



Control of Horses (Wales) Bill

Stage 2 – Environment & Sustainability Committee

RSPCA CYMRU BRIEFING

On November 14th, stage two proceedings for the Control of Horses (Wales) Bill will be undertaken by the National Assembly for Wales' Environment & Sustainability Committee. Though not a panacea to all equine problems in Wales, the Bill promises to be a positive step which will enable local authorities to better deal with fly-grazing and abandonment. We welcome the cross-party support which exists in the Assembly for tackling an issue which can have significant consequences for animal welfare and community safety.

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.

AMENDMENT GROUPINGS:

Notices about seizure – Group 1

- **Where known, horse owners should receive a copy of the notice**

RSPCA Cymru would welcome clarity in relation to the giving of written notices. Considering the nature of Wales' fly-grazing problem, we envisage the owner will not be known in many of the instances dealt with by local authorities. Where the horse owner is apparent to the local authority, however, it is our belief that a notice should be given to both the owner and a constable. This, we feel, increases the likelihood of an owner facing the consequences of their actions and, hopefully, becoming a more responsible equine owner in the future. This also increases the chances of a local authority reclaiming costs from offenders. Furthermore, the need, where possible, to give a notice to an owner and a constable also provides added protection to local authorities should they ultimately dispose of the horse.

Notices about costs – Group 2

- **Publishing costs and calculations provides transparency and could ensure compliance**

RSPCA Cymru feels transparency of the process as proposed will be enhanced as a consequence of a local authority detailing costs involved with seizing, impounding and, where relevant, disposing of equines, and explaining how those costs have been reached. We regard this as a proportionate request which, in some instances, could speed up compliance with the legislation and quicken the process of determining the outcome of an animal which has been seized.

Disposal of impounded horses – Group 3

- **Clarity proposed to 'seven day' timings**

Proposals to alter the activation point of the 'relevant day' when a local authority may dispose of an impounded horse offers clarity to a situation where the owner of a horse cannot be ascertained, which RSPCA Cymru anticipates may be

a common occurrence. Such proposals also demonstrate the importance of, where possible, a local authority taking reasonable steps to ascertain the horse's owner quickly to avoid prolonging processes and potentially increasing costs.

- **Traceability is key to tackling Wales' equine problem**

Microchipping horses is integral to a robust traceability process, and a key aspect of dealing with Wales' equine problems, including tackling fly-grazing, abandonment and other welfare issues. RSPCA Cymru continues to work hard to promote the importance of microchipping, to educate owners and to urge compliance with regulations.

Costs incurred by third parties – Group 4

- **Mechanism to compensate land owners requires discussion**

It should be noted that RSPCA Cymru does not envisage that there will be very many instances whereby proceeds arising from horse disposal exceed costs in connection with the disposal. However, such circumstances may arise, so we welcome discussion relating to payments being made to the owner of the land from where the horse was seized, and feel such discussions must consider present provisions, such as those contained within the Animals Act 1971.

- **Third party costs statement could highlight role of animal welfare charities and others in delivery**

Publication of a report demonstrating the costs incurred by individuals and organisations other than local authorities involved in this legislation's implementation would offer transparency. It could demonstrate clearly, for example, the involvement of organisations such as equine and animal charities in the delivery of this bill, and highlight the financial impact on landowners as a consequence of fly-grazing.

Appeals – Group 5

- **Speedy resolution from Welsh Ministers essential for animal and owner**

If disputes are referred to the Welsh Ministers, it is crucial that their response is swift and conclusive to avoid prolonging situations further, potentially increasing costs and delaying a decision about the outcome of an animal. In certain circumstances, an innocent explanation may exist concerning a seized equine - such as a horse which has been stolen and left to fly-graze. Speedy resolution from the Welsh Ministers to any potential dispute could benefit the animal, ensuring it is reunited with its owner more quickly, and means the local authority no longer needs to impound the horse, which frees up the Council's resources.

Guidance – Group 6

- **Guidance – specified if necessary – can aid enforcement**

Guidance could play a key role in supporting local authorities with enforcement of these powers, which could ultimately play a key role in driving up animal welfare standards in a given locality. We are supportive, too, of guidance being specified per local authority, due to the prevalence of fly-grazing 'hot spots' across Wales and given the fact that some local authorities have previously had similar powers at their disposal, as a consequence of the Cardiff City Council Act 1984, the Mid Glamorgan County Council Act 1987 and the West Glamorgan Act 1987, whilst others are due to be given these powers for the first time.

- **Key stakeholders must be consulted in development of any guidance**

RSPCA Cymru believes the development of any guidance would require the input of key stakeholders and charities related to equine welfare. We would recommend, therefore, that a Working Group, potentially the All Wales Equine Task Force, was tasked with its development.

Interpretation – Group 7

- **Crucially, all equines are included – though proposed 'hinny' removal seems unnecessary**

The legislation, quite rightly, is applicable to all equine animals. Despite this, however, RSPCA Cymru does not see the motivation behind removing the word 'hinny' from the legislation yet leaving in the word 'mule', which appears inconsistent. We would welcome clarification from the Welsh Government concerning their decision to name some sub-species of equine and not others. Using a general term, rather than naming some sub-species and not naming others, may be more appropriate. The word 'Equidae', for example, is used in the Equine Identification (Wales) Regulations.