Procedure for the detention of horses

Horses on Council Land

PRE 96 hrs

- Visit to ascertain circumstances of horse/horses on Council Land.
- Welfare check sheets . Pages 16 and 17
- Case conference – arrange attendees – options for detention and options if not claimed. Page 13
- Movement - greenyard – welfare charities – vets – bailiffs. Page 12
- Notices. Pages 3-8

Advice for occupiers on non council land

- Notices can be sent without council logo for landowners to use
- Landowner can then instruct Bailiffs after 96hrs.
- Landowner/occupier is liable for horses' welfare and any damage caused to the horses due to failure to provide adequate care.
- A landowner/occupier is entitled to apply to the County Court for an order to require the owner of the horses to remove them from the field even if the identity of the owner is not known.
- Once a possession order is made the horses have to be removed within a stated time.
- Possession order can be enforced by a warrant for possession and the court bailiff will be directed to remove the horses.
- The court bailiff is likely to require the additional assistance of an equine specialist to assist with the removal.
- It may be quicker and more cost effective to instruct a private bailiff in the first instance.

MINIMUM STANDARDS REQUIREMENTS FOR LOCAL AUTHORITY

1. COMPLAINT RECEIVED/OR SIGHTING OF HORSE(S) ON LA LAND
2. SITE VISIT BY LA STAFF, HORSE(S) SCANNED FOR MICROCHIP
3. IF THERE IS A WELFARE ISSUE AND STAFF ARE AUTHORISED UNDER THE ANIMAL WELFARE ACT THEY CAN DEAL. OTHERWISE CONTACT WELFARE CHARITIES DETAILS PAGE ....
4. IF ANIMALS ARE NOT IN A SECURE AREA CONTACT EQUINE BAILIFF/ DESIGNATED CONTRACTOR
5. DETAINED HORSE(S) TAKEN AWAY BY BAILIFF/DESIGNATED CONTRACTOR
6. WITHIN 24HRS OF DETENTION A NOTICE **MUST** BE GIVEN TO OFFICER IN CHARGE OF A POLICE STATION.
7. IF THE OWNER IS KNOWN A NOTICE **MUST** ALSO BE GIVEN TO THE OWNER.
8. IF OWNER COMES FORWARD TO CLAIM THE HORSE(S) THEY WILL PROVIDE UP TO DATE PASSPORT/BILL OF SALE TO SATISFY LA OF OWNERSHIP, THEY MUST ALSO PAY OUTSTANDING COSTS APPLICABLE TO DETENTION (within 4 working days), BEFORE HORSE CAN BE RETURNED TO OWNER
9. IF NO CLAIM IS MADE ON THE DETAINED HORSE(S) OR ANY EXPENSES OR DAMAGES OWED ARE NOT PAID WITHIN 4 WORKING DAYS, OWNERSHIP TRANFERS TO LA AND HORSE(S) CAN BE DISPOSED OF BY SELLING IT (passport required) ARRANGING FOR IT TO BE DESTROYED OR IN ANY OTHER WAY.

BEST PRACTISE GUIDANCE FOR LOCAL AUTHORITIES

1. COMPLAINT RECEIVED/OR SIGHTING OF HORSE(S) ON LA LAND
2. SITE VISIT BY LA STAFF, HORSE SCANNED FOR MICROCHIP
3. IF THERE IS A WELFARE ISSUE AND STAFF ARE AUTHORISED UNDER THE ANIMAL WELFARE ACT THEY CAN DEAL. OTHERWISE CONTACT WELFARE CHARITIES DETAILS PAGE ....
4. NOTICE CAN BE ERECTED ON SITE GIVING THE OWNER 4 WORKING DAYS TO CLAIM THE HORSE(S) AND PAY ANY EXPENSES OWED AND TO REMOVE THE HORSE(S) IN A TIMESCALE AGREED BY THE LA
5. IF HORSE STILL ON SITE CONTACT EQUINE BAILIFF/DESIGNATED CONTRACTOR
6. DETAINED HORSE(S) IS TAKEN AWAY BY EQUINE BAILIFF/DESIGNATED CONTRACTOR
7. NOTICE(S) CAN BE ERECTED ON SITE INFORMING OWNER HOW TO RETRIEVE HORSE(S)
8. WITHIN 24HRS OF DETENTION A NOTICE **MUST** BE GIVEN TO OFFICER IN CHARGE OF A POLICE STATION
9. IF THE OWNER IS KNOWN A NOTICE **MUST** ALSO BE GIVEN TO THE OWNER.
10. IF OWNER COMES FORWARD TO CLAIM THE HORSE(S) THEY WILL PROVIDE UP TO DATE PASSPORT/BILL OF SALE TO SATISFY LA OF OWNERSHIP, THEY MUST ALSO PAY OUTSTANDING COSTS APPLICABLE TO DETENTION (within 4 working days), BEFORE HORSE CAN BE RETURNED TO OWNER
11. IF NO CLAIM IS MADE ON THE DETAINED HORSE(S) OR ANY EXPENSES OR DAMAGES OWED ARE NOT PAID WITHIN 4 WORKING DAYS, OWNERSHIP TRANFERS TO LA AND HORSE(S) CAN BE DISPOSED OF BY SELLING IT (passport required) ARRANGING FOR IT TO BE DESTROYED OR IN ANY OTHER WAY.

List of Equine welfare Agencies

BRITISH HORSE SOCIETY – www.bhs.org.uk - 02476 840 517

REDWINGS – www.redwings.org.uk - 01508 481000

RSPCA – www.rspca.org.uk - 0300 1234999

HAPPA – www.happa.org.uk - 01282 455992

WORLD HORSE WELFARE – www.worldhorsewelfare.org.uk – 08000 480180

List of equine bailiffs

Dean and Company email – theb@iliffs.co.uk - 01227 752665 (Kent)

Equine and Land Management email_ contact@equineandland.co.uk 0844 8099355

Equine Emergency Services - email ees@mail.com

GRC – email office@grcgroup.co.uk 0845 6014307 (NFU Bailiffs)

List of vets

Royal Vet College 01707 666297 Potters Bar

Chiltern equine clinic 01525 222099 Slapton

Rossdales Hertfordshire 01462 790221 Herts

Tyrells Equine Clinic 01763 287744 Royston

Julian Kovaar equine 01707 874499 Potters Bar

Hammond 07766 163 392 Stapleford

Green yard for holding of horses

Police 101
Three Rivers Council

Case conference

- OIC- (carried out welfare check)
- Nick Long- Head of Public Health and Protection
- Philip Brimley – Senior Estate Surveyor
- Geoff Sampson- Estates manager
- Andrea Plunknett – insurance

	Options	**Costs to Council**	**Costs of horses**	**Other**	**Total (to be paid in 4 days)**
Owner claims	Return to owner	Damage to land Livery	Vet Bailiffs Transport		
		£	£		£
96hrs passed	Selling Price achieved	Auction Market Bailiffs Livery Damage	Vet Passport Microchip Green yard	legalities	Refund to owner
	£	£	£	£	£0
	destruction	Damage Bailiffs Livery	Vet/ Holts Removal		
		£	£	£	£0
	rehome	Damage Bailiffs Livery	Liability Reliability Charities availability		
		£	£	£	£0
	Move/secure as a danger	Damage Bailiffs Livery repairs	Options available	vet	
		£			

Register of seized horses

Description of horse	Date Seized	Time of Siezure	Location	Notice served to Police	Notice served to owner	Disposal route

Procedure for dealing with incapacitated /dead horses

- Attend location to ascertain if animal requires veterinary attention or removal.
- If any signs of life call an equine vet- see page 12
- Potentially organisations able to move animal if required WHW 08000 480 180 (daytime Monday to Friday) or RSPCA 24hr cruelty line 0300 1234 999. See page 12
- Rugs/ water containers/ head collars/ first aid kit available if required to make animal more comfortable.
- For terminal injuries broken legs, arterial bleeding, intestines outside the body call Holts abbatoir in Ware on 01920 870 818
- If no signs of life, cold/stiff/ no response to eye contact etc Serco can remove. Contact via street scene
- Micro chip reader available for reading microchips and potentially tracing owner.

Welfare check sheet 1

Address **Location** **Grid ref**		
Number of animals		
Observation	**y/n**	**Comments**
Food- available required		
Water - available required		
Fencing		
Safety of position: Roads People		
Rights of way		
Condition of terrain Bare ground/muddy/ waterlogged		
Ditches		
Hazards e.g holes/rubbish/ wire		
Deep water		
Ragwort		
Tethered see further animal welfare information		
Other information		
Transport Required		
Veterinary attention required		
Destruction required		

Welfare check sheet 2

Address
Location
Grid ref

Number of animals
Types (foals/youngstock/horses or donkies
Photographs for ID and Info

Descriptions

Identify individual animal- Height/type/sex/colour/markings/ brands/scars etc

Observation	y/n	Comments
Weight (see body scoring chart animal welfare)		
Feet overgrown/lame		
Demeanour		
Appetite		
Discharge nose /eyes/other		
Hair loss		
Scabs		
Sores		
Cuts		
Dehydrated (skin pinch) Pale membranes		
Injuries		
lameness		
Veterinary attention required		

The Animals Act 1971 as amended by the Control of Horses Act 2015

1. Overview

1.1 General explanation of section

This section provides a summary of what the amended Act permits local authorities to do when horses are in public places without lawful authority.

1.2 Who is affected by the amendments made by the Control of Horses Act 2015?

The amended Act is only likely to affect those individuals who abandon their horses or intentionally or negligently permit their horses to graze on land where they do not have the consent of the occupier of the land or where the consent has been withdrawn and the horse owner has refused to move them.

The amended Act provides local authorities with the powers to act according to the circumstances they face and in the best interests of all concerned.

1.3 When attempting to identify the owner of a horse(s) what can a local authority do?

Local authorities need to assess each individual case and will need to consider whether the horse has escaped from its usual place of residence or whether it is a wilful act of abandonment or fly grazing.

It may well be that a horse has escaped and is straying and an owner is looking for it. The horse(s) will also need to be checked, where possible, to see if a microchip is implanted and in the case of a chip being found enquiries should be made.
See Annex 6 for protocol.

Local authorities may take all reasonable steps (as set out above) to ascertain the ownership of the horse and would be expected to make enquiries from relevant individuals and organisations for any horse(s) that has been reported as abandoned, straying or found fly grazing.

The Animal Welfare Act 2006 sets out the legal duty of care that owners and keepers have for animals for which they are responsible. A person may be responsible for an animal on a permanent or temporary basis. A person could therefore be responsible for an animal if they own it or are in charge of it. An owner always has ongoing responsibility for their animal even if another person is in charge of it. A parent or guardian of a child under 16 years old is responsible for any animal that is owned or cared for by the child. This ensures that an adult can be identified as a person responsible for an animal. If the owner leaves an animal in the care of another person, it is the owner's duty to ensure the keeper is competent and has the necessary authority to act in an emergency.

1.4 What does a local authority need to do to ensure that potential owners can contact them?

It is recommended that local authorities, or their bailiff company, have a single mobile or landline telephone number and a single corporate e-mail address that they specify on any notices.

2. Power of local authority to detain horses

2.1 General explanation of section

This section sets out the circumstances, and the legal powers that are given to a local authority officer to detain any horse(s) in that local authority's area. The power may be exercised when the horse is on the highway or in any other public place in the local authority's area and is there without lawful authority. Section 7A(1) states that an LA may detain a horse on occupied land where the occupier has given consent for the local authority to detain the horse(s) if an arrangement has been agreed.

Before exercising their power in either case, the local authority officer has to have reasonable grounds to believe the horse is there without lawful authority.

2.2 What constitutes a public place?

A public place is a place that is generally open and accessible to people and could include: roads, public squares, parks, playgrounds, school premises, any highway or verges of highways and common land (see s.11 Animals Act 1971for definition).

2.3What is meant by a public place that is occupied by another person (other than LA)?

This includes land that is common land that is privately owned (see s.11 Animals Act 1971 for definition)

2.4 What is meant by 'without lawful authority'?

Where the owner of the horse(s) has no authority to keep / graze their horse(s), because no permission has been granted to them by the occupier / owner of public land or where that permission has been withdrawn.

2.5 What is meant by reasonable grounds?

Whether the local authority can meet the threshold test of 'reasonable grounds' to believe the horse is there unlawfully will depend on the situation that confronts them. For example where horses are found roaming the streets, are on housing estates, are in a public parks or on school premises, the facts of these types of situation are highly likely to meet the test of 'reasonable grounds' to believe they are there unlawfully.

By way of contrast, in the case where horses appear on public land where there may be grazing rights a local authority officer would have to make the appropriate local enquiries as to where the horse(s) came from, and who may possibly own them to be able to satisfy the reasonable grounds test to be able to detain the horse(s).

The local authority officer would need to undertake an appraisal of the particular facts of each situation in order to be satisfied that the reasonable grounds test was met. To do this local knowledge and close collaboration with the police and the local community is likely to provide that officer with useful information on which to base their belief.

2.6 In what circumstances might a horse(s) be detained by a local authority?

A local authority may, where the 'reasonable grounds' test is met (see Section 2.5 above), detain or in certain circumstances remove a horse, examples may include:

- posing a threat to people or property;
- posing a threat to the health and welfare of people and animals;
- straying on the highway;
- causing environmental damage;
- causing a nuisance
- not identifiable or capable of being identified

2.7 What happens when the horse(s) is detained?

The detained horse(s) is taken into the care of the local authority because those horse(s) were on land without the agreement of the occupier / owner. They may be detained by the local authority or an Equine Bailiff company employed by the local authority. Detention can involve posting notices on site where the horse(s) are **OR** the horse(s) can be removed and notices erected (this is not a legal requirement, but is good practice). In both instances the local authority is responsible for the welfare of the animals.

2.8 Where will the horse(s) be impounded?

Facilities used to impound such horses may include remaining in-situ, a local authority pound / Equine Bailiff establishment / livery yard / charity premises / private stables or any other suitable facility where the needs of the animals can be met.

A local authority will need to ensure that they have access to appropriate facilities where detained horses can be transported to safety and cared for in order to ensure that their needs are met. The details and location of the facilities holding detained horses should as far as possible be kept out of the public domain in order to ensure the safety and security of local authority facilities, staff and the detained horses. This will also include LA bailiff facilities

3. Section 3 – Notices about detention.

3.1 General explanation of section

This section sets out the procedure that a local authority is required to inform owners or persons who appear to be acting on behalf of the owner(s) that their horse(s) has been detained by them. The local authority must take reasonable steps to ascertain the owner of the horse as soon as reasonably practicable following its detention and must notify that person, if ascertained, within 24 hours of the horse being detained. Examples of what those reasonable steps might be are set out in paragraph 1.3 above & Annex 6.

The amended Act specifies who must be given notice, which must be provided by the local authority following detention of a horse and what information they must contain (Please see Annex 5).

As good practice a notice may be put up at or near the site where the horse(s) was detained; one must be given to an officer in charge of a police station. The other type of notice is given to (a) a person who appears to be the owner or acting for the owner, if known or (b) if that person is not identifiable within 24 hours of the horse being detained, a notice to the owner following searches which establish that person as the owner.(not a statutory requirement after 24 hrs)

I. Displaying a Notice at or near site of detention.

When a horse(s) is detained by the local authority, the local authority may (not a legal requirement) within 24 hours of detention put up a written notice at or near the place where the horse(s) was detained. That notice should include the date and time at which the horse was detained together with contact details of the local authority which detained it and information on how to reclaim the horse(s)

II. Notices to Officer in charge of a Police Station

The local authority must within 24 hours of detaining a horse give a notice to an officer in charge of a police station. A notice issued to an officer in charge of a police station should state who else has been served with a notice. (no statutory requirement but advisable)

III. Notices to a person who appears to be the owner or acting for the owner, if known

The local authority must give a notice within 24 hours of detaining a horse to any person who appears to be the owner or a person acting on behalf of the owner of the horse. That notice may be in writing and may state why the local authority believes that person to either be the owner of the horse(s) or a person acting on behalf of the owner.(no statutory requirement but advisable)

Notices to owners or persons who appear to be the owner or acting on their behalf should state what may happen to the horse which the local authority has impounded. This information should include the date on which the local authority will be able to sell, or otherwise dispose of, the horse and that this might mean arranging for its destruction. **All notices should be timed and dated.**

3.2 What format should the notice take?

Any notice issued or displayed should be a written notice (hand written or produced electronically, no statutory requirement but advisable). Sample notices are attached at Annex 5.

3.3 Although not a legal requirement, if so desired, where can the local authority display a notice?

The notices displayed should be in a conspicuous place either at the point of detention or as close as practicably possible. Local authorities should try to ensure that the notices displayed remain visible for the 4 working day period following the detention of the horse(s). It is recognised that notices are frequently torn down and removed so a local authority should try to ensure that if this happens, the same notices where possible are replaced to ensure that the rightful owner of any horse(s) detained has ample opportunity to learn of the detention and know who to contact. It is recommended to local authorities that they take photographs of the notices as displayed in order that they can then evidence the fact that notices were displayed (no statutory requirement but advisable)

3.4 Although not a legal requirement, if so desired, what details may be included on the notices put up at or near the site of detention of the horse(s)?

The notice should contain the date and time the detention took place and the local authority contact details which includes both an address and a direct telephone number in order to assist any owner to reclaim the horse(s) as specified in the example at Annex 3. Some bailiff companies will deal with the reclamation of horses on behalf of the LA, in which case their details should be available on the notices.

It is recommended that local authorities also put in the notice, the number of horses detained and a brief description of the horses involved. For example – Eight (8) horses detained as follows, 1 grey mare, 3 bay geldings, 2 chestnut mares and 2 black and white geldings on 14 October, 2013 at 11.30 am.

3.5 How should contact be made with the local authority?

By any appropriate means as described in the notice which may include by telephone, e-mail, fax or in person.

3.6 What is meant by give notice to an Officer in charge of a Police Station?

This is the notice given by the local authority to a local/central police station in the relevant local authority area in which the horse was detained. This notice must be given within 24 hours of the horse being detained and should include the same information as the one posted at or near the site of detention. This notice can be handed to the police station in person, e-mailed or faxed to a named officer in charge of a police station or someone who has been authorised to take receipt on their behalf. It is quite likely that the police may have already been involved in the detention and be aware of the circumstances and nature of the incident, however it is recommended that local authorities ring any police officer involved to confirm receipt of any notice sent.

In addition it is recommended that the notice should also specify who else has received a copy of the notice i.e. the owner or someone acting on behalf of the owner, if that person has been identified within 24 hours of detention of the horse. (**Note** – it is worth checking with your local/central police station that this protocol is known about and will be actioned)

3.7 What steps does a local authority need to take to identify the owner of the horse(s)?

Local authorities are required to take all reasonable steps (as set out in paragraph 1.3 & Annex 6) to ascertain the ownership of the horse(s) and would be expected to make reasonable enquiries from relevant individuals, organisations for any horse(s) that has been reported as abandoned, straying or found fly grazing.

3.8 What kind of notice is given to the owner or person acting on behalf of the owner within 24 hours of the horse(s) detention?

Where the owner or person acting on behalf of the owner is known, the local authority must give that person a notice which provides the following information: the date and time the detention took place, a brief description of the horse(s) involved and the local authority contact details.

The notice should include the date when the local authority will have the legal authority to dispose of an impounded horse(s) through sale or otherwise including its humane destruction. The notice should also state why the local authority believes that the person being given the notice is the legal owner or person acting for the legal owner of the horse. An example notice is included at Annex 5. (no statutory requirement but recommended)

3.9 If a notice is served on an owner or someone acting on behalf of an owner within 24 hours of the horse(s) detention, does the local authority need to inform the officer in charge of a police station of the serving of that notice?

Yes and it should provide details of the person to whom that notice has been given.

3.10 Where the owner or someone acting on behalf of the owner comes forward within the 4 working day period of the notice being given, how long does the local authority need to give them to recover the horse(s)?

Each situation should be taken on its own merit, further notification, setting out the costs for which the owner is liable, is given to the owner. The Act requires that costs are paid within the 4 working days and provide some proof of ownership (i.e horse passport in their name) A later date can be agreed for collection, and costs will include any extra days of detention, allowed for collection of horses. Some bailiff companies will deal with the reclamation of horses on behalf of the LA and LA's should keep in close contact with their bailiffs regarding any reclamation process.

3.11 How does a local authority verify ownership of any horse(s) they have detained?

Under the Horse Passport Regulations 2009 owners are required to identify their horses, this identification takes the form of a passport and for those horses born or first issued with a passport after 1 July 2009 a micro-chip. The microchip is inserted in the nuchal ligament in the neck and links the horse to the passport. Some horses born before 2009 are micro-chipped so local authorities are advised to scan all horses detained. Passports also include a drawn silhouette and written description of the markings of the horse and although not a requirement by the EU to continue this practice post 2009 the majority of Passport Issuing Organisations (PIOs) still require this section to be completed. Some PIOs go further and require a photograph of the horse to be included within the passport.

It is reasonable for a local authority to expect anyone claiming to be the owner or acting on behalf of an owner to produce, some form of documentation or the legal passports for their horse(s). The local authority should then check that the microchip number, colour, and markings as set out in the passport match the horse(s) detained. The passport also needs to be in the name of the owner and local authorities are advised to check carefully that any passports presented are in the name of those claiming to be the owner.

Where a horse has recently changed hands, the new owner has a period of 30 days to update a horse passport into their name and it is a criminal offence under the Horse Passport Regulations 2009 not to do so.

Guidance on equine identification and how to obtain a horse passport may be found on the English Government website at:

https://www.gov.uk/horse-passport/overview

3.12 What evidence does an owner need to provide to the local authority to confirm ownership of any detained horse(s)?

Owners or those acting on behalf of the owner will need to produce some form of documentation i.e. horse passports to the local authority. The passports must be valid and be in the format described under the Horse Passport Regulations (European Commission Regulation 504/2008) and must be correctly issued and updated by the Passport Issuing Organisation (PIO) to include the name of those that are claiming to be the owner. In the case where an owner has recently purchased the horse and the passport has been returned to the PIO for updating they will need to provide evidence of the purchase (e.g. auctioneers / private receipt of purchase) and details of the PIO updating the passport so that the local authority can make additional enquiries.

3.13 What happens if an owner cannot prove ownership of any horses detained?

In the event that there is no indisputable evidence as to the ownership of the horse(s) a local authority will be able to dispose of the animals in the most appropriate manner after 4 working days. N.B. The issue of providing proof of ownership or not will have to be one that a LA decides as to what it considers acceptable.

DO NOT
LEAVE
HORSES
ON THIS LAND

ACTION
WILL BE TAKEN BY THE OCCUPIER TO REMOVE SUCH HORSES

WELWYN HATFIELD

DO NOT
LEAVE
HORSES
ON THIS LAND

ACTION
WILL BE TAKEN BY THE OCCUPIER TO REMOVE SUCH HORSES

WELWYN HATFIELD