



Advice for abandonment and fly-grazing

(January 2017)

The Control of Horses Act 2015 provides an amendment to the Animals Act 1971 and allows for tighter controls on the illegal grazing of horses (fly-grazing) and abandonment.

This guidance is designed to help anyone who finds an abandoned or fly-grazing horse in England; however, it does not have any official status and should not be seen as an alternative to legal advice.

Please note, if you live in Wales contact your local authority; under the Welsh legislation they have the power to detain the horse if it has been left on your land, but you do not.

For the purposes of this guidance the term "horse" is taken to include any equine (donkey, mule, hinny).

Abandonment

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.

Section 9 Animal Welfare Act 2006, sets out that a person who is responsible for the animal commits an offence if they do not provide for the needs of an animal as required by good practice.

Fly-grazing

Fly-grazing is the deliberate grazing of horses on land without the occupier's permission.

In some cases, the horse may have originally been there legitimately, but the agreement between the landowner/occupier and the horse's owner has terminated and the horse has not been moved.

Prevention tips for landowners and occupiers

As with many issues involving trespass on land it is best to try to prevent the problem in the first place:

- Keeping field gates locked, particularly those with access on to a public highway may act as a deterrent
- Pasture is more inviting than a ploughed field. If practical it may be worth fencing off or even ploughing particularly vulnerable areas. However, you should not put up anything likely to cause injury or that may block a right of way
- You should not allow horses on to your land when asked, even as a temporary measure
- If you rent out grazing land, make sure you have a written agreement between you and the owner of the horse
- Some insurance companies now offer insurance that covers fly-grazing

The [CLA](#) or [National Farmers Union](#) are able to offer further information and advice to their members.

Prevention tips for livery yard owners

There have been some cases where owners are seeking livery or field rental with the intention of abandoning their horse, in the hope that it will have a secure future:

- Ensure you have good practices in place for taking on new clients. Always draw up a written agreement with any new client, whether a friend or not, and ask for a minimum of three months' fees up front. This will act as a deterrent, and will help you with costs if the horse was subsequently abandoned. Make sure you obtain and confirm the client's current address. You can do this by posting their livery contract to

them, and asking them to sign and return it. You can also ask to see up to date driving licences and utility bills.

- Make sure any new horse to the yard is microchipped, and ask to see its passport. By law, the passport must be kept where the horse is kept.

What to do if you find a horse on your land

If you find a horse on your land – whether you think it is an abandonment case or your land is being fly-grazed – it's important to keep a record of all your actions, any advice you seek from professionals, and anything you do regarding the horse's care. Keep a record of any costs you incur too. This will help you prove you have acted responsibly and made every effort to resolve the situation.

By keeping clear records, giving the owner a clear time period to respond, and letting all the relative authorities know, you will help to cover yourself against a future claim.

Steps to take under the Animals Act 1971 – (as amended by Control of Horses Act 2015)

Even if you know or think you know who the owner is, you must notify the officer in charge of a police station and obtain an incident number. You may wish to put up an abandonment notice for a minimum of four working days (England) although this is not a legal requirement. [Download a sample Abandonment Notice here.](#)

A responsible owner should attend to their horse at least once a day, so putting a notice in place for four days would be more than adequate warning for them to respond.

If you do place a notice it should include a contact number and address, a very short description of the horse and your intention to remove the horse(s) if no owner comes forward. Display the notice prominently where you found the horse(s).

It may be worth using a sign even if you think your land is being fly-grazed – you may find the horses will disappear.

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. This will prevent someone fraudulently claiming the horse. The passport will contain a detailed description of the horse.

Remember that a passport is not legal proof of ownership, however it should give some assurance that the person is the owner. There may be situations where a person may not have a passport to show, such as when they have only just purchased the horse. Alternatively if someone has photos or can give an accurate description this should be acceptable as an indication of ownership. If you have concerns that they are not the legal owner of the horse you can contact the police 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 expenses reasonably incurred in keeping the horse an ascertaining who owns it. If the owner refuses to pay your reasonable expenses within the "defined period", you can then rehome, sell, euthanase or keep the horse.

The "defined period" is set out in the Animals Act 1971 and is 96 hours from the period when the horse was first detained but ignoring any time falling on any of the following days: 1) Saturday or Sunday, 2) Good Friday or Christmas Day, 3) A day that is a bank holiday in England and Wales (as defined by the Banking and Financial Dealing Act 1971).

If an owner DOES NOT come forward

If the problem remains, after the expiry of the "defined period" then there are a number of options. Whatever course of action you take, it is imperative to keep records of money spent or received, expenses incurred and actions taken. If no owner comes forward within the "defined period", under section 7c (5) Animals Act 1971 ownership passes to the person detaining the horse.

If selling the horse(s) privately it is advisable to obtain a professional valuation, and then 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 person who was previously entitled to the horse.

Given the circumstances you may have difficulty acquiring a passport for the horse, which is a legal requirement, and is essential if you want to sell the horse or if it needs treatment from a vet. Contact DEFRA for advice on this issue on 08459 33 55 77. If you know the horse's specific breed, you can try contacting one of the breed societies.

If you do not want to get involved with the process of detaining then rehoming or selling the horse as described above there are bailiffs that have expertise in removing the animal for you. For instance in some cases the landowner may be concerned to avoid threats or intimidation from the horse's current owner.

Straying on roads

Many abandoned or stray animals are found wandering on roads, any animal found on a roadway should be reported to the police. If you feel there is an immediate danger to road users call 999. Otherwise call the non-emergency line 101. Local Authorities also have the power to detain horses under the Animals Act 1971.

Some helpful notes:

- If you find an abandoned horse on your land, remember that it may well be frightened and should not be approached unless necessary
- As well as the police you can also report the situation to the RSPCA as their local inspectors may have relevant information. This is especially important if the horse is in poor condition, alternatively you can contact a vet if you are concerned for its health
- Offer the horse some fresh water and, if possible, contain it in a place where it can graze safely. If you do move them to a safe area, keep a record of it and put up the notice (see above) on the land or near the area you have removed them from. If your land is not secure and there may be a danger to road users, make sure you inform the police and ask them for their advice.
- You can ask a vet to scan the horse for a microchip. If the horse has one, contact your Local Authority as well as microchipping companies such as [Petlog](#), [Avid](#) or [Petprotect](#)
- Look for deliberate tampering with your fencing or gates, and take photographs. This will help determine whether the horse has been put there intentionally or if it is a stray and may assist in proving damages
- Do not put the horse within touching distance of other horses, it may have infectious diseases such as [strangles](#)
- If you can get close enough to the horse safely, look to see if it has a freemark. If it does, make a note of the mark and contact Farmkey on 0870 870 7107 or Freezemark Ltd on 01295 690090
- Look for signs of active care such as being shod, clipped, having a hogged mane, trimmed tail or trimmed whiskers, which would indicate that there is an active owner and the horse has escaped. However, do not assume that a horse with an unkempt appearance has been abandoned. If it is a large group of horses, it is more likely that your land is being fly-grazed
- Check www.stolenhorseregister.com and www.ukhorsewatch.org.uk for horses that have been stolen.
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Useful information

You can [read the full text of the new Control of Horses Act \(England\) 2015 here](#).

Download a [sample Abandonment Notice](#) here.

Read our reports on fly-grazing and the UK horse crisis:

[Stop the scourge 2014](#)

[Left on the verge 2013](#)

[The approaching equine crisis 2012](#)

If you have further questions please call our welfare helpline on 01508 481008 or email welfare@redwings.co.uk. Please remember we are not legal experts so if in doubt, seek legal advice.