



MENDIP DISTRICT COUNCIL

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Protocol for Management of Horses in Mendip District

(January 2017)

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Introduction

Horses have been tethered on land in Mendip District for many years. Nationally there has been an increase in the number of complaints and incidents relating to horses tethered and trespassing on council and private land, straying onto highways and footpaths, causing a danger to the public, nuisance and horse welfare.

The aim of this protocol is to document how the Council and its partners can help to manage horse related problems. The protocol explains the various roles and responsibilities of the agencies involved and the processes that should be followed. Whilst the protocol refers to horses specifically, the principles also apply to other similar animals such as donkeys, ponies and other farmed animals.

Issues and Concerns

Horse-related problems can be divided into the following categories:

- Loose or stray horses which pose a risk **or** danger to the public or highway users
- Unlawful grazing on public or private land (fly-grazing)
- Welfare concerns
- Nuisance or damage caused by horses on private land.

These concerns may arise individually, but often they are in combination and require a multi-agency approach to deal with them effectively. This protocol seeks to provide a framework for effective communication and partnership working to ensure a joined-up approach to both preventing problems arising in the first instance and being able to respond to reported incidents as and when they arise.

Stakeholders and Partners

The key stakeholders and partners that have a role to play in effective horse management include: horse owners, land owners and Mendip District Council staff, enforcement agencies, councillors and the public. Experience tells us that a significant majority of the horses which are found to be unlawfully kept on public or private land, or found to be straying or loose on a highway are owned by people from the Gypsy and Traveller community, which has a strong tradition of horse ownership and trading. Effective engagement with representatives of the Travelling community will be required to deal with horse-related problems in Mendip District.

Land owners and managers need to be clear about the land which they make available for grazing horses and conditions and controls that are applied to manage the horses which they permit to be on their land. Land owners also need to be clear about the measures that are available to deal with unlawful use of their land and how they effectively apply those controls into action.

There are a number of potential enforcement agencies that can become involved in tackling horse related problems, including the Police, Mendip District Council (Animal Health, Gypsy and Traveller Liaison), horse bailiff and the RSPCA.

This protocol aims to provide clarity around the respective roles and responsibilities of these agencies and aid effective communication between them.

When the public and local councillors have horse related issues it is important that they clearly understand how and who to report problems to, and, after they have reported something, they are informed of what steps have / are to be undertaken and the appropriate timescales involved.

The law

There are a number of controls available to deal with horse related problems – some in the capacity of an enforcing authority and others as a landowner.

The two most applicable legal powers available for dealing with loose or straying horses are:

The Animals Act 1971 (Section 7), as amended by the Control of Horses Act 2015

This Act allows the owner or occupier of land to detain horses (livestock) which stray onto their land and to claim expenses for damage done by the livestock to the land and the costs of keeping the livestock until such time as the horses are restored to the owner, or sold at a market or auction (after detaining the horses for no less than 96 hours (4 days) (not including w/e and Bank Holidays) (providing owner or police notified within the first 24hrs). The land occupier becomes responsible for the reasonable care of the horses while being detained. Although horses may have been put on land deliberately rather than “straying” onto it, this is the principle tool used for removing horses which are on public or private land without permission.

The local authority may also detain horses in any public place, where it is reasonably believed the horses are there without lawful authority.

The Highways Act 1980 (Section 155)

This Act makes it an offence for horses to stray or lay on, or at the side of a highway. This does not apply to highways which cross common land, waste or unenclosed ground. The Police have powers to remove horses straying on the highway and either to return them to the horse owner or to remove them to a pound. A person found guilty of an offence is liable for paying the expenses incurred in removing and pounding the horses. This is the principal tool used to remove horses straying on a highway.

There are a number other legal powers which might also be appropriate for dealing with horse related issues:

The Animal Welfare Act 2006

This Act creates an offence if a person with responsibility for an animal causes it suffering or fails to ensure its welfare. Allowing a horse to stray and potentially suffering harm and failing to secure adequate welfare, is likely to be an offence under the Act. The power is one of prosecution and potential additional powers to deprive or disqualify a convicted person from keeping animals. These powers are therefore useful as a deterrent and for potential longer term solutions for persistent offenders, but they do not offer relief to urgent situations. Although the local authority has powers to enforce the Animal Welfare Act, it is common practice for this to be carried out by the RSPCA.

One common query in relation to horse welfare is the practice of tethering horses. This prevents a horse from straying and potentially causing harm to itself or others, but the tether restricts the freedom of the horse and poorly designed or fitted tethers may lead to injury or harm. DEFRA recommends that tethers are not used as a long-term method of managing an animal, but may be useful as a short-term means of control. If horses are tethered, regular checks should be made on the horse and their tethering position should also be moved regularly.

The Town & Police Clauses Act 1847 (Sections 21 – 29)

A similar power to that contained in the Highways Act, which provides powers to the Police to seize and impound horses that are “found at large in any street” and provides the power to recover reasonable expenses incurred in keeping the horses. The Act also creates a range of specific offences, including a number relating to horses and horse-drawn carriages in streets which cause obstruction, annoyance, or danger to residents or passengers. A person found guilty of an offence may be fined or imprisoned up to fourteen days.

The Environmental Protection Act 1990 – Part III

The provisions in this Act provide powers to a local authority to investigate and deal with statutory nuisance, which includes “any animal kept in such a place or manner as to be prejudicial to health or a nuisance”. The powers are primarily used by environmental health practitioners and allow the service of a legal notice (an abatement notice) on the person(s) responsible for the nuisance requiring it to be abated. Failure to comply with the notice can result in prosecution with a fine of up to £5000. This provision might be best used if horses, by virtue of the way they are being kept, cause nuisance to local residents, however, proving a nuisance may be difficult.

Anti-Social Behaviour

It has been suggested that Civil Injunctions or Criminal Behaviour Orders might be an appropriate tool for dealing with individuals who allow their horses to stray or “fly-graze”. However, this is not viewed as the most appropriate enforcement tool, when other primary legislation is available, and establishing the necessary evidence for such injections or orders is considered too remote.

Having said this, each case would be considered on its merits, for example if horses are being deliberately, and repeatedly set loose on streets or land to cause harassment, alarm or distress, and other enforcement tools have not been successful in resolving the problem, then it may be appropriate to consider the use of anti-social behaviour powers. This would be a decision made in conjunction with Legal Services.

Horse Passport Regulations 2009

These regulations require horses to have an identification document (passport) and microchip which are issued by and registered with an authorised Passport Issuing Organisation. The only exception to this is if the horse already had a passport prior to the regulations coming into force in 2009. Foals must be pass ported and microchipped by the 31 December in the year of birth or within six months of being born, whichever is the later. The passport system aims to prevent horse meat, which may have been treated with veterinary medicine, from entering the human food chain, and helps prevent the sale of stolen horses. Local Authority inspectors have powers to require passport information and can prosecute people who do not comply. Although, in theory, this should be a useful tool for identifying horses that have strayed, or left in fields it is often the case that these horses are not microchipped and so identifying the owner is extremely difficult. One consequence of the legislation is that if a horse is seized and pounded it cannot be subsequently sold unless it has a passport and is microchipped, which places an additional cost onto the Council.

Licensing the Use of Land

The Council owns or manages areas of open land across Mendip District. Some are classed as Public Open Spaces (POS) and others are open spaces that the public have access.

The Council regularly meets with representatives from the Gypsy and Traveller community to discuss selling or leasing pieces of land.

Currently there is no appropriate land that could be leased for the grazing of horses.

Horses on Common Land

The Council is required to keep a register of “common land” in Mendip District.

There is no common land within Mendip District **Council**.

Tenancy Conditions

Aster - at the next review of their tenancy agreement will consider to include a clause that prevents tenants tethering horses, ponies, donkeys or any other livestock on any open plan areas or other land owned by Aster.

Any suspected breach of this condition should then be reported to Aster.

Roles & Responsibilities

There are a number of different agencies and Council departments that can become involved in responding to and dealing with horse related issues, it is therefore important to identify clear roles and responsibilities and lines of communication. The sections which follow identify who is responsible for what and the reporting mechanisms which are involved. However the roles and responsibilities of each of the key agencies and Council departments involved are summarised below:

Role Responsibility

Role	Responsibility
Contact Centre	To be the single point of contact for members of the public, Councillors and other agencies to report horse related problems. To direct those problems to the most appropriate Agency / Department.
Animal Health (Devon and Somerset Trading Standards)	To liaise with internal land owning departments, private land owners, the RSPCA, the police and other internal and external agencies to make sure all aspects of reported incidents are followed up. To also provide the enforcement role in relation to animal health and animal by-products legislation, including enforcing landowners to remove dead animals from their land.
Police	To respond to reports of horses causing a danger to highway users at all times and at other locations when Animal Health is not available. To effect the removal of loose horses to a place of safety and support the council in serving any appropriate notices where applicable and engaging the Horse Bailiff as and when required. To provide support to other agencies if there is a perceived risk to safety or possible public disorder. To report actions taken to Animal Health.
Horse Bailiff (contractor)	To respond to requests from the agreed contact agency for assistance to remove horses from the highway or other council land. The serving of notices and removal of horses from private land subject to separate agreement with the land owner with regards to the costs. To remove the horses to a safe place and keep them there, looking after their health and welfare, until advised that the horse can be sold at auction / market. To keep Animal Health and other agencies informed of action taken.
Land owning / managing Council Departments	To effectively manage their land. To put arrangements in place to monitor land for illegal use / trespass and to respond to reports of trespass. To take the necessary action to secure removal of horses to a place of safety, serving any appropriate notices where applicable and engaging the Horse Bailiff as and when required. To liaise with Animal Health to arrange for the disposal of dead animals (incl. horses) from their land.
RSPCA	To investigate any reports or concerns regarding horse welfare or cruelty and to report back to Animal Health.

Process for Reporting and Responding to Horse Related Problems

Refer to the attached flow-chart. The main points of this process are:

- All horse related issues should be referred to the Council Customer Services on **0300 303 8588**
- Problems with horses on the highway causing an immediate risk to motorists should be referred to the Police by telephoning **999**. Non urgent matters involving horses on the highway should be reported to the Police using the **101** number
- Horses on Council land should be reported initially to the Department with responsibility for the Land (i.e. Neighbourhood Services)
- Horses on Private Land should be reported to Animal Health: Devon and Somerset Trading Standards, however it is the private land owners' responsibility to deal with this
- Horse welfare issues should initially be reported to the RSPCA

All agencies should report their findings / action back to Animal Health for any follow up action and, if necessary, to feedback to the customer.

Section 77 Criminal Justice and Public Order Act 1994

Power of local authority to direct unauthorised campers to leave land.

(1) If it appears to a local authority that persons are for the time being residing in a vehicle or vehicles within that authority's area—

- (a) on any land forming part of a highway;
- (b) on any other unoccupied land; or
- (c) on any occupied land without the consent of the occupier,

the authority may give a direction that those persons and any others with them are to leave the land and remove the vehicle or vehicles and any other property they have with them on the land.

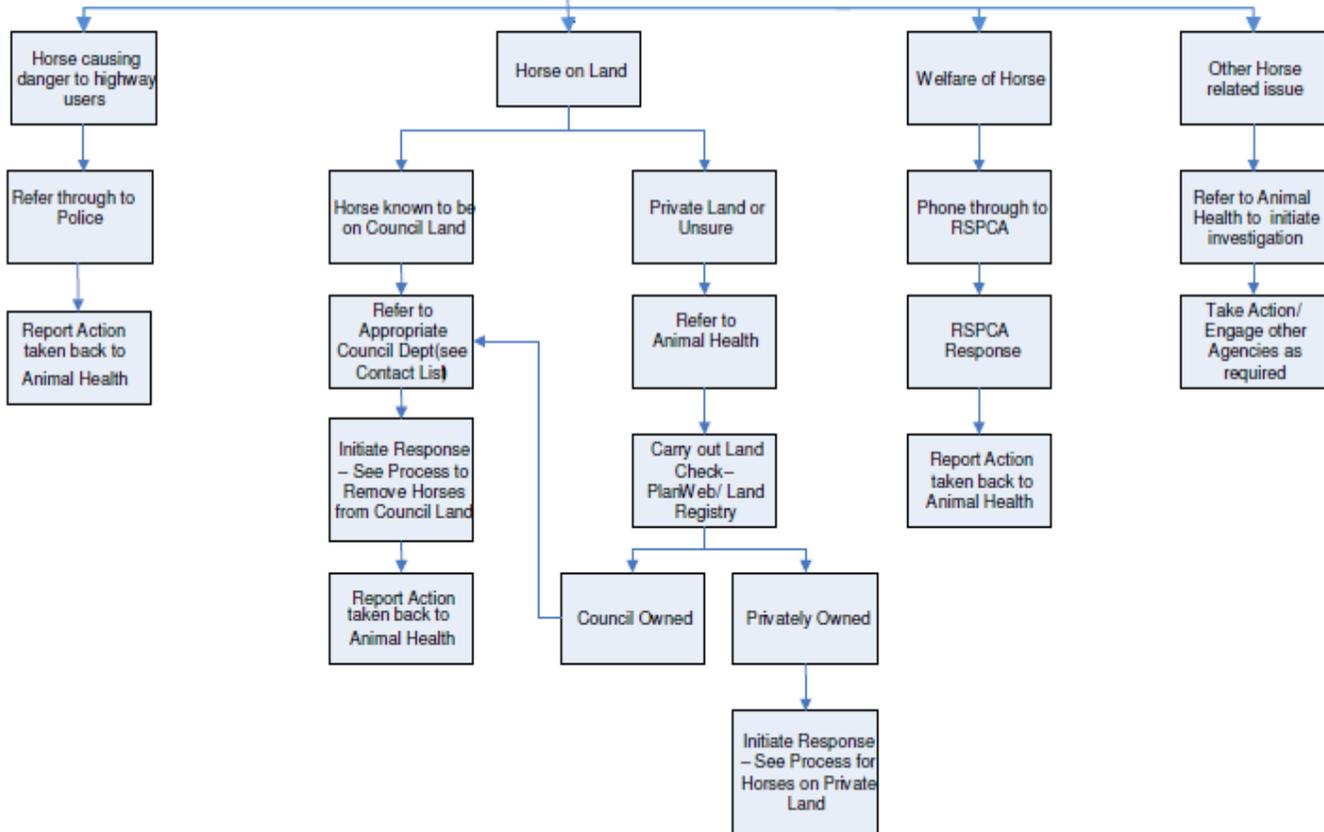
NB: In Mendip District Council, Enforcement Officers will not abuse their powers. If horse drawn vehicles have arrived on land they will be dealt with under this legislation and not under the Control of Horses Act 2015.

Process for Reporting and Responding to Horse Related Problems

Horse related problem reported by:
Councillors, Public, Council Dept., Other Agency

Phone Customer Services: 0300 303 8588

Call received by
Customer Services



Process for Dealing with Horses on Highways

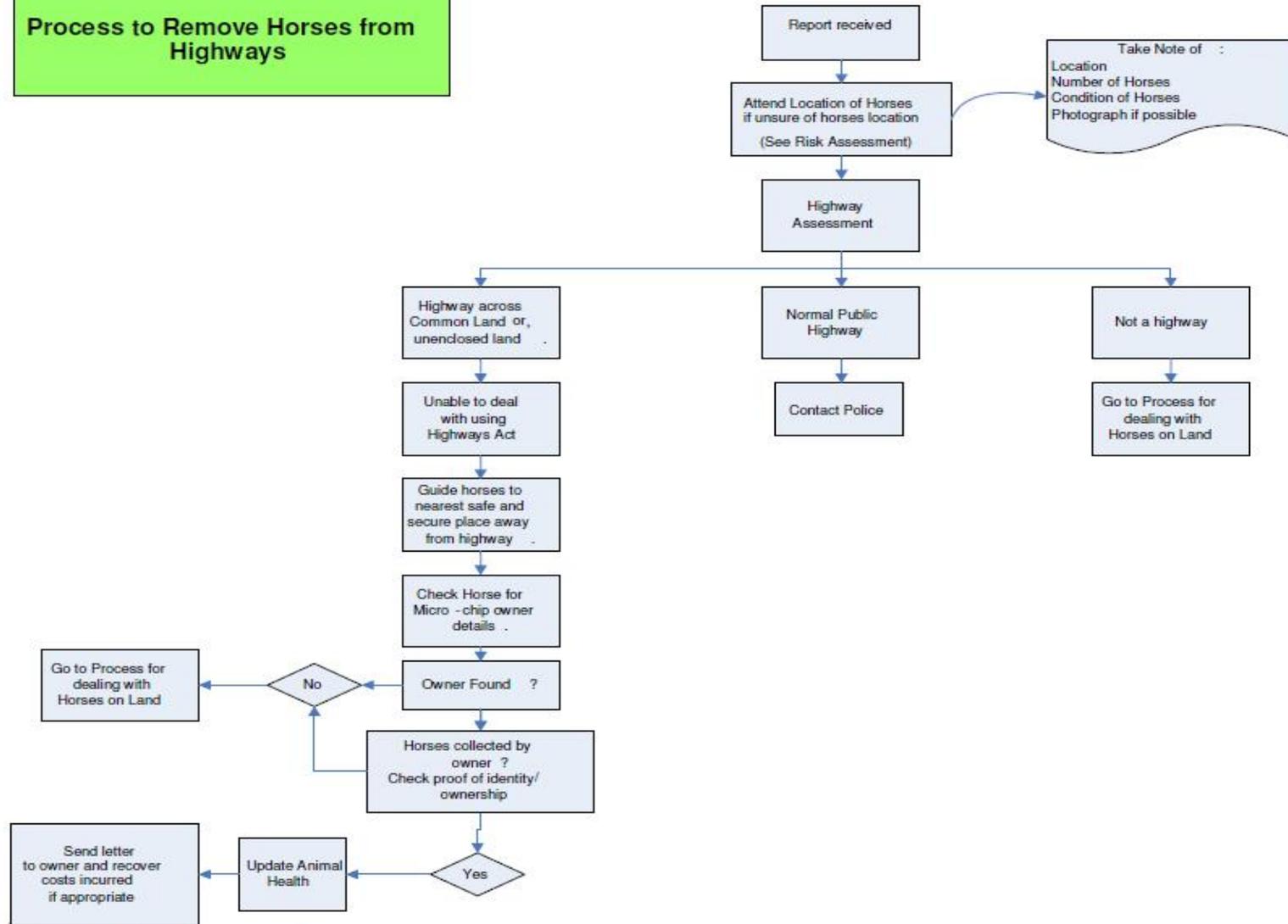
Refer to the attached flow-chart. The main points of this process are:

- Loose horses on the highway causing a risk to motorists **should be dealt with by the Police** and not the Council. The primary concern is the risk of danger for both highway users and the horses and therefore the priority is to remove that danger.

NB: All officers should have regard to the Health & Safety Risk Assessment

- Horses can be removed from the highway, or from the side of a highway, under the Highways Act 1980. The Highways Act can be used for most situations with horses straying onto roads, but there are exemptions if the horses are on common land, waste or unenclosed land, in which case action under the Animals Act 1971 should be considered
- The reasonable costs incurred in dealing with horses which stray onto the highway can be recovered from the horse owner, which includes damage done to the highway, officer time, costs incurred by the Horse Bailiff, passport and microchipping, feed, transport costs etc.
- A person who allows their horse to stray onto the highway can also be prosecuted under the Highways Act and this should be a consideration, particularly for repeat offences, in accordance with the council's enforcement policy
- If possible, horses should be checked for a microchip and passport details obtained
- Any concerns regarding animal welfare should be reported to the RSPCA
- All agencies should report their findings / action back to Animal Health as the single point of contact and liaison with the public and other agencies.

Process to Remove Horses from Highways



Process for Dealing with Horses on Council Land

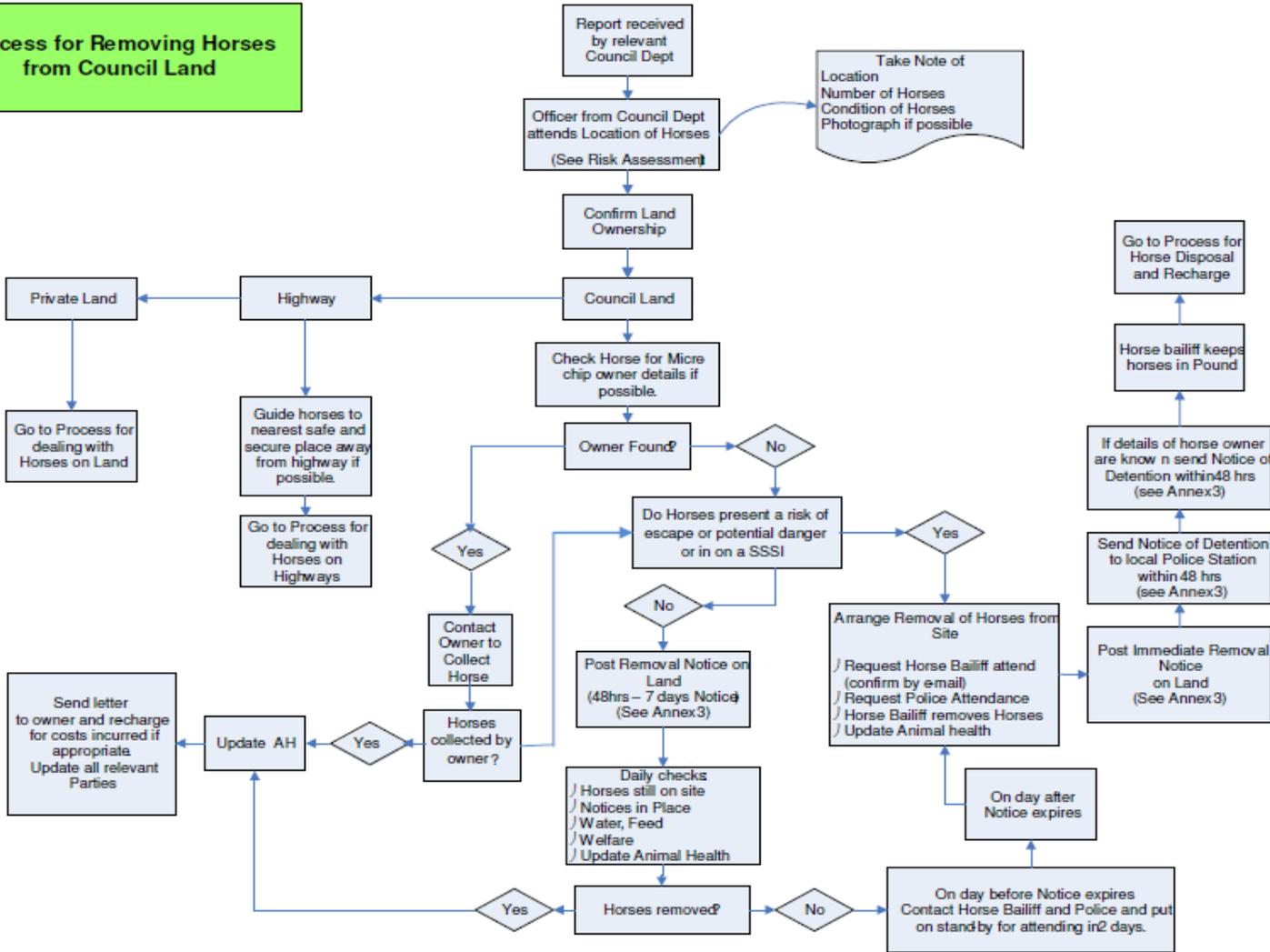
Refer to the attached flow-chart. The main points of this process are:

- Horses on Council Land will be dealt with by the Neighbourhood Services who has details of the ownership / land management responsibility for the land.
- Officers should have regard to the Health and Safety Risk Assessment – see Annex 4
- Action can be taken to remove horses from land using the Animals Act 1971(as amended by The Control of Horses Act 2015)
- The Act allows horses to be “detained” on the land, but in practice this may require removal of the horse to a pound. This can be done immediately, and should be done immediately if there is a risk that the horse will escape or cause a risk of danger to the public. However, if there no foreseeable risk then it would be more appropriate to leave the horse on the land and place a legal notice on the land near to the horse requiring the owner to remove it – usually 24 hours. A template Removal Notice can be found in Annex 2 together with instructions for posting the Notice
- Horses on Site of Special Scientific Interest (SSSIs) for other protected site. Horses should be removed immediately and the relevant Notices from Annex 2 used
- If the horse has not been removed after the expiry of the notice period, or if the horse is to be removed immediately then an Immediate Removal Notice must be posted on the land. A template Immediate Removal Notice can be found in Annex 2 together with instructions for posting the Notice
- The Police must be given notice that the horses have been detained on the land within 24 hours of the horses being detained on the land, or taken to a horse pound. A template Detention Notice to Police can be found in Annex 2 together with instructions for sending the Notice.
- If details of the horse owner are known then notice must be given to the owner within 24 hours of the horses being detained on the land, or taken to a horse pound. A template Detention Notice to Owner can be found in Annex 2 together with instructions for sending the Notice
- As soon as a horse comes under the possession of the Council, then the Council becomes responsible for its welfare or and damage while in its care. A daily check should be carried out to make sure the horse has access to water and, if necessary, feed; that it is I good condition; and that any legal Notices posted on the site are still in place (and replaced if necessary).
- The Horse Bailiff must be contacted to remove any horse from land, and a

request should be made for the Police to also attend in case the horse owner arrives during the removal process

- The horse can be disposed of by the Council, or more often the Horse Bailiff acting under instruction from the Council, but the horse cannot be disposed of until 4 days after notice has been given to the Police and Horse Owner that the horse has been removed. After the horse has been kept for 4 days it can be disposed of by selling at a market or auction, humane euthanasia or any other means (gifting/giving away)
- It may be necessary for a horse to be pass ported and micro-chipped before it can be sold/given away. This should be checked as soon as the horse is pounded and if necessary a passport and micro-chip obtained at the earliest opportunity to avoid delays in selling the horse and incurring additional stabling costs
- The reasonable costs incurred in dealing with horses which stray onto Council Land can be recovered from the horse owner, which includes damage done to land, officer time, costs incurred by the Horse Bailiff, passport and microchipping, feed, transport costs etc.
- An accurate record of all costs incurred should be kept
- If a horse owner collects the horse they must be able to prove identity and ownership before it is released. The owner must also pay a release fee, which includes all the costs incurred before the horse is returned to the owner
- All agencies should report their findings / action back to Animal Health: Devon and Somerset Trading Standards as the single point of contact and liaison with the public and other agencies.

Process for Removing Horses from Council Land

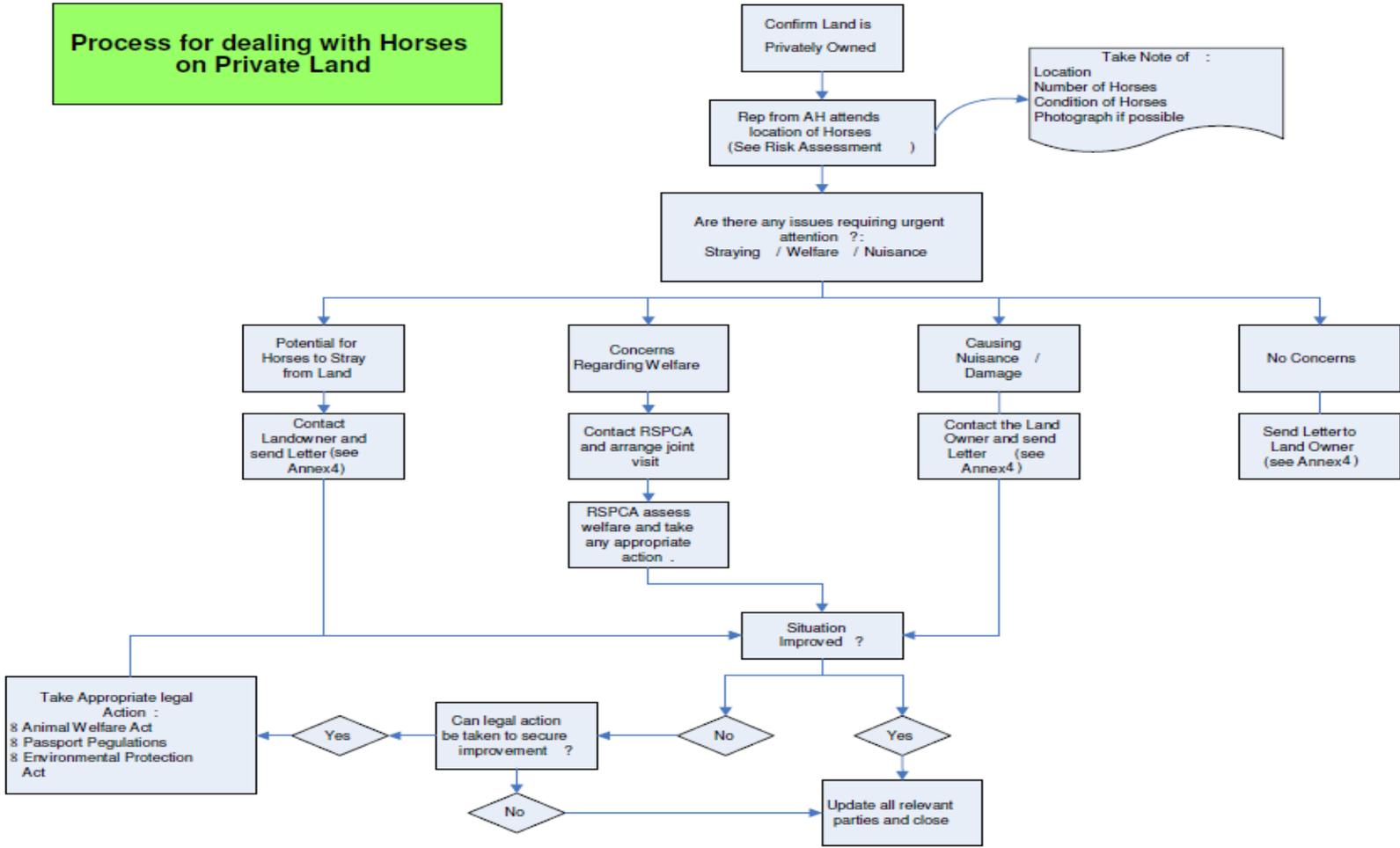


Process for Dealing with Horses on Private Land

Refer to the attached flow-chart. The main points of this process are:

- Private land includes privately owned land and any other land not owned or the responsibility of Mendip District Council, including land which is the responsibility of DEFRA or Parish Councils
- The Council or other agency does not have an automatic right to deal with horses on private land. It is the responsibility of and a decision for, the landowner as to whether action should be taken to remove horses from their land
- Private land owners can use the Animals Act 1971 (as amended by The control of Horses Act 2015) to detain and remove horses from land and to recover expenses for damage etc., in the same way that the Council uses these powers for horses on its land
- The Council or other agencies may become involved with dealing with horses on private land if there is a breach of legislation, for example:
 - Animal Welfare
 - Horse Passport requirements
 - Potential escape of horses from the land
 - Nuisance or damage caused to Council or other people's land
- The private landowner, whether they have permitted horses to on their land or not, may become liable for any damage or nuisance caused by horses on their land, if they fail to take action to prevent such damage or nuisance
- Animal welfare issues when the RSPCA will be the principle agency
- All agencies should report their findings / action back to Animal Health: Devon and Somerset Trading Standards as the single point of contact and liaison with the public and other agencies.

Process for dealing with Horses on Private Land

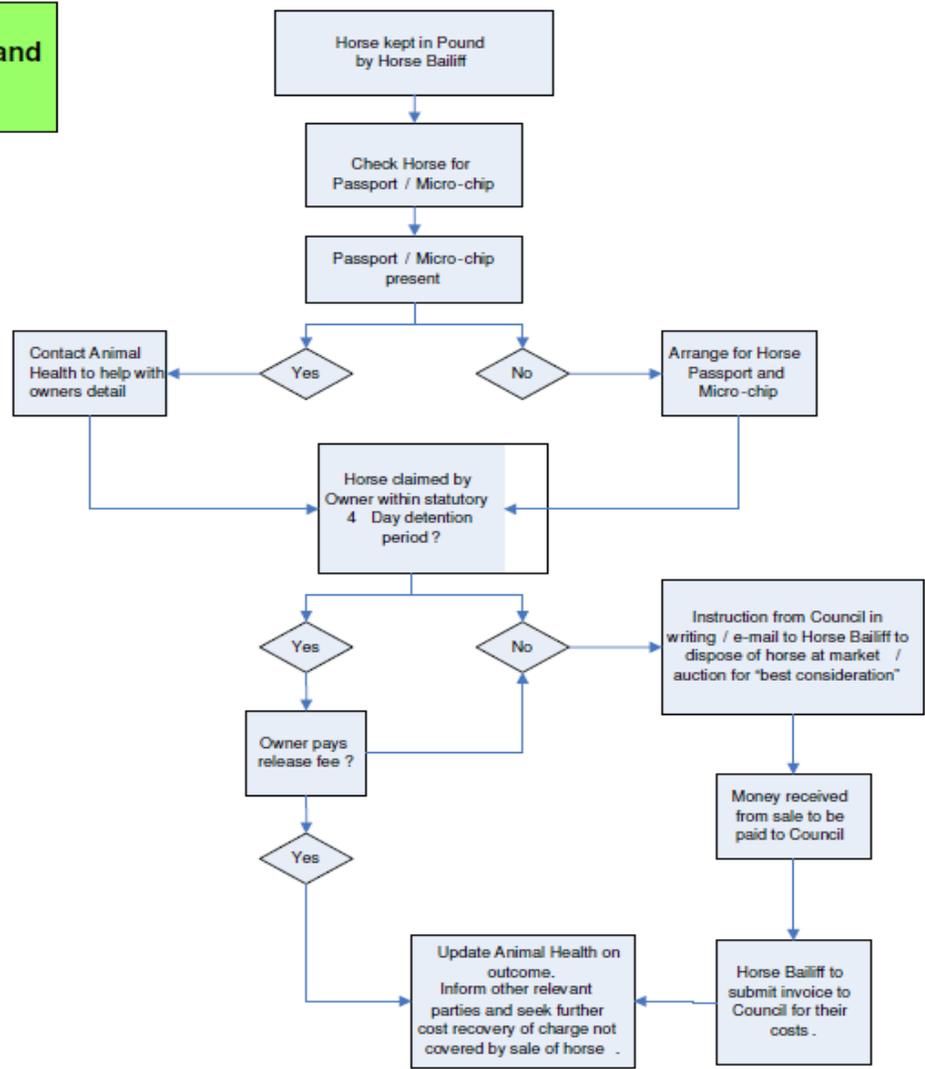


Process for Horse Disposal and Cost Recovery

Refer to the attached flow-chart. The main points of this process are:

- The Highways Act 1980 and the Animals Act 1971, (as amended by the Control of Horses Act 2015) allow reasonable costs to be recovered from the person with responsibility for a horse which strays or is found on highways or private land
- Any Removal Notice placed on land should have a contact telephone number and a reference number, so that any enquiry can be referred back to the person dealing with the case
- The correct legal process must be followed in order for costs to be recovered
- A record of the costs incurred must be maintained in case these are challenged
- Horses can be subsequently sold to help recover the costs incurred
- If the sale of the horse does not cover the costs incurred, any excess cost can be claimed as a civil debt
- If the sale results in an excess amount above that which can be claimed as reasonable costs then the horse owner has a right to claim that excess
- In many, if not the majority of cases the money received from selling a horse will not cover the costs incurred in keeping it up to the point of sale
- It is often the case that it is impossible to locate a horse owner and therefore it is the case that dealing with horses will result in a net deficit to the Council budget
- If a horse is to be sold it must have a passport and be micro-chipped. This should be done at the earliest opportunity to avoid having to keep the horse for longer than is necessary
- If a horse owner phones to reclaim their horse then it will be the responsibility of the officer/department which removed the horse to arrange for its return. All costs incurred in removing, keeping and returning the horse should be paid in advance of the horse being returned (invoicing afterwards should not be done). The horse should be returned to the horse owner at a convenient location and people should **not** be directed to the horse bailiff pound. Police attendance should be requested to help manage the transfer of the horse back to the owner so as to prevent any potential disorder
- Where costs can't be recovered the cost of disposal will fall with the person or Council department responsible for the land.

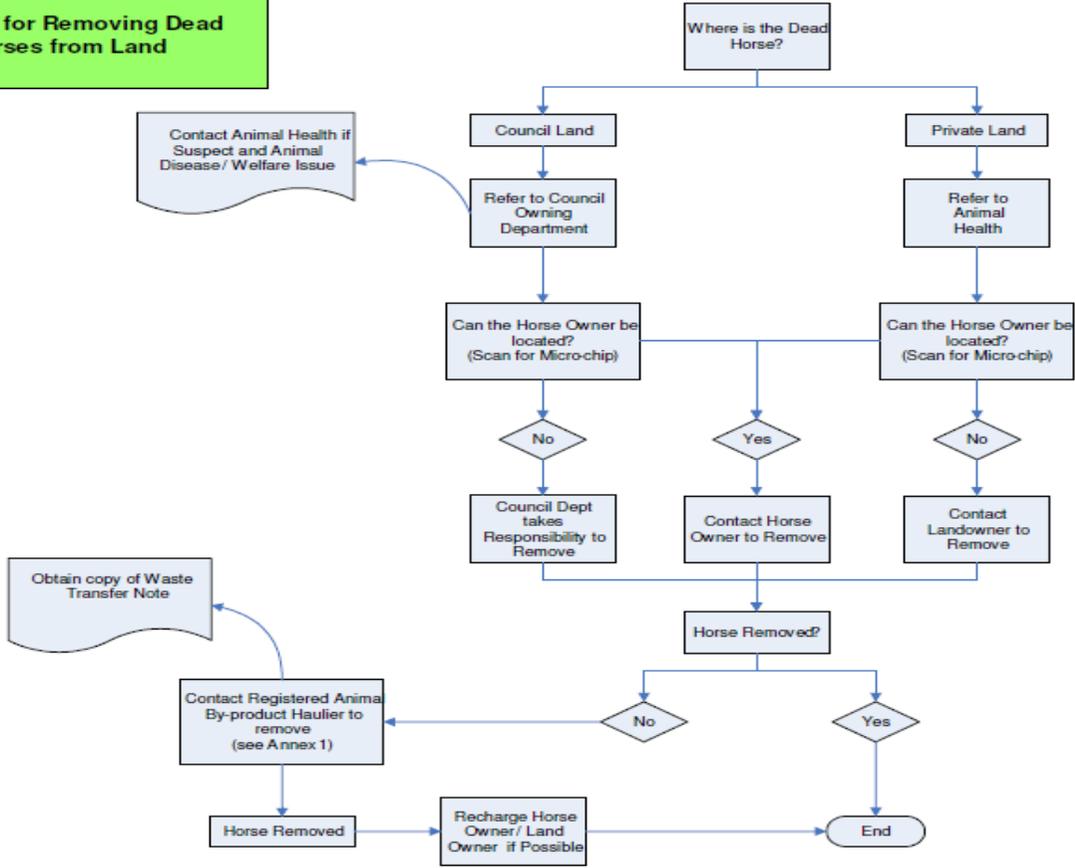
Process for Horse Disposal and Cost Recovery



Process for Removal of Dead Horse/s from Land

- Horses may either be found dead on land or in certain extreme welfare cases may have to be euthanized on site
- Dead animals, including horses, must be disposed of in accordance with the Animal By-products Regulations, which aim to control the spread of animal disease and prevent un-fit meat from entering the human food chain. More information on animal by-products can be found on the DEFRA website: www.animalhealth.defra.gov.uk/managing-disease/animalbyproducts/
- If there is any suspicion of a horse death being attributed to a transmissible disease or animal cruelty/welfare then the Animal Health: Devon and Somerset Trading Standards department should be contacted. In the case of horse deaths this is very unlikely to be an issue, but if in any doubt contact Animal Health for advice, who will liaise with the RSPCA if required
- It is the responsibility of the owner of the horse to ensure proper disposal under the Animal By-products Regulations. Where the horse owner cannot be found then responsibility falls to the landowner
- It is a legal requirement that fallen stock, including dead horses, are removed without undue delay. If it is clear that a horse owner cannot be found then the land owner must take responsibility for removing the dead animal at the earliest opportunity. If the dead horse is to be left unattended and is visible to the public it should be covered with tarpaulin or something similar to avoid distress to passers-by
- Only operators registered to handle, transport and dispose of animal by-products must be used to remove dead horses from land. Customer Services must be contacted to call out a company registered to remove animal by-products from land.
- A waste transfer note should be issued by the company collecting the dead horse. Transfer notes are retained for a minimum of two years by the department responsible for arranging disposal
- Animal Health: Devon and Somerset Trading Standards can take action to require landowners to remove fallen stock, including dead horses, from their land. If they don't do so powers are available to remove the dead animals and to re-charge the landowner.

Process for Removing Dead Horses from Land



Annex 1 – Contact Details

Public Contact Numbers – available 24/7:

- Mendip District Council Contact Centre: 0300 303 8588 (incl. removal of dead horses)
- Police (non-emergency): 101
- RSPCA: 0300 1234 999 (national line)

Agency/Dept.	Name	Telephone	e-mail/website
Police	Avon and Somerset Constabulary	101	www.avonandsomerset.police.uk
Animal Health: Devon & Somerset Trading Standards	General Contact	03454 040506	www.devonsomersettradingstandards.gov.uk
RSPCA	National Incident Line	0300 1234 999	
Council Land Property Ownership / Management			
Neighbourhood Services	Ian Glover (Enforcement)	01749 341532	ian.glover@mendip.gov.uk
Other Agencies / Contacts			
Horse Bailiff*			
Horse Bailiff*			
*Please note no pre-existing contract exists between any horse bailiff and contact details provided are only a point of reference. Arrangements with a horse bailiff to be made on a case by case basis.			
World Horse Welfare	General Enquiries	01953 498682	info@worldhorsewelfare.org
British Horse Society	General Enquiries	02476 840517	
PCSO 7744 Yvonne Mears	Avon and Somerset Constabulary Rural Crime Unit	101	Yvonne.mears@avonandsomerset.police.uk

Annex 2: Legal Notices and Letters – Horses on Council Land

The following templates are available:

Animals Act 1971:

- Removal Notice
- Immediate Removal Notice
- Notice of Detention to Police
- Notice of Detention to Horse Owner

Instructions for Placing Notice on Land:

- Make sure the Notice has the relevant reference number and contact telephone number so that any horse owner knows how to reclaim the horse
- The Notice should be protected from the weather – e.g. laminated
- Place the Notice in a clearly visible location as close as possible to, but out of reach from, the horse
- If there is no suitable place to fix the notice to (e.g. fence, gate or other structure) then a wooden stake should be used
- Photograph the horse/s and the Notice
- Check the Notices remain in place throughout the detention period until the horse has been disposed of.

Removal Notice

Animals Act 1971, as amended
NOTICE OF REMOVAL AND
IMPOUNDING OF ANIMALS
TO THE OWNER / KEEPER OF
ANIMALS

Take notice that these animals are on this land without lawful authority.

Under the rights provided by Section 7 of the Animals Act 1971, as amended, Mendip District Council (“the Council”), hereby give you notice to remove the animals from the land. If the animals are not removed within 24 hours from the date and time of this Notice being served they will be removed from the land by the Council and impounded.

To claim the animal(s) call the Council on Tel No: 0300 303 8588.

Quote Ref: _____

NB: Proof of ownership of the horses will be required before the horses are released

(e.g. horse passport, micro-chip number, proof of identity)

You will be liable to pay for any damage to the land and expenses incurred by the Council in taking this action. The animals will not be released until the amount claimed in damages and expenses has been paid.

The animals will be kept for no less than 4 days from the date of this Notice. If the animals are not claimed they will be sold and proceeds from the sale will be used to pay for any damage to the land and any expenses incurred by the Council. If the proceeds from the sale do not cover these costs you will be liable to pay the difference. Any excess money, after the costs have been deducted, will be kept by the Council and will be payable to you on demand.

Time / Date: _____

Immediate Removal Notice

Animals Act 1971, as amended

**NOTICE OF REMOVAL AND
IMPOUNDING OF ANIMALS**

TO THE OWNER / KEEPER OF ANIMALS

Take notice that animals of the following description:

Description of Animals: _____

Were found to be on this land without lawful authority. The land in question is known as:

Land At:

Under the rights provided by Section 7 of the Animals Act 1971, as amended, Mendip District Council (“the Council”), hereby give you notice that the animals have been removed from the land and are being kept by the Council.

**To claim the animals call the Council on Tel No:
0300 303 8588**

Quote Ref: _____

NB: Proof of ownership of the horses will be required before the horses are released

(e.g. horse passport, micro-chip number, proof of identity)

You will be liable to pay for any damage to the land and expenses incurred by the Council in taking this action. The animals will not be released until the amount claimed in damages and expenses has been paid.

The animals will be kept for no less than 4 days from the date of this Notice. If the animals are not claimed they will be sold and proceeds from the sale will be used to pay for any damage to the land and any expenses incurred by the Council. If the proceeds from the sale do not cover these costs you will be liable to pay the difference. Any excess money, after the costs have been deducted, will be kept by the Council and will be payable to you on demand.

Date / Time: _____

Our Ref:
Your Ref:
Date:
If telephoning please ask for _____
on 0300 303 8588
Name
Address

Dear [salutation]

**NOTIFICATION TO POLICE
ANIMALS ACT 1971, AS AMENDED BY THE CONTROL OF HORSES ACT 2015
NOTICE OF DETENTION & REMOVAL OF HORSES
AT: [LOCATION]**

A Horse/s has/have been found straying on the above area of land which is owned / managed by Mendip District Council. The Council has used the rights provided in the Animals Act 1971, as amended, to remove the horse/s from the land and intends to dispose of it/them if they are not claimed by the owner within the next 4 days.

Section 7 of the Animals Act, as amended, requires that notice be given to the Police when action to detain animals using the Act has been taken. Please accept this as formal notification required by the Act.

Should the horse owner report that their horse has been removed from the land in question please refer them to the relevant Council Department by phoning 0300 303 8588 The reference for the case is _____.

Proof of ownership of the horse/s will be required, for example the horse passport and proof of identity, before the horse/s is/are released. The owner will be liable to pay for any damage to the land and expenses incurred by the Council in taking this action. The horses will not be released until the amount claimed in damages and expenses has been paid.

If the horse/s are not claimed within 4 days they will be sold and proceeds from the sale will be used to pay for any damage to the land and any expenses incurred by the Council.

Please do not hesitate to contact me if you have any queries regarding this matter.
Yours sincerely

Name
Title

Our Ref:
Your Ref:
Date:
If telephoning please ask for _____
on 0300 303 8588

Name
Address

Dear [salutation]

**NOTIFICATION TO HORSE OWNER
ANIMALS ACT 1971, AS AMENDED BY THE CONTROL OF HORSES ACT 2015
NOTICE OF DETENTION & REMOVAL OF HORSES
AT: [LOCATION]**

I have reason to believe that you are the owner of [a horse / horses] which have been found grazing on the above area of land. The land in question is [owned / managed] by Mendip District Council and I must inform you that you do not have permission to keep the horse/s on the land.

Under the Animals Act 1971, as amended, please take this as formal notice that the horses have been removed from the land and are currently being kept by the Council.

To re-claim the horses call the Council on Tel No: 0300 303 8588

Quote Reference: _____

NB: Proof of ownership of the horse/s will be required before being returned.
(e.g. horse passport, micro-chip number, proof of identity)

You will be liable to pay for any damage to the land and expenses incurred by the Council in taking this action. The horses will not be released until the amount claimed in damages and expenses has been paid.

If the horse/s are not claimed within 4 days they will be sold and proceeds from the sale will be used to pay for any damage to the land and any expenses incurred by the Council.

If the proceeds from the sale do not cover these costs you will be liable to pay the difference. Any excess money, after the costs have been deducted, will be kept by the Council and will be payable to you on demand.

I look forward to your co-operation in this matter and if you require any further help or assistance please do not hesitate to contact me.

Yours sincerely

Name
Title

Annex 3: Legal Notices and Letters – Horses on Private Land

The following templates are available:

- Letter to Landowner
- Procedure for Removing Horses from Private Land
- Sample Removal Notice under Animals Act 1971, as amended.

Our Ref:
Your Ref:
Date:
If telephoning please ask for _____
on 0300 303 8588

Name
Address

Dear [salutation]

**HORSES ON PRIVATE LAND
AT: [LOCATION]**

It has come to my attention that horses are present on the above area of land, which my enquiries lead me to believe, is in your ownership. You may be aware of the presence of the horses, but in some cases we have found that landowners are not aware of when horses have been put on their land without permission as a means by others of providing temporary grazing – known as “fly-grazing”. [*As a landowner you will be aware that you can become liable for any damage or nuisance which can arise from the use of the land and therefore I would ask you to ensure that the horses, whether present with your approval or not, are controlled so as not to cause damage or nuisance to others.]

[*Having visited the site I am concerned that there is a risk of the horses escaping from the land, which could cause a risk to highway users or the public. I would ask that you take steps to ensure the horses are properly contained within the land by the provision of adequate boundary fencing / hedging to prevent horses straying from the field.]

** delete as appropriate*

If the horses are present on the land without your permission I would like to draw your attention to the Animals Act 1971 (as amended by the Control of Horses Act 2015), as amended, which provides certain rights to land owners / occupiers to detain animals and sell them if the owner does not claim them after being given notice to do so. The procedure to be followed to remove horses from your land, and a specimen Notice is enclosed.

I look forward to your co-operation in this matter and if you require any further help or assistance please do not hesitate to contact me.

Yours sincerely

Name
Title

Enc: Procedure for Removing under Animals Act 1971, as amended

Procedure for Removing Horses from Private Land under Animals Act 1971, as amended

The Animals Act 1971, as amended, allows owners and occupiers of land to legally detain and remove horses which are trespassing on their land and to claim expenses for any damage caused to their land. However the correct legal process must be followed when doing this. This procedure sets out the key steps to be followed:

1. Try and discuss with the horse owner if possible and request that they remove their horse from your land
2. If the horse owner doesn't remove the horse, or cannot be found, then place a Removal Notice (see attached) in a prominent position near to the horse so that it can be seen by the horse owner. The Notice may need to put in a plastic sleeve or laminated to protect it from adverse weather. The Removal Notice gives fourteen days' notice for the horse owner to remove the horse from your land
3. Contact your local police station and let them know that you have "detained" a horse on your land under the Animals Act 1971, as amended, and you intend to remove it if not claimed within 4 days
4. Carry out a daily check to make sure the Notice is still in place
5. Ensure the horse/s have adequate water and feed (grass or hay) available
6. If the horse is removed after 4 days you can arrange for the horse to be removed and sold at an auction. If you are unable to do this yourself you can contact a specialist Horse Bailiff who will remove and sell the horse for a fee. Details of a local Horse Bailiff can be obtained from Animal Health: Devon and Somerset Trading Standards – Annex 1 for details.
7. You may need to arrange for the horse to have a "horse passport" and be Micro-chipped before it is sold. For further information go to www.defra.gov.uk/wildlifepets/pets/horses/
8. You can use the proceeds from the horse sale to pay for any costs incurred or for any damage to your property, however, there is a risk that the sale may not cover all costs if you need to employ a Horse Bailiff or if a horse passport is required
9. If there is any surplus money after you have taken away costs that you have incurred the horse owner has a right to claim this from you
10. If you have any concerns about the welfare or health of the horse/s then you should contact the RSPCA on 0300 1234 999.

Removal Notice

Animals Act 1971, as amended
NOTICE TO REMOVE HORSES
FROM LAND

TO THE OWNER / KEEPER OF
HORSES

Take notice that this horse is / these horses are on this land without lawful authority.

Under the rights provided by Section 7 of the Animals Act 1971, as amended, I, the owner of this land, hereby give you notice to remove the animals from the land.

To reclaim the horses contact: Tel:

You will be liable to pay for any damage to the land and expenses incurred in taking this action. The horse / horses will not be released until the amount claimed in damages and expenses has been paid.

If the horse is / horses are not removed within 4 days from the date below it / they will be removed from the land and will be sold. The proceeds from the sale will be used to pay for any damage to the land and any expenses incurred.

Time / Date: _____

Annex 4 – Risk Assessment

THIS IS A GENERIC RISK ASSESSMENT FOR DEALING WITH HORSES.
IT MUST BE ALTERED AS IT DOES NOT TAKE ACCOUNT OF ANY INDIVIDUAL'S CIRCUMSTANCES
RISK ASSESSMENTS MUST ALWAYS BE SIGNED AND DATED AND REVIEWED ANNUALLY.

What are the hazards?	Who might be harmed and how?	What are you already doing?	What further action is necessary?	Action by who?	Action by when?	Date Completed
<p>1. Approaching Horses</p>	<p>Employee/ Animal</p>	<p>Approach horse from side in calm and confident manner (allowing horse to see you). Avoid contact with tether and be aware of its location (trip hazard)</p> <p>Be aware of any signs of aggression:</p> <ol style="list-style-type: none"> 1. Ears flat to head 2. Aggressive stance (sudden movements in your direction) <p>Familiarise yourself with surrounds to ensure safe retreat, should the horse bolt or portray 'flighty' behaviour.</p> <p>Do not approach the animal from the rear. Note: Mare may be more aggressive if protecting foal.</p> <p>Ensure appropriate footwear and clothing is worn as per instructions.</p> <p>Carry issued mobile phone and Lone Worker Alarm and ensure both are fully charged. If an accident occurs contact your line manager / supervisor immediately, fill in accident form, and seek medical attention as necessary.</p> <p>Contact emergency services if required.</p> <p><i>IF IN ANY DOUBT AS TO THE ANIMAL'S BEHAVIOUR, RETREAT TO A SAFE DISTANCE AND CARRY OUT A DYNAMIC RISK ASSESSMENT (CALL THE ASSISTANCE OF A COLLEAGUE IF REQUIRED).</i></p>				

<p>2.Scanning Horses</p>	<p>Employee/ Animal</p>	<p>AS PER SECTION 1</p> <p>Location of chip can be found on the right hand side of the animal (if looking directly at it), otherwise known as the 'Crest' of the horse (upper neck)</p> <p>Scan the horse in a sweeping motion in the upper part of the neck (along mane) to locate chip</p> <p>Use scanner as per instructions</p> <p>Note: Both sides should be scanned to ensure micro-chip is located.</p> <p>Note: Any sudden noises may spook the horse</p> <p>Note: Any horse should be scanned with the assistance of a colleague (when possible)</p> <p><i>IF IN ANY DOUBT AS TO THE ANIMAL'S BEHAVIOUR, RETREAT TO A SAFE DISTANCE AND CARRY OUT A DYNAMIC RISK ASSESSMENT (CALL THE ASSISTANCE OF A COLLEAGUE IF REQUIRED).</i></p>				
<p>3. Applying head gear (with a view of leading)</p>	<p>Employee/ Animal</p>	<p>AS PER SECTION 1</p> <p>Place headgear on the horse in a calm and reassuring manner, ensuring any fastenings are properly secured</p> <p>Note: This process can be stressful for the horse, especially if the horse has had the headgear applied before.</p> <p>If the horse becomes agitated, place lead rope around the neck to ensure some control of the animal.</p> <p><i>IF IN ANY DOUBT AS TO THE ANIMAL'S BEHAVIOUR, RETREAT TO A SAFE DISTANCE AND CARRY OUT A DYNAMIC RISK ASSESSMENT (CALL THE ASSISTANCE OF A COLLEAGUE IF REQUIRED).</i></p> <p>Note: Whilst leading try to remain on the left side of the horse.</p>				

<p>4. Contact with violent aggressive/ Abusive people</p>	<p>Employee/ Public</p>	<p>Try to calm the situation down, carry out a dynamic risk assessment and withdraw from the situation and return to your vehicle if necessary.</p> <p>If you are in your vehicle only exit if safe to do so. Whilst in vehicle keep the engine running and be prepared to leave the location. In addition, park your vehicle facing the exit of the street/ premise.</p> <p>Be aware that they could be carrying weapons. Observe and report Only.</p> <p>If required to do so leave the location in your vehicle.</p> <p>If in any doubt, do not put yourself in danger.</p> <p>Call for assistance from a colleague or Avon and Somerset police as you consider appropriate.</p> <p>If you have to call for assistance keep an open phone line until assistance arrives or the situation ends whichever occurs first.</p> <p>Carry your mobile phone and Lone Worker Alarm at all times whilst carrying out your duties and fully charged.</p> <p>Be aware of your surroundings.</p> <p>Treat all members of the public with respect and do not escalate the situation.</p>				
<p>5. Slips, trips and falls</p>	<p>Employee</p>	<p>Ensure correct footwear is worn.</p> <p>Carry issued mobile phone and Lone Worker Alarm whilst patrolling or on exiting your vehicle and ensure it is fully charged.</p> <p>If an accident occurs on site contact your line manager/ supervisor immediately, fill in accident report form, and seek medical attention as necessary. Contact emergency services if required.</p> <p>Be aware of your surroundings.</p>				

Annex 5

References and Further Information

- Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids, DEFRA (2009).
- Equine Industry Welfare Guidelines Compendium for Horses, ponies and Donkeys (3rd Edition), National Equine Welfare Council (2009).
- Guide to Grassland Management for Horse and Pony Owners, British Horse Society (2000)

Web-sites

- DEFRA - www.defra.gov.uk
- British Horse Society - www.bhs.org.uk
- RSPCA - www.rspca.org.uk
- World Horse Welfare - www.worldhorsewelfare.org
- National Equine Welfare Council – www.newc.co.uk
- Horse Trust - www.horsetrust.org.uk
- National Office of Animal Health – www.noah.co.uk