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To: PS/David Heath (Secretariat)

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Dear

I recently met with [REDACTED], the Chief Executive of World Horse Welfare. The charity is based in my South West Norfolk constituency and there are a number of concerns in relation to the fly grazing of horses. I would be most grateful if you could consider the points made in the attached document from the charity.

Best wishes

Elizabeth Truss MP

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PROPOSED CHANGES TO THE LEGISLATION ON FLY GRAZING

Introduction

In autumn 2012 the equine charities (World Horse Welfare, RSPCA, the Blue Cross, HorseWorld, the British Horse Society and Redwings) released the *Left on the verge* report which reported that over 6,000 horses were at risk of welfare problems and that the numbers of horses that charities were caring for had increased rapidly in the past few years as more horses were being bred or imported and the collapse of horse prices meant that more were being fly grazed.

Moves are now happening in Wales and England to address this problem. In Wales the minister has announced additional funding to tackle the issue and for better inter agency working. In England the welfare charities are asking the Government to improve enforcement and accountability.

Summary of existing legislation

Highways Act 1980 The police can deal with horses left on a highway and remove the animals but it does not apply to private land and the police do not use the Act due to personnel and financial limitations and as they see equine issues as a civil matter rather than a criminal issue.

Private Acts of Parliament are used by certain local authorities such as Hampshire and Bridgend which enable them to seize horses on land without the consent of the landowner. It allows local authorities to seize animals and dispose of them after seven days and destroy them after 14 days if notices are placed looking for the horse owner and the owner does not have to be found within the 14 days for the horse to be disposed or euthanized. But there are only certain local authorities that have these Private Acts and the personnel, finance and land is needed to seize and keep the horses during the 14 day period.

Animals Act 1971 is used by landowners to deal with horses not under the control of a person and straying on land. After 14 days the horse can be sold but would have to be passported to allow this. The law states it only applies to animals that are straying though this has been interpreted by the courts quite widely and may include those deliberately left on land and fly grazed. Many horses that are flygrazed are not passported so proving ownership is difficult.

Only the owner can passport a horse so many owners allow the horse to be seized, passported and then buy it back at auction. Horses seized under the Animals Act cannot be euthanized so the costs to local authorities will increase.

Animal Welfare Act 2006 allows enforcement agencies to deal with horses whose welfare has been compromised (s 4) or is likely to be compromised (S9). The 2009 Defra and WAG horse codes gives further freedom to use S9 without a veterinary opinion but it may not be able to be applied to horses that are flygrazed but are not in a poor condition. Under s20 courts can permit enforcement agencies to seize the animals and dispose of them but is rarely permitted. The RSPCA has only applied for equines under section 20 nine times since 2010 and the

outcomes have been variable.

So legislation only allows action against the owners of fly grazing horses, if the 'person responsible' can be identified, if the animal is suffering or could be suffering or if the horse is straying rather than abandoned. This is extremely difficult as the vast majority of fly grazing horses do not have passports/microchipped, are not straying and may not be suffering.

Abusers of the system know the loopholes. If their horses are taken by enforcement bodies, the authorities must passport and microchip the horses before they can be sold. The original owners will then buy them back for much less than the authorities invested in them to make them saleable.

Solution

Agree the fly grazing should be legislated upon, which differentiates horses being abandoned and gives landowners and enforcement agencies more powers. It is proposed to amend the Animals Act as below (underlined text is the additional text):

Animals Act 1971

S 7.2

Where any livestock strays or is fly grazed on to any land and is not then under the control of any person the occupier of the land or someone acting on their authority, may detain it, subject to subsection (3) of this section, unless ordered to return it by a court.

S 7.4

Where livestock has been detained in pursuance of this section for a period of not less than fourteen days the person detaining it may sell it at a market or by public auction or otherwise sell, rehome or arrange for its humane destruction, unless proceedings are then pending for the return of the livestock or for any claim under section 4 of this Act in respect of it.

S11 General Interpretation

In this Act

"Fly grazing" includes the act of deliberately grazing or keeping horses and other livestock on private, common or public land, premises or buildings without the express permission of the landowner and where applicable tenant or legal occupier.

