

# APPENDIX A

**Control of Horses Act 2015**  
**Welwyn Hatfield Council operational protocol**

## Control of Horses Act 2015

Procedure for dealing with fly grazing of horses.

Loose horse on road or public highway.  
Call 999  
Then highways on 0300 123 4047  
Or by fault reporting on HCC website.

Horse adjacent to highway and likely to stray onto road  
Call 101

Horses fly grazing not on road or public highway contact owner or tenant of land by using land registry and inform owner/tenant of their powers under the Control Of Horses Act.

Horse Welfare concerns call the WH Council or the RSPCA.

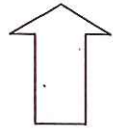
Council owned land The Council has powers under the Control Of Horses Act. Legal advice should be sought. Notices pages 3-8

The person to whom the horse belongs to (belongs meaning to the person in whose possession it is) is liable for

- Any damage done by the horse to
- The land
- Any property on it which is in the ownership or possession of the freeholder or occupier of the land and
- Any expenses which are reasonably incurred by a person detaining the horse under section 7A or 7B of the COH Act in keeping the horse while it cannot be restored to the person to whom it belongs or while it is detained under section 7A or 7B or
- In ascertaining to whom it belongs.

A person is not liable in respect of a horse which strays from a highway when its presence there was a lawful use of the highway.

LA (county or district) can detain a horse in any public place in its area if conditions are met.



Reasonable grounds for believing that the horse is there without lawful authority

If the land is lawfully occupied by a person and they consent to the detention of the horse or the LA has reasonable grounds to believe that person would consent to the detention of the horse. (Consent not required)

THE HORSE MAY BE DETAINED FOR 24HRS BY

The occupier of the field

or

The freeholder with the occupiers consent

RIGHT TO DETAIN CEASES AFTER 24HRS UNLESS NOTICE OF DETENTION GIVEN WITHINN 24HRS TO

The officer in charge of a police station (notice 3)

and

If owner of the horse is known that person (notice 1) or field notice (notice 2)

ALLOWS DETENTION FOR 96HRS UNLESS

96hrs does not include Saturday, Sunday, Christmas Day, Good Friday Or a Bank Holiday in England. 96 hrs does not include Saturday,

A person entitled to possession of the horse claims it

Complies with the following condition

The person must tender to each person with a claim in respect of the horse such amount as is sufficient to satisfy the claim.

ie. 'Liability for damage and expenses due to horses on land in England without lawful authority.' But not for damage done or expenses incurred in respect of the horse before it was on the land without lawful authority.

If after 96hrs the right to detain the horse has not ceased and ownership passes to the person detaining the horse and they may dispose of it by selling, arranging for destruction, or some other way. **Any profit after costs of sale and damage and expenses (section 6) goes to the owner of the horse.**

A person detaining a horse is liable for any damage caused by it by a failure to treat it with reasonable care and supply it with adequate food and water while it is so detained.



Notice 1 –If identity of owner of horse(s) is known

NOTICE OF DETENTION OF HORSE(S) PURSUANT TO THE ANIMALS ACT 1971  
AS AMENDED BY THE CONTROL OF HORSES ACT 2015

To (Owner of horse/s)

I (Name)

Of (Address)

GIVE YOU NOTICE THAT your horse/s, namely (*description of the horse/s including numbers of animals*)

Have been detained on my land at (address of land on which horses are located)

Since (date and time of detention)

Pursuant to Section 7B of the Animals Act 1971.

**IF YOU ARE THE OWNER OR PERSON ACTING ON BEHALF OF THE OWNER,  
OR HAVE INFORMATION REGARDING OWNERSHIP OF THE HORSE(S)  
PLEASE CONTACT:**

[Licensing@welhat.gov.uk](mailto:Licensing@welhat.gov.uk) 01707 357925

Licensing Welwyn Hatfield BC, The Campus, WGC Herts AL8 6AE

You are liable to pay me the sum of £ in respect of damage caused and/or the costs incurred by me in keeping the horse/s pursuant to Section 4A of the Animals Act 1971 (*delete if not relevant*)

If the horses are not claimed within 96hrs (equivalent of 4 working days) from the time of their detention (together with any costs outstanding) they will be removed and sold or destroyed.

**96 hrs ends at**

.....  
Signed

Title

Date

Notice 1 –If identity of owner of horse(s) is known

NOTICE OF DETENTION OF HORSE(S) PURSUANT TO THE ANIMALS ACT 1971  
AS AMENDED BY THE CONTROL OF HORSES ACT 2015

To (Owner of horse/s)

I (Name)

Of (Address)

GIVE YOU NOTICE THAT your horse/s, namely (*description of the horse/s including numbers of animals*)

Have been detained on my land at (address of land on which horses are located)

Since (date and time of detention)

Pursuant to Section 7B of the Animals Act 1971.

**IF YOU ARE THE OWNER OR PERSON ACTING ON BEHALF OF THE OWNER,  
OR HAVE INFORMATION REGARDING OWNERSHIP OF THE HORSE(S)**

**PLEASE CONTACT:** (Enter details of land owner/occupier or Bailiffs)

You are liable to pay me the sum of £ in respect of damage caused and/or the costs incurred by me in keeping the horse/s pursuant to Section 4A of the Animals Act 1971 (*delete if not relevant*)

If the horses are not claimed within 96hrs (equivalent of 4 working days) from the time of their detention (together with any costs outstanding) they will be removed and sold or destroyed.

**96hrs ends at**

.....  
Signed

Title

Date

Notice 2 –If identity of owner of horse(s) is not known then display at access points to the field containing the horse/s

NOTICE OF DISPOSAL OF HORSE(S) PURSUANT TO THE ANIMALS ACT 1971 AS AMENDED BY THE CONTROL OF HORSES ACT 2015

To (*Owner of horse/s*) (“Persons unknown” if identity of owner is not known)

I (*Name*)

Of (*Address*)

GIVE YOU NOTICE THAT your horse/s, namely (*description of the horse/s including numbers of animals*)

Have been detained on my land at (address of land on which horses are located)

Pursuant to Section 7B of the Animals Act 1971 since the (time and date horses first detained on land.)

**IF YOU ARE THE OWNER OR PERSON ACTING ON BEHALF OF THE OWNER, OR HAVE INFORMATION REGARDING OWNERSHIP OF THE HORSE(S) PLEASE CONTACT:**

[Licensing@welhat.gov.uk](mailto:Licensing@welhat.gov.uk) 01707 357925

Licensing Welwyn Hatfield BC, The Campus, WGC Herts AL8 6AE

If the horses are not claimed within 96hrs (equivalent of 4 working days) of this time and date they will be removed and sold or destroyed.

**96hrs ends at**

.....  
Signed

Title

Date



Notice 2 –If identity of owner of horse(s) is not known then display at access points to the field containing the horse/s

NOTICE OF DISPOSAL OF HORSE(S) PURSUANT TO THE ANIMALS ACT 1971 AS AMENDED BY THE CONTROL OF HORSES ACT 2015

To (*Owner of horse/s*) (“Persons unknown” if identity of owner is not known)

I (*Name*)

Of (*Address*)

GIVE YOU NOTICE THAT your horse/s, namely (*description of the horse/s including numbers of animals*)

Have been detained on my land at (*address of land on which horses are located*)

Pursuant to Section 7B of the Animals Act 1971 since the (*time and date horses first detained on land.*)

**IF YOU ARE THE OWNER OR PERSON ACTING ON BEHALF OF THE OWNER, OR HAVE INFORMATION REGARDING OWNERSHIP OF THE HORSE(S) PLEASE CONTACT:** (*Add Details of land owner/occupier/bailiffs*)

If the horses are not claimed within 96hrs (equivalent of 4 working days) of this time and date they will be removed and sold or destroyed.

**96hrs ends at**

.....  
Signed

Title

Date



Notice 3 –Chief Constable

NOTICE OF DETENTION OF HORSE(S) PURSUANT TO THE ANIMALS ACT 1971  
AS AMENDED BY THE CONTROL OF HORSES ACT 2015

To the person in charge of the police station  
Police HQ  
Stanborough Road  
WGC  
Herts  
AL8 6XF

I (*Name*)

Of (*Address*)

GIVE YOU NOTICE THAT horse/s, namely (*description of the horse/s including numbers of animals and microchip numbers*)

Have been detained on land at (address of land on which horses are located)

Since (date and time of detention)

Pursuant to Section 7B of the Animals Act 1971.

A notice under section 7C (2)(b) of the Act has also been given to (*insert name and address of person given notice if applicable*)

If the horses are not claimed within 96hrs (equivalent of 4 working days) from the time of their detention (together with any costs outstanding) they will be removed and sold or destroyed.

.....  
Signed Title Date

[Licensing@welhat.gov.uk](mailto:Licensing@welhat.gov.uk) 01707 357925  
Licensing Welwyn Hatfield BC The Campus WGC Herts AL8 6AE

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Pursuant to Section 7B of the Animals Act 1971.

A notice under section 7C (2)(b) of the Act has also been given to (*insert name and address of person given notice if applicable*)

If the horses are not claimed within 96hrs (equivalent of 4 working days) from the time of their detention (together with any costs outstanding) they will be removed and sold or destroyed.

.....  
Signed Title Date

(*Add your contact details*)