

## Fly-Grazing

### What is in this for local councils?

Local councils will wish to be aware that the Control of Horses Act 2015 is now in force.

The Act aims to clamp down on people who illegally abandon horses. It introduces changes to the law to deter people from illegally grazing or simply abandoning horses on public and private land, which is known as 'fly-grazing'. This affects many areas across the country. In the region of 3000 horses are estimated to be illegally fly-grazed. It is thought that horse welfare issues are on the increase generally owing to overbreeding and higher costs for caring for horses. The new law mean horse owners who fly-graze their animals without permission can now be dealt with more quickly and effectively.

Previously an abandoned horse could only be disposed of after 14 days through sale at market or public auction. The new Act means fly-grazing horses have to be reported to police within 24 hours, and owners now have only four days to claim their animals. It extends the options for dealing with abandoned horses, which now include private sale, gifting and rehoming which should mean they can be dealt with more quickly which is more efficient, cheaper for landowners and local authorities and kinder to the horses.

**Relevant date:** Came into force 26 May 2015

**References to local councils:** 0

**Pages:** 6

### Detail

Under the Animals Act 1971 an abandoned horse could only be disposed of after 14 days through sale at market or public auction. The Control of Horses Act 2015 amends this Act.

Under the new law, a principal local authority will be able to detain a horse which is in a public place if they believe the horse is there without lawful authority and, where there is someone who occupies the land either they consent to the detention or they have reasonable ground to believe that the occupier would consent to the detention. Additionally, occupiers and freeholders of land are able to detain horses which are on their land without lawful authority.

Local councils will be pleased that 'public place' includes land in which they may have an interest: 'any common land or town or village green' as well as significant land from a safety point of view: 'any highway (and the verges of any highway)'.

Detention of any horse must be reported to the Police within 24 hours and, if known, to the person to whom the horse belongs. Failure to do so, ends the right of detention. The owner can claim their horse but only within 96 hours of its detention (as opposed to the previous period of 14 days), after which the horses can be disposed of.

A man whose horses wandered on to a main road on Christmas Eve, causing the death of a driver when four vehicles ploughed into them, has been jailed.

Five horses owned by Stacy Humphrys, from Ipswich, got on to the A14 at Sproughton in Suffolk in December 2012.

Three horses were killed and Thomas Allen, 23, of Soham, Cambridgeshire, died of his injuries on Christmas Day.

Humphrys, 27, admitted causing a public nuisance and was jailed for two years and four months at Ipswich Crown Court.

The crash happened at about 22:00 GMT and Humphrys, of West Meadows, Ipswich, arrived at the scene shortly afterwards and said he owned the horses.

#### Huntley victim's cousin

The court was told Humphrys had failed to ensure that his horses were kept secure over a prolonged period.

He had allowed them to graze and wander on land in the Sproughton area and, as a result, they were not prevented from getting on to the A14.



BBC News 14 March 2014  
<http://www.bbc.co.uk/news/uk-england-26568266>

The horse ownership passes to the person detaining the horse and they may dispose of it 'by selling it, arranging for it to be destroyed or in any other way'.

Where the horse is sold and profit is made (once costs of the sale process and any expenses incurred in detention and reparation of any damage caused have been deducted) the former owner may recover that excess.

It should also be noted that any person detaining a horse is liable for any damage caused to it through failure to treat it with reasonable care and failure to adequately feed and water it. There are also obligations outside of this Act for persons with responsibility for an animal to take reasonable steps to ensure its welfare needs are met.

#### References

The Control of Horses Act 2015 can be found at <http://www.legislation.gov.uk/ukpga/2015/23/contents/enacted>

The Animals Act 1971 can be found at <http://www.legislation.gov.uk/ukpga/1971/22>