



Control of Horses (Wales) Bill

General Principles Debate

RSPCA CYMRU BRIEFING

On October 22nd, a debate on the General Principles of the Control of Horses (Wales) Bill takes place in the National Assembly for Wales. RSPCA Cymru welcomes the Welsh Government's decision to legislate on the issue of fly-grazing, which can have significant consequences for animal welfare and community safety.

KEY POINTS:

- Legislation is urgently needed to tackle the problem of fly-grazing in Wales. The RSPCA organised a summit, with the Welsh Government, in September 2012 which highlighted the need for urgent legislation, so we welcome this much-needed action.
- Though not a panacea to all of the equine problems which exist in Wales, the Bill is a positive step which will enable local authorities to better deal with fly-grazing and abandonment of equines.
- The legislation proposes to equip local authorities with powers to seize, impound and make arrangements for equines fly-grazing or abandoned on land without permission. It standardises existing local Acts. Consistent, appropriate enforcement is key so problems are not displaced to particular areas.
- Fly-grazing, though not itself a direct welfare problem, is commonly associated with irresponsible ownership, which can subsequently cause a number of welfare problems which the RSPCA deals with on a daily basis. Further to this Bill, the Welsh Government is able to implement many policies which could tackle the series of problems associated with equine welfare.
- RSPCA Cymru encourages Assembly Members to show support for the General Principles of this important legislation. We look forward to working closely with all AMs as this Bill is taken forward.

What does the Bill do?

- As drafted, the Control of Horses (Wales) Bill empowers local authorities to be able to take enhanced action in relation to equines which are fly-grazing on common land without lawful authority or on private land without necessary consent.
- Within 24 hours, the local authority must place a notice at or near the site where the horse was seized and take "reasonable steps to ascertain" the animal's owner. Within 24 hours of making that assertion, a written notice must also be given to the owner or an individual acting on their behalf.
- The owner of the horse is liable to pay "costs reasonably incurred" by the local authority as a consequence of seizing and impounding the horse. The local authority is not required to return the horse to the owner until these costs have been met.
- If after a seven-day period, the owner of the equine has not come forward and paid the reasonable costs, the local authority may sell, or otherwise dispose of the horse, including making arrangements for its destruction.

Positive step in the right direction

- **Bill urgently needed to prevent suffering.** Crucially, RSPCA Cymru identified the need for urgent legislation in September 2012 following an RSPCA-organised summit, with the Welsh Government. The Bill is due to come into force the day after it receives Royal Assent¹, meaning these new powers could be in place shortly after the New Year. A prompt solution to help prevent animals suffering is very welcome - though we also acknowledge the need for this important legislation to undergo rigorous scrutiny.
- **Scale of Welsh equine crisis demands action.** Equine-related problems are some of the most common dealt with by the RSPCA's inspectorate in Wales. The recent conviction of horse trader Tom Price demonstrates the scale of the problem; he was found guilty of 57 animal welfare and cruelty charges² and is thought to own in excess 2,500 horses across Wales and England. In 2012, the RSPCA investigated 2,207 incidents in Wales where the welfare of owned equines was reported to be sub-standard³.
- **Bill is a response to public demand.** RSPCA Cymru has long championed the need for robust legislation to tackle this deep-rooted problem. The Minister for Natural Resources and Food has said he had taken the role of "midwife rather than parent"⁴ in relation to this legislation, as it had been requested by communities and organisations involved on the Task Force. Over 500 members of the public submitted individual consultation responses to the Welsh Government following an RSPCA Cymru campaign on this issue.
- **Present legislative framework is inconsistent and inadequate.** In many parts of Wales, the current legislative framework fails to equip local authorities with the tools to adequately deal with this problem. The Minister believes the Bill offers a more consistent, coherent legal framework for local authorities⁵. Existing local Acts, namely the Cardiff City Council Act, Mid Glamorgan County Council Act and the West Glamorgan Act, are only operational within those particular areas.
- **Welcome recognition of holistic approach.** An [Action Plan](#) has been published, which will run alongside the legislation. The Welsh Government has said this document has been put together to "assist local authorities and other stakeholders and partners through a holistic approach to dealing with the issue of fly-grazing and horse abandonment"⁶. RSPCA Cymru has long highlighted the importance of a multi-agency approach to tackling Wales' equine problem.

Potential problems with proposed legislation

- ***Consistent, Wales-wide enforcement will be key to the success of this legislation***
Effective enforcement by local authorities of these new powers will be key to avoid displacement of fly-grazing. RSPCA Cymru is concerned that irresponsible equine owners may target areas of Wales where local authorities are financially unable, or have made the decision not to utilise powers. It is vital that the Welsh Government works with Councils to ensure effective and, wherever possible, consistent enforcement. For example, local authorities who have not had the benefit of being able to utilise the local Acts presently in place will be less experienced in undertaking this kind of work and may need further support from the Welsh Government.
- ***Enabling cash-strapped Councils does not guarantee action***
Further to the issue of consistency, whilst enabling local authorities with enhanced powers to tackle fly-grazing and abandonment is welcome, it does not guarantee action. In many cases, local authorities face significant

¹ Control of Horses (Wales) Bill, as introduced

² BBC News - Horse trader Tom Price jailed for cruelty and Asbo breach, 5 July 2013

³ RSPCA Cymru, Consultation Response: Fly Grazing and Abandonment of Horses and Ponies: Delivering a Long Term Solution, April 2013

⁴ National Assembly for Wales, Finance Committee, 17 October 2013

⁵ Ibid

⁶ National Assembly for Wales, Record of Proceedings, 15 October 2013

financial outlay to tackle problems, with no guarantee of cost-recovery. It is clear, therefore, that the Welsh Government must work with local authorities, encouraging, wherever practical, collaboration and the sharing of best practice. In multiple-horse cases, RSPCA Cymru estimates costs of approximately £600 per day for providing for the welfare needs of horses during their time in our care⁷.

- **Local authorities face difficult decisions**

The Bill potentially creates a difficult situation in which local authorities may become responsible for the disposal of significant numbers of horses, which may include euthanasia. This very sad situation is a consequence of the irresponsible actions of many horse traders which has led to Wales becoming grossly-overpopulated with equines. Given the decline of the horse market, and with many equine welfare charities over-stretched beyond capacity, this is unfortunately a likely scenario in some areas.

Additional Steps

There are a number of further steps which can be taken in Wales to tackle the nation's equine crisis.

- **National Equine Database resurrection.** RSPCA Cymru continues to campaign for the resurrection of a National Equine Database. Defra ceased funding of a Database in 2012, which had also served the devolved nations. The return of any such database is central to the efficacy of any system of equine traceability. This would better link horses to owners so enforcement agencies and landowners can take action where needed. The Minister has described Defra's decision as a "mistake". He favours a "UK solution", but if that is not possible, will "consider a Wales-only solution"⁸. Local authorities may struggle to identify the ownership of horses seized under this Bill without this database in place.
- **Retention of Equine Task Force.** We hope that the multi-agency, All Wales Equine Task Force – established in November 2012 – will be retained. The Task Force, led by the Welsh Government, involves all operational responders, namely the WLGA, Police Authority, Fire & Rescue Service and RSPCA; and acts as a key resource for the sharing of intelligence, holding those responsible to account and bringing forth an education, awareness-raising and prevention package.
- **Awareness-raising amongst owners.** Much work remains to be done in Wales to highlight the importance of responsible horse ownership. We would encourage steps to place greater emphasis on education and awareness-raising, which can prove as key preventative tool in significantly reducing incidences of fly-grazing and equine abandonment; as well as enhancing understanding of the responsibilities associated with equine ownership. As demonstrated by the Code of Practice⁹, there are a number of factors involved in being a responsible owner.
- **Additional policy focus on equine welfare.** It is key that the Welsh Government does not consider the introduction of this Bill as a panacea to Wales' equine crisis. There are numerous other steps, including further legislative provision, which RSPCA Cymru believes could help improve horse welfare in Wales. These include, though are not limited to, reviewing approaches to preventing horses having their welfare compromised as a result of tethering, and the need to ensure livery yards and sanctuaries are regulated.

Further Information:

- RSPCA Cymru response to Welsh Government's consultation 'Fly Grazing and Abandonment of Horses and Ponies: Delivering a long term solution' - [here](#)
- Left on the Verge: In the grip of a horse crisis in England and Wales - [here](#)

RSPCA Cymru will explore the equine situation in Wales in more depth with the publication of its 'Equine Indicators' report, which will be published at the Gala Dinner on November 19th.

⁷ RSPCA estimated costs, based on a recent case.

⁸ National Assembly for Wales, Record of Proceedings, 15 October 2013

⁹ Welsh Government, Code of Practice for the Welfare of Equines