



Fly Grazing and Abandoned Horses

Fly Grazing is a term used to describe the act of an irresponsible owner who purposely or neglectfully grazes equines on land without the land owners consent.

Abandonment is the term used when a horse is deliberately left somewhere by an owner either permanently or for a sufficient amount of time to risk unnecessary suffering.

Section 9 Animal Welfare Act 2006 sets out that a person who is responsible for the animal, commits an offence if they do not provide for the needs of an animal as required by good practice.

In England, the Animals Act 1971 was amended to include the **Control of Horses Act 2015 (COHA)**, providing landowners with additional rights to deal with horses unlawfully grazing on their land. COHA should be viewed in conjunction with the Animals Act 1971. COHA allows private land owners and local authorities to act quickly regarding illegally grazed or abandoned equines.

The need for this legislation is increasing:

- Horses may present a risk to public safety, especially if left on public or private land.
- The cost of dealing with unlawfully grazed horses can be substantial, often running into many thousands of pounds.
- Horses that are not properly cared for can quickly become a welfare concern.
- Cases of neglected and starving horses are often due to abandonment.

So what happens if a land owner finds horses on their land?

In England, the horse(s) can be detained on the land or detained and removed by an equine bailiff company.

Within the first 24-hour period, the land owner must then:

- Inform the police that they believe horses are illegally grazing on their land and that they have detained them under the COHA and they will receive a crime number

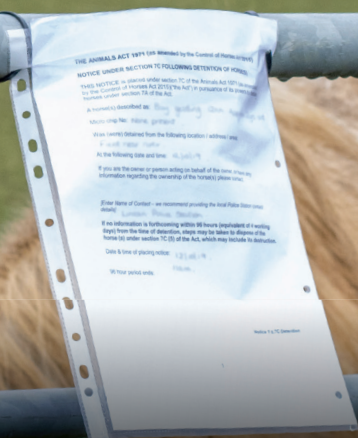
– informing the police is a legal requirement.

- Display a notice (Notice 1 s.7C Detention) on the field gate where the horse is being fly-grazed or in a prominent position near the horse if tethered.
- Notices should include the time and date, and some contact details, but we recommend private landowners need agreement from the police before adding their contact details or should employ the services of a reputable Bailiff company.
- It is useful to take photographic evidence of the notice displayed to prove that it has been served if removed or destroyed.

If you require any advice, please do not hesitate to contact us to support you through this process.



An example of an abandonment notice displayed at a field.



Land owners must continue to detain the horse(s) for four working days (96 hours; not including weekends or bank holidays) unless the owner claims the horse before this time.

The land owner must remember to cover the basic welfare for the horse(s) needs during this time. Offer constant fresh water and forage if required.

What if someone comes forward to claim ownership of the horse(s)?

They have to come forward within the 96 hours or four working days:

- They should produce a valid passport, registered in their name for the horse.
- They should produce the horse's microchip number matching the passport and that registered on the Equine Database. Bransby Horses can support with this.
- The land owner does not have to release the horse(s) until the owner has reimbursed you for any damage caused by the horse to your property and any expenses reasonably incurred in keeping the horse while ascertaining who owns it.

What if nobody comes forward for the horse(s)?

If the owner does not claim their horse within the detention period, ownership passes to the person detaining the horse.

The land owner is now responsible for the horse, which can include the right to sell or rehome them, sign their care over to an equine charity or arranging for a horse to be humanely destroyed (there are costs involved).

Land owners should remember the importance of recording all your actions so that they can prove that they have acted within the law.

Straying on roads

Many abandoned or stray animals are found wandering on roads. Any animal found on a roadway should be reported to the police.

If you feel there is an immediate danger to road users, call 999, otherwise call the non-emergency line, 101.

Local Authorities also have the power to detain horses under the Animals Act 1971.

Support from Bransby Horses

If you require any advice, please do not hesitate to contact us to support you through this process.

You can contact us by phone (01427 787369 – open Monday to Friday, 8.30am-4.30pm), email welfare@bransbyhorses.co.uk or online at BransbyHorses.co.uk/welfare

In an emergency situation out of normal office hours please contact the RSPCA on 0300 1234 999.

For further information regarding the Control of Horses Act 2015, visit: <https://www.bhs.org.uk/horse-care-and-welfare/health-care-management/abandoned-horses-and-fly-grazing/e>.