

FLY GRAZING & ABANDONED HORSES

**The Control of Horses Act has been passed
by Parliament and came into force on the 26th
May 2015**



What is it

Fly grazing is the practice of placing a horse or horses on someone else's land to graze without the permission of the landowner. Landowners have a duty of care towards any animal on their property and fly grazing puts the responsibility to feed and care for the animal on someone other than the owner.

A horse is abandoned where it is deliberately left somewhere by an owner either permanently or for a sufficient amount of time to risk unnecessary suffering.

Oversupply and reduced demand mean that unscrupulous and unregistered breeders who cannot afford to feed and care for their horses are leaving them on farmland and other private property. This means that they retain ownership but not a duty of care.

Horses are also fly grazed on public green spaces such as grass verges, sports pitches and recreation grounds. This not only restricts access for the public but the horses may cause damage to fences and turf which can be costly for the Local Authority to repair or replace.

Often the response from many owners that have been instructed to move their horses, should they be found, is that "they are not doing any harm" though there are a number of problems associated with fly grazing.

Welfare of the Horse

The horses are usually, but not always tethered to prevent roaming. Injuries can be caused by the tether collar or head collar being too tight and cutting into the horses head or neck. Horses can be injured or killed if they become entangled in the tether rope or the rope becomes wrapped around obstacles such as trees or lampposts. Although tethering is not illegal, any tethered animal should be checked on a regular basis.

Horses that are tethered can not run away from dogs or any person who may wish to do the horse harm, there are also concerns regarding access to water (which may have been left in a bucket but has been kicked over), hay / grass or shelter from adverse weather conditions. The horse may well be nervous or frightened and caution should be taken if it becomes necessary to approach the animal.

When tethered on a grass verge next to a busy road or in a residential area with high volumes of traffic there is a risk of the horse escaping from its tether and straying onto the road, this could lead to accidents with potentially fatal consequences for both the horse and the occupants of any vehicle that may hit it. Any animal found on a highway should be reported to the police using the 101 number.

When tethered near to residential areas there can be problems with waste which will smell and attract flies.

Even when the owner of the horse is located, many people are reluctant to approach them because of possible threatening and abusive behaviour, should you feel threatened or at risk you should call the police. Non - emergency situations can be reported by dialling 101.

What Can Land Owners Do

Landowners can take some preventative measures such as keeping field gates locked and fencing off likely fly grazing areas such as pastures. On farmland, if practical, it may be worth ploughing particularly vulnerable areas as these are not as inviting as pasture fields. However you must not fence off or block a public right of way or use any barrier that may cause injury.

The horse may have originally been on the land legitimately but the agreement has expired or been terminated and the horse has not been moved. If you rent out grazing land make sure you have a written agreement between you and the owner of the horse. You should not allow horses onto your land when asked to do so, even as a temporary measure.

Liveries are sometimes used by people with the intention of abandoning their horse in the hope that it will have a secure future, establishments should make sure they have good practice in place when taking on new clients, asking for a percentage of fees upfront can be a good deterrent, by law the horse should be microchipped and you should always insist on seeing the passport before you accept it into the yard.

If You Find a Horse on Your Land

If you find a horse on your land, whether you think it has been abandoned or is being fly grazed, try and keep a record of all your actions in regard to the animal, i.e. report it to the police using the 101 number, although it is a civil rather than criminal complaint an incident number will be allocated. Keep a record of any costs incurred for feed and care and keep notes of any advice sought from any professional body. This will show you have acted responsibly and made every effort to resolve the matter. By keeping notes, giving the owner a clear time period to respond and letting all the relevant authorities know, you will help to cover yourself in the event of any future claim.

Report the situation to the RSPCA 0300 1234 999, they may not get directly involved but local inspectors may have relevant information.

Look for signs of recent care such as being shod or clipped, this would indicate there is an active owner and the horse may well have escaped or is being fly grazed rather than having been abandoned, although do not automatically assume a horse with an unkempt appearance has been abandoned. If there is a group of horses it is more likely that your land is being fly grazed.

Look for deliberate tampering of your fencing or gates, this may determine whether the horse has been put there intentionally, should you find any damage take photographs, if the owner can be found this may help in recovery of any repair costs.

If your land is not secure and there is a danger of the horse escaping onto a public highway contact the police (101) for advice.

If the horse is in poor condition you can contact a vet or the RSPCA .

The Control of Horses Act 2015

This law gives private landowners the same powers as Local Authorities to take quick action to remove abandoned and fly grazed horses.

Under the above act, landowners can take possession of abandoned horses after a 4 day notification period, they can then be rehomed privately or to a charity, sold or humanely destroyed. If sale is the preferred option the horse must be microchipped and have a valid passport before the transaction takes place.

If there is no sign of an owner you may wish to put up an abandonment notice, (sample notices are available to download from Redwings Horse Sanctuary - www.redwings.org.uk) although this is not a legal requirement.

The notice should be displayed prominently for a minimum of 4 days at the location the horse was found, the 4 day period will be calculated from midnight on the day of posting the notice. A responsible owner should attend to their horse at least once a day, so putting a notice in place for 4 days should be adequate for them to respond.

The notice should include a contact number and / or address, a very short description of the horse and your intention to remove the horse if no owner comes forward.

Upon detention of any suspected abandoned horses you must notify the local police station within 24 hours. If you know who the owner is, you must also notify them.

It may be worth posting a notice even if you think your land is being fly grazed, there is a possibility that the horse will be removed upon threat of detention.

An example Abandonment Notice is shown overleaf.

ABANDONMENT NOTICE

Equine (s) description:

.....
.....

Found at the following address / location:

.....
.....
.....

If you are the legal owner, or have information regarding the ownership of the equine (s) please ring:

.....

This is to notify that these equines are being detained under Section 7B and 7C of the Animals Act 1971 as amended by the Control of Horses Act 2015. Following four working days of detention, ownership of the equine (s) will pass to the person detaining the horses, they may then retain ownership or arrange for them to be rehomed, sold or humanely destroyed.

♦ **Date Notice Period Starts:**

.....

♦ **Date Notice Period Ends:**

.....

(do not include days that fall on a Saturday, Sunday or Bank Holiday)

♦ **Police Incident Number:**

.....

(optional)

If an Owner Comes Forward

If you are approached by someone claiming to be the owner, it is advisable to ask to see the horse's passport which they should, by law, have in their possession, though the reality is that many fly grazed horses may not. Though a passport is not legal proof of ownership it should give some assurance that the person is the owner. Alternatively you can ask to see any photographs or ask for an accurate description of the horse, it is at your discretion as to what proof you will accept. If you have concerns that someone is trying to fraudulently claim the horse contact the police (101) for advice.

You do not have to release the horse until the owner has reimbursed you for any damage caused by the horse to your property and any reasonable expenses incurred in keeping the horse and ascertaining who owns it. If the owner refuses to pay your reasonable expenses within the 4 day defined period you can then either keep the horse, rehome, sell or euthanase. Once you have claimed your expenses any money remaining will go to the previous owner.

If an Owner Does Not Come Forward

If the problem remains after the 4 day defined period, ownership passes to the person detaining the horse, you may then, either keep the horse, rehome, sell or euthanase. Whichever course of action you decide keep records of money spent i.e. veterinary treatment, vaccinations, worming etc. If an owner does eventually come forward you are entitled to ask for compensation to cover your expenses, though these must be reasonable.

If you decide to keep the horse you will need to check whether it has a microchip implanted and obtain a valid passport as the vet will ask to see this if the horse ever needs veterinary treatment.

If selling the horse privately it may be advisable to obtain a professional valuation. From the sale you would be entitled to deduct your reasonable costs and damages. You should bear in mind that any money left over is recoverable by the previous owner should they come forward after the sale.

The horse will need to be microchipped and hold a valid passport before sale, if you know the specific breed you may contact one of the breed societies or contact DEFRA for advice 03000 200 301.