

Rebecca Evans AC / AM
Y Dirprwy Weinidog Ffermio a Bwyd
Deputy Minister for Farming and Food



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-629
Ein cyf/Our ref RE/00314/15

William Powell AM
Chair Petitions Committee
Ty Hywel
Cardiff Bay
Cardiff
CF99 1NA

19 May 2015

Dear Wilham,

Thank you for your letter of 12 March about the petition submitted by Lynne Tamblyn seeking a review and greater enforcement of the Control of Horses (Wales) Act 2014.

The Control of Horses (Wales) Act 2014 was introduced in response to calls for urgent action by local authorities, equine charities and the Police to tackle the issue of fly grazing, abandonment and straying. The Act gives local authorities in Wales more effective legal powers to tackle the problems of fly grazing. It is one of a number of tools available to local authorities wishing to address fly grazing issues but should not be regarded as a panacea. In the event of action being necessary to resolve welfare cases local authorities have the Animal Welfare Act 2006 at their disposal.

All horses in Wales are required to have a passport and since 1 July 2009 all horses issued with a passport are required to have a microchip implanted as part of the passport application process. The exceptions to this rule are those ponies managed by the Hill Pony Improvement Society of Wales and the Cymdeithas Merlod y Carneddau. Both organisations have a derogation in place that allows specific populations of ponies to remain on their designated areas without a passport and microchip until such time as they are moved from these areas. Only those ponies belonging to members of these two organisations are able to work under the terms of the derogation and the organisations are required to submit detailed management plans to the Welsh Government in respect of the ponies grazing on these areas. All other horses and ponies, including those grazing on common land outside the terms of the derogation, must be identified by a passport which after 1 July 2009 is linked to the animal through a microchip.

The European Commission requires the unique identification of equines, with micro-chipping providing the necessary guarantees, the requirements of which are set out in the Equine Identification (Wales) Regulations 2009. In addition to micro-chipping, owners may also choose to additionally identify their horses by other means including freeze branding. Those that choose to own an animal have a duty of care to look after it and that includes those who have rights to graze stock on common land. In addition Commoners Associations who manage the day to day running of individual commons have responsibilities and may well include within the rules of their Association those practices that benefit the identification and management of commoner's ponies.

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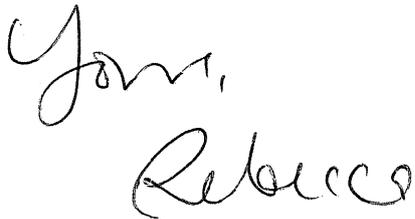
Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

The Commons Act 1908 provides the powers for the removal of scrub stallions. This legislation is still in force and may be used for the purposes of the removal of unlicensed / illegally grazed stallions from common land.

Many of the equine welfare charities have worked alongside the local authorities (using the Animal Welfare Act 2006) to assist in removing those animals with serious welfare issues - the Animal Welfare Act being the appropriate legislation for resolving welfare issues. In addition local authorities have powers under the Animals Act 1971 and the Control of Horses (Wales) Act 2014 to deal with those animals found straying, dumped, abandoned or fly grazing.

Local authorities and the welfare charities have done their utmost to re-home many of the horses seized however the charities are now at saturation point and only have room for a limited number of the worst welfare cases. It would be unlikely that enough foster homes could be found and even if they could be found many of the animals seized are not only semi-feral but also have health and welfare issues that need considerable time, commitment and expertise, something that may well be beyond the average horse owner. Humane destruction is very much the power of last resort and for those local authorities that have seized horses under the Control of Horses (Wales) Act 2014 every effort has been made to either return them to their owners or rehome them through recognised welfare charities.

Local authorities have a duty to follow procedures laid down in legislation and where members of the public are of the view that this duty has not been met may refer the matter to the complaints department at the relevant local authority or the Public Services Ombudsmen.

A handwritten signature in black ink, appearing to read 'Rebecca', written in a cursive style.

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