

On December 10th, stage three and four proceedings for the Control of Horses (Wales) Bill will be undertaken in the National Assembly for Wales. 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. Approximately **1,400** letters have been sent to Assembly Members by the general public in recent days highlighting the importance of ensuring this legislation becomes a reality, whilst also emphasising the future need for further action to tackle Wales' equine crisis.

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 of seizing a horse, the local authority must place a notice at or near the site and "as soon as reasonably practical ... take reasonable steps to ascertain" the owner. Written notices must be given to a constable and, where ascertained, the horse 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 – STAGE 3:

Microchipping – Group 1

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

RSPCA Cymru is eager to see measures which encourage the microchipping of horses, increase compliance with existing regulations and reduce the burden on local authorities of dealing with the issue of fly-grazing and abandonment. Undoubtedly, microchipping horses is integral to a robust traceability process, and a key aspect of dealing with Wales' equine problems. Crucially, where a horse must be microchipped in accordance with Commission Regulation, this is a legal requirement and these proposals thus refer largely to the existing legal position. Ultimately, RSPCA Cymru strives to see a nation whereby all horse owners understand the importance of identification and traceability and take the appropriate action.

Costs incurred by third parties – Group 3

- **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.

Appointed persons for disputes – Group 4

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

It is crucial that any agreed mechanism for dispute resolution 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 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 5

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

Guidance could play a key role in driving up animal welfare standards in a given locality, and it is welcome that it will be made available on day of commencement. Further to this, we are generally supportive, if necessary, 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. The effectiveness of the guidance in assisting the delivery of this legislation must be closely monitored going forward.

What should happen next?

- Though a positive and much-needed step in the right direction, the Control of Horses (Wales) Bill is not a fix-all remedy to the equine crisis which continues to grip Wales. Further action is needed to improve horse welfare, and in recent days, approximately **1,400** letters have been sent to Assembly Members to reinforce this point.
- The scale of Wales' equine crisis was recently highlighted by the launch of RSPCA Cymru's [Equine Welfare Indicators Report](#) , which demonstrated the need for continued action from Wales' decision-makers, including on the issues of traceability, identification, irresponsible ownership, tethering and the regulation of sanctuaries.
- Partnership working remains crucial to tackling Wales' equine crisis. RSPCA Cymru is eager to work closely alongside the Welsh Government, Assembly Members, local authorities, rescue services and fellow charities in devising solutions to improve equine welfare in Wales.
- Should the Control of Horses (Wales) Bill become law, it is hoped local authorities across Wales will be in a position to utilise their enhanced powers to tackle fly-grazing and abandonment. Resources remain an issue for many Councils across Wales, and this should be a consideration for the Welsh Government when analysing success.