

## Horses – Fly Grazing / Trespassing

### Your rights as a land owner

Under the Animals Act 1971 as amended by the Control of Horses Act 2015, you have certain rights to detain any horses that are on any land in England without lawful authority.

If horses have strayed onto your land, the easiest option is to locate the owner of the horse(s) and ask them to collect them.

Information on who owns horses can often be obtained from local stable yards, farms, equestrian suppliers, etc.

The law and the rights conferred on you as a land-owner and/or occupier are quoted overleaf, but your rights can be summarised as follows:-



#### Where a horse is on any land in England without authority

- The occupier of the land, or the freeholder (if not the occupant) with the occupier's consent may detain the horse
- Within 24 hours of detaining the horse you **must** give notice of the detention to the officer in charge of a police station and the horse's owner if known
- Place notices in the area where the horse was found (form attached)
- You should arrange for the equine to be checked for a microchip, if a microchip is found Trading Standards can assist in trying to trace the registered keeper
- If within 96 hours (4 working days (Mon – Fri)) beginning when the horse was first detained the owner comes forward the right to detain ceases, subject to the satisfactory tender of reasonable expenses for keep and/or damages (Section 4A)
- If after 96 hours (4 days) the horse has not been claimed, the ownership of the horse passes to the person detaining the horse, they may then dispose of it, this may include by arranging for it to be euthanased.
- If the horse is sold and there is a profit after the deduction of costs of keep, sale and damages, the owner if they come forward may recover this from the person who detained the horse.
- If you detain a horse you are responsible for its welfare whilst detaining it

**If you are looking to detain livestock and/or claim the cost of any damage, we would always advise that you seek legal advice first.**

*For further information on the law, please see overleaf*

## **The Animals Act 1971 as amended by The Control of Horses Act 2015**

### **7B Powers of freeholders and occupiers in England to detain horses**

- (1) This section applies where a horse is on any land in England without lawful authority.
- (2) The horse may be detained—
  - (a) in any case, by the occupier of the land, and
  - (b) if the freeholder is not the occupier, by the freeholder with the occupier's consent.
- (3) Section 7C contains further provision about detention under this section.

### **7C Detention of horses under sections 7A and 7B**

- (1) This section applies where a horse is detained under section 7A or 7B.
- (2) The right to detain the horse ceases at the end of the period of 24 hours beginning with the time when it is first detained unless, within that period, the person detaining the horse gives notice of the detention to—
  - (a) the officer in charge of a police station, and
  - (b) if the person detaining the horse knows to whom the horse belongs, that person.
- (3) Where notice is given under subsection (2), the right to detain the horse ceases if, within the period of 96 hours beginning with the time when it is first detained, the person entitled to possession of the horse—
  - (a) claims it, and
  - (b) complies with the condition in subsection (4).
- (4) The condition is that the person tenders to each person with a claim under section 4A in respect of the horse such amount as is sufficient to satisfy the claim.
- (5) If by the end of the 96 hour period referred to in subsection (3) the right to detain the horse has not ceased under this section—
  - (a) ownership of the horse passes to the person detaining the horse, and
  - (b) accordingly, the person detaining the horse may dispose of it by selling it, arranging for it to be destroyed or in any other way.
- (6) Where a horse is sold under this section and the proceeds of sale, less the costs of the sale and any costs incurred in connection with it, exceed the amount of any claims under section 4A in respect of the horse, the excess is recoverable from the person detaining the horse by the person who would have been entitled to possession of the horse but for this section.
- (7) A person detaining a horse under this section is liable for any damage caused to it by a failure to treat it with reasonable care and supply it with adequate food and water while it is so detained.
- (8) References in this section to a claim under section 4A in respect of any horse do not include a claim under that section for damage done by or expenses incurred in respect of the horse before it was on the land without lawful authority.
- (9) In calculating a period of 96 hours for the purposes of this section, disregard any time falling on—
  - (a) a Saturday or Sunday,
  - (b) Good Friday or Christmas Day, or
  - (c) a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.

### **4A Liability for damage and expenses due to horses on land in England without lawful authority**

- (1) This section applies where a horse is on any land in England without lawful authority.
- (2) The person to whom the horse belongs is liable for—
  - (a) any damage done by the horse to—
    - (i) the land, or
    - (ii) any property on it which is in the ownership or possession of the freeholder or occupier of the land, and
  - (b) any expenses which are reasonably incurred by a person detaining the horse under section 7A or 7B of this Act—
    - (i) 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 of this Act, or
    - (ii) in ascertaining to whom it belongs.

This is subject to the other provisions of this Act.
- (3) For the purposes of this section a horse belongs to the person in whose possession it is.

**Further details can be obtained on the Office of Public Information website at**

**<http://www.legislation.gov.uk/ukpga/1971/22>**

**ANIMALS ACT 1971**  
**(as amended by The Control of Horses Act 2015)**

**TAKE NOTICE**

**The following horse(s) have been detained under Section 7A  
of the above Act**

**Description of horse(s):**.....  
.....  
.....

**Found at the following address / location:**.....  
.....  
.....

**This notice hereby gives 4 days (96 hours) for the above described horse(s) to be claimed by the owner. After this time period if no information is forthcoming, in relation to the provisions under Section 7C of the Animals Act 1971, the horse(s) will be disposed of by being re-homed, sold or humanely destroyed.**

**If you are the legal owner, or have information regarding the ownership of the animal(s) please contact**

.....

**Signed:**.....**Dated:**.....

**Name (in block capitals):**.....

**4 Day notice Period Starts:**.....

**4 Day Notice Period Ends:**.....