



ENFORCEMENT POLICY – CONTROL OF HORSES (WALES) Act 2014

Introduction

On 27th January 2014 the National Assembly for Wales introduced the Control of Horses (Wales) Act 2014.

The aim of the Act was to provide a further tool for Local Authorities to use to combat fly grazing, straying and abandonment of horses and ponies. The Act provides Local Authorities in Wales with consistent legal powers to seize, impound, sell, re-home, return, dispose of and destroy horses by humane means after certain notifications and time limits, when the horses are found causing nuisance by fly grazing, straying or have been abandoned in a local authority area.

The powers within the Act will enable the Local Authority to act when notified of horses on land in its area without lawful authority. The Authority will be able to dispose of the horses, if after 7 days, beginning on the relevant day, the owner of the horse(s) or a person acting on behalf of the owner has not contacted the local authority. The Authority may also dispose of those horses where the owner has contacted the Authority but has not paid or disputed the reasonable costs incurred in connection with seizure and impounding.

The relevant day will either be when the Notice was given to the owner or when the notice was displayed (whichever is applicable).

Requests for LA to use Powers under the Act

This Policy has been agreed by Powys County Council and Blaenau Gwent County Borough Council.

Where complaints are received about horses straying on the highway or a public place, the Authority will look to instigate its powers under the Act to seize and impound the horses if the local authority has reasonable grounds for believing that the horses are there without lawful authority.

Where an individual or organisation requests that the Authority use its powers under the Act: we will consider using our powers under the Control of Horses (Wales) Act 2014 if a formal written request is received from the Land owner/occupier or commoners associated and on the basis that it would be cost neutral to the Local Authorities other than officer time and travel. The applicant will need to supply the Local Authority with an Operational Plan detailing how s/he will address each of the following points along with the costs for the same: -

- i. The gather of all equines from the common/private land to a suitable handling facility, which must include a race handling system.

- ii. Details of the provision of veterinary support to be provided to deal with any horses that have welfare issues.
- iii. Details of the facility where the equines will be held for a minimum of 7 days, although the preferred period would be at least 10 days.
- iv. Details of who will be responsible for the welfare of the horses during the period that they are held, to include details of feeding/watering and bedding to be provided etc.
- v. Details of how and when the applicant is going to allow public viewing of horses for potential owners to claim them.
- vi. How the applicant proposes to dispose of the horses:
 - a. Details of the veterinary surgeon who will be in attendance to determine fitness to travel or monitor humane destruction.
 - b. Sale.
 - c. Re-homing (details of National Equine Welfare Council affiliated members being used and numbers of horses being re-homed by each).
 - d. Destruction (details of numbers and who will humanely destroy, when destruction will take place, where destruction will take place and where carcasses will be disposed of). Note; where the proposal is for the destruction of horses this would require agreement by the Authority's Executive Committee prior to any involvement by Animal Health Officers.

Applicants will need to be able to satisfy the Authority that all the necessary arrangements can be put in place prior to any assistance being agreed.

Once a written plan has been submitted and been approved, local authority Animal Health Officers would be present when the animals are gathered. Animal Health Officers would seize and scan each horse for a micro-chip and where chipped make the necessary enquiries to determine the registered owner etc. Animal Health Officers would photograph and catalogue the horses and arrange for the required Notices to be displayed (and monitored on a daily basis) in the locality where the horses were seized and for the required notification to be made to the police. Animal Health Officers would then be present on the public viewing to determine if the claimed owner had a legal right to the return of any claimed horse(s), and present again at the dispersal of any unclaimed horses. Finally, Animal Health Officers would ensure that the required public register is maintained.

In addition to the above Animal Health Officers may also submit a funding bid to Welsh Government to offset the costs to the applicants and Local Authority. However no guarantees can be given that such a bid would be successful.