

Advice for private landowners when dealing with illegally grazed horses

The following information is provided as advice to the occupiers and owners of private land that is being used to illegally graze horses.

Legal powers

The clearest powers to deal with trespassing livestock are contained in Section 7 of the Animals Act 1971 as amended by the Control of Horses Act 2015. Combined together, these Acts allow the occupier, or owner of any land, to detain any horse that is on the land without lawful authority.

Conditions of detention

When exercising their right to detain the horse, the occupier has 24 hours to give notice to:

- the officer in charge of a police station (ensure you request an incident number as proof that you have reported the seizure); and
- to the owner of the horse if that person is known.

The right to detain the horses ceases if:

- the owner claims it within 96 hours; and
- in claiming it, the owner pays any costs incurred as a result of the horse being on the land and / or being detained.

Please be aware that, by law, the person detaining the horse has a responsibility to ensure the welfare needs of the animal are met. This includes providing it with water, food and any necessary veterinary care. Any costs incurred in doing this can be recouped from the owner if the horse is claimed or from the proceeds of any subsequent sale of the animal. Detailed, dated records should be kept for this purpose.

There are several companies who offer an impounding service to occupiers / land owners. These can be found via a simple internet search. If you find a potential provider of such a service but are concerned about their integrity, please contact our Fair Trading Team, within the Environment, Health & Consumer Protection service on 03000 261016 as they may be able to provide advice and guidance on how to approach the matter.

Abandonment notices

Although not required by law, it is advisable to display impoundment notices whenever a horse is seized. Templates can be downloaded at www.redwings.org.uk/welfare-horse-care-advice-abandonment.php

Several abandonment notices should be printed off, completed in full (add the incident number to the top of the notice and ideally the name and collar number of your local beat officer) and be displayed in the areas where the horse is seized from. If the identity of the owner is known, then a copy of the abandonment notice should be delivered to their home address.

Disposal

Where a horse has been detained for a minimum of 96 hours and is not claimed by its owner, its ownership passes to the person detaining it and that person may keep it or dispose of it in any way they choose (i.e. by sale, rehoming or humane destruction). If the horse is sold, the amount received from its sale less any costs incurred can be recovered by the original owner of the horse if they subsequently come forward.

Dealing with intimidation and threats of violence

The Police and Durham County Council are working together to identify those using threats of violence and intimidation in order to illegally graze horses on private land.

If you have been threatened please contact the police on 101 (999 in an emergency) or ring crime stoppers on 0800 555 111. Your call will be dealt with in the strictest confidence and can be anonymous. If you are unable to identify the individual responsible a physical description, nickname, accent or vehicle details can all help the police to identify the offender.

Important advisory warning

If you knowingly let the animals out on to a highway you will be prosecuted by the police. You will also be at risk of civil prosecution if injury or damage occurs as a result of your actions. Seek independent legal advice if you are in any doubt about your situation in respect of dealing with matters of this nature.

Additional information

If a horse is showing any signs of illness, injury or disease, make sure the RSPCA are informed (telephone: 0300 1234 999). RSPCA inspectors may already have relevant information.

The British Horse Society regional office can also be contacted on 01388 603960.