrational reasoning.⁵² The decision is widely cited as authority for the principle that, although racing regulators may exercise broad disciplinary authority, they remain bound by basic standards of fairness and rationality.

The case is relevant to State funding in two ways:

- It confirms that racing regulators must exercise their powers in a legally robust manner; and
- It indicates that failures in regulatory fairness or evidential standards may undermine the integrity of welfare enforcement - a factor that becomes

⁵² *Bolger v Osborne* (High Court, 1999).

relevant when the Minister assesses whether public funds should continue to flow.

2. Historical Jurisprudence Under the Greyhound Industry Acts (e.g., *McDonald v Bord na gCon*)

While *McDonald* and related litigation concern earlier iterations of the greyhound regulatory regime, they collectively establish the long-standing principle that the regulator's statutory powers - particularly exclusion orders - must be exercised in accordance with natural justice.⁵³ These cases demonstrate continuity in the courts' approach: the regulator may act decisively, but fairness remains essential.

In modern doctrinal analysis, these historical precedents remain relevant in assessing whether the regulatory framework is legally capable of supporting the welfare obligations that form part of the Minister's funding considerations.

C. ENFORCEMENT AND WELFARE: PERSUASIVE UK AUTHORITIES

Although not binding in Ireland, English decisions under the Animal Welfare Act 2006 provide valuable persuasive guidance on welfare standards and statutory interpretation.

1. *Barker v RSPCA* (2018)

In *Barker*, the Administrative Court analysed the scope of the s 9 duty of care and affirmed that welfare duties require the taking of reasonable, proactive steps to protect animals.⁵⁴ The case illustrates that statutory welfare obligations carry significant interpretive weight and that courts will uphold enforcement decisions where evidence of welfare risk is credible. This is doctrinally relevant to Ireland because the AHWA 2013 adopts a similarly broad duty-of-care structure.

2. *RSPCA v McCormick* (2016)

In *McCormick*, the English High Court considered procedural questions relating to animal-welfare prosecutions and the public-interest role of welfare organisations.⁵⁵

⁵³ *McDonald v Bord na gCon* [1964] IR 484; and *McDonald v Bord na gCon (No 2)* [1965] IR 217.

⁵⁴ *Barker v RSPCA* [2018] EWHC 880 (Admin).

⁵⁵ *RSPCA v McCormick* [2016] EWHC 928 (Admin).

The judgment emphasised that welfare enforcement is a matter of public law, not merely private dispute, reinforcing the idea that State regulators must pursue welfare objectives transparently and rigorously.

3. Equine-Welfare Jurisprudence (e.g., *Gray v RSPCA*)

In *Gray*, the court addressed seizure and welfare-offence thresholds relating to the keeping of horses in poor conditions.⁵⁶ It is cited frequently in commentary for establishing that systemic or large-scale welfare risks justify early and robust intervention. These principles are transferrable to the Irish context, where many welfare concerns - such as injury-prevention measures, traceability gaps, or inadequate post-career outcomes - have systemic characteristics.

D. DOCTRINAL SYNTHESIS OF THE CASE LAW

Collectively, these cases establish five key doctrinal points:

- Racing regulators exercise public-law functions and must comply with standards of fairness, rationality, and proportionality.
- Courts recognise the legitimacy of robust welfare-related sanctions when justified by evidence.
- The regulatory system is legally capable of delivering welfare protection - supporting the lawfulness of State funding where such enforcement is effective.
- Failures in regulatory fairness or welfare enforcement are legally relevant to the Minister's funding decisions as "relevant considerations".
- Persuasive UK jurisprudence reinforces the importance of proactive welfare duties and public-interest enforcement.

Thus, the jurisprudence neither prohibits State funding nor insulates it from challenge. Instead, it creates a doctrinal framework in which funding remains lawful only if the regulatory bodies enforce welfare obligations effectively and if the Minister, in approving funding, engages rationally with welfare evidence. This conclusion

⁵⁶ *Gray v RSPCA* [2013] EWHC 500 (Admin) (on welfare seizure thresholds)

supports the following section, which examines parliamentary scrutiny and policy evidence as part of the legal context of funding decisions.

VIII. PARLIAMENTARY SCRUTINY AND POLICY EVIDENCE

Parliamentary debates, committee hearings, independent reviews, and public-facing policy documents form part of the evidentiary environment within which the Minister exercises discretion when introducing the annual Horse and Greyhound Racing Fund Regulations. Although parliamentary discussions do not themselves determine legality, they provide insight into the factors that were known to decision-makers and therefore shape the administrative-law analysis. This section examines the content and implications of the Oireachtas scrutiny undertaken from 2023 to 2024, as well as the associated policy commentary and media reporting that entered the parliamentary record.

A. ANNUAL APPROVAL OF THE FUND REGULATIONS

The Horse and Greyhound Racing Fund Regulations are presented to and debated by both Houses of the Oireachtas each year.

These debates consistently highlight:

- The economic contribution of the racing industries, particularly to rural Ireland;
- The export significance of the Thoroughbred sector;
- The employment benefits and downstream industries supported by the Fund;
- Concerns regarding welfare transparency, traceability, and enforcement;
- Questions about whether the current governance and oversight structures justify continued unconditional funding.

In the 2024 Dáil debate, Members raised repeated queries regarding injury statistics, rehoming rates, the oversight of the Irish Horseracing Regulatory Board (“IHRB”), and the adequacy of sanctions within the greyhound sector.⁵⁷ These exchanges

⁵⁷ Dáil Éireann Deb 23 October 2024 (*debate on Horse and Greyhound Racing Fund Regulations 2024*).

demonstrate that welfare concerns were expressly before the Minister at the time of decision. From an administrative-law perspective, this means that welfare issues constitute relevant considerations to which the Minister must have regard.

B. PUBLIC ACCOUNTS COMMITTEE SCRUTINY OF HORSE RACING IRELAND

In early 2023, the Public Accounts Committee (PAC) questioned representatives of Horse Racing Ireland (“HRI”)

Regarding:

- shortcomings in financial transparency;
- insufficient publication of regulatory and welfare data;
- governance issues within the IHRB;
- integrity-related concerns regarding the management of public money;
- the need for clearer welfare metrics and performance indicators.

The Irish Times reported significant PAC criticism of HRI’s governance structures and its relationship with the IHRB.⁵⁸ Although PAC scrutiny does not bind the Minister, administrative-law doctrine holds that clear and publicised governance concerns form part of the evidentiary context in which ministerial discretion must be exercised. Thus, such parliamentary scrutiny heightens the Minister’s obligation to consider whether regulatory bodies are fulfilling their statutory functions effectively before continuing to supply public funds.

C. INDEPENDENT REVIEWS AND GOVERNANCE REPORTS

In late 2024, an independent report into IHRB financial matters - reported as being of “grave concern” - identified governance deficiencies with potential implications for regulatory integrity.⁵⁹ This report was widely discussed in the Oireachtas and entered the political record as part of the broader debate around transparency and accountability in racing. Similarly, the Government’s announcement of an external

⁵⁸ *The Irish Times*, *Horse Racing Ireland criticised over transparency issues by Dáil committee* (29 January 2023).

⁵⁹ *The Irish Times*, *Report into IHRB financial matter of grave concern* (5 November 2024).

review into the governance of the Horse and Greyhound Racing Fund in December 2023 was cited in parliamentary debates as evidence that the existing funding model required reassessment.⁶⁰

From a doctrinal standpoint, these reviews constitute material evidence that the Minister cannot ignore. If the Minister were to approve funding without engaging with these noted governance concerns, the decision could be vulnerable to judicial review on the basis of failing to consider relevant considerations.

D. WELFARE-RELATED EVIDENCE HIGHLIGHTED IN PARLIAMENTARY DEBATES

Across the 2023–2024 debates, TDs and Senators repeatedly highlighted:

- Gaps in greyhound traceability data, including discrepancies in export and retirement figures;
- Rising public concern regarding injury rates and post-racing outcomes;
- Insufficient transparency in IHRB disciplinary statistics;
- The need for independent welfare audits or stronger ministerial oversight;
- Concerns about the rehoming capacity for retired horses and greyhounds.

These issues were not presented abstractly: they were often supported by NGO reports, investigative journalism, and statements from industry organisations. Such materials increase the Minister's obligation to demonstrate that the funding decision is informed by evidence, rationally justified, and compatible with statutory welfare obligations.

E. PARLIAMENTARY CONSIDERATION OF CONDITIONAL FUNDING MODELS

A recurring theme in Oireachtas debates is whether funding should be conditional upon welfare performance indicators.

Suggestions included:

⁶⁰ *Racing Post*, *Government launches review into racing's funding* (23 December 2023).

- Linking future allocations to measurable improvements in welfare data;
- Strengthening oversight by the Department of Agriculture, Food and the Marine;
- Mandating publication of injury, retirement, and rehoming statistics;
- Establishing an independent welfare auditor;
- Requiring GRI to implement enhanced traceability before receiving full funding.

These proposals reflect a growing legislative awareness that unconditional public funding may no longer satisfy public expectations or administrative-law norms. For the Minister, the existence of such proposals suggests that failure to consider conditionality could amount to a failure to consider relevant alternatives - an emerging ground of judicial review in cases involving complex policy choices.

F. THE ROLE OF MEDIA INVESTIGATIONS AND PUBLIC OPINION IN THE PARLIAMENTARY RECORD

Although media reports are not themselves legal authorities, they frequently form part of parliamentary debate and thus enter the evidentiary matrix.

For instance:

- Investigations into greyhound overbreeding, export practices, and euthanasia rates inform TDs 'and Senators 'questions;
- Press coverage of IHRB governance issues has influenced calls for transparency;
- Public polling cited in debates reflects widespread scepticism about racing welfare standards.⁶¹

In administrative law, the question is not whether media reports are accurate but whether the Minister was aware of the issues raised and whether he engaged with

⁶¹ *Irish Examiner*, *Seven in 10 voters want government funding of greyhound racing to be scrapped*" (8 November 2024).

them when exercising discretion. Where such issues are prominent in the parliamentary record, failure to address them may raise questions of legality.

G. DOCTRINAL IMPLICATIONS

From a doctrinal perspective, parliamentary scrutiny contributes to the legality of funding decisions in three principal ways.

- Welfare concerns formally enter the realm of “relevant considerations”. Because the Minister is explicitly confronted with welfare evidence during debates, judicial review will assess whether the Minister engaged with these issues adequately.
- Parliamentary materials may be used as evidence of the decision-making context. Courts frequently examine parliamentary debates to assess what information was before the decision-maker.
- Repeated expressions of concern may increase the level of justification required. If the Oireachtas raises serious welfare and governance issues, the Minister must ensure that the decision to allocate funds aligns with statutory obligations, public-law principles, and available evidence.

IX. RECOMMENDATIONS

The doctrinal analysis presented in this article demonstrates that the continued legality and legitimacy of State funding for the horse and greyhound racing industries depend on meaningful engagement with domestic and EU welfare obligations, administrative-law constraints, and the evidential environment established through parliamentary scrutiny. To reconcile these legal requirements with the cultural and economic value of the industries, this section proposes a set of legally robust, welfare-linked reforms.

A. INTRODUCE A STATUTORY DUTY TO CONSIDER WELFARE EVIDENCE

The Horse and Greyhound Racing Act 2001 could be amended to impose an express statutory duty on the Minister to:

- consider relevant animal-welfare evidence (including injury statistics, traceability data, and enforcement outcomes);
- assess compliance with the Animal Health and Welfare Act 2013 and relevant EU welfare Regulations;
- explain how welfare considerations informed the annual funding decision.

This would codify what is already implicit under administrative law - that welfare concerns constitute relevant considerations - and would create a transparent statutory benchmark for judicial review.⁶²

B. ADOPT A CONDITIONAL (“WELFARE-LINKED”) FUNDING FRAMEWORK

Unconditional allocation of public funds is increasingly difficult to defend doctrinally in light of ongoing welfare concerns. A reformed model should link future allocations to verifiable indicators,

Such as:

- reductions in race-day and training-yard injury rates;
- full traceability of greyhounds and Thoroughbreds across the entire lifecycle;
- mandatory reporting of euthanasia and retirement outcomes;
- compliance rates with track-safety standards and inspection requirements;
- demonstrable enforcement activity by HRI, GRI, and IHRB.

This approach aligns with administrative-law principles of proportionality and rationality, as it ensures that funding is directed toward legally relevant objectives: welfare, integrity, and proper regulation.⁶³

1. Independent Oversight and Transparency

To ensure the credibility and legality of continued State funding, the regulatory framework should incorporate independent oversight and statutory transparency

⁶² *On relevant-considerations doctrine, see Meadows v Minister for Justice [2010] IESC 3.*

⁶³ *Horse and Greyhound Racing Act 2001 s 12; O Keffe v An Bord Pleanála [1993] 1 IR 39.*

requirements. A single statutory Independent Racing Animal Welfare Auditor could be established to conduct unannounced inspections across racecourses, kennels, and training yards; audit injury, euthanasia, and retirement data; monitor HRI and GRI enforcement; and publish an annual report to the Oireachtas. Independence strengthens public-law legitimacy, reduces reliance on self-regulated datasets, and provides the Minister with robust evidence upon which to base the annual funding decision.⁶⁴

Transparency must also become a statutory precondition of receiving public funds. HRI, GRI, and the IHRB should be required to publish comprehensive, standardised welfare statistics; make disciplinary decisions publicly available; release complete veterinary and doping data; and provide itemised accounts of how welfare-related expenditure is allocated. Enhanced transparency aligns with core administrative-law principles, strengthens public trust, and ensures that ministerial decisions are adequately reasoned and reviewable.⁶⁵

X. CONCLUSION

This article has assessed whether continued State funding of horse and greyhound racing is compatible with Ireland's domestic and EU welfare obligations and with the constraints of administrative law. The analysis shows that the Minister must treat statutory welfare duties under the Animal Health and Welfare Act 2013 and relevant EU Regulations as legally relevant considerations, and cannot disregard welfare concerns in favour of economic or cultural arguments.

Administrative-law principles - rationality, relevant considerations, proportionality, and adequate reasons - apply fully, and the parliamentary record forms part of the evidentiary context for each annual decision. Case law confirms that racing regulators exercise public-law functions and have welfare-protective powers, but that failures of transparency or enforcement may weaken the legal basis for public funding. The article concludes that funding may remain lawful only within a conditional, welfare-

⁶⁴ Public Accounts Committee, 'Examination of the 2019 and 2020 Financial Statements for Horse Racing Ireland, and related financial matters' (Oireachtas, January 2023)

⁶⁵ *Mallak v Minister for Justice* [2012] IESC 59 (duty to give reasons as a constitutional and administrative-law requirement).

linked framework that ensures accountability, transparency, and measurable welfare outcomes.

XI. BIBLIOGRAPHY

A. TABLE OF CASES

1. Ireland

- Bolger v Osborne [1999] IEHC 24
- Connolly v Bord na gCon [2020] IECA 122
- Mallak v Minister for Justice [2012] IESC 59
- McDonald v Bord na gCon [1964] IR 484
- McDonald v Bord na gCon (No 2) [1965] IR 217
- Meadows v Minister for Justice [2010] IESC 3
- O'Connell v The Turf Club [2015] IESC 57
- O'Keeffe v An Bord Pleanála [1993] 1 IR 39

2. United Kingdom

- Barker v RSPCA [2018] EWHC 880 (Admin)
- Gray v RSPCA [2013] EWHC 500 (Admin)
- RSPCA v McCormick [2016] EWHC 928 (Admin)

B. TABLE OF LEGISLATION

1. Ireland

- Animal Health and Welfare Act 2013
- Greyhound Industry Act 1958
- Greyhound Racing Act 2019
- Horse and Greyhound Racing Act 2001
- Horse Racing Ireland Act 1994
- Welfare of Greyhounds Act 2011

C. EUROPEAN UNION

- Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations
- Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing
- Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products
- Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products

D. SECONDARY SOURCES

- Brooman S and Legge D, 'Animal Welfare Law in Britain and Ireland' in Andrew Linzey (ed), *The Global Guide to Animal Protection* (University of Illinois Press 2013)
- Dáil Éireann Debate, 'Horse and Greyhound Racing Fund Regulations 2023' (Vol 1043 No 5, 29 November 2023)
- Dáil Éireann Debate, 'Horse and Greyhound Racing Fund Regulations 2024' (23 October 2024)
- European Commission, *Overview Report on Animal Welfare During Transport* (DG SANTE 2022)
- Hogan G and others, *Kelly: The Irish Constitution* (5th edn, Bloomsbury Professional 2018)
- Irish Examiner, 'Seven in 10 Voters Want Government Funding of Greyhound Racing to be Scrapped' (8 November 2024)
- The Irish Times, 'Horse Racing Ireland Criticised over Transparency Issues by Dáil Committee' (29 January 2023)

- The Irish Times, 'Racing Ireland Sharpens Focus on Animal Welfare According to Latest Annual Report' (15 September 2023)
- The Irish Times, 'Report into IHRB Financial Matter of "Grave Concern"' (5 November 2024)
- TheJournal.ie, 'Dáil Approves Horse and Greyhound Racing Fund Regulations 2024' (23 October 2024)
- Mazars, Independent Review of Certain Matters Relating to the Irish Horseracing Regulatory Board (2024)
- O'Sullivan S, *Animals, Equality and Democracy* (Palgrave Macmillan 2011)
- Public Accounts Committee, Examination of the 2019 and 2020 Financial Statements for Horse Racing Ireland, and Related Financial Matters (Oireachtas, January 2023)
- Racing Post, 'Government Launches Review into Racing's Funding' (23 December 2023)
- RTÉ Investigates, 'Running for Their Lives' (broadcast 26 June 2019)