



Written Evidence: The Control of Horses (Wales) Act 2014.

Submitted by: Mr Philip York, on behalf of The British Horse Society.

### Introduction

The British Horse Society represents the interests of the 3.5 million people in the UK who ride or who drive horse-drawn vehicles. We represent over 82,000 core BHS members, 34,000 members of affiliated Riding Clubs and the members of Affiliated Bridleways Associations.

As the foremost and most influential equestrian charity in the UK we work tirelessly within our four charitable objectives of education, welfare, access and safety.

Following an unprecedented increase in the numbers of horses being fly grazed and abandoned across Wales, the introduction in January 2014 of The Control of Horses (Wales) Act was widely welcomed by all stakeholders from within and outside of the equestrian industry.

Welfare charities and Local Authorities in Wales were stretched to capacity trying to deal with the welfare problems that occurred as a direct result of fly grazing and abandonment. Public safety was also a huge concern where horses were found to be roaming public highways and other areas of public space.

With its own network of welfare officers across Wales, the British Horses Society worked relentlessly trying to cope with the increased demand for advice and assistance from those directly affected by fly grazing. We were called upon to offer advice to many of those affected in Wales, particularly landowners who had become exasperated by the lack of any tangible assistance available to help them with fly grazing and abandonment.

Our trained and highly experienced welfare officers are well used to dealing with a variety of welfare issues. However some 5 years ago it was becoming increasingly apparent that the scale of fly grazing and abandonment of horses was reaching an alarming level.

The general economic downturn across the UK is also having an adverse effect upon equine welfare. We believe that this, amongst other factors, has played its part in the deteriorating situation that we have witnessed over the last 3 years.



This led the equine welfare industry to release a joint report on the equine crisis in the UK. It was used to both highlight the equine welfare industry's concerns and to lobby MPs in Westminster for the introduction of new legislation.

Whilst we broadly welcomed the recent introduction of new legislation in Wales, we do believe that more could and should be done to further assist those directly affected by fly grazing and the abandonment of horses in Wales as well as those tackling these issues.

A Memorandum of Understanding between those stakeholders who work together to address horse related issues should be considered. It should set out what each party expects from the other and should cover every aspect of the relationship when working together.

#### Impact

Undoubtedly the Control of Horses (Wales) Act has been beneficial in addressing fly grazing and abandonment in certain circumstances. There has been a genuine reduction in reported cases of large scale fly grazing. That is to say, that which was being perpetrated by a few individuals in South Wales has declined.

However reports from areas in the South of England indicate that fly grazing and abandonment are increasing. This may suggest that the Control of Horses (Wales) Act has caused perpetrators to move their activities away from Wales to England where there currently is no similar legislation.

The impact of over breeding should be considered as a large contributing factor in both fly grazing and the abandonment of horses. The over breeding of low value horses and ponies is continuing to have an adverse affect upon horse welfare generally and may also be considered a contributing factor in the market value of leisure horses being extremely low.

On areas of common land we are still witnessing acute over population problems. Abandonment is commonplace as is uncontrolled breeding. Aside from the immediate welfare issues this raises, the environmental impact of over population is considerable.

It would be fair to say that over population, especially on common land in Wales, has always been problematic. Prior to the economic downturn the slaughter trade in low value equidae was one avenue of disposal. Whilst horses were not slaughtered in any great number, it was nevertheless the route for some and did have a slight impact upon numbers.

The introduction of equine identification legislation and the economic downturn affecting carcass prices has greatly discouraged owners from using slaughter as a means of disposal.



### A Collaborative Approach

Since January 2014 large numbers of horses have been seized utilising the Control of Horses (Wales) Act. Encouragingly we have seen a more collaborative approach between Local Authorities, the police and equine charities. Without such collaboration undoubtedly far less would have been achieved in terms of tackling fly grazing, abandonment and associated issues.

Individual charities will have a differing approach towards how to tackle the various issues and problems encountered with equine welfare in Wales. Each may also have a differing specialism and skill set. They most certainly are constrained by financial resource which inevitably determines whether they are able to re home a small or larger number of seized and abandoned horses.

Many have policies which do not allow them to become directly involved with the euthanasia of healthy horses. Where euthanasia will possibly be an outcome, they may not be able to offer their assistance with capture and transportation.

Likewise individual Local Authorities in Wales have a differing approach towards the Control of Horses (Wales) Act and its interpretation. Those greatly affected by fly grazing and abandonment may take a zero tolerance approach whilst other authorities not blighted by these issues may not place great importance upon the use of the Act.

Nevertheless, a collaborative approach when confronting fly grazing and abandonment issues will undoubtedly be far more beneficial to all stakeholders.

We have already seen good examples of Local Authorities and equine welfare charities working together to achieve their own objectives. The training of Local Authority Officers in horses handling, identification and other equine welfare related topics has already taken place. Further training initiatives will be beneficial and help foster relationships and collaborative working.



### The use of legislation

Last year the Control of Horses (Wales) Act was used by Local Authority Officers on Manmole common Blaina Gwent, to clear the common of all illegally grazing ponies. In previous years, before the new legislation, this particular common had suffered from over population as a result of abandoned ponies. Charities worked hard alongside Local Authority officers to remove suffering animals utilising the Animal Welfare Act 2006. Over 50 ponies were seized in the winter of 2012/2013. Many more died from starvation and disease.

Had financial assistance from Welsh Government not been forthcoming, it is doubtful whether this operation could have been staged. However using a collaborative approach, some 40 ponies were successfully gathered and re homed to charities.

Currently however, most equine welfare charities are at, or close to, maximum capacity. It is highly doubtful whether further places could be found for other large groups of horses.

In the Swansea area and the Gower Peninsula, fly grazing and abandonment has been particularly prevalent. On the Loughor Estuary large numbers of horses have been expected to live in a wholly unsuitable environment causing suffering and fatalities. It is encouraging therefore to learn that Swansea Council are working hard to address this problem using the Control of Horses (Wales) Act.

Similar operations which involve the seizing of animals, whether under the Control of Horses (Wales) Act or the Animal Welfare Act 2006, can only take place if the necessary funding is forthcoming. These are expensive operations to carry out. Furthermore other animal disposal options may have to be considered if animal charities can longer offer places for seized animals.

Generally most commoners associations would be willing to co operate with Local Authorities to address fly grazing and abandonment. However there is some reluctance from them to make any financial commitments towards addressing these issues. The British Horse Society would certainly wish to see more commoners associations taking ownership of the existing problems and working with other stakeholders to find solutions.



### Derogation and Identification

In 2009 the Equine Identification (Wales) Regulations came into force. This requires all equidae to have either a horse passport or, if born after 1 July 2009, be inserted with a microchip and registered with a passport issuing organisation.

In certain areas a derogation exists which allows for pre defined populations of semi feral ponies to remain on designated areas without either a passport or microchip. Certain rules apply when moving animals to either a slaughter house or to an area not covered by a derogation.

The special sales organised to dispose of ponies from areas of derogation were, for a variety of reasons, not successful and few ponies were sold.

Whilst the sentiments around the reasoning for derogation may have some merit, in practice it has hindered and not helped to identify abandoned horses on common land. It has not assisted with the identification of owners when welfare problems arise and an owner needs to be found. Nor have the overpopulation problems found on some areas of derogation improved.

The problems are exacerbated when commons associations and pony improvement societies are not fulfilling their obligations under the guarantees required to assure the European Commission that the requirements of the regulation, in respect of identification and traceability can be met.

The British Horse Society believes that a review of derogation is required to determine whether they should be continued, extended or removed.

### Statutory Enforcement

Whilst we have seen the successful use of the Control of Horses (Wales) Act by some Local Authorities, it can be frustrating when legislation exists for the purpose of dealing with fly grazed and abandoned horses, yet a Local Authority can opt out of using it.

The 11 councils that have taken enforcement action using the Act have given a steer towards overcoming the current equine crisis in Wales. It is hoped that the remaining 11 will take encouragement from this and recognise how hugely beneficial the Act can be when confronted with equine related issues.

The British Horse Society recognises the resource constraints that many Local Authorities in Wales operate under. Yet we also believe that consideration should be given towards the Control of Horses (Wales) Act becoming a statutory requirement.

